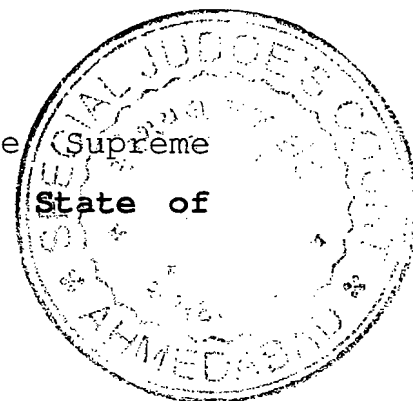


52. The judgment of the Hon'ble Supreme Court delivered in the case of **B.Kumar @ Jayakumar @ Left Kr @ S. Kumar (Supra)** has been relied upon, where the Hon'ble Supreme Court has observed that "This Court must remain mindful of two fundamental objectives of penology which apply even in such grotesque cases: (a) deterrence and (b) reformation. Other factors such as seriousness of the crime, the criminal history of the appellant and also his propensity to remorselessly commit similar dastardly crimes in the future, must be considered. In the present case, having assessed the aforesaid mitigating factors including the Appellant's conduct after the commission of the crime, we observe that this case does not fall into the category of rarest of the rare. Consequently the conviction and other sentences except the death sentence are hereby upheld. The appellant thus stands convicted for the remainder of his life for the offence of murder."

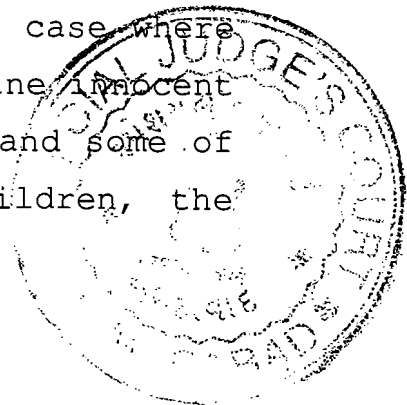
53. It is pointed out that in the circumstances, the Hon'ble Supreme court has clearly laid down the ratio that where there is a possibility of reformation and rehabilitation, where the State is unable to establish that the accused is a menace to the society, then in such circumstances, no capital punishment can be imposed.

54. A judgment of the Hon'ble (Supreme Court delivered in the case of **Birju v. State of**



M.P. as reported in **LAWS (SC)-2014-2-27** is relied upon where the factual matrix clearly established that the accused had no less than 24 offences registered against him and was held guilty in the present case and was thereby ordered to capital punishment. But however, even in such a case, the Hon'ble Supreme Court has held that the Prosecution must satisfy the R-R test which is reformation and rehabilitation. Shri Bhardwaj while drawing my particular attention to paragraph No.12 of the judgment in the said case, has submitted that the Hon'ble Supreme Court has observed that *".....We find, in several cases, the trial Court while applying the criminal test, without any material on hand, either will hold that there would be no possibility of the accused indulging in commission of crime or that he would indulge in such offences in future and, therefore, it would not be possible to reform or rehabilitate him....."* It is submitted that Hon'ble Supreme Court in the said case, commuted the death sentence to sentence of 20 years without remission.

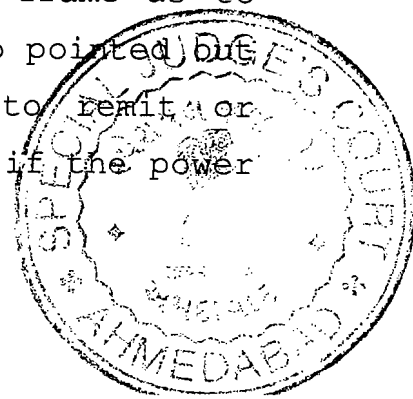
55. A judgment of the Hon'ble Supreme Court delivered in the case of **Mahesh Dhanaji Shinde v. State of Maharashtra** as reported in **LAWS (SC)-2014-2-65** is pressed into reliance, wherein the Hon'ble Supreme Court has held that in a case where pre-meditated, cold-blooded murders of nine innocent and unsuspecting victims were committed and some of the victims were young and hapless children, the



young age of the four accused was also considered by the Hon'ble Supreme Court as a mitigating circumstance. It is submitted that in the circumstances, where the Hon'ble High Court had confirmed two death sentences on the appellant therein, the Hon'ble Supreme Court still came to the conclusion that there was no material to show that the accused were beyond reformation and are not capable of living a changed life if they were to be rehabilitated in the society. It is submitted that the accused had spent over ten years' incarceration and therefore, the Hon'ble Supreme Court commuted the death sentence to sentence of life.

56. It is urged that in such circumstances, these are all factors which operate in favour of the accused and therefore, none of the convicted accused, is required to be awarded capital punishment herein.

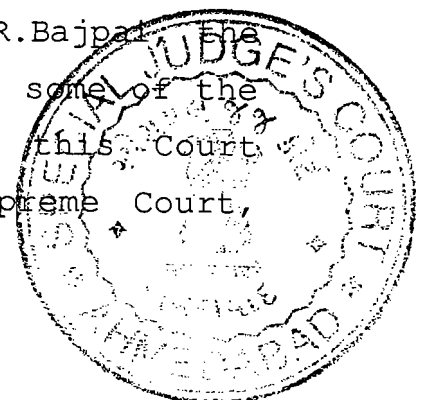
57. It is submitted by Shri Bhardwaj while dealing with the alternative arguments of the State and Shri S.M.Vora, that under Sec.302 of the I.P.C., the Sessions Court has power to sentence an accused to imprisonment for life, and it is submitted that imprisonment for life would necessarily mean till death and it is pointed out that there is no need by the Sessions Court to specify the time frame as to what means life imprisonment. It is also pointed out that the power granted to the State to remit or commute a sentence is discretionary and if the power



of remission is not exercised by the State, then the convict necessarily undergoes imprisonment till he dies when imposed a sentence of life imprisonment. It is submitted that in such circumstances, this Court should not specify the quantum of punishment beyond what is prescribed in law.

58. While refuting the arguments of the Prosecution with regard to as to whether the sentencing and quantum of punishment to be imposed herein, should run consecutively or concurrently, it is pointed out by Shri Bhardwaj that there is only one offence and different provisions are found attracted to the accused for which they are required to be differently punished. It is submitted that the offence is the same and only different punishments for different provisions are required to be imposed and it is submitted that since there is only one offence, all the other sentences under whatever other provisions attracted, should therefore, be required to be running concurrently and not consecutively. It is submitted that when an accused is sentenced and punished for one major offence and also found guilty of other ancillary provisions, then all the sentences should be required to be ordered to run concurrently and not consecutively.

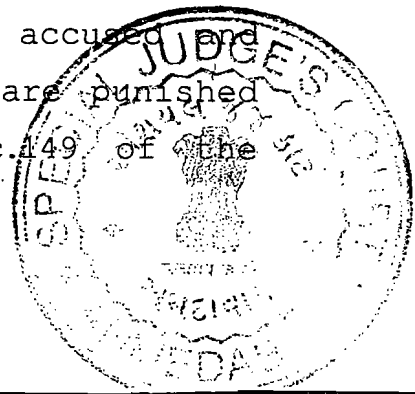
59. At this juncture, Shri T.R. Bajpai, the learned advocate appearing on behalf of some of the accused, has drawn the attention of this Court towards a judgment of the Hon'ble Supreme Court,



delivered in Criminal Appeal No.2063 of 2013 in the case of **Manoj @ Panu v. State of Haryana**, which appears to be an unreported judgment delivered on 09/12/2013, where the Hon'ble Supreme Court has clearly held "*Further having regard to the age of the appellant at the time of committing the offences, we feel it would not be just and proper to allow the sentences to run consecutively. As the offences committed by the appellant have been committed under a single transaction, it is well settled position of law that the sentences must run concurrently and not consecutively.*" **(Emphasis supplied)**

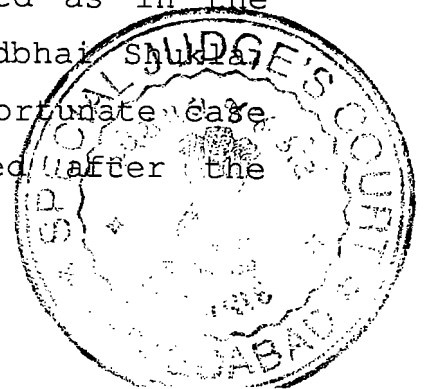
60. It is submitted that, therefore, the Hon'ble Supreme Court has settled the law beyond any controversy and has clearly held that when an accused has been sentenced on different counts in a single transaction as is true in the instant case, the sentences must run concurrently and not consecutively as is urged by the State and by Shri S.M.Vora, the learned advocate appearing on behalf of the victims herein.

61. It is urged by Shri Bhardwaj that with regard to the lesser punishment being imposed on the accused, merely because the accused are found guilty under Sec.149 of the I.P.C., they cannot be dragged with the accused or clubbed with the accused and treated at par with such accused who are punished under Sec.302 read together with Sec.149 of the



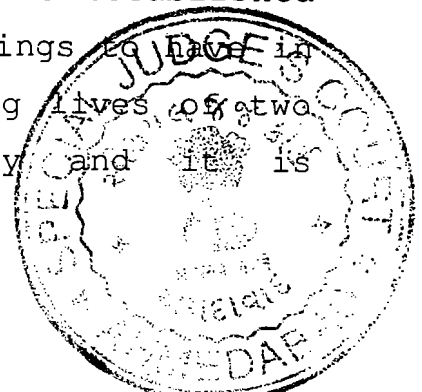
I.P.C. especially when the Court has not accepted the case of the Prosecution with regard to finding in favour of the Prosecution and against the accused under Sec.302 of I.P.C. as far as the lesser punishment is imposed. It is submitted that Sec.149 of I.P.C. cannot be meant to be all encompassing and be applicable to offences which are held to be not proved against such accused. It is further pointed out with regard to the other offences which are established to have been held against the accused which constitute lesser punishment, that the statutory provisions provide for two alternative punishments, and it is urged that in such cases, the minimum punishment should be imposed against the concerned accused. Shri Bhardwaj clarifies that this is not a position of law that he has canvassed, but it is an argument on behalf of the accused that leniency is required to be shown and minimum punishment is required to be imposed herein.

62. It is further submitted by Shri Bhardwaj that as far as the accused who are sentenced to undergo lesser punishment, are concerned, looking to the mitigating circumstances, looking to the fact that there was provocation, looking to the age of the accused in some cases, looking to the fact that one of the accused convicted has only recently got married as in the case of accused No.47 Dharmesh Prahladbhai Shukla it is pointed out that this is an unfortunate case where more than 14 years have passed after the



incident has taken place, and it is pointed out that a number of accused after being enlarged on bail, have integrated themselves into the society and after being so enlarged on bail, are even leading fairly normal lives for more than six years and therefore, it would be expected that utmost leniency be shown to such accused to allow them to continue to exist in the society as normal citizens more so when the theory of reform and rehabilitation is strongly advocated by the Hon'ble Supreme Court in its recent judgments. It is submitted that in such circumstances, leniency be shown to the accused while deciding the quantum of punishment to be imposed on each of the convicted accused. It is submitted that many of the accused have young children, aged parents or in some cases, have lost their near and dear ones pending the trial and it is pointed out that there are unfortunate repercussions of the trial and in such cases, utmost leniency is required to be shown to the accused and it is urged that in such circumstances, all these factors be borne in mind while imposing the quantum of sentence.

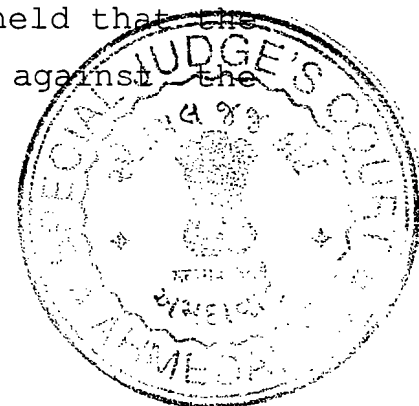
63. It is pointed out with regard to accused No.34 Krishna that the said accused is required to be shown leniency on account of the fact that the mother of the said accused is established on the record of the present proceedings to have in this surcharge atmosphere also saving lives of two members of the minority community and it is



submitted that this aspect is also required to be borne in mind while imposing sentence on such accused, more so keeping in mind the trauma that the mother of such accused would undergo if her actions are to be disregarded while ascertaining the quantum of sentence *qua* accused No.34.

64. Shri Rajendra Trivedi, the learned advocate appearing on behalf of the concerned accused herein, has submitted that while he supports and adopts in toto the submissions advanced by Shri Bhardwaj, the learned advocate appearing for some of the accused herein, Shri Trivedi has sought to rely on some judgments of the Hon'ble High Court of Gujarat as also the Hon'ble Supreme Court of India as herein after follows, in support of his contention for imposing the minimum punishment on the concerned accused. It is submitted by Shri Trivedi that he too urges that in light of the settled legal position, the sentences should run concurrently and not consecutively.

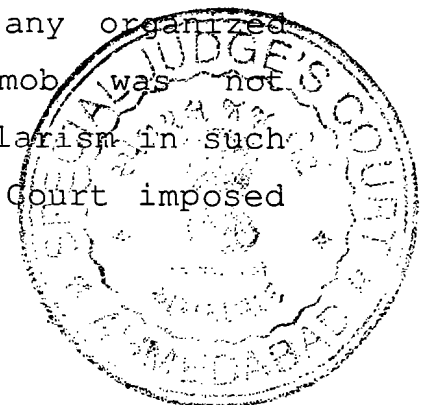
65. Shri Rajendra Trivedi has relied upon a judgment of the Hon'ble High Court of Gujarat as reported in 1987(2) GLH 424 in the case of **State of Gujarat v. Anwar Hasam Subhania**, wherein the Hon'ble High Court had considered the aspect of there being no antecedents against the accused and held that the extreme penalty was not sustainable against the concerned accused.



66. A judgment of the Hon'ble Supreme Court delivered in the case of **Sadha Singh v. State of Punjab And Haryana** as reported in 1985(0) GLHEL-SC 24880 has been pressed into reliance, wherein the quantum of punishment in a case where conviction was sustained under Sec.307 of the I.P.C. read together with Arms Act, was imposed to the tune of three years by the Hon'ble Supreme Court. It is urged that even in the instant case, similar leniency be shown.

67. It has been pointed out by Shri Rajendra Trivedi, that in light of such settled law emerging, utmost leniency should be shown while imposing the quantum of sentence and each of the convicted accused should be punished appropriately and with a minimum sentence.

