

HIGH COURT OF MADHYA PRADESH (DESIGNATION OF

SENIOR ADVOCATES RULES, 2018

PROFORMA OF PARTICULARS

AS PER RULE 13



1. Name:- Amitabha Gupta
2. Qualification:- B.Com. LL.B
3. Date of Birth :- 13th July 1975
4. Permanent address:- Arya Nagar, 4th Mile Mandla Road Tilheri,
Jabalpur M.P. 482021
5. Address to which communications are to be sent :- Same as above
6. Name of Bar council and date of enrolment:- State Bar Council of
M.P. 26/06/2005
7. Number in the roll of advocates maintained by State bar council:-
1271/2005
8. Name of Bar association:- M.P. High Court Bar Association
9. Number of Years. Name of place and Courts where Practiced:- Since
last 19 years practicing in High court of M.P. Principal Bench at
Jabalpur M.P., District Court of Jabalpur M.P. and CAT.
10. I have equal command in Civil, Criminal and Writ matters
pertaining to service as well as others. Filed several PILs of
Importance leading to landmark judgment/directions.

11. Whether a junior to any lawyer at present? :- No, practicing independently since 2007.

12. Juniors working with me:-

- i. Sourabh Soni Advocate, (since 10 years)
- ii. Aparajita Gupta, Advocate (Since 6 months).

13. Whether Assessee under Income Tax:- Saral Form Attached as Annexure 1.

14. Whether in panel of state or central government:- Yes. I had been Government Advocate in the year 2019-2020. Presently I am in the panel of BHEL.

15. (a) Reference to any important matter in which appeared:-

- i. I appeared in writ petitions filed by students wherein their termination from result of PMT was assailed.
- ii. I appeared in Criminal Matters (Bails and Criminal Appeal) arising out of VYAPAM Scam.
- iii. I appeared in criminal matters (Bail) arising out of E-tender Scam
- iv. I appeared in PIL related to issue of Fake Marksheets of MBBS by MPMSU, leading to constitution of High Power Committee which reported against the MPMSU.

(b) Reported Judgments:- Attached herewith the list of Reported Judgments as Annexure -2

16. Whether written any book:- Compiled a book in the name and style of "Law of Writs" in Hindi. Photo of cover page is Annexure - 3
17. Whether attended or participated in any seminar / conference relating to law ?:- Imparted lectures to newly appointed legal aid defense counsels in a training program organized by M.P. State Legal Service Authority. Copy of invitation is Annexure 4.
18. Whether he is/was connected with any faculty of law:- NA
19. Whether any application for designation as senior advocate had been made in the past to the High Court of Madhya Pradesh or any other Court? If so, when and with what result:- NA
20. Whether ordinarily practicing within the jurisdiction of the High court of Madhya Pradesh:- Yes
21. Whether he/she has ever been personally involved in any civil or criminal litigation or contempt proceedings or any disciplinary proceedings against him by the Bar Council. If so the details thereof :- No
22. Details of participation in pro-bono work:-
- A. filed PIL as Petitioner (WP 19147/2013) praying for supply of Type written MLC and PM reports along with other reliefs related to investigation of criminal and accidental cases. The Hon'ble Court was pleased to allow the writ petition in

relation to the prayer of supply of type written copy of MLC and PM reports, the matter is still pending as the state has not yet complied with the direction of the Hon'ble Court.

B. Filed PIL as Petitioner praying for direction to the union of India as well as the Indian Pharmacopial commission to prescribe standards regarding Integrity, Purity and strength of Chemicals and Salts used in pathological labs for tests conducted for Diagnostic purposes. Till date we don't have any such prescription. It was also prayed that all the pathological labs must be directed to have NABL accreditation. The PIL is pending adjudication.

C. Filed PIL as Petitioner praying for construction of ladies toilets in Police Stations of Madhya Pradesh for lady Police officers.

D. Filed PIL as Petitioner against illegal demolitions carried out by the police in the name of teaching lessons to accused of heinous offences.

E. Filed PIL as Petitioner seeking direction to the ECI to carryout counting of VVPAT slips in order to tally the vote count obtained from the EVM.

F. Represented Petitioner in PIL related to fake MMBS marksheet scam of MPMSU wherein the Hon'ble Court directed for constitution of High Power committee presided

over by retired HIGH Court Judge. The committee gave its report confirming the allegations against the MPMSU and the Private company Mind Logics.

G. Appeared as Amicus Curiae in CRIMINAL APPEAL NO.419/2005, wherein the appellant who was in jail since more than 14 years, was honorably acquitted.

