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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 1125 of 2021

PARAJYOI GUHA THAKURTA
Versus
STATE OF GUJARAT

Appearance:

MR AJ YAGNIK(1372) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR. MANAN MEHTA, APP for the Respondent(s) No. 1

CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA**

Date : 28/01/2021

ORAL ORDER

By way of this application, applicant has prayed to quash and set aside the impugned order dated 18.01.2021 passed below Exh.43 in Criminal Case No.1475 of 2017 by the learned Judicial Magistrate First Class, Mundra, Kutch and requested to stay further proceedings thereof.

Heard learned advocate for the applicant.

It is submitted by learned advocate for the applicant that without issuing summons or bailable warrant, learned Trial Court has straightway issued non-bailable warrant against the present applicant to secure the presence of the applicant, which is not permissible in the eyes of law. It is further

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submitted that next date of hearing is fixed before the Trial Court on 09.02.2021 and applicant shall remain present before the Trial Court for further proceedings without fail. That applicant shall file an undertaking of remaining present before the Trial Court on the next date of hearing and thereafter whatever date would be fixed by the Trial Court.

Issue requires consideration.

Notice returnable on 20.02.2021. Learned APP waives service of notice for and on behalf of respondent-State.

Order passed below Exh.43 on 18.01.2021 in Criminal Case No.1475 of 2017 by the learned Judicial Magistrate First Class, Mundra, Kutch shall be suspended till the next date of hearing.

Direct service is permitted.

(B.N. KARIA, J)

SUYASH

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