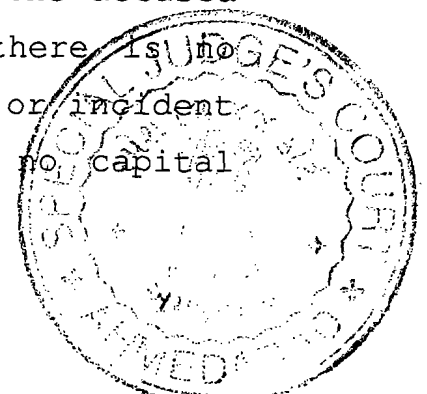
68. Shri T.R.Bajpai, the learned advocate appearing for the concerned accused, submits that he firstly adopts in toto the arguments and submissions advanced by the learned advocate Shri A.M.Bhardwaj, and in furtherance thereto, submits that the Hon'ble Supreme Court in the case of **Kishori v. State of Delhi** as reported in (1999) 1 SCC 148, clearly held that if in a case of communal riots, a chain of events had occurred prior to the incident and the acts attributed to the mob could be said to be a result of temporary frenzy and not any organized systematic activity, the riotous mob was not expected to follow high ideals of secularism in such a situation, and the Hon'ble Supreme Court imposed



life sentence instead of the death sentence as imposed by the Hon'ble High Court.

69. It is submitted that admittedly the present case also is a case of communal situation which was in the aftermath of a previous grave and serious incident being the Godhra Train incident and therefore, the facts of the judgment in Kishori's case (Supra) would apply squarely to the instant proceedings, and therefore also, capital punishment should not be imposed on any of the convicted accused herein. It is submitted that the judgment clearly discloses in paragraph No.10 thereof that though the accused was convicted for murders for the seventh time, even in such circumstances, the Hon'ble Supreme Court found that enough mitigating circumstances existed to commute the death sentence to life imprisonment.

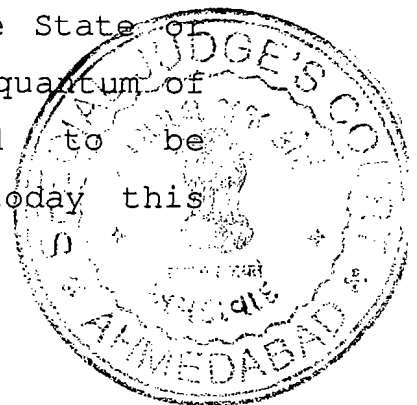
70. It is submitted that since in the instant case, the Court has accepted that there was no pre-planned, pre-conceived meeting of minds and that there was no existence of a criminal conspiracy, the accused can be given lesser punishment and the minimum punishment prescribed under the provisions where they have been found guilty. It is submitted that in such circumstances, the bare minimum sentence be imposed on the accused concerned. It is submitted that when there is no material to show that the entire offence or incident was for any personal gain, then also, no capital



punishment can be imposed. It is pointed out that the State has failed in establishing any previous personal enmity between the accused and the victims and therefore also, that aspect should be borne in mind while imposing the quantum of punishment.

71. In the circumstances, all the three learned advocates for the concerned accused, have in a nutshell, submitted that this is not a fit case in which capital punishment is required to be imposed, and this is a case where with regard to the accused who have been awarded lesser punishment, the minimum sentence prescribed in the law should be imposed and that too, all the sentences be ordered to run concurrently and not consecutively, and it is also urged that the Court should not go beyond the strict provisions contained in Sec.302 of the I.P.C. with regard to the sentence prescribed and therefore, not not specify the time frame of the term "life imprisonment".

72. Shri Bhardwaj at this stage also requested that additional arguments be heard with regard to the question of compensation under Sec.357A raised by Shri S.M.Vora and considered, and at this stage firstly there being no material on the record to establish as to whether any compensation has been paid over to the victims by the State or not, was required to be ascertained. The quantum of such compensation was also required to be ascertained and in the circumstances, today this



Court calls upon the learned Spl.P.P. Shri R.C.Kodekar to make due inquiries and address the Court tomorrow with regard to such aspects.

73. The State has sought an opportunity to deal with the submissions made on behalf of the defence, which also are duly considered and Shri Kodekar is permitted to make limited submissions in rejoinder to the submissions of the defence tomorrow.

The proceedings stand adjourned to tomorrow i.e. 10/06/2016 for further hearing, after which the quantum of sentence would be decided.

Dictated and pronounced in the open Court on this 9th day of June, 2016.

City Sessions Court,
Ahmedabad.

Date: 09/06/2016

Sd/-
(Pranav Bhadramukh Desai)
Special Judge, Designated Court
for speedy trial of riot cases
(Gulbarg Society), Ahmedabad.
Unique ID Code No.GJ00004

*ashwin

Further order

10/06/2016

74. Continuing from his earlier submissions, Shri Bhardwaj has also drawn my attention to some other judgments of the Hon'ble Supreme Court.

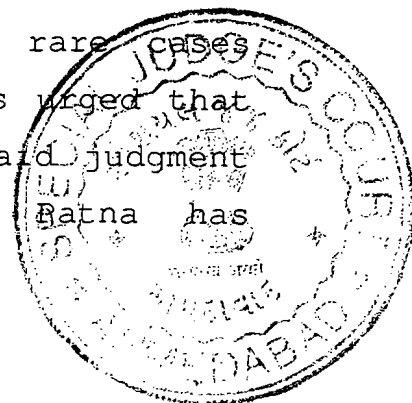
75. Firstly, my attention is drawn to a judgment of the Hon'ble Supreme court delivered in



the case of **Ramesh Chilwal @ Bombayya v. State of Uttarakhand** as reported in **LAWS (SC)-2012-7-50**, wherein the Hon'ble Supreme Court has held that when a question of number of sentences are awarded in different offences, whether the sentences should run concurrently or not, and it is submitted that the Hon'ble Supreme Court has held that the sentences should run concurrently.

76. A further judgment of the Hon'ble Supreme Court being the landmark judgment in the case of **Hussainara Khatoon Iii v. Home Secretary, State of Bihar, Patna** as reported in **LAWS (SC)-1979-2-79**, is also pressed into reliance to support the contention that the delay in completion of the trial will have a bearing in favour of the defence i.e. the accused while deciding the quantum of punishment.

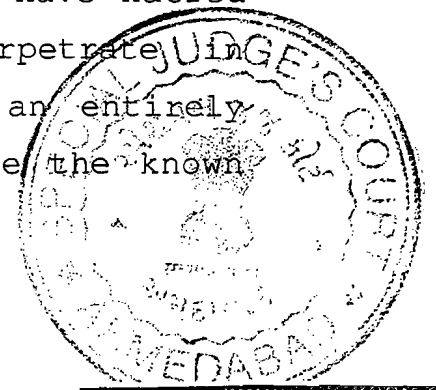
77. On the other hand, Shri T.R.Bajpai, the learned advocate appearing on behalf of some of the accused, has also drawn my attention to the judgment of Hon'ble Patna High Court delivered in what is infamously known as the "Bhagalpur Case" where in a communal riot more than 100 victims belonging to the minority community, were killed, the Hon'ble Patna High Court has held that the case would not fall within the rarest of rare cases warranting capital punishment and it is urged that applying the ratio emerging from the said judgment wherein the Hon'ble High Court of Patna has



considered the mitigating circumstances which did not categorize a case involving fatalities of nearly 100 victims belonging to the minority community as the rarest of rare cases and it is urged that in such circumstances, the accused who are facing major punishment, be awarded the lesser punishment as prescribed under Sec.302 of the I.P.C. and not capital punishment as is urged by the State.

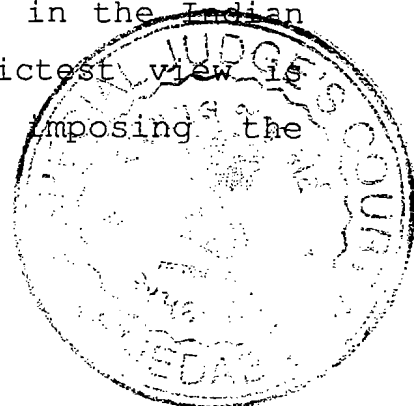
78. In rejoinder thereto, an opportunity was already indicated to be given to the State as also the learned advocate for the victims and the submissions made by Shri Kodekar appearing for the State as also Shri S.M.Vora, the learned advocate for the victims, in rejoinder to the lengthy defence arguments, are elaborated as herein after follows.

79. It is pointed out by Shri Kodekar that the Hon'ble Supreme Court has in terms of the latest judgments delivered in the case of **Raj Bala v. State of Haryana and Others** as reported in **2016(1)-SCC-463** and in the case of **State of Madhya Pradesh v. Udaibhan** as reported in **(2016(4)-SCC-116**, clearly laid down the sentencing policy. According to Shri Kodekar, the Hon'ble Supreme Court has consistently followed the sentencing policy in the rarest of rare cases and it is submitted that in the present case, unlike terrorist acts where persons who have hatred towards the country, indulge and perpetrate ghastly acts, the present case is on an entirely different footing inasmuch as, these are the known



persons, neighbours, acquaintances, friends who have betrayed such relationships in perpetrating such ghastly acts where large number of persons have been mercilessly done to death for no fault of theirs. It is submitted that in such circumstances, the crime test has to be viewed in terms of the perception arising in the society in relation to the present offence and therefore, the message required to be sent out to society according to Shri Kodekar, should be such that it should be exemplary and should send a signal to the society that such incidents will not be tolerated. It is urged therefore, yet again that the strictest view be taken in the present proceedings.

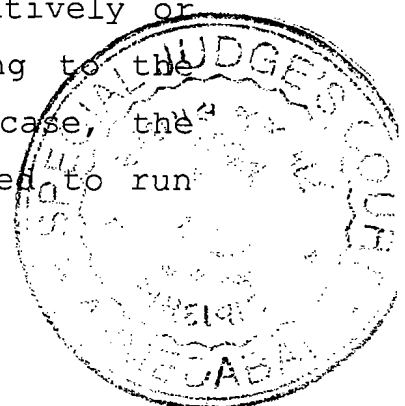
80. It is submitted that the arguments advanced by the defence with regard to a reaction to an action, have no place in the present proceedings. It is submitted that the Indian culture which is centuries old, be and is established to the world at large as a peaceful co-existence between members of the same society irregardless of their caste, creed or religion. It is submitted that in such circumstances, the defence arguments are required to be disregarded inasmuch as, justification is sought to the actions being a reaction to the previous action having taken place. It is submitted that revenge and retribution have no place in the Indian society and therefore also, the strictest view is required to be taken herein by imposing the sentence.



81. It is submitted that since a large number of eye-witnesses have deposed in the trial that there were slogan shoutings *inter alia* to the effect that "kill the members of the minority community", it is required to be inferred that the intention of the riotous mob was to kill right since the very inception. It is submitted that in the circumstances, this is an aspect which cannot be lost track of.

82. It is submitted that in such circumstances, the Hon'ble Supreme Court while laying down the law on the sentencing aspect, has clearly held that sympathy is not a factor relevant to the quantum of sentence. Therefore, it is urged by Shri Kodekar that the quantum of sentence to be imposed has to be seen and reflected in proportionality, gravity, extreme cruelty of the accused in perpetrating the offence, and that is why the State according to Shri Kodekar, presses for the maximum punishment.

83. It is pointed out by Shri Kodekar that the provisions contained in Sec.31 of the Cr.P.C. empower the Court to exercise discretion while imposing sentence on multiple offences as to whether the sentences are required to run consecutively or concurrently and it is urged that looking to the exceptional circumstances in the present case, the State insists that the sentences be ordered to run

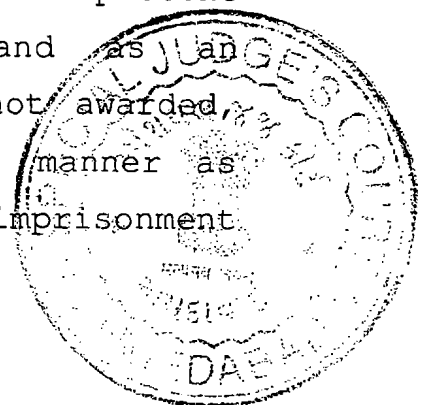


consecutively and not concurrently since the statute itself provides for such discretion to be exercised.

84. Shri Kodekar while making submissions on the alternative arguments advanced earlier by the State, submits that the term "life" is defined and provided for in Sec.45 of the I.P.C. where the term "life" is defined to denote the life of a human being unless the contrary appears from the context. A judgment of the Hon'ble Supreme Court delivered in the case of **Sandesh v. State of Maharashtra** as reported in **(2013)2-SCC-479** has been pressed into reliance by Shri Kodekar to support his arguments that sentence of life imprisonment would mean till the death of such accused, according to the said Judgment.

85. Shri Kodekar has, in an effort to counter the submissions made on behalf of the defence with regard to the encompassing of the provisions of Sec.149 of the I.P.C., has relied upon a judgment of the Hon'ble Supreme Court delivered in the case of **Susanta Das and others v. State of Orissa** as reported in **(2016(4)-SCC-371**.

86. It is urged by Shri Kodekar in conclusion that the State insists in the present case for the harshest punishment and as an alternative, if capital punishment is not awarded, the sentence should be awarded in the manner as would specifically clarify that life imprisonment

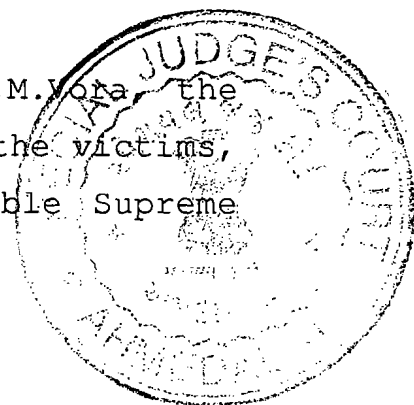


would mean till death. It is urged that in such circumstances, appropriate orders be passed herein.

87. It is pointed out by Shri Kodekar lastly on the aspect of delay that the Prosecution also cannot be held responsible for any delay caused herein if at all any is caused herein. It is submitted that previous Presiding Officers had concluded the arguments also, but were unable to deliver the judgment, and the S.I.T. took bare minimum time after its appointment to conclude the investigation and the State has also always cooperated for the speedy trial wherein and therefore, it cannot be a factor which would be required to be considered while imposing the quantum of punishment upon the accused.