23. Other information/particulars, if any, including legal services and as Legal aid counsel. As above

Date :-16/Apr/2024



Amitabha Gupta

📞 9424529889

✉️ aaav_gupta@ymail.com

INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT

Assessment Year

[Where the data of the Return of Income in Form ITR-1 (SAHAJ), ITR-2, ITR-3, ITR-4(SUGAM), ITR-5, ITR-6, ITR-7 filed and verified]

2021-22

(Please see Rule 12 of the Income-tax Rules, 1962)

PAN	AJCPG2281J		
Name	AMITABHA GUPTA		
Address	61 , FOURTH MILE , MANDLA ROAD, TILHERI , JABALPUR , 18-Madhya Pradesh , 91-INDIA , 482020		
Status	Individual	Form Number	ITR-3
Filed u/s	139(1)-On or before due date	e-Filing Acknowledgement Number	682012400141021
Taxable Income and Tax details	Current Year business loss, if any	1	0
	Total Income		5,63,420
	Book Profit under MAT, where applicable	2	0
	Adjusted Total Income under AMT, where applicable	3	5,63,420
	Net tax payable	4	26,191
	Interest and Fee Payable	5	26,191
	Total tax, interest and Fee payable	6	26,191
	Taxes Paid	7	26,250
(+) Tax Payable / (-) Refundable (6-7)	8	(-) 60	
Dividend Distribution Tax details	Dividend Tax Payable	9	0
	Interest Payable	10	0
	Total Dividend tax and interest payable	11	0
	Taxes Paid	12	0
	(+) Tax Payable / (-) Refundable (11-12)	13	0
Accreted Income & Tax Details	Accreted Income as per section 115TD	14	0
	Additional Tax payable u/s 115TD	15	0
	Interest payable u/s 115TE	16	0
	Additional Tax and interest payable	17	0
	Tax and interest paid	18	0
	(+) Tax Payable / (-) Refundable (17-18)	19	0

Income Tax Return submitted electronically on 14-Oct-2021 16:14:23 from IP address 10.1.122.235 and verified by AMITABHA GUPTA having PAN AJCPG2281J on 14-Oct-2021 using paper ITR-Verification Form/
Electronic Verification Code CNRXR47QDI generated through Aadhaar OTP mode.

System Generated

Barcode/QR code



AJCPG2281J0368201240014102114c49186064d952b14ef38c7612b43a80d3c334f

DO NOT SEND THIS ACKNOWLEDGEMENT TO CPC, BENGALURU

INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT

[Where the data of the Return of Income in Form ITR-1 (SAHAJ), ITR-2, ITR-3, ITR-4(SUGAM), ITR-5, ITR-6, ITR-7 filed and verified]
(Please see Rule 12 of the Income-tax Rules, 1962)

Assessment Year
2022-23

PAN	AJCPG2281J		
Name	AMITABHA GUPTA		
Address	61 , FOURTH MILE , MANDLA ROAD, TILHERI , JABALPUR , 18-Madhya Pradesh , 91-INDIA , 482020		
Status	Individual	Form Number	ITR-3
Filed u/s	139(1)-On or before due date	e-Filing Acknowledgement Number	937983440230722
Taxable Income and Tax details	Current Year business loss, if any	1	0
	Total Income		5,91,970
	Book Profit under MAT, where applicable	2	0
	Adjusted Total Income under AMT, where applicable	3	5,91,970
	Net tax payable	4	32,130
	Interest and Fee Payable	5	0
	Total tax, interest and Fee payable	6	32,130
	Taxes Paid	7	35,000
(+) Tax Payable / (-) Refundable (6-7)	8	(-) 2,870	
Accreted Income & Tax Details	Accreted Income as per section 115TD	9	0
	Additional Tax payable u/s 115TD	10	0
	Interest payable u/s 115TE	11	0
	Additional Tax and interest payable	12	0
	Tax and interest paid	13	0
	(+) Tax Payable / (-) Refundable (12-13)	14	0

Income Tax Return submitted electronically on 23-Jul-2022 10:52:56 from IP address 1.23.175.190 and verified by AMITABHA GUPTA having PAN AJCPG2281J on 23-Jul-2022 using Electronic Verification Code XU77K8TICI generated through Aadhaar OTP mode.


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AJCPG2281J03937983440230722d97a7bff279b889542009c58ea837e10dc4b9825

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INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT			Assessment Year 2023-24
[Where the data of the Return of Income in Form ITR-1(SAHAJ), ITR-2, ITR-3, ITR-4(SUGAM), ITR-5, ITR-6, ITR-7 filed and verified] (Please see Rule 12 of the Income-tax Rules, 1962)			
PAN	AJCPG2281J		
Name	AMITABHA GUPTA		
Address	61 , FOURTH MILE, MANDLA ROAD, TILHERI , JABALPUR , 18-Madhya Pradesh, 91- INDIA, 482020		
Status	Individual	Form Number	ITR-4
Filed u/s	139(1)-On or before due date	e-Filing Acknowledgement Number	499250020160723
Taxable Income and Tax Details	Current Year business loss, if any	1	0
	Total Income	2	5,52,290
	Book Profit under MAT, where applicable	3	0
	Adjusted Total Income under AMT, where applicable	4	0
	Net tax payable	5	23,876
	Interest and Fee Payable	6	0
	Total tax, interest and Fee payable	7	23,876
	Taxes Paid	8	40,000
	(+) Tax Payable /(-) Refundable (7-8)	9	(-) 16,120
Accreted Income and Tax Detail	Accreted Income as per section 115TD	10	0
	Additional Tax payable u/s 115TD	11	0
	Interest payable u/s 115TE	12	0
	Additional Tax and interest payable	13	0
	Tax and interest paid	14	0
	(+) Tax Payable /(-) Refundable (13-14)	15	0
Income Tax Return submitted electronically on <u>16-Jul-2023 21:52:42</u> from IP address <u>1.23.191.150</u> and verified by <u>AMITABHA GUPTA</u> having PAN <u>AJCPG2281J</u> on <u>16-Jul-2023</u> using paper ITR-Verification Form /Electronic Verification Code <u>7UMEE3SI6I</u> generated through <u>Aadhaar OTP</u> mode			
System Generated Barcode/QR Code	 AJCPG2281J04499250020160723fd6f244b3418766709d58c63e57e807c91e85fb6		
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Judge Bench

