

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF
DELAY) NO. 19796 of 2024
In
F/CRIMINAL APPEAL NO. 36133 of 2024

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AMITBHAI NAGINBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR SURAJ B MATIEDA(10499) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2

MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 28/03/2025

ORAL ORDER

1. Heard learned advocate Mr. Suraj Matieda for the applicant and learned App Mr.Rohan Raval for the respondent No. 1 – State.

2. Though served, the respondent No.2 has not appeared either in person or through an advocate.

3. Learned advocate Mr. Suraj Matieda for the applicant submits that the applicants had preferred quashing petition being Criminal Misc. Application (For Quashing and Set Aside FIR/Order) No. 10706 of 2014 before this Court. The Coordinate Bench of this Court was pleased to pass order of withdrawal on 09.02.2017 with liberty to file appropriate application for discharge

before the learned Sessions Court. Thereafter, the applicants had preferred discharge application below Exh.21 on 19.09.2019 before the learned Sessions Court, Ankleshwar and the learned 3rd Additional Sessions Judge, Ankleshwar was pleased to reject the said application on 12.09.2022. Thereafter, the present applicant has preferred Special Criminal Application (Direction) No.10763 of 2022 and the Coordinate Bench of this Court was pleased to pass the order of withdrawal with liberty to avail alternate remedy. As the matter is under the Atrocities Act, the applicant has to prefer an appeal challenging the order of rejecting of discharge and due to the alone reasons, the delay has occurred and the applicant for condonation of delay is preferred.

4. Having heard learned advocates for the parties and considering the submissions of learned advocate for the applicant, it cannot be said that the delay caused in filing the criminal appeal has remained totally unexplained. Therefore, the delay caused in filing criminal appeal is condoned.

5. In view of the above, the present application stands disposed of.

F.S.KAZI

(S. V. PINTO,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAZI FARUKHUSEN(HC01075), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 03/04/2025 12:57:44