

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12230 of 2024**

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CAPTAIN AJAY S/O KARANSINH CHAUHAN

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR ABHISHEK M MEHTA(3469) for the Applicant(s) No. 1

MR HARDIK DAVE, PUBLIC PROSECUTOR with

MR PRANAV DHAGAT, APP for the Respondent(s) No. 1 - State

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 07/01/2025****ORAL ORDER**

1. Heard learned advocate for the applicant and learned Public Prosecutor for the State.

2. Learned senior advocate Mr. Jal Unwala with Learned advocate Mr. Abhishek M. Mehta for the applicant has drawn the attention of this Court towards the application filed by the Investigating Officer under Section 70 of the Act and also the order passed by the trial Court, whereby the trial Court ha observed that the warrant is required to be issued in the aid of process of investigation. He has also relied upon the decisions of the Hon'ble Apex Court in the case of :- (i) State through Central Bureau of Investigation versus Dawood Ibrahim Kaskar reported in AIR 1997 SC

2494 (ii) Narayan @ Narayan Sai @ Mota Bhagwan S/o. Asharam Bapu versus State of Gujarat reported in 2014 (5) GLR 4165 and (iii) Arvindkumar Narsinhbhai Patel versus State of Gujarat reported in 2021 (4) GLH 436.

3. Learned Public Prosecutor Mr.Dave for the State has vehemently opposed the submissions made by the learned senior advocate Mr.Jal Unwala for the applicant. He has relied upon the decision of this Court in the case of Nazimuddin Fakruddin Kazi versus State of Gujarat reported in 2016 (1) GLR 208 and has submitted that the trial Court has rightly passed the impugned order and no interference be called for.

4. Considering the averments made in this application as well as considering the submissions made at the bar, the matter requires further consideration.

5. Rule returnable on 24.02.2025. Learned APP waives service of notice for and on behalf of the respondent – State. In the meantime, interim relief in terms of Para : 16(B) of this application is granted, qua the applicant only.

Direct service is permitted.

M.H. DAVE

(SANDEEP N. BHATT,J)