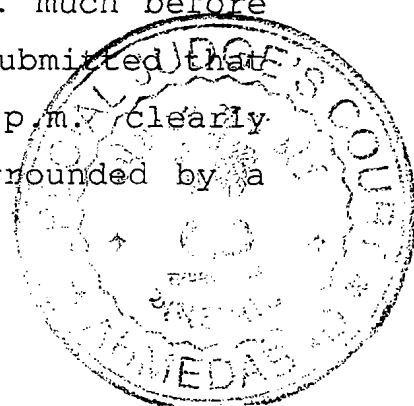
88. At this juncture, the details with regard to the period spent by the accused in judicial custody being not available to this Court, was called for from the prosecuting agency, but Shri Kodekar has not been able to bring forward an accurate and authentic data with regard to such details and he seeks time till Monday to provide such details. In such circumstances, further orders would be passed with regard to the date for announcing the sentence.

89. It is submitted by Shri S.M.Vora, the learned advocate appearing on behalf of the victims, that applying the judgment of the Hon'ble Supreme



Court as reported in **2015(1)-SCC(Cri.)-81**, it is urged that when all accused have been held guilty of an offence under Sec.149 of the I.P.C., in light of the ratio laid down by this judgment, all accused are required to be punished on the same footing. It is submitted that in such circumstances, awarding of lesser punishment is against the principles enunciated by the Hon'ble Supreme Court.

90. It is submitted by Shri S.M.Vora that the arguments of provocation and in context of the defence with regard to the firing by Shri Ehsan Jafri, it is pointed out that the incidents could be said to have taken place right from 09:00 a.m. when there was no question of any firing by Shri Ehsan Jafri and therefore, there was no provocation at such time and therefore, it is submitted that the transaction could be said to have begun from 09:00 a.m. and therefore, justification to the provocation is groundless. It is pointed out by Shri S.M.Vora that right from 09:00 a.m. even till the time the senior Police Officers arrived at about 11:00 a.m., there was a continuous perpetration of the offence by the mob and therefore, it cannot be seen to be accepted that the mob acted only upon any provocation by any event. It is submitted that in such circumstances, the common intention of the mob can be reflected right since 09:00 a.m. much before the alleged time of the firing. It is submitted that the control message at about 12:30 p.m. clearly indicates that Gulbarg Society was surrounded by a

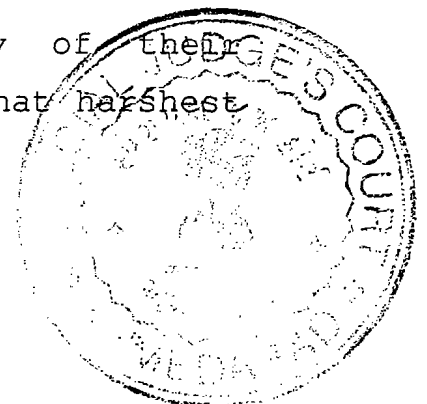


huge mob which was indulging in heavy stone-throwing, throwing burning embers and therefore, there is no question of any provocation on the part of the residents of Gulbarg Society. It is submitted that therefore, the compilation submitted today contains sufficient material to establish that there was no provocation from within Gulbarg Society, but the mob had acted in furtherance of its common intention. It is submitted that in such circumstances, supporting the contentions raised by the State, exemplary punishment is required to be meted out herein.

91. It is submitted by Shri Vora that the judgments pressed into reliance by the defence have no applicability to the facts and circumstances herein.

92. It is submitted by Shri Vora that the age and other mitigating factors like economic strata cannot be adequate consideration while imposing the quantum of sentence especially when the case falls within the rarest of rare category.

93. It is urged that in the circumstances, exemplary punishment be meted out to the accused. Though it is made clear that the victims do not press for capital punishment in any of their submissions, it is urged by Shri Vora that harshest punishment is required to be imposed.



94. At this stage, Shri Kodekar requests that the details from the Jail authorities would be provided by Monday, and hence, proceedings are ordered to stand adjourned to 13/06/2016.

Dictated and pronounced in the open Court on this 10th day of June, 2016.

SDH

City Sessions Court,
Ahmedabad.
Date: 10/06/2016

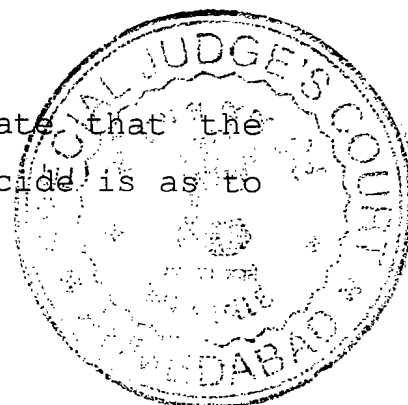
(Pranav Bhadramukh Desai)
Special Judge, Designated Court
for speedy trial of riot cases
(Gulbarg Society), Ahmedabad.
Unique ID Code No.GJ00004

*ashwin

Further order

95. Having thus considered such voluminous material in the shape of submissions, judicial precedents and statutory provisions extensively relied upon by all the parties concerned, meaning to say, the Prosecution, the learned advocate who has been permitted to address this Court on behalf of the victims/witnesses, as also the learned advocates for the concerned convicted accused, I am required to address the contentions and questions raised in the course of such submissions and after expressing my opinion on the various aspects argued, I would propose to then award the quantum of punishment to each of the convicted accused herein.

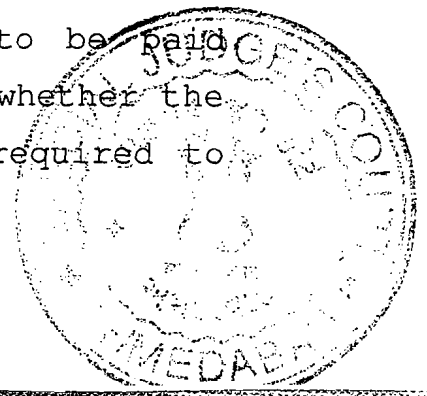
96. At the outset, I may state that the first question that I am required to decide is as to



whether the accused who have been awarded major punishment, are required to be awarded capital punishment as is urged by Shri Kodekar or the lesser punishment of imprisonment for life as prescribed and provided for in Sec.302 of the I.P.C., as is urged by the defence, or accept the alternative arguments made by Shri Kodekar and also supported by the learned advocate for the victims Shri S.M.Vora who made a statement at the bar which is reflected herein before, that the victims do not press or seek capital punishment herein, that the accused are required to be specifically awarded to undergo imprisonment for life which is further required to be clarified to mean till the remainder of the life of such convicted accused.

97. The second aspect which I am required to consider is as to whether those accused who have not been convicted under Sec.302 of the I.P.C., but are found guilty under Sec.149 of the I.P.C., are required to be convicted for life as is urged by the learned Spl.P.P. Shri Kodekar as also Shri S.M.Vora, or accept the submissions made on behalf of the defence that the accused be awarded lesser punishment and as not found guilty under Sec.302 of the I.P.C., cannot be awarded life imprisonment herein.

98. The next aspect required to be paid serious attention to is the aspect as to whether the sentences under various provisions are required to

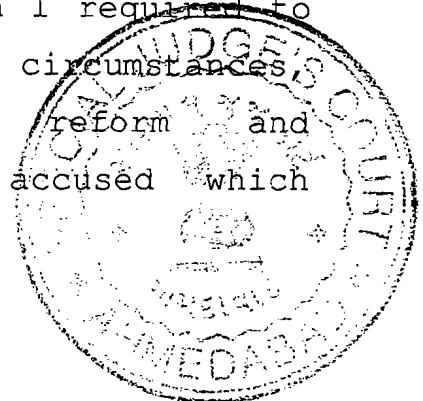


be ordered to run consecutively as is urged by Shri Kodekar and also Shri S.M.Vora, or run concurrently as is urged by the defence.

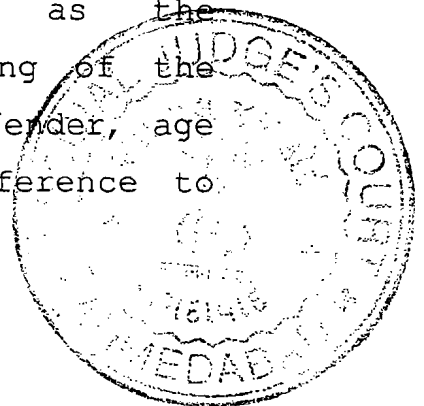
99. Another aspect that is required to be considered is as to whether the sentence with regard to accused No.1 Kailash Lalchand Dhobi who is admittedly absconding after violating his temporary bail, and against whom a non-bailable warrant is in force, whether sentencing of such accused is required to be kept in abeyance as is urged by Shri Kodekar or whether the sentence can be pronounced in absentia.

100. Lastly, I also need to, after considering all the above factors, hereby conclude these proceedings by awarding the specific quantum of sentences to each of the convicted accused herein and thereby conclude this exceptional, highly contentious, highly surcharged and highly publicized trial by so doing.

101. Firstly dealing with the question as to whether the present proceedings falls into the rarest of rare cases, and by classifying it to be so, are the accused required to be handed over the severest punishment of capital punishment as is provided in Sec.302 of I.P.C., or am I required to come to a conclusion that there are circumstances, factors and possibilities of reform and rehabilitation of the convicted accused which

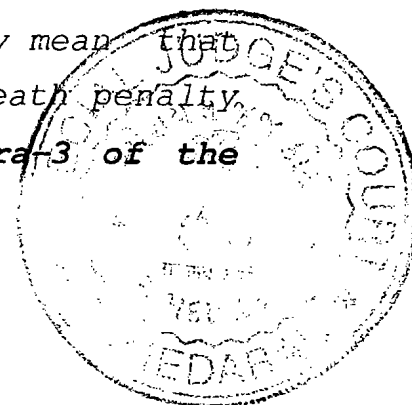


thereby could be treated as mitigating circumstances which would require me to negate the contention raised by the State that this case is required to be treated as the rarest of rare cases and thereby capital punishment would be a necessary outcome which would, as has been pointed out by Shri Kodekar, send a strong message to the society and thereby address the societal perceptions with regard to the quantum of punishment to be meted out to such offenders. In such circumstances, I would be required to closely scrutinize the recent trends of the Hon'ble Supreme Court and the recent trends in penology emerging from the landmark judgments of the Hon'ble Supreme Court cited herein, as to what is the general trend reflected by such judgments of the Hon'ble Supreme Court while deciding the quantum of punishment. It emerges from a large number of judgments produced by Shri Bhardwaj that even in the gravest of offences involving attempts to wage war against the nation as in the case of **Md. Jamiluddin Nasir (Supra)**, a case where the accused had been convicted by the lower Court in offences involving Sections 120B, 121, 121A, 122, 302, 333 together with the Arms Act and where the trial Court as also the Hon'ble High Court had confirmed the sentence of capital punishment awarded, the Hon'ble Supreme Court had commuted a death penalty into life imprisonment and the factors such as the circumstances extenuating or aggravating of the offence, prior criminal record of the offender, age and background of the offender with reference to



education, home life, sobriety, emotional mental conditions, and prospects for rehabilitation and reforms after being so duly considered, were found to be favourable enough to commute the death penalty into one of imprisonment for life. The Hon'ble Supreme Court while commuting the death penalty, has dealt with a large number of judgments of the Hon'ble Supreme court delivered in equally gruesome and grave and serious offences where large number of victims were done away by the accused, and came to a conclusion that Md.Jamiluddin's case (Supra) was a case, where it was established that the accused fired upon and did away with by killing a large number of Policemen in furtherance of a criminal conspiracy to commit a Jehadi act against the nation. Despite such circumstances, the Hon'ble Supreme Court for the reasons reflected in the said judgment, commuted the death sentence to that of imprisonment for life.

102. The Hon'ble Supreme Court in the case of **Ram Pal (Supra)** held that *"It is true that the incident in question has prematurely terminated the life of 21 people, but then the number of deaths cannot be the sole criterion for awarding the maximum punishment of death. While in a given case, death penalty may be an appropriate sentence even in a single murder, it would not necessarily mean that in every case of multiple murders the death penalty has to be the normal punishment."* (Para-3 of the said judgment).



103. The Hon'ble Supreme Court while relying on the landmark judgment of **Bachan Singh v. State of Punjab [(1980)-2-SCC-684]**, considered the following circumstances as mitigating circumstances:-

(1) That the offence was committed under the influence of extreme mental or emotional disturbance.

(2) The age of the accused. If the accused is young or old, he shall not be sentenced to death.

(3) The probability that the accused would not commit criminal acts of violence as would constitute a continuing threat to society.

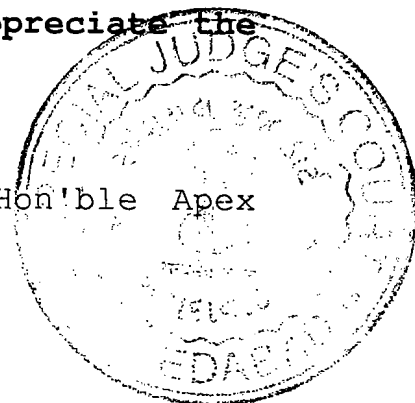
(4) The probability that the accused can be reformed and rehabilitated. The State shall by evidence prove that the accused does not satisfy the conditions (3) and (4) above.

(5) That in the facts and circumstances of the case the accused believed that he was morally justified in committing the offence.

(6) That the accused acted under the duress or domination of another person.

(7) That the condition of the accused showed that he was mentally defective and that the said defect impaired his capacity to appreciate the criminality of his conduct."

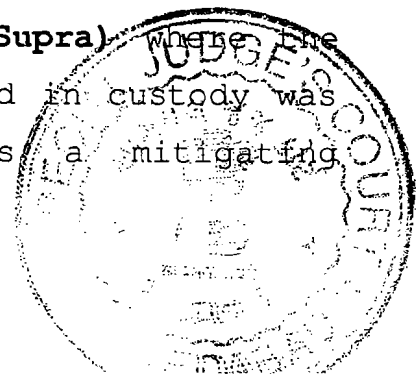
104. In such case also, the Hon'ble Apex



Court came to the conclusion that the fact of accused having spent 17 long years in custody, was also required to be treated as a mitigating circumstance while considering the quantum of sentence. Even in the present case, the death penalty was commuted to imprisonment for life.

105. The judgment of **Vyas Ram (Supra)** also upon due consideration, clearly relies on **Bachan Singh's case (Supra)**, where also after relying on a Supreme Court judgment delivered in the case of **Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra** reported in **2009(6)-SCC-498** where it was observed by the Hon'ble Supreme Court that "*.....it would be advisable to fall in favour of the 'rule' of life imprisonment rather than invoking the 'exception' of death punishment.*" In such circumstances also, in this case also, the Hon'ble Supreme Court commuted capital punishment to that of life imprisonment.

