

**(2025) 01 GUJ CK 0020**

**In the Gujarat High Court**

**Case No :** Criminal Appeal No. 523 of 1995, Criminal Revision Application No. 38 of 1995

State of Gujarat Versus

APPELLANT

Vs

Pitambarbhai Somabhai Harijan & Anr.

RESPONDENT

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**Date of Decision :** 01-01-2025

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 378

Indian Penal Code, 1860 — Section 34, 120(B), 201, 302, 365, 406

**Citation :** (2025) 01 GUJ CK 0020

**Hon'ble Judges :** A.Y. Kogje, J; Samir J. Dave, J

**Bench :** Division Bench

**Advocate :** Monali Bhatt

**Final Decision :** Dismissed

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**Judgement**

Sr.No.,Name,Exh.

1.,Complainant-Bhikhabhai Ramjibhai Patel,13

2.,Rajubhai Somabhai Raval,15

3.,Kantibhai Pitambarbhai,16

4.,Sardarji Dalaji Rajput,17

5.,Govindbhai Kalabhai,18

6.,Faljibhai Ragnathbhai,19

7.,Sanjaybhai Shantilal Shah,20

8.,Dr.Vikram A. Gadhvi,21

9.,Mangabhai Dhulabhai,28

Sr.No.,Particulars,Exh.

- 1.,Panchmana of seizure of clothes of dead body,8
- 2.,Attendance-sheet of the deceased at Factory,9 & 10
- 3.,Signature of deceased-Abheraj produced by the complainant,11
- 4.,"Report made by Chief District Police to advertise the missing of deceased on Durdarshan",12
- 5.,Complaint of Bhikhabhai Rajibhai,14
- 6.,"Letter written by CPI, Deesa to Medical Officer, Vadgam",22
- 7.,PM Note,23
- 8.,"Letter written by Medical Officer, Vadgam to Medical Officer, Chhapi",24
- 9.,Letter written to Medical Officer for reason of death,25
- 10.,Certificate of Cause of death,26
- 11.,"Panchnama at S.T.Stand, Vadgam",27
- 12.,Panchnama of place of dead body,33
- 13.,Inquest Panchnama,34
- 14.,Panchnama,36
- 15.,Panchnama of scene of offense shown by accused No.1,37
- 16.,Panchnama of body of accused No.2,40
- 17.,"Panchama of seizure of pant worn by accused No.2 on the day of incidence",42
- 18.,"Panchnama of letters and notebook showing account produced by complainant to panchas",44
- 19.,"Order for further investigation to PSI, Vadgam to DSP, Banaskantha",50
- 20.,"Report by handwriting expert for the authorized signature of accused No.1",51
- 21.,"Resolution produced by PSI, Vadgam",52
- 22.,"Questions with OC written by Chief Handwriting Expert to PSI, Vadgam",53
- 23.,Panchanama of letters written by accused No.1,54
- 24.,True copy of list sent by Handwriting Expert,55
- 25.,Receipt,56

26.,Opinion of Handwriting Expert,57

27., "Original copy of Entry No.9 of C.R.No.30/1933, Vadgam",59

28., "Report stating that offence is within the jurisdiction by PSO, Vagdam to PSI, Chhapi",60

29., "Report by PSO, Chhapi indicating that offence is within the jurisdiction",61

30., "Report made by Investigating Officer to DSP to advertise the missing of deceased on Durdarshan",62

31., "Report by SDPO to PI, Deesa",64

32., Report to made inquest by CPI to Executive Magistrate,65

33., "Office copy of writings to make postmortem by Medical Officer, Chhapi",66

34., "Addition of Sections 302, 201, 120B and 34",68

35., "Addition of Section 302 and report made by CPI to re- arrest the accused",69

36., "Letter written by Handwriting Expert, Ahmedabad",70

conclusions are possible on the basis of the evidence on record, ordinarily, the Apex Court would not disturb the findings of acquittal recorded by the",,,

Trial court. Therefore, the Court refrains from interfering in the Appeal.",,,

17. The Court is therefore, in agreement with the reasons assigned by the trial Court while recording the acquittal of the respondent-accused. The",,,

Appeal therefore, stands dismissed. The record and proceedings may be sent back to the session court at Banaskantha.",,,

18. In view of the order passed in the Criminal Appeal, no order is required to be passed in the Criminal Revision Application. Hence, the same is",,,

accordingly disposed of.,,