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1 (26+)

Display in Results : Excerpt Case Note Instant**1. Pankaj vs . The State of Madhya Pradesh and Ors . (18 . 12 . 2023 - MPHC)**

..... Hon'ble Judges/Coram: Vishal Dhagat , J. Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** , Advocate For Respondents/Defendant: Raman Choubey , Advocate and D.K. Paroha , Government..... >>

**2. Sameer Anwar Khan vs . The State of Madhya Pradesh (29 . 09 . 2023 - MPHC)**

.....Hon'ble Judges/Coram: Achal Kumar Paliwal , J. Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** , Advocate For Respondents/Defendant: Yaduvendra Dwivedi , Panel Lawyer Subject: Criminal >>

Case Note: Criminal - Murder - Cheating - Sections 376(2)(N) and 419 of Indian Penal Code, 1860 - Appeal against judgment order whereby appellant convicted for offence under Sections 376(2)(N) and 419 of IPC - Whether court below justified in convicting appellant for offence under Sections 376(2)(N) and 419 of IPC? - Held, appellant impersonated himself as IPS Officer/undercover D.S.P. CBI to prosecutrix etc. proved - Prosecutrix gave her consent for marriage and consequently for sexual relations, before/after marriage, on appellant's above impersonation - Hence, it cannot be said that, when prosecutrix gave her consent for sexual relations, her consent was free/well informed consent - Therefore, it is case of no consent either for marriage or for sexual relations - Therefore, ingredients constituting offence under Section 376(2)(n) and 419 of IPC clearly established - Hence, no illegality or perversity in conclusions drawn by trial court with respect to conviction and sentence under Section 376(2)(n) and 419 of IPC - Therefore, no interference required regarding conviction of appellant under Section 419 and 376(2)(N) of IPC - Hence, appeal dismissed - Impugned judgment passed by trial court hereby affirmed. [46], [47], [49]

**3. Geetabai and Ors . vs . Vishal Singh and Ors . (05 . 09 . 2023 - MPHC)**

.....Proxy Counsel on behalf of Anurag Gohil , Advocate For Respondents/Defendant: A.K. Singh , **Amitabh Gupta** , Advocates and Ashok Sinha , Panel Lawyer Subject: Civil Subject: Property Mentioned IN..... >>

**4. R . G . Chouksey vs . Union of India and Ors . (17 . 08 . 2023 - MPHC)**

.....Hon'ble Judges/Coram: Maninder Singh Bhatti , J. Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** , Advocate For

Respondents/Defendant: Surya Pratap Singh Rai and Swapnil Ganguly ,
Advocates



5. Vaheed Khan and Ors . vs . The State of Madhya Pradesh and Ors . (14 . 06 . 2023 - MPHC)

.....Abhay Kesharwani , Advocate For Respondents/Defendant: C.P. Singh Parmar , Govt. Advocate and **Amitabh Gupta** , Advocate Subject: Criminal Mentioned IN Acts/Rules/Orders: Code of Criminal Procedure.....



6. P . K . Nandi vs . The State of Madhya Pradesh and Ors . (01 . 04 . 2023 - MPHC)

.....Malimath , C.J. and Vishal Mishra , J. Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** , Advocate For Respondents/Defendant: Ritwik Parashar , Government Advocate and Madhur Shukla



7. Branch Manager , HDFC Ergo General Insurance Company Ltd . vs . Charan Das Patel and Ors . (21 . 03 . 2023 - MPHC)

..... For Appellant/Petitioner/Plaintiff: Rakesh Kumar Jain , Advoate For Respondents/Defendant: **Amitabh Gupta** , Advocate Subject: Motor Vehicles Subject: Insurance Mentioned IN Acts/Rules/Orders.....



8. Ramswaroop Gurjar and Ors . vs . The State of Madhya Pradesh (14 . 02 . 2023 - MPHC)

..... Virender Singh , J. Counsels: For Appellant/Petitioner/Plaintiff: Ishteaq Hussain and **Amitabh Gupta** , Advocates For Respondents/Defendant: Purushottam Soni , Panel Lawyer Subject: Criminal Mentioned.....