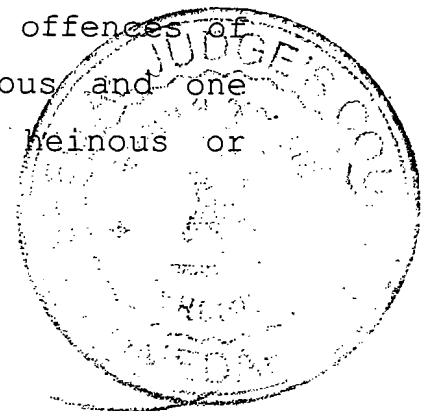
106. It may be noted that the accused herein have already undergone and faced the trauma of a trial which is the first stage and is likely to be followed by two more appellate stages, such trauma having lasted at the trial stage for about 14 years is also a factor which is required to be considered herein, and therefore, in light of the judgment in **Bachan Singh's case (Supra)** where the length of time spent by the accused in custody was also required to be treated as a mitigating



circumstance by the Hon'ble Supreme Court, and as a result, death sentence was commuted to one of imprisonment for life.

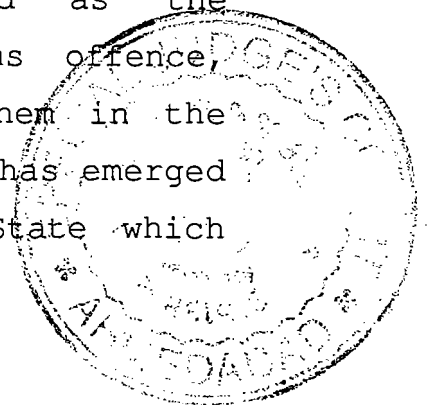
107. Similarly in **Ashok Debbarma's case (Supra)** also, the same Santosh Kumar's case (Supra) has been relied upon and a further aspect of reasonable doubt and residual doubt is brought into play where if we look at the instant proceedings also, I am bound to accept the submissions made by Shri Bhardwaj that in the instant case where there were 60 surviving accused facing same charges and the charges were believed only against 24 of the accused and not believed against 36 accused, then there is what is entertained as a concept of residual doubt with regard to the guilt of such accused and in such circumstances, even in **Ashok Debbarma's case (Supra)**, the Hon'ble Supreme Court commuted the sentence from death to imprisonment for life. The said judgment has also laid down the possibility that where there is a possibility of the accused being rehabilitated or there is a prospect of the accused being reformed for the rest of his life, he cannot be sentenced to death.

108. A recent judgment of the Hon'ble Supreme Court delivered in **B. Kumar @ Jaykumar's case (Supra)**, has clearly considered all offences of murder to be grave, gruesome and heinous and one cannot imagine a murder which is not heinous or

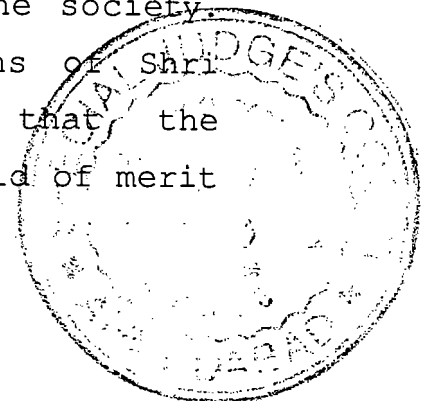


cruel under any circumstance. However, the Hon'ble Supreme Court has held that while considering as to whether the extreme sentence is required to be awarded, a Court has also to inquire and believe that the condemned accused cannot be reformed or rehabilitated and are likely to continue with the criminal acts.

109. In such circumstances, I am required to accept the submissions made by Shri Bhardwaj that a large number of the present accused, particularly accused Nos.3, 16, 25, 29, 32, 34, 37, 38, 46, 47, 50, 52, 54, 55, 59 and 66 who have been enlarged on bail pending trial, are established to be persons who had no previous antecedents and as has been pointed out by Shri Bhardwaj in the course of his submissions, such accused even after being enlarged on bail, have not committed any offence which could even remotely indicate that the accused continue to be a menace to the society as has been canvassed by Shri Kodekar while advocating his arguments for justifying award of maximum sentence to the accused herein. Again, I am also required to appreciate the submissions made by Shri Bhardwaj that it is a matter of record that even after being enlarged on bail and during the time when a large number of the eye-witnesses identified such accused as the perpetrators of such grave and serious offence, named them in the Court, identified them in the Court, then also, not a single complaint has emerged either from the victims or from the State which



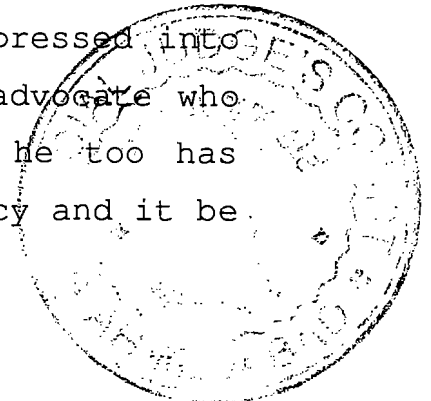
would indicate in any manner that any of the accused have even remotely directly or indirectly threatened the witnesses or have created a situation which would establish in any manner that the accused cannot be allowed to continue their existence in society or that they deserve to be awarded capital punishment. Even with respect to the accused who have been denied bail all throughout, I agree with the submissions of Shri Bhardwaj, that there is neither any complaint about any misbehaviour or criminal activity on the part of such accused within the Jail premises nor has any untoward incident taken place as and when such accused have been enlarged on temporary bail by the superior Courts, which has been done so on numerous occasions. The accused, as has been pointed out by Shri Bhardwaj, are even leading normal lives, of whom accused No.47 Dharmesh Prahladbhai Shukla has even got married during the pendency of the trial and therefore, it can be seen that while being enlarged on bail, the accused have made special efforts to integrate themselves into the main stream society and no further untoward incident involving the accused has emerged during the lengthy duration of the present proceedings. In my opinion, therefore, I cannot accept the submissions of Shri Kodekar that the accused are incapable of being reformed and are required to be treated as a menace to the society. In fact, while accepting the submissions of Shri Bhardwaj as stated above, I find that the submissions made by Shri Kodekar are devoid of merit



in this regard and in such circumstances, without any further discussion herein, I am of the opinion that while the present carnage is one of the darkest days of civil society in Gujarat, and cannot be in any manner excused or condoned, I cannot but come to the conclusion that the accused deserve a chance to reform and rehabilitate and I, therefore, propose to award the lesser punishment of imprisonment for life on the concerned accused.

110. The next question that needs to be answered as a necessary consequence of my findings above, is as to what would be the quantum of punishment required to be meted out to the accused who have been found guilty and ordered to stand convicted of having committed an offence punishable with Sec.302 of IPC read together with Sec.149 of IPC read together with other provisions under which they stand convicted.

111. The alternative submission advanced by Shri Kodekar, is *inter alia* to the effect that this Court can while imposing a sentence of life imprisonment, specify and order that life imprisonment would mean the remainder of the life of such accused, i.e. the conviction is to continue till the time of death of such convicted accused. This argument and submissions are also pressed into reliance by Shri S.M.Vora, the learned advocate who appears on behalf of the victims, and he too has said that the accused be shown no leniency and it be.

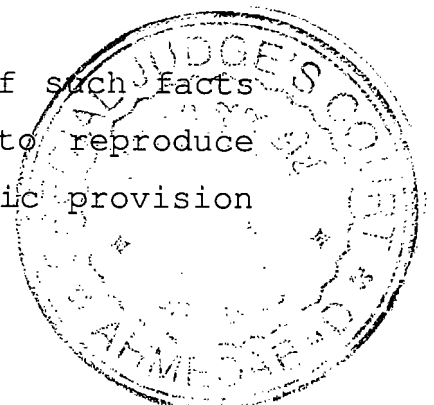


specifically provided for while deciding the quantum of punishment by this Court, that all the accused convicted of such serious offences, be sentenced to undergo imprisonment for life which means the entire remaining lifetime of such accused. The Prosecution and the learned advocate for the victims, have relied upon some judgments of the Hon'ble Supreme Court where the Hon'ble Supreme Court has clearly specified a time frame which would connote and denote the sentence of life imprisonment. The State, therefore, reiterates that in case this Court for any reasons, does not find the present offence to fall within the category of rarest of rare cases and does not deem it appropriate to award capital punishment to the concerned accused, then such specific mention be made while deciding the quantum of sentence, which would ensure that such accused remain incarcerated and serve out the sentence for the entire remainder of their life.

112. Shri Kodekar has further relied upon the definition clause contained in Sec.45 of the I.P.C., where the word "life" has been defined as follows:

"45. The word 'life' denotes the life of human being unless the contrary appears from the context."

113. It is in the background of such facts and circumstances that I am required to reproduce for the sake of convenience the specific provision

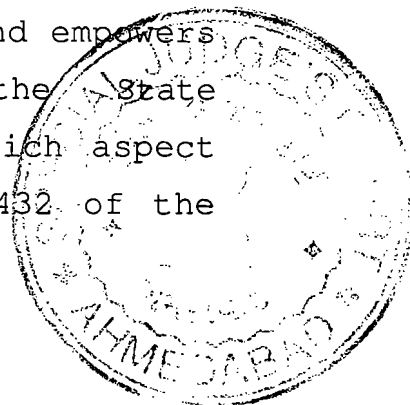


contained in Sec.302 of the I.P.C., which reads as thus:

"Punishment for murder

302. Whoever commits murder, shall be punished with death or imprisonment for life and shall also be liable to fine."

114. In the circumstances, the nature of and quantum of punishment prescribed by the present provision of Sec.302 of I.P.C. is punishment with death or punishment with imprisonment for life and a discretion is further vested on the Court with regard to imposition of fine together with or in addition to such substantive sentence. It would also be necessary to decide this vexed question to firstly reflect upon the provisions contained in Sec.433 of the Cr.P.C. where the appropriate Government, meaning either the State Government or the Central Government may, without the consent of the person sentenced, commute a sentence of death and a sentence of imprisonment for life, for imprisonment for a term not exceeding 14 years or for fine, a sentence of rigorous imprisonment, for simple imprisonment for any term which that person might have been sentenced, or for fine, and lastly a sentence of simple imprisonment. I am required to, therefore, reproduce the provisions contained in Sec.433 of the Cr.P.C. which prescribes and empowers the appropriate Government being the State Government and the Central Government which aspect is clarified in sub-section (7) of Sec.432 of the



Cr.P.C., to mean a State Government or the Central Government.

Sec.433 of Cr.P.C.

"433. The appropriate Government may, without the consent of the person sentenced, commute-

(a) a sentence of death, for any other punishment provided by the Indian Penal Code (45 of 1860);

(b) a sentence of imprisonment for life, for imprisonment for a term not exceeding fourteen years or for fine;

(c) a sentence of rigorous imprisonment, for simple imprisonment for any term to which that person might have been sentenced, or for fine;

(d) a sentence of simple imprisonment, or fine."

Sec.432, sub-section (7) of Cr.P.C.

"432. (1)

(2)

(3)

(4)

(5)

(6)

(7) In this section and in section

433, the expression 'appropriate Government' means, -



(a) in cases where the sentence is for an offence against, or the order referred to in sub-section (6) is passed under, any law relating to a matter to which the executive power of the Union extends, the Central Government;

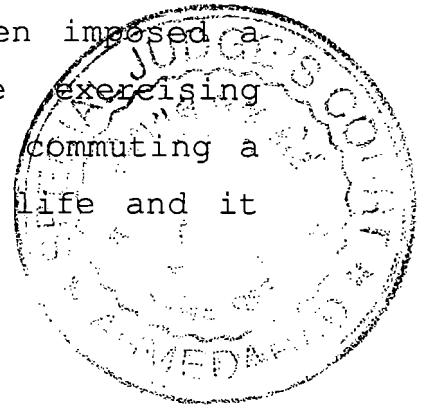
(b) in other cases, the Government of the State within which the offender is sentenced or the said order is passed."

115. The provision contained in Sec.433A however imposes a restriction on the powers of the State of remission or commutation. I am, therefore, required to reproduce the provisions contained in Sec.433A of the Cr.P.C. for the sake of convenience.

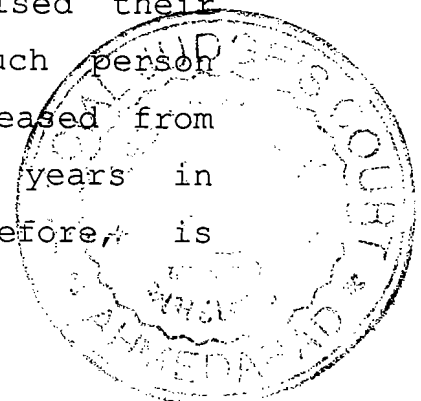
Section 433A of the Cr.P.C.

"433A. Notwithstanding anything contained in section 432, where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishments provided by law, or where a sentence of death imposed on a person has been commuted under section 433 into one of imprisonment for life, such person shall not be released from prison unless he had served at least fourteen years of imprisonment."

116. A bare reading of the said provision clearly establishes that there has been imposed a restriction on the Government while exercising powers under Sec.432 and Sec.433 while commuting a sentence of death or imprisonment for life and it



has been specified that such accused so sentenced, shall not be released from prison unless he had served at least fourteen years of imprisonment. In the circumstances, therefore, the statute provides and empowers the State Government to commute or apply principles of remission in appropriate cases. It does not mean that the State Government or the Central Government as the case may be, is required to exercise this discretion in all cases where sentence is awarded. The said provision only imposes a restriction on the State Government only in cases where it has chosen to exercise the discretion and use its powers conferred under Secs.432 and 433 to either commute or remit the sentence. This, in my opinion, would mean that the State need not exercise such discretion in all cases and if found necessary and prudent, the State which is obviously being a democratic State, would therefore, for the greater good of the people in some cases, decide not to exercise the powers and discretion vested to it under Sec.432 and 433 of the Cr.P.C. It can, therefore, be said in my opinion, that such exercise of powers by the appropriate Government is discretionary. Section 433A at the cost of repetition, however, imposes a restriction on the appropriate Government and provides that even where the appropriate Governments have exercised their powers under Secs.432 and 433, no such person convicted in such fashion, will be released from prison unless he has spent fourteen years in incarceration. Such restriction, therefore, is



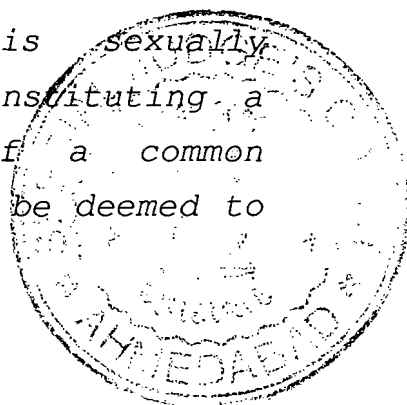
imposed by Sec.433A. However, the recent statutory amendments as reflected in the newly inserted provisions of Sec.376, clearly take away completely the power of the appropriate Government to remit or commute sentences and in fact confer jurisdiction on the Court by specifically mentioning the time frame which would cover the life imprisonment of an accused. In such circumstances, the amended provisions inserted in the I.P.C. in the form of Secs.376A, 376D and 376E are required to be reproduced which I hereby do so.

