

(2019) 06 GUJ CK 0063
In the Gujarat High Court
Case No : R/Criminal Appeal No. 2140 Of 2018

Kansai Nerolac Paints Limited Through Its P.O.A. Holder
Jignesh Babubhai Patel

APPELLANT

Vs

State Of Gujarat & 1 Other(s)

RESPONDENT

Date of Decision : 26-06-2019

Acts Referred:

Citation : (2019) 06 GUJ CK 0063

Hon'ble Judges : R.P.Dholaria, J

Bench : Single Bench

Advocate : Mahendra U Vora, Pathik M Acharya, Hansa Punani

Final Decision : Disposed Of

Judgement

R.P.Dholaria, J

[1] The appellant's original complainant has preferred the present appeal challenging the order dated 05.05.2018 passed below at Exh.1 in Criminal

Case No.2712 of 2014 by learned Additional Chief Metropolitan Magistrate, N.I.Court No.37, Ahmedabad dismissing the complaint for alleged default

committed by the complainant of not remaining present.

[2] By way of preferring the present appeal, the appellant has inter alia contended that on 26.04.2018, near relative of the owner of appellant's

company expired and his besna was fixed on 29.04.2019. He further contended that on 05.05.2018 due to above circumstances of attending

performing after death ceremony, on that day, the complainant could not remain present as it was not not feasible for him to remain present on his part

and his learned advocate was requested to seek adjournment, however, his learned advocate failed to do so, therefore, the entire complaint came to be

dismissed.

[3] This Court has heard learned advocate Mr.Mahendra Vora for the appellant and Ms.Hansa Punani, learned APP for the respondentÂ?State.

[4] Having considered the matter in its entirety, since the acquittal is not on merits, in that view of the matter, for meeting the ends of justice, the

impugned order dated 05.05.2018 passed below at Exh.1 in Criminal Case No.2712 of 2014 by learned Additional Chief Metropolitan Magistrate, N.I.

Court No.37, Ahmedabad, is hereby quashed and set aside, remanding the matter to learned trial Court to initiate the proceedings from the stage

where the matter was lying.

[5] In view of the above, the appeal stands disposed of.

[6] The appellant shall deposit Rs.5000/Â? towards litigation costs before the Gujarat High Court Advocatesâ?? Library within a period of two months

from the receipt of the copy of this order and shall also produce the certified copy in the present matter, failing which, the learned trial Court shall be

at liberty to initiate recovery as fine from him.

[7] The learned trial Court shall conduct the trial in accordance with law and the complainant shall also cooperate in the trial.