9. Gopal Singh Somwanshi and Ors . vs . The State of Madhya Pradesh (26 . 04 . 2022 - MPHC)

.....Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** and Jitendra Arya , Advocates For Respondents...innocent persons or other economic fraud. 15. Shri **Amitabh Gupta** and Shri Jitendra Arya, in their turn, submits.....



10. The State of Madhya Pradesh vs . Ramgopal and Ors . (28 . 03 . 2022 - MPHC)

.....For Appellant/Petitioner/Plaintiff: G.P. Singh , Government Advocate For Respondents/Defendant: **Amitabh Gupta** , Advocate Subject: Criminal Acts/Rules/Orders: Code of Criminal Procedure, 1973 (CrPC) - Section.....



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A.M. Khanwilkar (3)

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Between 2000 and 2009 (3)

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Insurance (1)

Judge Bench

2 (13+)

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Display in Results : Excerpt Case Note Instant**11. Varun Chaturvedi vs . The State of Madhya Pradesh (23 . 12 . 2021 -
MPHC)**.....Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** , Learned
Counsel For Respondents/Defendant...DECISION Rajeev Kumar Dubey , J. 1.
Shri **Amitabh Gupta**, learned counsel for the applicant. Shri Madhur..... >>**12. Chandravati Devi vs . Siya Bai Pathak and Ors . (08 . 10 . 2021 -
MPHC)**..... For Appellant/Petitioner/Plaintiff: Jaideep Sirpurkar , Advocate For
Respondents/Defendant: **Amitabh Gupta** , Advocate Subject: Tenancy
Mentioned IN Relevant Section: MADHYA PRADESH ACCOMMODATION
CONTROL..... >>**13. Digvijay Singh and Ors . vs . State of M . P . and Ors . (17 . 03 . 2020 -
MPHC)**.....Petitioner/Plaintiff: Aman Dawra and Sankalp Kochar , Advocates For
Respondents/Defendant: **Amitabh Gupta** , Govt. Advocate Subject: Criminal
Mentioned IN Acts/Rules/Orders: Code of Civil Procedure..... >>

Case Note: Criminal - FIR - Quashing of - Sections 306, 34 of Indian Penal Code (IPC),1860 -Present petition filed to quash FIR registered for offences under Sections 306,34 of IPC - Whether FIR impugned herein should be quashed - Held, deceased was being harassed for demand of dowry, being beaten and abused - Petitioner by acts, omission or by continued conduct created miserable circumstances for deceased - Deceased was left with no option except committing suicide - Mental torture also form of abetment of suicide - FIR registered on basis of sufficient evidence and documents - No reasons to quash FIR - Petition dismissed. [71]

**14. Annapurna vs . State of M . P . (17 . 03 . 2020 - MPHC)**..... For Appellant/Petitioner/Plaintiff: Rahul Sharma , Amicus Curiae For
Respondents/Defendant: **Amitabh Gupta** Subject: Narcotics Subject: Criminal
Mentioned IN Acts/Rules/Orders: Code of Criminal.....**15. Anil Patel vs . State of M . P . (18 . 02 . 2020 - MPHC)**

.....Counsels: For Appellant/Petitioner/Plaintiff: Geet Sukhwani , Advocate For Respondents/Defendant: **Amitabh Gupta** , Government Advocate Subject: Criminal Mentioned IN Acts/Rules/Orders: Code of Criminal Procedure..... >>



16. Amitabh Gupta vs. Election Commission of India and Ors.
(07.12.2018 - MPHC)

.....MADHYA PRADESH (JABALPUR BENCH) W.P. No. 28295/2018 Decided On: 07.12.2018 Appellants: **Amitabh Gupta** Vs. Respondent: Election Commission of India and Ors. Hon'ble Judges/Coram: S.K. Seth , C..... >>



17. Brajesh Patel vs . State of M . P . (11 . 10 . 2018 - MPHC)

.....Hon'ble Judges/Coram: Rajeev Kumar Dubey , J. Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** For Respondents/Defendant: Akhilesh Singh , Govt. Advocate Subject: Criminal Mentioned IN



18. Shivani Singh and Ors . vs . The State of M . P . and Ors . (18 . 05 . 2018 - MPHC)

.....Counsels: For Appellant/Petitioner/Plaintiff: Anil Khare , Senior Counsel, H.S. Chhabra , **Amitabh Gupta** , Sidharth Gupta , Nilesh Kotecha , Shashank Shekhar , Himanshu Mishra , Abhishek Singh..... >>