Section 376A of the I.P.C.

"376A. Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 376 and in the course of such commission inflicts an injury which causes the death of the person or causes the person to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean the remainder of that person's natural life, or with death."

Section 376D of the I.P.C.

"376D. Where a person is sexually assaulted by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to



have committed the offence of sexual assault, regardless of gender and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life and shall pay compensation to the victim which shall be reasonable to meet the medical expenses and rehabilitation of the victim.

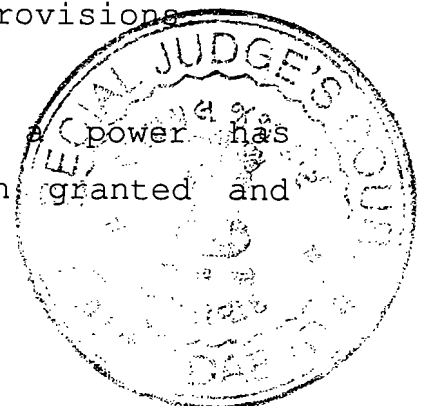
EXPLANATION:- For the purposes of this section, imprisonment for life shall mean imprisonment for the remainder of that person's natural life."

Section 376E of the I.P.C.

"376E. Whoever has been previously convicted of an offence punishable under section 376 or section 376A or section 376C or section 376D and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life, which shall mean the remainder of that person's natural life or with death."

117. It can be seen in all the three provisions which are newly inserted in Sec.376 of the I.P.C., that the words ".....imprisonment for life, which shall mean the remainder of that person's natural life" are specifically provided for and mentioned in such newly inserted provisions.

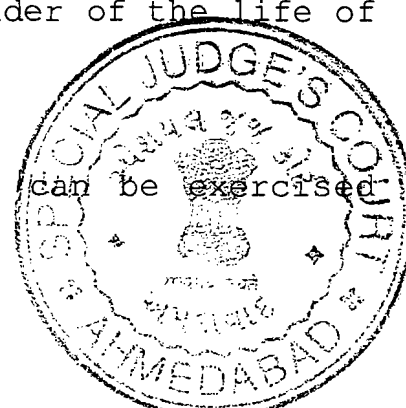
118. In such circumstances, power has been vested and discretion has been granted and



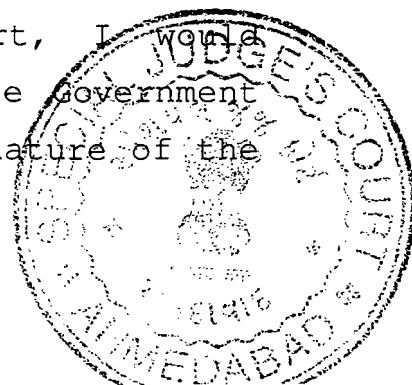
conferred upon a Court convicting a person guilty of offences punishable under Secs.376A, 376D and 376E, to specify as to whether the imprisonment for life shall mean the remainder of such convicted accused's life. Therefore, in my opinion, the clear intent of the legislature in providing for such specific terminology in the statute itself empowers a Court and in fact enjoins a duty upon the Court to specify that imprisonment for life shall mean the remainder of that person's natural life, while deciding the quantum of punishment. In my opinion, therefore, the provisions contained in Sec.302 do not specify such clear powers and no such discretion is granted to the sentencing Court whereby the Court can exercise powers to specify that life imprisonment means the remainder of the natural life of that person. In my opinion, had there been legislative intent, a suitable amendment would have necessarily followed in the provisions contained in Sec.302 also. No doubt, in some of the judgments of the Hon'ble Supreme Court cited in the course of the present submissions, i.e. in the cases of **(i) Birju and (ii) Ashok Debbarma (both supra)**, as also in the case of **Sangeet v. State of Haryana as reported in LAWS(SC)-2012-11-21**, while commuting the sentence of death to that of life imprisonment, the Hon'ble Supreme Court has specified the period of sentence to be 20 years and in other cases till the remainder of the life of the accused.

119.

However, such powers can be exercised

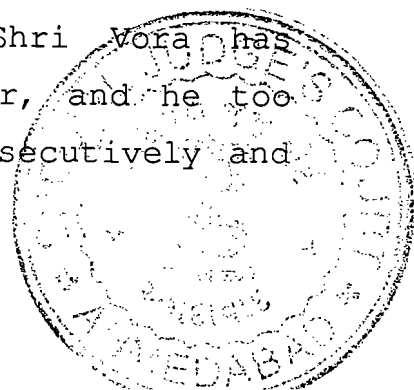


by the constitutional Courts alone while exercising inherent powers either under Sec.482 of the Cr.P.C. in the case of High Courts or exercise of extraordinary jurisdiction under Article 32 of the Constitution by the Hon'ble Supreme Court of India. In my opinion, therefore, it would be improper on the part of this Court to go beyond the provisions contained in the statute, meaning Sec.302 of the I.P.C. and by so doing, divest the appropriate Government of its statutory powers conferred under Secs.432 and 433 of the Cr.P.C. In such circumstances, therefore, I am of the clear view that this Court cannot specify in the terms the sentence of imprisonment for life to mean the remainder of the life of the accused as is sought for by the learned Spl.P.P. Shri Kodekar and by Shri Vora, the learned advocate appearing for the victims. However, while departing from this point, I am required to observe that the powers conferred in Secs.432 and 433 of the Cr.P.C. need not be exercised by the appropriate Government in all cases of convictions and if in a given case, the appropriate Government choses not to exercise such powers, then naturally imprisonment for life for such convicted accused would mean till the remainder of life of such accused. In such circumstances, while being conscious that even such recommendatory observations might not strictly fall within powers and authority vested upon this Court, I would venture to recommend to the appropriate Government that looking to the grave and serious nature of the



incident and the offence herein, the State may not exercise any such powers under Secs.432 or 433 of the Cr.P.C. as the case may be, with regard to the accused convicted herein.

120. The question that is now required to be answered at length, is as to whether the sentences imposed on all the convicted accused herein who have been found guilty of substantive and substantial offences as also ancillary offences arising out of the incident, should run consecutively or should run concurrently, and I am required to consider the submissions of Shri Kodekar and Shri Vora that the sentences to be imposed on all convicted accused, must be ordered to run consecutively and not concurrently. Shri Kodekar has in fact sought to rely on the provisions contained in Sec.31(1) of the Cr.P.C., where the Court is empowered to inflict such punishments to run consecutively, meaning one after the expiration of the other, unless a specific direction has been given by the Court that such punishments shall run concurrently. However, it is conceded that the proviso to Sec.31 clearly indicates that in no case shall such consecutive punishment run for a period longer than fourteen years. It is however, submitted that in the present circumstances, the accused be awarded consecutive sentence. However, it is required to be noted that while Shri Vora has adopted the arguments of Shri Kodekar, and he too has pressed for sentences to run consecutively and



not concurrently, I am required to observe that other than pointing out to the discretionary powers conferred on the Court under Sec.31 of the Cr.P.C., no material has been pressed into reliance in support of such submissions, either by Shri Kodekar or by Shri Vora for that matter.

121. On the other hand, Shri T.R.Bajpai, the learned advocate appearing on behalf of some of the accused, has, while interrupting the submissions made by Shri Bhardwaj, pressed into reliance a judgment of the Hon'ble Supreme Court which appears to be an unreported judgment delivered in the case of **Manoj @ Panu** in Criminal Appeal No.2063/2013 arising out of S.L.P.(Crl.) No.7707 of 2013, where the Hon'ble Supreme Court while delivering the judgment on 09/12/2013, has completely provided a contrary answer to the submissions made by Shri Kodekar and Shri Vora, and in such circumstances, I am required to negate completely the submissions made by Shri Kodekar and Shri Vora in this regard, and accept in toto the submissions made on behalf of the defence. While laying the controversy to rest, the Hon'ble Supreme Court firstly relied upon a previous judgment of the Hon'ble Supreme Court delivered in the case of **Mohd. Akhtar Hussain alias Ibrahim Ahmed Bhatti v. Asst. Collector of Customs (Prevention), Ahmedabad & Anr.** as reported in (1998) 4 SCC 183, wherein the relevant portion of the Supreme Court judgment read as thus:

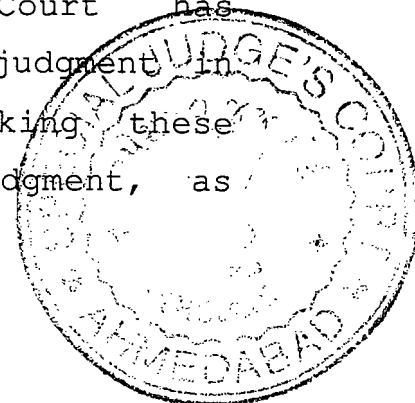


"10. The basic rule of thumb over the years has been the so called single transaction rule for concurrent sentences. If a given transaction constitutes two offences under two enactments generally, it is wrong to have consecutive sentences."

122. The Hon'ble Supreme Court further relied upon a judgment of the Hon'ble Supreme Court delivered in the case of **State of Punjab v. Madanlal** as reported in (2009) 5 SCC 238, wherein another judgment of the Hon'ble Supreme Court delivered in the case of **State of Maharashtra v. Najakat Alia Mubarak Ali** as reported in (2001) 6 SCC 311 was cited with approval, as under:-

"17. In the above context, it is apposite to point out that very often it happens, when an accused is convicted in one case under different counts of offences and sentenced to different terms of imprisonment under each such count, all such sentences are directed to run concurrently. The idea behind it is that the imprisonment to be suffered by him for one count of offence will, in fact and in effect be imprisonment for other counts as well."

123. The Hon'ble Supreme Court has thereafter clearly concluded the said judgment in **Manoj @ Panu's case (Supra)** by making these observations in paragraph No.12 of the judgment, as

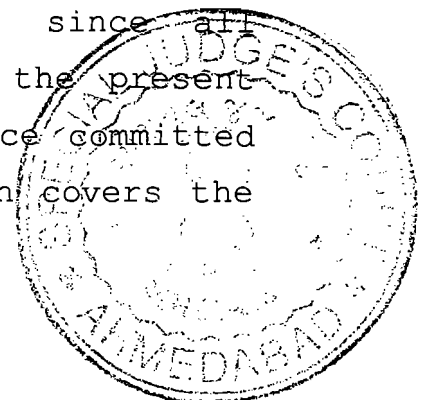


thus:-

"12. Further, having regard to the age of the appellant at the time of committing the offences, we feel it would not be just and proper to allow the sentences to run consecutively. As the offences committed by the appellant have been committed under a single transaction, [Emphasis supplied by this Court], it is well settled position of law that the sentences must run concurrently and not consecutively."

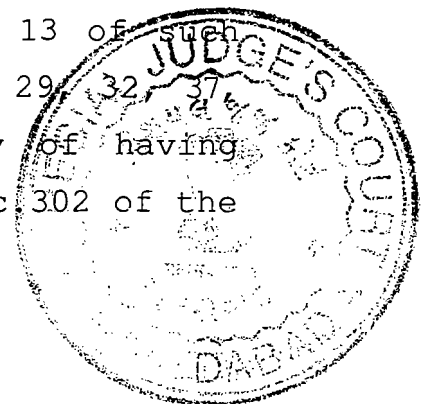
124. A further judgment of the Hon'ble Supreme Court as in the case of **Ramesh Chilwal (Supra)** has clearly laid down a ratio that when number of sentences are awarded in different offences, the sentences are required to be ordered to run concurrently.

125. Having considered the settled legal position emerging from the judgments of the Hon'ble Apex Court which is undeniably the law of the land and sacrosanct and completely binding to this Court, I am required to observe that there is no room for any doubt that the present offence in which the concerned accused have been convicted under different provisions of the I.P.C., clearly is the result and is admittedly arising out of what can be termed to be a 'single transaction' since all concerned have admittedly referred to the present proceedings as the incident and offence committed by the accused at Gulbarg Society which covers the

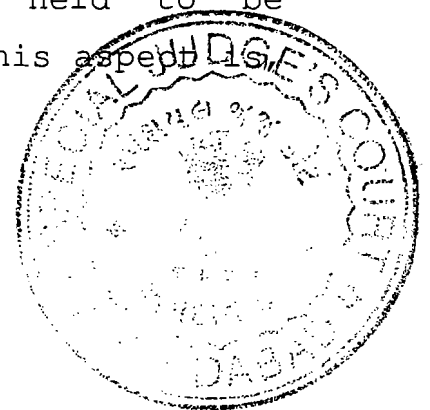


time frame from 09:00 a.m. to 06:30 p.m. on that fateful day. Therefore, reiterating the fact that the present offence could be said to be arising out of a single transaction, there is no merit, in my opinion, in the submissions made by Shri Kodekar for the State or Shri S.M.Vora for the victims, that the sentences are required to be directed to run consecutively. In my opinion, therefore, this question also is appropriately answered and disposed of, and I clearly specify that I intend to direct that the sentences of all accused in each of the provisions that they stand convicted, shall run concurrently.

