

ITEM NO.21                      Court 5 (Video Conferencing)                      SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 4831/2020

(Arising out of impugned final judgment and order dated 30-09-2020 in CRMA No. 10968/2020 passed by the High Court Of Gujarat At Ahmedabad)

GIRISHBHAI CHANDULAL SHAH                      Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ANR.                      Respondent(s)

(FOR ADMISSION and I.R. and IA No.101502/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101505/2020-EXEMPTION FROM FILING O.T. and IA No.101511/2020-EXEMPTION FROM FILING AFFIDAVIT ) WITH

SLP(CrI) No. 4844/2020 (II-B)

(FOR ADMISSION and I.R. and IA No.101757/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101758/2020-EXEMPTION FROM FILING O.T. and IA No.101759/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 13-10-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)      Mr. Harin P. Rawal, Sr. Adv.  
                                 Mr. Prakash Jani, Sr. Adv.  
                                 Mr. Sunil Fernandes, Adv.  
                                 Mr. Rushang D. Mehta, Adv.  
                                 Mr. Zeeshan Diwan, Adv.  
                                 Ms. Nupur Kumar, AOR  
                                 Mr. Dhaval Vyas, Adv.  
                                 Mr. Prastut Dalvi, Adv.

For Respondent(s)      \*Mr. Kishan R. Chakwawala, Adv.  
                                 Mr. Chirag Jain, Adv.  
                                 Mr. Charudatta Vijayrao Mahindrakar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Heard counsel for the parties.

For the nature of controversy brought before

this Court, it is unnecessary to dilate on the factual matrix of the case.

Suffice it to observe that the bail application filed by the private respondent is still pending before the High Court for consideration in which the petitioner wants to assist the Court, though a third party, on the ground that certain factual aspects mentioned in the complaint may have repercussions on the petitioner and more particularly in relation to the remedy qua the subject land.

The apprehension of the petitioner can be assuaged by permitting the petitioner to file affidavit in the bail application before the High Court, disclosing the relevant facts including to assist the public prosecutor for opposing the bail application, if so advised.

Accordingly, the affidavit dated 30.07.2020 filed on behalf of the petitioner in the bail application before the High Court be taken into account by the High Court.

The counsel for the respondent-accused has no objection if this limited indulgence is shown to the petitioner.

We may not be understood to have expressed any opinion on the merits of the stated affidavit or the contentions available to the parties.

Special leave petition(s) and pending applications are disposed of accordingly.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

\*Appearance not received.