Case Note: Education - Admission - Regulation 6(2) of Madhya Pradesh Main Sahayata Na Paanae Waalae Niji Chikitsa Mahavidhyalaya Evam Dant Chikitsa Mahavidyalaya Main MBBS Tatha BDS Pathyakramo Main Pravesh Ki Paatrata, Pravesh Ki Reeti Evam Sthano Kea Aarakshan (Aniwasi Bharti Ki Liyea Sthano Ka Aarakshan Sammillit Hai) Kea Viniyam 2017 - Petitions filed against cancellation of admission - Whether Petitioners were entitled for admission under NRI quota - Held, Director Medical Education was empowered not just to cancel admissions but also to issue directions as have been issued by him in impugned order directing institution concerned to take action in respect of illegal admissions - Regulations apply to process of admission undertaken by Respondent authorities - In accordance with scheme of admission after filling of form and after getting themselves registered for purposes of admission and counselling in State candidate was required to appear personally for first time before college level admission committee which has been entrusted with task of determining eligibility of candidate as well as for scrutinizing and verifying their documents - It was College Level Admission Committee which has to determine eligibility of candidate - State has found Petitioners to be ineligible for admissions against NRI quota not on account of non-fulfillment of Regulation 6(2) of Regulations but on ground that Petitioners have not produced NRI sponsorship certificate - Provision of Regulation 6(2) of Regulations was valid and legal - Respondent Authority was directed to place report before Admission and Fee Regulatory Committee for further proceedings - Petitioners were directed to appear before Committee - Committee should consider validity of admissions granted by private colleges under NRI quota seats on same basis as has rightly been done by State itself in its report - Petitions disposed of. [31], [35],[41], [42],[52], [65],[67]



19. Mayank Sharma vs . Vishal Sharma (04 . 01 . 2018 - MPHC)

.....Hon'ble Judges/Coram: Subodh Abhyankar , J. Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** , Learned Counsel For

Respondents/Defendant: Vipin Yadav , Learned Counsel Subject: Criminal.....

>>



20. Rajesh Kumar Goyal vs . M . P . High Court and Ors . (16 . 08 . 2017 - MPHC)

..... Ravi Shankar Jha and Nandita Dubey , JJ. Counsels: For

Appellant/Petitioner/Plaintiff: **Amitabh Gupta** For Respondents/Defendant:

Neelam Goel Subject: Civil Mentioned IN Cases Referred: Prafulla..... >>



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Display in Results : Excerpt Case Note Instant**21. Anurag Mathur and Ors . vs . State of M . P . and Ors . (11 . 04 . 2017 - MPHC)**

.....Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** , Advocate For Respondents/Defendant: Y...on behalf of the petitioners by learned Counsel Mr. **Amitabh Gupta** that in order to usurp the territorial..... >>

**22. Ankita Chandawat and Ors . vs . M . P . High Court and Ors . (15 . 06 . 2016 - MPHC)**

.....Appellant/Petitioner/Plaintiff: **Amitabh Gupta** and Prashant Chourasiya...correct answer. 7. Shri **Amitabh Gupta** and Shri P...petitioners are correct. 8. Shri **Amitabh Gupta**, learned counsel for the..... >>

**23. Harshita Mishra vs . State of M . P . (15 . 09 . 2015 - MPHC)**

.....Senior Counsel assisted by Akshay Pawar , **Amitabh Gupta** , Paritosh Gupta , Pankaj Dubey , ...assisted by Shri Akshay Pawar, learned counsel. Shri **Amitabh Gupta**, learned counsel. Shri Paritosh Gupta, learned..... >>

**24. Aashima Goyal vs . Dwarka Prasad Mishra and Ors . (02 . 07 . 2015 - MPHC)**

.....Appellant/Petitioner/Plaintiff: **Amitabh Gupta** For Respondents/Defendant...petition has been filed. 4. Shri **Amitabh Gupta**, learned counsel for...Advisory Committee. 5. Shri **Amitabh Gupta**, learned counsel for..... >>

**25. Sanjay Sharma vs . The State of Madhya Pradesh (25 . 11 . 2014 - MPHC)**

..... J.K. Maheshwari , J. Counsels: For Appellant/Petitioner/Plaintiff: Ashish Shrotri , **Amitabh Gupta** , K.C. Ghildiyal , Senior Advocate, M.K. Rajak , V.K. Shukla , Y.P. Sharma

**26. Pralekh Tiwari vs . The State of Madhya Pradesh (10 . 11 . 2014 - MPHC)**

.....Kasrekar , J. Counsels: For Appellant/Petitioner/Plaintiff: Rajesh Maindiretta , Advocate, **Amitabh Gupta** , Advocate and Ritwik Parashar , Advocate For Respondents/Defendant: P.K. Kaurav , Additional.....