126. The last aspect required to be considered is as to whether by finding most of the convicted accused guilty under Sec.149 of the I.P.C., are all accused required to be conferred the same quantum of punishment as is urged by Shri Kodekar and Shri S.M.Vora. I do not wish to dwell at length on this aspect, but in light of my findings herein before that while the provisions contained in Sec.141 which define as to what constitutes an unlawful assembly and the provisions following thereafter including the provisions contained in Sec.149, apply to most of the accused who stand convicted under such provisions, is well established, I have chosen not to hold 13 of such accused being accused Nos.3, 16, 21, 25, 29, 32, 37, 38, 47, 50, 52, 59 and 66 not guilty of having committed an offence punishable under Sec.302 of the



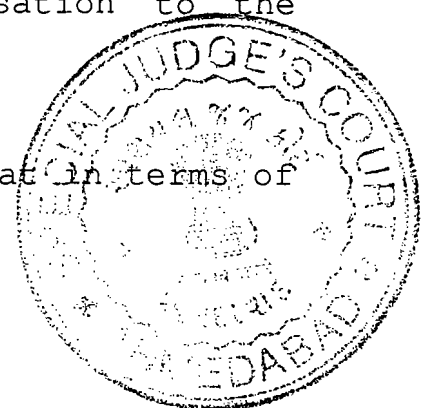
I.P.C. In fact, in light of my earlier findings which I need not repeat at length, I have held that there was not one single unlawful assembly formed with a common intent and knowledge by all the accused involved herein, of which the present convicted accused only formed a minuscule and microscopic strength since it is the case of the Prosecution as also the victims where even at the present juncture, Shri S.M.Vora in submitting his written arguments, has pointed out with regard to a presence of a mob of about 10000 strong, of which unfortunately the State has been able to hold only 66 accused as responsible, of whom accused No.57 is admittedly not a member of the mob, but was a Police Officer in charge of the area where the offence has taken place. In such circumstances, when I have held the accused to be members of distinct and separate unlawful assemblies and having distinct and separate common intentions and knowledge, it would be improper on the part of this Court to hold all the accused guilty of the substantive offences only on account of the fact of their being found guilty under the provisions contained in Sec.149 of the I.P.C. In my opinion, therefore, such submissions made on behalf of the State as well as the victims are also required to be negated and the submission made by Shri Bhardwaj in this regard as is reflected herein before, is required to be held to be accepted. In the circumstances, even this aspect is, in my opinion, accordingly answered.



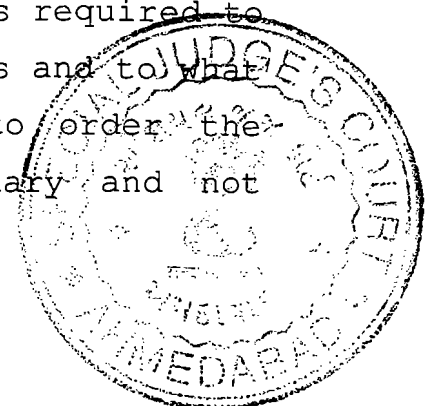
127. Consequent to the submissions made by Shri Kodekar with regard to accused No.1 Kailash Dhobi and the submissions made on behalf of the Prosecution that further orders with regard to the fate of accused No.1 Kailash Dhobi be kept in abeyance in light of the fact that the accused is absconding and has violated his temporary bail granted by the Hon'ble High Court of Gujarat, has now become infructuous and is not required to be addressed in light of the fact that the accused No.1 Kailash Dhobi surrendered before this Court on 13/06/2016 and was ordered to be taken into custody to serve out the sentence, and therefore, there is no need to keep in abeyance the quantum of sentence required to be awarded to accused No.1 Kailash Dhobi.

128. Again, another submission made by Shri S.M.Vora, the learned advocate appearing on behalf of the victims/witnesses, is *inter alia* to the effect that since it is provided under the statute, more particularly under Sec.357 and under Sec.357A of the Cr.P.C., this Court do hereby award to the victims compensation from the convicted accused. However, the quantum of compensation sought to be awarded is not specified and only a submission is made with regard to passing orders under Sec.357 and Sec.357A of the Cr.P.C. for compensation to the victims.

129. I am required to note that in terms of



Exh.2070, which are produced by the State in compliance with the directions of this Court, a Government Resolution dated 23/04/2002 has firstly awarded an amount of Rs.1,50,000/- to the family members of the victims who met with an unfortunate and fatal end in the incidents that took place all over Gujarat at the relevant time. A further Government Resolution dated 24/09/2007 has also been produced where such compensation to the kin of the deceased victims was further enhanced by Rs.3,50,000/- in case of each death of a victim and therefore, the family members i.e. the surviving family members of such deceased victim, were paid compensation to the tune of Rs.5,00,000/- for each death in any incident. The injured victims themselves, by the same G.R., were paid an amount of Rs.1,25,000/- and an annexure to the said G.R. clearly indicates that compensation in terms of the amounts specified against each victim who had sustained damages to property, was also paid over by the State under the provisions of the G.R. In my opinion, therefore, it would be improper to direct the State Government under Sec.357A of the Cr.P.C. to pay any further amount of compensation. As far as an order to pay compensation to the victims by exercise of powers under Sec.357 of the Cr.P.C. is concerned, I am of the opinion that it is difficult to specify as to which of the accused is required to pay compensation to which of the victims and to what extent. In any case, the provision to order the payment of compensation is discretionary and not



mandatory and in such circumstances, looking to the complexity of the proceedings herein, I am of the clear opinion that it would be difficult to quantify compensation and specify as to which of the accused is required to pay compensation to which of the victims and therefore, in such circumstances, I negate the submission seeking an order directing the accused to pay compensation to the victims.

130. In the circumstances and keeping in mind the law of the land laid down by the Hon'ble Supreme Court in its numerous judgments which have been discussed herein before, and also looking to the fact that the accused, at the cost of repetition, have faced a trauma of this trial for which they have been incarcerated in some cases for more than 10 years and since all the accused have been facing the trauma of this trial for an incident that took place in the year 2002, and also looking to the fact that post enlargement on bail/temporary bail, there has been no complaint of any offence being committed by the accused and also looking to the various factors like age and other mitigating circumstances, I impose the quantum of punishment upon the convicted accused as per following details:-

Order

The **accused No.1 Kailash Lalchand Dhobi** is hereby ordered to undergo imprisonment as specified herein below:-

- 1) **Rigorous imprisonment for life for the**



offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **10 (ten)** years for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment** for **07 (seven)** years for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment** for **07 (seven)** years for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment** for **05 (five)** years for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment** for **05 (five)** years for the offence punishable under Sec.449 of the I.P.C.

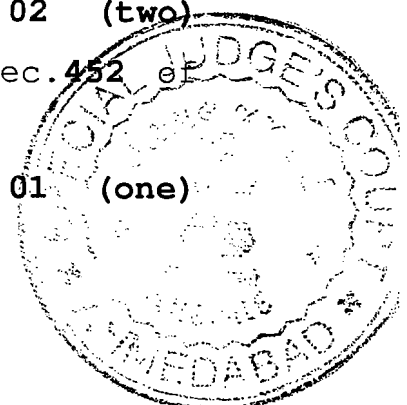
7) **Rigorous imprisonment** for **04 (four)** years for the offence punishable under Sec.307 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** years for the offence punishable under Sec.435 of the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** years for the offence punishable under Sec.436 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two)** years for the offence punishable under Sec.452 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)**



year for the offence punishable under Sec.147 of the I.P.C.

12) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.148 of the I.P.C.

13) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.295 of the I.P.C.

14) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

15) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.427 of the I.P.C.

16) Rigorous imprisonment for 06 (six) months for the offence punishable under Sec.332 of the I.P.C.

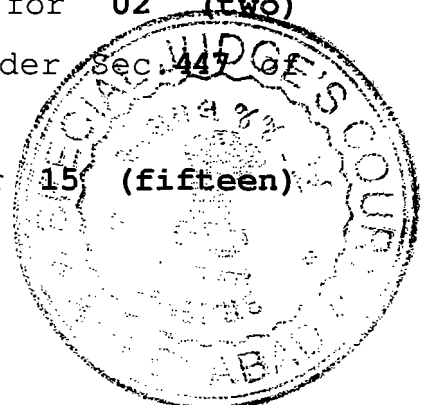
17) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.337 of the I.P.C.

18) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

20) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

21) Simple imprisonment for 15 (fifteen)



days for the offence punishable under Sec.188 of the I.P.C.

22) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.1 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.2 Yogendrasinh @ Lalo Mohansinh Shekhawat** is hereby ordered to undergo imprisonment as specified herein below:-

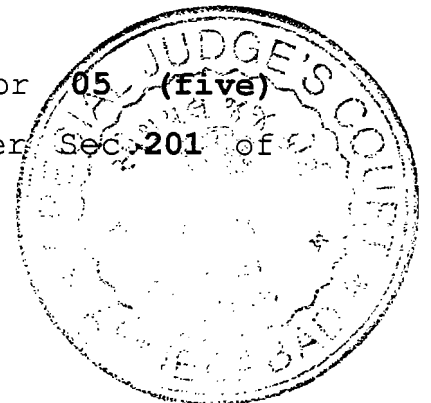
1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.397 of the I.P.C.

4) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.398 of the I.P.C.

5) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.201 of the I.P.C.



6) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under **Sec.449** of the I.P.C.

7) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under **Sec.435** of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under **Sec.436** of the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under **Sec.452** of the I.P.C.

10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.147** of the I.P.C.

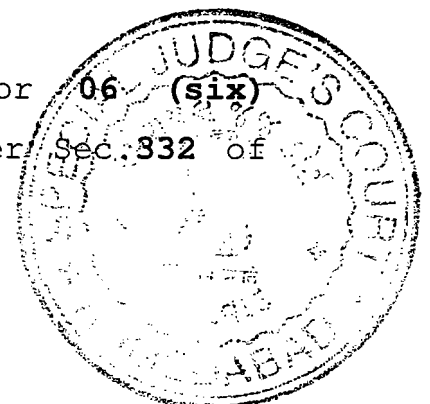
11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.148** of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.295** of the I.P.C.

13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.153(A) (1) (a) (b)** of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.427** of the I.P.C.

15) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under **Sec.332** of the I.P.C.



16) **Rigorous imprisonment for 03 (three) months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment for 03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

19) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

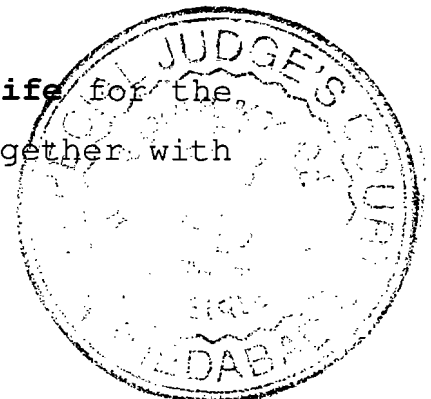
20) **Simple imprisonment for 15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

21) **Imprisonment for 06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.2 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.14 Jayeshkumar @ Gabbar Madanlal Jinger** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for life** for the offence punishable under Sec.302 read together with



Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for 10 (ten) **years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment** for 07 (seven) **years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment** for 07 (seven) **years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment** for 05 (five) **years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment** for 05 (five) **years** for the offence punishable under Sec.449 of the I.P.C.

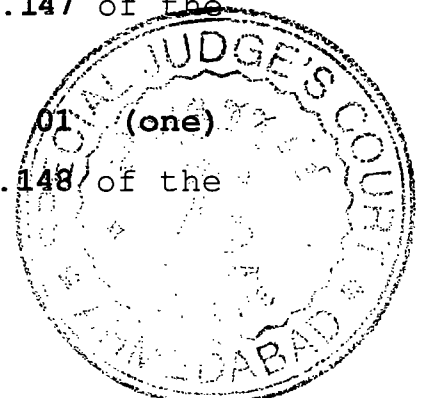
7) **Rigorous imprisonment** for 02 (two) **years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment** for 02 (two) **years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment** for 02 (two) **years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.148 of the



I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.295** of the I.P.C.

13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.153(A) (1) (a) (b)** of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.427** of the I.P.C.

15) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under **Sec.332** of the I.P.C.

16) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under **Sec.337** of the I.P.C.

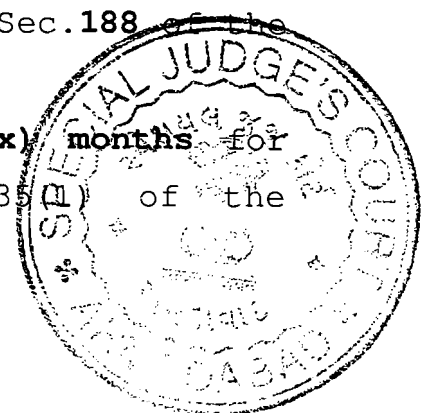
17) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under **Sec.143** of the I.P.C.

18) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under **Sec.186** of the I.P.C.

19) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under **Sec.447** of the I.P.C.

20) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under **Sec.188** of the I.P.C.

21) **Imprisonment** for **06 (six)** **months** for the offence punishable under **Sec.135** of the



Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.14 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.34 Krishnakumar @ Krishna (son of Champaben)** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for life** for the offence punishable under **Sec.302** read together with **Sec.149** of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under **Sec.396** of the I.P.C.

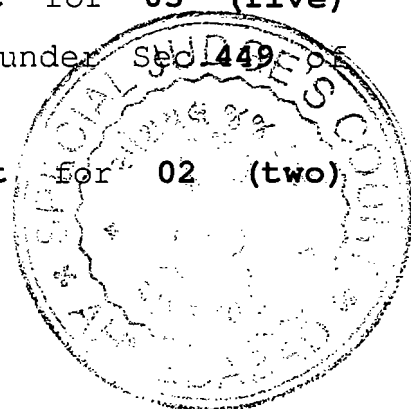
3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under **Sec.397** of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under **Sec.398** of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under **Sec.201** of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under **Sec.449** of the I.P.C.

7) **Rigorous imprisonment for 02 (two)**



years for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.295 of the I.P.C.

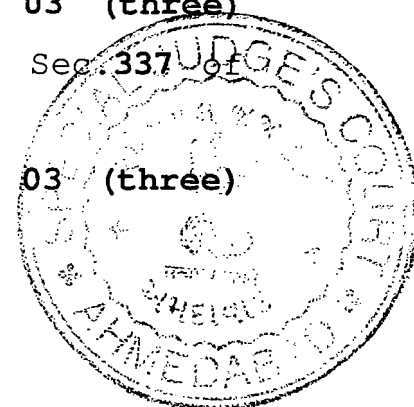
13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three)**



months for the offence punishable under Sec.143 of the I.P.C.

18) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

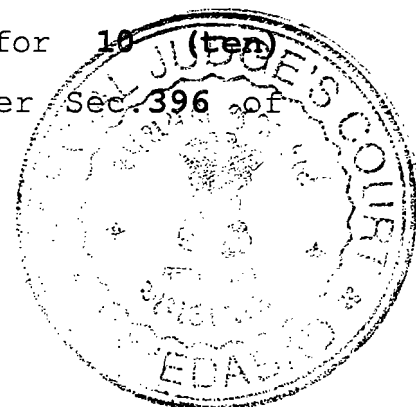
21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.34 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.41 Jayesh Ramjibhai Parmar** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.



