

(2011) 04 GUJ CK 0122

In the Gujarat High Court

Case No : Criminal Misc.Application No. 4256 of 2011 in Criminal Revision
Application No. 545 of 2008

M.R. Bhatia

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Citation : (2011) 04 GUJ CK 0122

Hon'ble Judges : S.R. Brahmbhatt, J

Bench : Single Bench

Advocate : Hemang R. Rawal, for the Appellant; K.P. Raval, Assistant Public Prosecutor, for the Respondent

Judgement

S.R. Brahmbhatt, J.—Learned advocates for the parties have requested to dispose of both these matters as the order of release of muddamal - Sonography machine is otherwise also not likely to be producing any result in favour of present applicant and Respondent in main Criminal Revision Application. In view of the fact that the usage of sonography machine is expressly restricted and in that view of the matter, learned advocate has submitted that accused may not insist for releasing of the machine in question but let there be appropriate direction for preserving the machine in appropriate condition and the criminal case be ordered to be decided within stipulated time as it is pending since 2006. He further submitted that if such direction is issued, the accused and advocate representing him would cooperate and would avoid unnecessary adjournments.

2. In view of this, the Criminal Misc. Application as well as Criminal Revision Application are disposed of with following directions:

1. The orders impugned in Criminal Revision Application are quashed and set aside and the order of learned Magistrate would also now not survive in view of the express concession of learned advocate given for the accused. The authority in whose custody the machine is lying shall take all due precaution for keeping it and shall take all precaution so it may not be subjected to undue wear and tear

and may not be subjected to any hazardous handling.

II. The criminal case is of the year 2006 and therefore, it is in the fitness of thing to give direction to dispose of the same as early as possible preferable within 6 months from the date of receipt of writ.

3. With these observations, Criminal Misc. Application as well as Criminal Revision Application are disposed of. Rule is made absolute in Criminal Revision Application No. 545 of 2008. Liberty to approach the Court in case of difficulties. Direct service permitted.

4. Registry is directed to keep the copy of this order in both the matters.