27. Neetu Singh Markam vs . State of M . P . (24 . 09 . 2014 - MPHC)

..... , A.K. Bajpai , **Amitabh Gupta** , H.K. Upadhyaya ...Government seat. 34. Mr. **Amitabh Gupta**, learned Counsel...matters have been mentioned by Mr. **Amitabh Gupta**, Advocate for the petitioners..... >>



Cited in Manupatra(4+)

28. Pratibha Singh vs . The State of Madhya Pradesh (11 . 04 . 2014 - MPHC)

.....Tiwari , Senior Advocate, **Amitabh Gupta** , Durgesh Thapa , ...counsel for the petitioners. Mr. **Amitabh Gupta**, learned counsel appearing in...on behalf of the Board, Shri **Amitabh Gupta** submitted that post decisional..... >>

Case Note: Education - Result cancellation - Board constitutionality - Section 3, 25 of Madhya Pradesh Vyavsayik Pariksha Mandal Adhiniyam, 2007(I) - Present petition filed against orders of Board in which it cancelled entrance examination results of various candidates in entrance test, resulting cancellation of admissions granted to concerned candidates - Whether existing Board had been lawfully constituted and had authority to enquire into matters pertaining to examination conducted by it after declaration of results and had passed reasonable orders - Held, Board within meaning of Act had not been established even after lapse of seven years from coming into force of Act did not mean that existing Board was illegitimate and had no authority- Authority vested in existing Board by virtue of public Notification issued in name of Governor - No executive instructions had been issued by State Government, no express Regulation issued to limit powers of present Board in respect of matters concerning conduct of pre-admission examinations in professional courses - Board had acted on basis of clinching and indisputable circumstances clearly pointing finger to involvement of identified candidates in cheating - Argument that enquiry conducted by Board by constituting two Committees was only farce of enquiry and was to justify cancellation of examination results of meritorious candidates was negated as Computer Experts Committee analyzed computer data to ascertain logic for allocation of roll numbers - Therefore, constitution of existing Board was justly made and Board could deal with all matters connected with and incidental to examination to be conducted by it - Authority had been justly exercised in present case - Petition dismissed. [paras 24, 30, 38, 40, 113, 115 and 116]



Cited in Manupatra(10+)

29. Suresh Menon vs . The State of Madhya Pradesh (06 . 12 . 2013 - MPHC)

.....Hon'ble Judges/Coram: U.C. Maheshwari , J. Counsels: For Appellant/Petitioner/Plaintiff: Shri **Amitabh Gupta** , Counsel Subject: Civil Mentioned IN Acts/Rules/Orders: Constitution Of India - Article 226..... >>



30. Sulakshna Sharma vs . Meeradevi Katare (26 . 09 . 2013 - MPHC)

.....Hon'ble Judges/Coram: U.C. Maheshwari , J. Counsels: For Appellant/Petitioner/Plaintiff: Shri **Amitabh Gupta** , Counsel Subject: Law of Evidence Mentioned IN Acts/Rules/Orders: Indian Evidence Act, 1872..... >>

Case Note: Law of Evidence - Expert Opinion - Section 45 of Evidence Act, 1872 - Petitioner application for examining signature of deceased on Will by expert was dismissed by Trial court - Hence, present petition - Whether Trial court was justified in dismissing application of Petitioner - Held, apparent from material available that there was no document before trial court on which genuine and standard signature of deceased was available - Mere perusal of application, showed that there was no such information regarding availability of documents had been supplied by Petitioner in application - So, in lack of such material particulars in application, dismissing application of Petitioner, would not be said to be perverse, contrary or against propriety of law - Liberty given to Petitioner to file fresh application by mentioning all requisite facts including information regarding availability of standard signature of deceased - Petition disposed.



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.....A. 11658/2013 and Shri **Amitabh Gupta** , Advocate for the for the...the suit property. 5. Shri **Amitabh Gupta**, learned counsel has filed...concerned, learned counsel Shri **Amitabh Gupta** himself has submitted that he..... >>

Case Note: Civil - Closure of execution case - Petitioner, sought that since possession of accommodation in question delivered, therefore this petition be allowed by holding that decree have been duly satisfied by closing execution case - Whether execution case deserved to be closed - Held, no document regarding delivery possession placed on record - Fact of possession objected by Respondents - Therefore, cannot be said that possession already been handed over to Petitioner - Case cannot be closed - Petition dismissed. Civil - Intervention application - In present case, two interveners filed intervention application alleging their possession in disputed property - Whether intervention applications can be entertained - Held, application of first intervener cannot be allowed as objections under Order 21 Rule 97 of Civil Procedure Code, 1908 have already been rejected and against which appeal is still pending - Second intervention application rejected as objection yet not filed before appropriate court and present Court not appropriate forum - Petition dismissed.

**32. Shrinath Agarwal vs . Anjali Agarwal (10 . 07 . 2013 - MPHC)**

..... Ajit Singh and T.K. Kaushal , JJ. Counsels: For Appellant/Petitioner/Plaintiff: Mr. **Amitabh Gupta** , Advocate For Respondents/Defendant: Mr. Rajendra Tiwari , Sr. Adv., Mr. Pratich Dubey and.....

**33. State of Madhya Pradesh vs . Jairam and Ors . (31 . 10 . 2012 - MPHC)**

.....Respondents/Defendant: Shri **Amitabh Gupta** , Advocate Subject: ...Lawyer for the appellant and Shri **Amitabh Gupta**, learned Counsel for the respondents...force in the submission of Shri **Amitabh Gupta**, learned Counsel for the..... >>

Case Note: Property - Possession - Whether District Court erred in decreeing suit of Plaintiffs - Held, in instant case, no document obtaining possession had been filed and proved by Appellants/defendants - They had also examined Revenue Inspector who had obtained possession of suit property from plaintiffs - Further no witness had been examined by Defendants before whom possession was obtained - Hence, according to Court, Trial Court did not erred in holding that possession of suit property was never taken from Plaintiffs/Respondents and they was still in possession - Appeal dismissed.