3) **Rigorous imprisonment** for **07 (seven)** **years** for the offence punishable under **Sec.397** of the I.P.C.

4) **Rigorous imprisonment** for **07 (seven)** **years** for the offence punishable under **Sec.398** of the I.P.C.

5) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under **Sec.201** of the I.P.C.

6) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under **Sec.449** of the I.P.C.

7) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under **Sec.435** of the I.P.C.

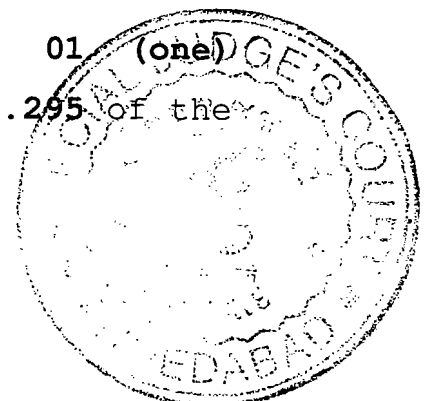
8) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under **Sec.436** of the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under **Sec.452** of the I.P.C.

10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.147** of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.148** of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.295** of the I.P.C.



13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

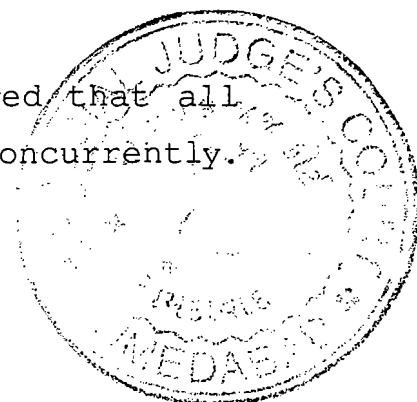
18) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

19) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

20) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

21) **Imprisonment** for **06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently.



The time spent by the accused No.41 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The accused No.42 Raju @ Mamo Ramavtar Tiwari is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for life** for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

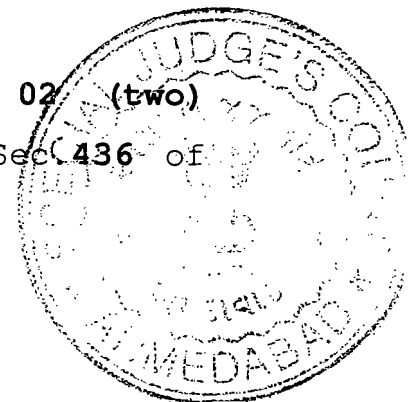
4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of



the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

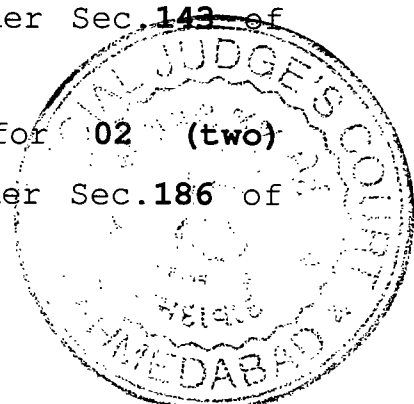
14) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of



the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.42 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.43 Naran Sitaram Tank @ Naran Channelwalo @ Naran Kodhiyo** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.397 of the I.P.C.

4) Rigorous imprisonment for 07 (seven)



years for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

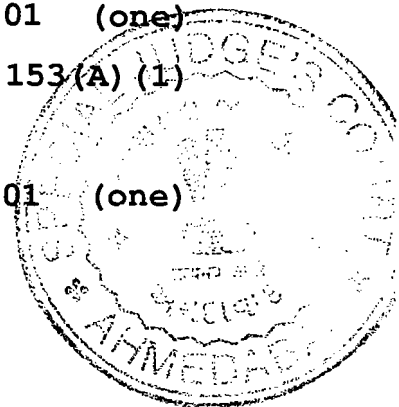
10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)**



year for the offence punishable under Sec.427 of the I.P.C.

15) Rigorous imprisonment for 06 (six) months for the offence punishable under Sec.332 of the I.P.C.

16) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.337 of the I.P.C.

17) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

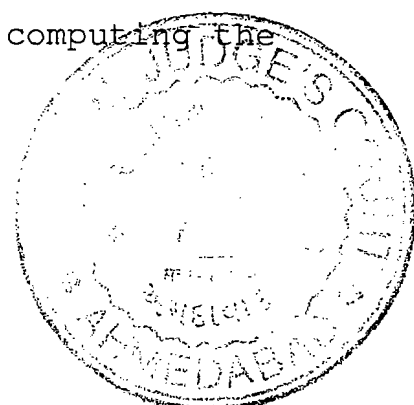
18) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.43 in judicial custody is ordered to be set off while computing the total quantum of sentences.



The accused No.46 Lakhansing @ Lakhiyo Lalubhai Chudasama is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for life** for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

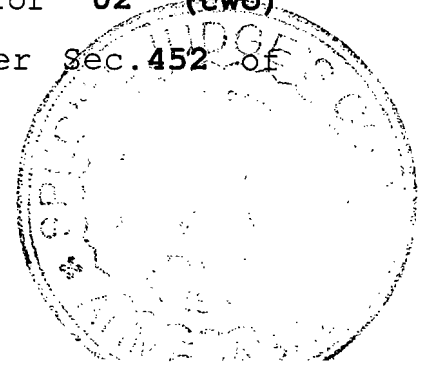
5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.



10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

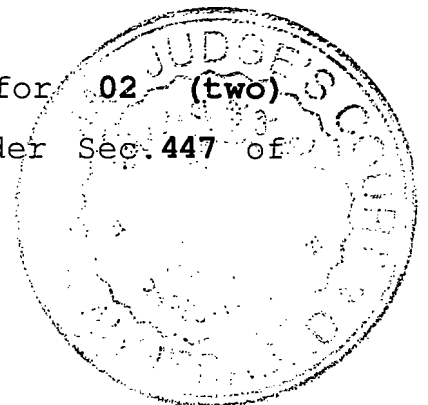
15) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

19) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.



20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.46 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.54 Bharat @ Bharat Taili Shitlaprasad** is hereby ordered to undergo imprisonment as specified herein below:-

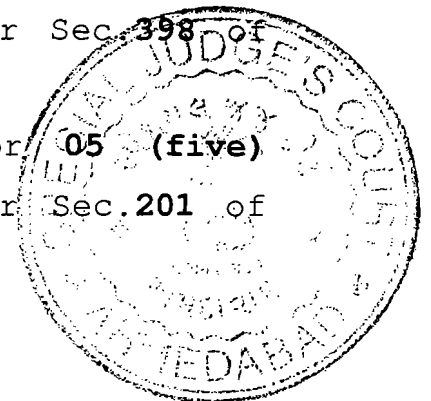
1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.397 of the I.P.C.

4) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.398 of the I.P.C.

5) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.201 of



the I.P.C.

6) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

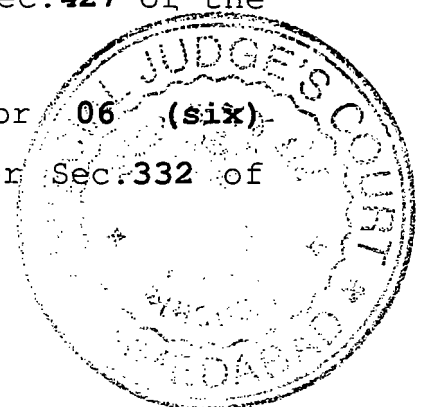
11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under Sec.332 of



the I.P.C.

16) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.337 of the I.P.C.

17) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

18) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

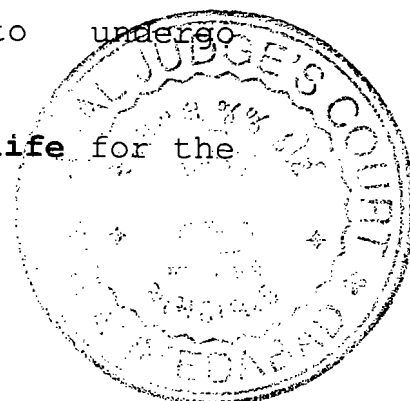
20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.54 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.55 Bharat Laxmansinh Goud Rajput** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the



offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

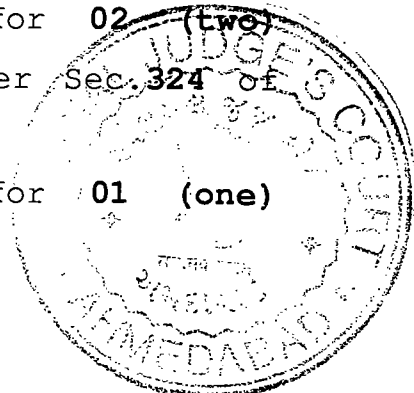
7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.324 of the I.P.C.

11) **Rigorous imprisonment for 01 (one)**



year for the offence punishable under Sec.323 of the I.P.C.

12) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.147 of the I.P.C.

13) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.148 of the I.P.C.

14) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.295 of the I.P.C.

15) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

16) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.427 of the I.P.C.

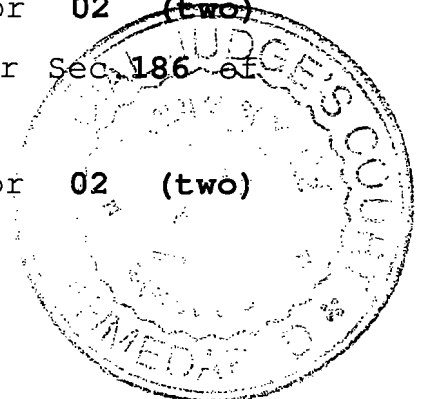
17) Rigorous imprisonment for 06 (six) months for the offence punishable under Sec.332 of the I.P.C.

18) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.337 of the I.P.C.

19) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

20) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

21) Rigorous imprisonment for 02 (two)



months for the offence punishable under Sec.447 of the I.P.C.

22) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

23) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.55 in judicial custody is ordered to be set off while computing the total quantum of sentences.

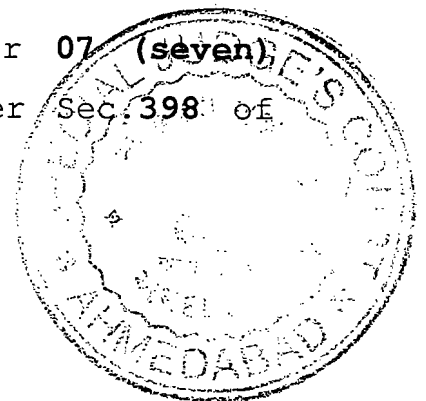
The **accused No.63 Dinesh Prabhudas Sharma** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.397 of the I.P.C.

4) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.398 of the I.P.C.



5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

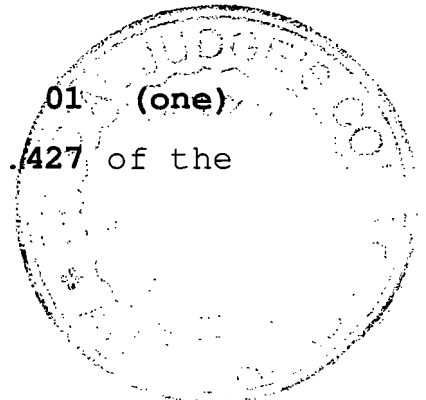
10) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

14) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.



15) **Rigorous imprisonment** for **06 (six)** months for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three)** months for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three)** months for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment** for **02 (two)** months for the offence punishable under Sec.186 of the I.P.C.

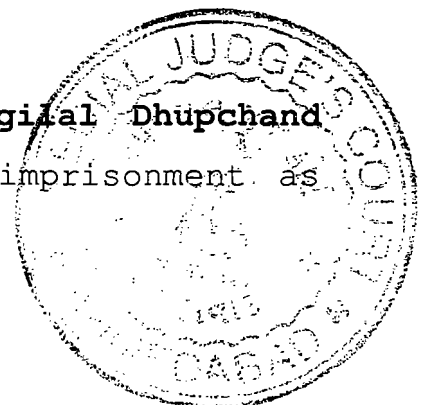
19) **Rigorous imprisonment** for **02 (two)** months for the offence punishable under Sec.447 of the I.P.C.

20) **Simple imprisonment** for **15 (fifteen)** days for the offence punishable under Sec.188 of the I.P.C.

21) **Imprisonment** for **06 (six)** months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.63 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.25 Mangilal Dhupchand Jain** is hereby ordered to undergo imprisonment as



specified herein below:-

1) **Rigorous imprisonment** for **10 (ten)** **years** for the offence punishable under Sec.307 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.449 of the I.P.C.

3) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.436 of the I.P.C.

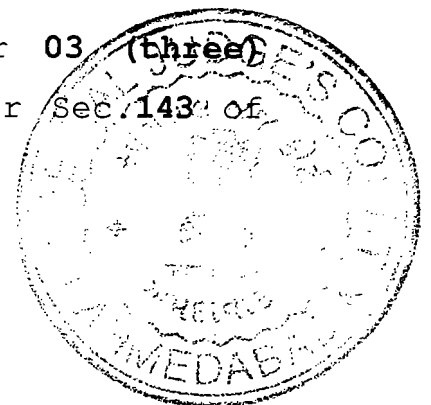
5) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.



10) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

12) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

13) **Imprisonment** for **06 (six)** **months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

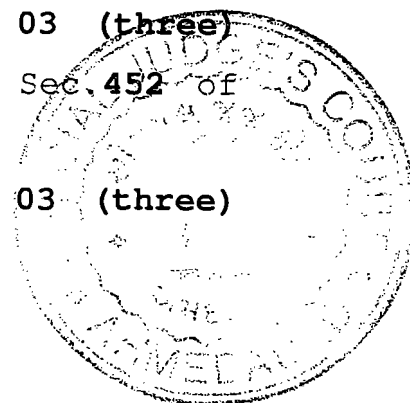
It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.25 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.3 Surendrasinh @ Vakil Digvijaysinh Chauhan** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment** for **07 (seven)** **years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **03 (three)** **years** for the offence punishable under Sec.452 of the I.P.C.

3) **Rigorous imprisonment** for **03 (three)**



years for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A)(1) (a) (b) of the I.P.C.

7) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

9) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.3 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.16 Dilip @ Kalu Chaturbhai Parmar** is hereby ordered to undergo imprisonment as specified herein below:-



1) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.435 of the I.P.C.

3) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.452 of the I.P.C.

4) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

5) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

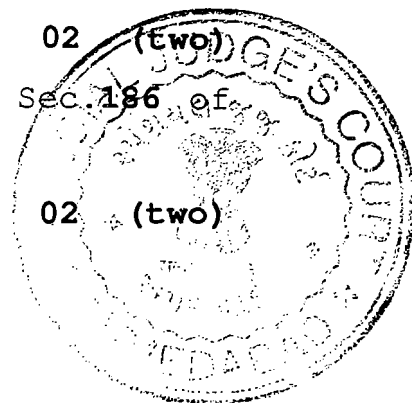
6) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

7) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

8) **Rigorous imprisonment for 03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

10) **Rigorous imprisonment for 02 (two)**



months for the offence punishable under Sec.447 of the I.P.C.

11) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

12) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.16 in judicial custody is ordered to be set off while computing the total quantum of sentences.

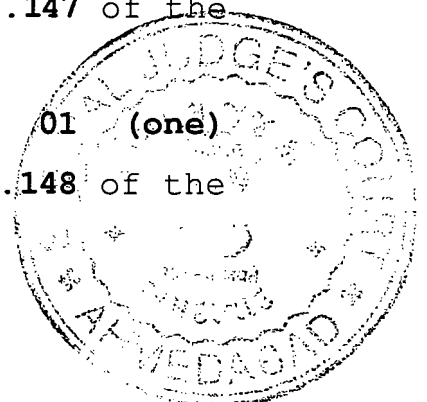
The **accused No.21 Sandip @ Sonu Ghunghruwaalwalo Ramprakash Mehra (Punjabi)** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.435 of the I.P.C.

3) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.147 of the I.P.C.

4) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.148 of the



I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under **Sec.153(A) (1) (a) (b)** of the I.P.C.

6) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under **Sec.332** of the I.P.C.

7) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under **Sec.143** of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under **Sec.186** of the I.P.C.

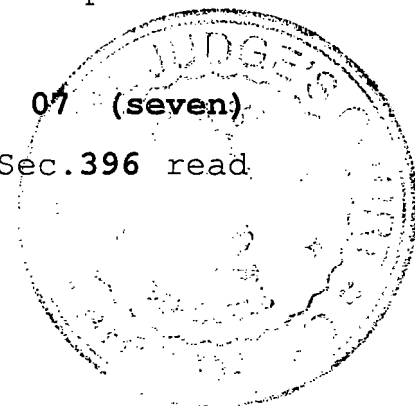
9) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under **Sec.188** of the I.P.C.

10) **Imprisonment** for **06 (six)** **months** for the offence punishable under **Sec.135(1)** of the **Bombay Police Act**.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.21 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.29 Mukesh Pukhraj Sankhla** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment** for **07 (seven)** **years** for the offence punishable under **Sec.396** read



together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **07 (seven)** **years** for the offence punishable under Sec.397 of the I.P.C.

3) **Rigorous imprisonment** for **07 (seven)** **years** for the offence punishable under Sec.398 of the I.P.C.

4) **Rigorous imprisonment** for **07 (seven)** **years** for the offence punishable under Sec.436 of the I.P.C.

5) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.449 of the I.P.C.

6) **Rigorous imprisonment** for **03 (three)** **years** for the offence punishable under Sec.435 of the I.P.C.

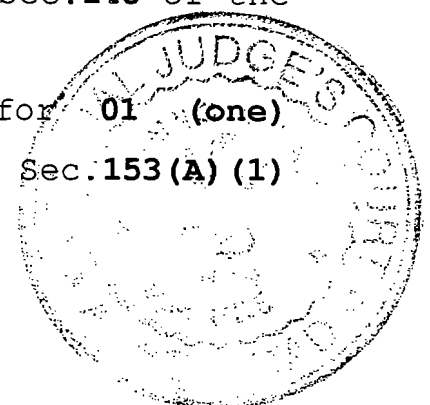
7) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

9) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1)



(a) (b) of the I.P.C.

12) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

13) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

14) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

15) **Simple imprisonment** for **15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

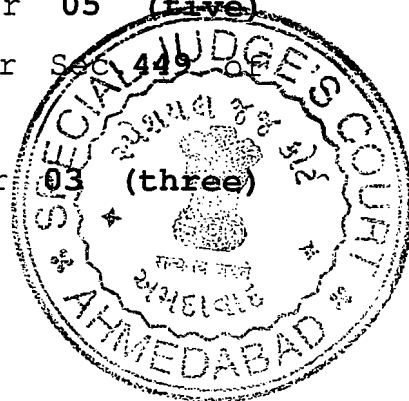
It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.29 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.32 Ambesh Kantilal Jinger** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment** for **07 (seven) years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

3) **Rigorous imprisonment** for **03 (three)**



years for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

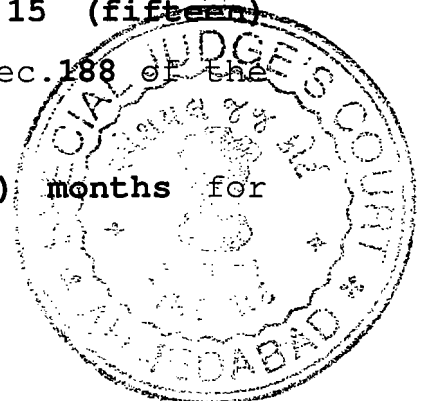
9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

12) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

13) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

14) **Imprisonment** for **06 (six)** **months** for



the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.32 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The accused No.37 Prakash @ Kali Khengarji Padhiyar is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.147 read together with Sec.149 of the I.P.C.

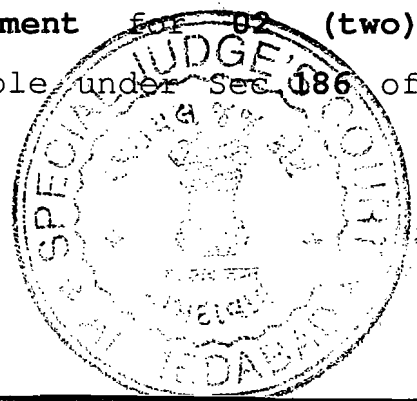
2) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.148 of the I.P.C.

3) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

4) Rigorous imprisonment for 06 (six) months for the offence punishable under Sec.332 of the I.P.C.

5) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

6) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.



7) **Simple imprisonment for 15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.37 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.38 Manish Prabhulal Jain** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

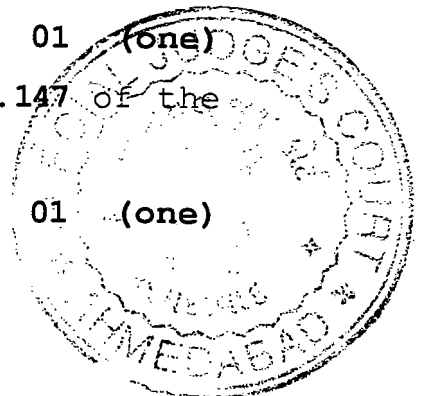
2) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.435 of the I.P.C.

3) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.452 of the I.P.C.

4) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

5) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

6) **Rigorous imprisonment for 01 (one)**



year for the offence punishable under Sec.148 of the I.P.C.

7) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

8) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

9) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

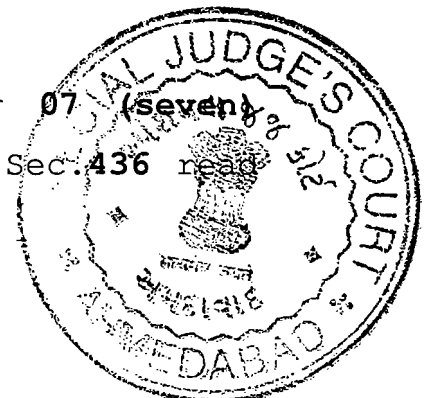
10) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

11) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.38 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.47 Dharmesh Prahladbhai Shukla** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (Seven) years for the offence punishable under Sec.436 read



together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.449 of the I.P.C.

3) **Rigorous imprisonment** for **03 (three)** **years** for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment** for **03 (three)** **years** for the offence punishable under Sec.452 of the I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

11) **Rigorous imprisonment** for



months for the offence punishable under Sec.186 of the I.P.C.

12) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.47 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.50 Kapil Devnarayan @ Munnabhai Mishra** is hereby ordered to undergo imprisonment as specified herein below:-

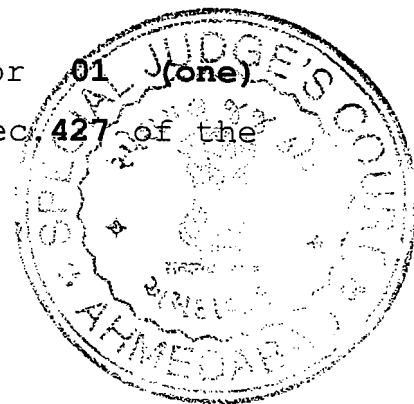
1) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.449 of the I.P.C.

3) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.435 of the I.P.C.

4) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.452 of the I.P.C.

5) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.427 of the I.P.C.



6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

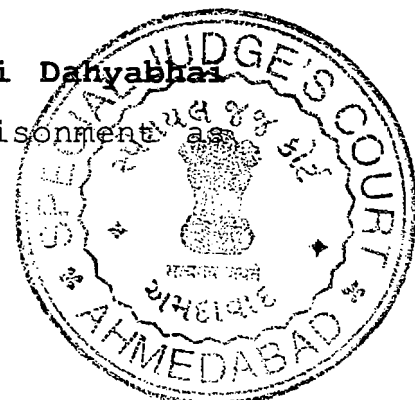
10) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

12) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.50 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.52 Suresh @ Kali Danyabhai Dhobi** is hereby ordered to undergo imprisonment as specified herein below:-



1) **Rigorous imprisonment** for **07 (seven)** **years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **03 (three)** **years** for the offence punishable under Sec.435 of the I.P.C.

3) **Rigorous imprisonment** for **03 (three)** **years** for the offence punishable under Sec.452 of the I.P.C.

4) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

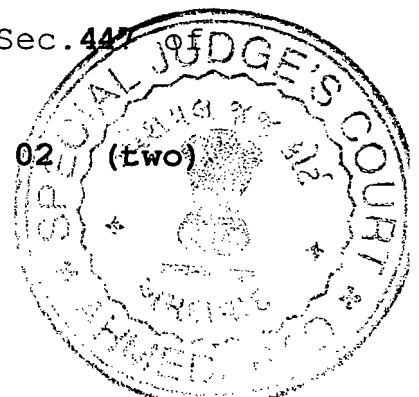
6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

8) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two)**



months for the offence punishable under Sec.186 of the I.P.C.

11) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

12) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.52 in judicial custody is ordered to be set off while computing the total quantum of sentences.

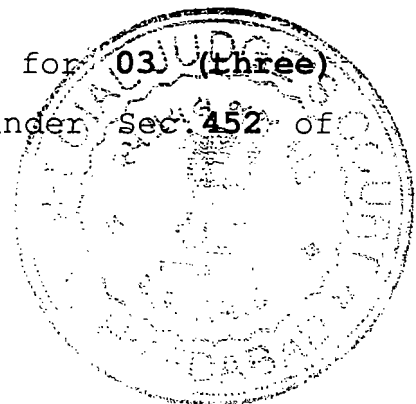
The **accused No.59 Atul Indravadan Vaid** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.449 of the I.P.C.

3) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.435 of the I.P.C.

4) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.452 of the I.P.C.



5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A) (1) (a) (b) of the I.P.C.

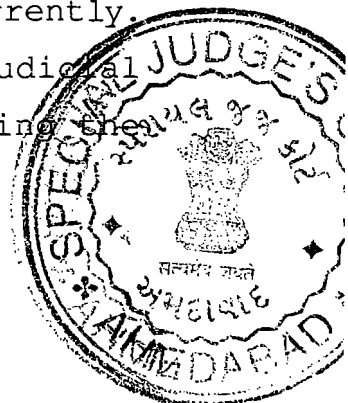
9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

12) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.59 in judicial custody is ordered to be set off while computing the total quantum of sentences.



The **accused No.66 Babu Hastimal Marwadi** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (seven) years for the offence punishable under **Sec.436** read together with **Sec.149** of the I.P.C.

2) Rigorous imprisonment for 05 (five) years for the offence punishable under **Sec.449** of the I.P.C.

3) Rigorous imprisonment for 03 (three) years for the offence punishable under **Sec.435** of the I.P.C.

4) Rigorous imprisonment for 03 (three) years for the offence punishable under **Sec.452** of the I.P.C.

5) Rigorous imprisonment for 01 (one) year for the offence punishable under **Sec.427** of the I.P.C.

6) Rigorous imprisonment for 01 (one) year for the offence punishable under **Sec.147** of the I.P.C.

7) Rigorous imprisonment for 01 (one) year for the offence punishable under **Sec.148** of the I.P.C.

8) Rigorous imprisonment for 01 (one) year for the offence punishable under **Sec.153(A)(1)** **(a) (b)** of the I.P.C.



9) **Rigorous imprisonment** for **03 (three)** months for the offence punishable under Sec.143 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two)** months for the offence punishable under Sec.447 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)** months for the offence punishable under Sec.186 of the I.P.C.

12) **Simple imprisonment** for **15 (fifteen)** days for the offence punishable under Sec.188 of the I.P.C.

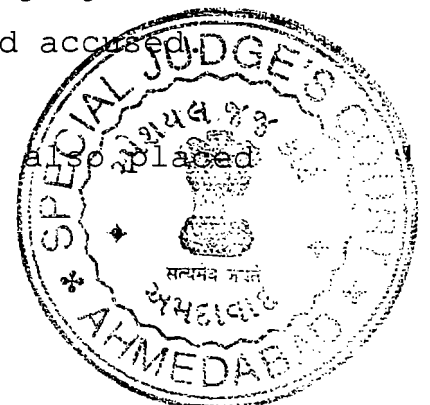
13) **Imprisonment** for **06 (six)** months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.66 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The muddamal articles are ordered to be appropriately disposed of after expiry of the appeal period.

Certified copies of this judgment be supplied immediately to all the convicted accused.

A copy of this judgment be also placed



with the record and proceedings of each of the connected Sessions Cases.

Dictated and pronounced in the open Court on this 17th day of June, 2016.

Sd/-

City Sessions Court,
Ahmedabad.

Date: 17/06/2016

(Pranav Bhadramukh Desai)
Special Judge, Designated Court
for speedy trial of riot cases
(Gulbarg Society), Ahmedabad.
Unique ID Code No.GJ00004

*ashwin

.....End of Judgment.

*ashwin

