

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 6236 of 2021

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RAGHABHAI UKABHAI PARMAR

Versus

STATE OF GUJARAT

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Appearance:

MR NIRAV C SANGHAVI(5950) for the Applicant(s) No. 1

for the Respondent(s) No. 3

MR HIRENKUMAR M NIYALCHANDANI(9959) for the Respondent(s) No. 4

NOTICE UNSERVED for the Respondent(s) No. 2

MS. JIRGA JHAVERI, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SONIA GOKANI

and

HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 02/03/2022

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)

1. This Court on 28.02.2022 passed the following order:

“ 1. The corpus is already with the petitioner. For the limited issue of getting the details of the expenses made by police for tracing the girl and for imposing of cost, the matter has been posted today. This Court in its order dated 18.02.2022 had ordered thus:-

“According to learned APP, the details of expenses made by the police for tracing the girl have been provided. As per her oral instructions, there are no antecedents as has been conveyed by police officer. The affidavit of respondent No.4 has already come on record. The corpus is presently with the parents and shows disinclination to join respondent No.4. Today, learned advocate Mr. Nirav Sanghavi for the petitioner has filed a sick note. We post this matter on 22.02.2022 for final disposal.”

2. Today when the matter was taken up, according to learned advocate Mr. H.M.Niyalchandani, the respondent no.4 has taken his papers away. According to him, he has not engaged anyone else and learned advocate has endorsed no objection to this. He therefore is unable to assist the Court.

3. He shall continue to represent the respondent no.4. Let learned advocate Mr. Niyalchandani be provided with the details of expenses made by the police by learned APP Ms. Jhaveri. Any papers that he would require from the file shall be provided to him by the office today itself.

4. His having given no objection to the respondent no.4 without ensuring that he engages some other advocate for which purpose he may have taken the file, will not absolve him from his responsibilities as an officer of the Court when this Court has already fixed the matter for the purpose of determining the expenses and the cost.

5. Matter to be posted at the top on 02.03.2022 for this purpose.”

2. The detailed report submitted by the police on 29.01.2022 indicates that the expenses which has been incurred by the police is of 17,710 man-hours, as inquiry continued for 07 months and 19 days and the amount spent for the same is of Rs. 42,500/-. The expenses incurred to remain physically present before this Court was around Rs. 75,000/-, and total that comes to is around Rs. 1,17,500/-. Petitioner has also calculated the amount of Rs. 8,06,000/- spent by him in tracing the corpus and that includes all the ornaments which have been allegedly taken by the corpus.

3. Presently, we are only concerned with the expenses incurred by the police, which is of Rs. 1,17,500/-. We could have although directed the entire amount to be paid by the petitioner, we deem it appropriate to direct 50% of the said amount which shall be sum of Rs. 55,000/- (*rounded of*).

4. Let the same be deposited with the High Court Registry within four weeks from the date of receipt of this order, if not done, the same shall be recovered in accordance with law and Registrar (Judicial) shall bring it to the notice of court, action of contempt for disobedience can also be initiated. Once deposited, the amount shall be paid to the Police Welfare Fund, Rajkot City. So far as the petitioner is concerned, he will have the course open to pursue his claim of damages etc.

5. Hence, present petition stands *disposed of* with the aforesaid direction. Notice is discharged.

(SONIA GOKANI, J)

(MAUNA M. BHATT, J)

T. J. Bharwad