34. Sadhana Tripathi vs . Banarasi Devi (08 . 02 . 2012 - MPHC)

..... Counsels: For Appellant/Petitioner/Plaintiff: P.C. Paliwal For Respondents/Defendant: **Amitabh Gupta** Subject: Civil Mentioned IN Acts/Rules/Orders: Code of Civil Procedure, 1908 (CPC) - Order..... >>

Case Note: Civil - Injunction - Application under Order 39, Rules 1 and 2 of Code of Civil Procedure, 1908 (CPC) for temporary injunction dismissed - Hence, present revision - Held, it was observed that words "Court granting an injunction" could only be understood to mean Court which is trying suit in which injunction is granted and which has jurisdiction to grant an injunction - Order under challenge did not suffer from any palpable error of jurisdiction - Revision dismissed.



Cited in Manupatra(1+)

35. M . P . Laghu Udyog Nigam vs . M . P . Laghu Udyog Nigam Karamchari Union (10 . 10 . 2011 - MPHC)

.....Appellant/Petitioner/Plaintiff: Mr. Anoop Shrivastava , Advocate For Respondents/Defendant: Mr. **Amitabh Gupta** , Advocate For Respondent No. 1 Subject: Service Mentioned IN Cases Referred: Mahendra L. Jain..... >>

Case Note: Service - Regularization - Whether order of cancellation of regularization was sustainable or not - Held, it was contended that since regularization was in violation of statutory Adhinyam of 1994, same were void ab-initio and did not create any right in favour of respective employees, who were not entitled for any opportunity of hearing, when mistake was corrected in year 1998 - Petition partly allowed.

**36. Satyanjay Tripathi and Ors . vs . Banarsi Devi (24 . 02 . 2011 - MPHC)**

.....and Dheeraj bai v. Ushabai MANU/MP/0445/2003 : 2004 (1) M.P.H.T. 456. On the other hand Shri **Amitabh Gupta**, learned Counsel for the non-Applicant/landlady vehemently submitted that the provisions of Section..... >>

Case Note: Tenancy - Eviction - Validity of - Sections 23- a(b), C(1) and 23-E of Madhya Pradesh Accommodation Control Act, 1961 - Present revision filed under Section 23-E of Act for challenging legality and validity of eviction order by which application preferred by non-Applicant/landlady under Section 23-A(b) of Act had been allowed on ground that Applicants/tenants had failed to file application seeking leave to contest prayer for eviction as provided under Section 23-C(1) of Act within prescribed time limit - Held, notice which had been annexed was admittedly not in format which had been prescribed in Second Schedule to Act - Notice which had been issued was general notice which was issued in revenue cases and requires Applicants to appear - Notice did not mention that Applicants required to appear and to obtain leave of RCA/Rent Controlling Authority to contest application for eviction on ground and default thereof within period of fifteen days failing which landlady would be entitled to an order of eviction - Notice also did not mention that Applicants required to move an application before RCA which was duly supported by an affidavit - Thus, notice had been issued to tenants in violation of mandatory provisions of Second Schedule of Act - Apart from this, it is well settled legal proposition that in case of violation of mandatory provision, no prejudice need be shown and in such a case necessary benefit should be given to delinquent - For reasons, order of eviction passed by RCA could not be sustained in eye of law and same was quashed - Applicants/tenants directed to appear before RCA along an application under Section 23-C(1) of Act as also an application for condonation of delay - RCA shall consider and decide application within period of one week thereafter Applicants assures this Court that Applicants shall not seek any unnecessary adjournment and would cooperate for early proceedings before RCA - In view of statement made by Applicants, it was directed that RCA should conclude proceedings positively - With aforesaid direction, civil revision disposed of accordingly



37. Lakhan Lal Sonkar vs . Gun Carriage Factory and Ors . (30 . 03 . 2007 - MPHC)

.....Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta** For Respondents/Defendant: Mohan Sausarkar...workman without backwages. 6. Submission of Mr. **Amitabh Gupta**, learned counsel or the appellant is that the appellant..... >>



38. Pushendra Kumar Jain vs . High Court of M . P . and Ors . (29 . 07 . 2006 - MPHC)

.....Gupta , J. Counsels: For Appellant/Petitioner/Plaintiff: Rajendra Tiwari , Sr. Counsel and **Amitabh Gupta** For Respondents/Defendant: V.S. Shroti , S.C. Sharma , Sr. Counsel, Harshit Patel and..... >>



