

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10698 of 2023**

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BHAVANI SING (RANAVAT)
Versus
STATE OF GUJARAT

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Appearance:

NISHITH K JOSHI(9193) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR PRANAV TRIVEDI, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 30/11/2023**ORAL ORDER**

1. By way of present petition, the petitioner has prayed for the following relief:-

“(A) This Hon'ble Court be pleased to quash and set aside the warrant issued because of nonavailability of the petitioner by the learned 16th Addl. Chief Judicial Magistrate, Surat, vide judgment and order dated 27.06.2023 (Annex A) in Criminal Case No.15344/2022 in the interest of justice;

(B) Pending admission, hearing and final disposal of the present application, this Hon'ble Court be pleased to stay the implementation and execution of the warrant issued by learned 16th Addl. Chief Judicial Magistrate, Surat, vide judgment and order dated 27.06.2023 (Annex A) in Criminal Case No.15344/2022 as well as be pleased to stay the implementation and execution of the judgment and order dated 27.06.2023 (Annex A).”

2. At the outset, learned counsel for the petitioner has relied on the order dated 05.07.2023 rendered by a coordinate Bench of this Court in Special Criminal Application No.8194/2023. It is needless to say that it is an oral order and no any ratio laid down and having no any binding effect.

3. So far the issue involved in the petition is concerned, it is squarely covered by the law laid down by this Court in a case of **Bhoomi Exim & Anr. Vs. State of Gujarat & Anr.** (SCR.A/12711/2023, dtd. 07.10.2023) as well as the Hon'ble Apex Court in case of **Arun Shankar Shukla Vs. State of U.P & Ors.,** reported in **1999 (6) SCC 146.**

4. In view of the above decisions as well as the fact that statutory remedy is available under law, this Court is not inclined to allow present petition. Accordingly, present petition is **dismissed.** However, the petitioner is at liberty to file appropriate proceedings before appropriate forum. It is clarified that this Court has not examined the matter on merit.

(HASMUKH D. SUTHAR,J)

SUCHIT