39. Ram Pukar Singh vs . Bhimsen and Ors . (15 . 09 . 2005 - MPHC)

.....Counsels: For Appellant/Petitioner/Plaintiff: **Amitabh Gupta**, Adv. For Respondents/Defendant: Sanjay Jain...Counsels and perused the material on record. Shri **Amitabh Gupta**, learned Counsel for the defendant/appellant..... >>

Case Note: Tenancy - Eviction - Section 12(1)(f) of the M.P. Accommodation Control Act - Plaintiff filed suit for eviction under Section 12(1)(f) of Act against defendant on ground of reconstruction of suit building - Defendant denied plaintiff's claim that suit property was sold by plaintiff to defendant and thus, defendant were owner and not tenant of suit property - Suit decreed in plaintiff's favour by Trial Court on ground that relationship of landlord and tenant established between plaintiff and defendant-Defendant filed appeal - Appeal dismissed - Hence, present petition - Held, in written statement of defendant no specific denial was made regarding of ownership of plaintiff in suit property - also established that defendant used to pay rent regularly to plaintiff - Sufficient proof and material exist to establish ownership of plaintiff upon suit property for purpose of eviction under the provision of Act - Hence, petition dismissed



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1. Aneeta Rajpoot vs . Saraswati Gupta (22 . 08 . 2013 - MPHC)

..... For Appellant/Petitioner/Plaintiff: Shri **Amitab Gupta** , Advocate
For Respondents/Defendant: Shri...usual vehemence learned counsel
for the petitioner Shri **Amitab Gupta** by inviting my attention to
section..... >>

Case Note: Evidence - Secondary evidence - Admissibility - Section 65
of Evidence Act, 1872 - Whether photocopy of document could be
adduced as evidence under the Act - Held, secondary evidence not to be
treated inferior for incapability to produce primary evidence - Petitioner
allowed to adduce photocopy as secondary evidence in case
Respondent concealed original document - Difficult to hold authenticity
and accuracy of photocopy in absence of any averment by Respondent -
Petition disposed of.



2. Aneeta Rajpoot vs . Saraswati Gupta (22 . 08 . 2012 - MPHC)

..... For Appellant/Petitioner/Plaintiff: Mr. **Amitab Gupta** , Advocate For
Respondents/Defendant: Mr...usual vehemence learned Counsel for
the petitioner Shri **Amitab Gupta** by inviting my attention to Section
63..... >>

Case Note: Law of Evidence - Admissibility of photocopy of document -
Section 63 and 65 of Indian Evidence Act, 1872(Act) - Trial Court
dismissed Application filed by Defendant/Petitioner under Section 65 of
Act praying that photocopy of receipt might be taken on record as
secondary evidence - Hence, this Petition - Whether trial Court was
correct in rejecting application to admit photocopy in secondary evidence
filed under Section 65 of Act - Held, it could be said that by some
mechanical process photocopy of original receipt was obtained, but,
there could not be any certainty of its correctness and accuracy in
absence of supporting material on record - There was no averment in
application that photocopy, which had been obtained by mechanical
process was never tempered and accuracy was maintained - However
accurate photocopy was obtained by mechanical process- It is matter of
common parlance that after inserting some words on document already
photocopied and by interpolating the same, another photocopy of said

गुप्ता

लॉ आफ

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LAW OF WRITS



जबलपुर लॉ हाउस

लॉ ऑफ रिट्स (LAW OF WRITS)

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राजस्थान यूनिवर्सिटी लायब्ररी

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M.P. STATE LEGAL SERVICES AUTHORITY

(574, South Civil Lines, Jabalpur – 482001)

Phone: 0761-2678352, 2624131 Fax: 0761-2678537 Email- mplsajab@nic.in

File No. 97 / LADCS /MPSLSA/ 6247/23 Jabalpur, dated- 17/02/2023

To,

Shri Amitabh Gupta,
Advocate,
High Court, Jabalpur (M.P.)

Sub: Reg. Providing training as a Resource Person in the training programme of Chief/Deputy and Assistant Legal Aid Defence Counsel under LADCS.

On the aforementioned subject, it is to inform you that 02 separate Orientation & Capacity Building Training Programmes for Chief/Deputy & and for Assistant Legal Aid Defense Counsels selected under LADCS Modified Scheme, 2022 is being organized at M.P. State Judicial Academy, Jabalpur.

In the above said training programmes you are requested to provide training to the participants as a resource person. The date, time & topic is mentioned below :-

Training Details	TOPIC	DATE	TIME
Chief & Deputy Legal Aid Defense Counsels	Advocacy skill - Drafting • Bail applications • Miscellaneous applications • Appeals • Open House discussion	22.02.2023	09:30 A.M. to 11:00 A.M
Assistant Legal Aid Defense Counsels	Advocacy skill - Drafting • Bail applications • Miscellaneous applications • Appeals • Open House discussion	24.02.2023	09:30 A.M. to 11:00 A.M

Kindly, acknowledge this Authority regarding your consent to provide training in the abovementioned programmes. It is to apprise that honorarium will be paid to resource person as per rules.

(Rajiv Karmahe)
Member-Secretary