

**IN THE COURT OF
PRINCIPAL DISTRICT & SESSIONS JUDGE
AHMEDABAD (RURAL) @ AHMEDABAD.**

GUJCTOC CASE NO. 14 OF 2021

State of Gujarat

.....Complainant

VERSUS

Sabbir Ahmed Nagori

....Applicant/Accused No.3

Sub: Application seeking discharge from the offence.

Appearance:

Mr.Arjundev Zala Ld. Advocate for the Applicant/accused
Mr. B.N. Limbachiya, Learned Spl.PP for Opponent-State.

ORDER BELOW DISCHARGE APPLICATION EXH.25

1. The applicant/accused has preferred this application U/s 227 of Cr.P.C. seeking discharge in connection with offence registered vide FIR CR No.11217030210939 of 2021 registered with Siddhpur Police Station, District Patan for the offence u/s 3(1)(i), 3(1)(ii), 3(2), 3(3), 3(4) of Gujarat Control of Terrorism and Organized Crime Act, 2015 (in short "GujCTOC Act").

2. Ld. Advocate Mr.Arjundev Zala on behalf of the applicant – accused No.3 Sabbir Ahmed Narogi submits that the applicant/accused is charge sheeted for the offences u/s 3(1)(i), 3(1)(ii), 3(2), 3(3), 3(4) of GujCTOC Act. As per the

prosecution, the applicant and other accused persons are operating as organized crime syndicate since last 10 years under main accused No.1, Mayuddin Akbarmiya Saiyed. The members of syndicate indulged in unlawful activities including use of deadly weapons, fire arms to attack civilians, murder, attempt to murder, abduction, extortion, robbery, criminal intimidation and by indulging in such unlawful activities, the members of the syndicate are creating terrorism in the society. So far as the present applicant/accused is concerned, he is sought to be implicated on the basis of two cases registered against him as accused person, which pertains to the year 2016, the details of the offences are as under:

Sr. No.	FIR No. & Police Station	Offence
1.	No. 2/16 with Siddhpur Police Station	307, 147, 148, 149, 504, 323, 506(2) of IPC, Sec. 25(1), 27 of Arms Act and Sec.135 of GP Act.
2.	No.98/16 with Siddhpur Police Station.	504, 506(2), 114 of IPC and Sec. 135 of GP Act.

It is submitted that in the first FIR being FIR No. 2/2016, the applicant was not even named in the FIR and role is limited to the extent that his Car was used by the other co-accused persons in commission of the said offence. The applicant was not present at the place of incident when the other co-accused persons are alleged to have committed the offence. The second FIR i.e. FIR No.98/2016 is filed by the very same

complainant of 1st FIR No.2/2016 alleging that thereat was given to him wherein applicant/accused was granted anticipatory bail. The said FIR was converted in Criminal Case No.267/2017 wherein, after trial, the applicant is acquitted of all the charges vide judgment dated 2/11/2022. The said judgment has not been challenged by the prosecution and has attained finality. It is submitted that except these 2 FIRs, which are of the year 2016, there is not a single case registered against him or any complaint, in any Court, to show that the applicant has continued his unlawful activity as member of the syndicate. The basic ingredients of offence of continuing unlawful activity is defined u/s 2(c) of GujCTOC Act. Considering the said provision that the basis of 2 FIRs made by the prosecution to invoke GujCTOC is totally misconceived and malafide. There is no iota of evidence in the entire chargesheet of the present case to even remotely suggest that the alleged 2 FIRs, in which applicant/accused is acquitted in one case, can be considered as an offence committed by the applicant as member of organized crime syndicate. Merely because in the 2 FIRs of the year 2016 contains name of other co-accused against whom many other offences are registered, the applicant cannot be said that he has continued his unlawful activity with the syndicate. Even in the FIR No.2/2016, the allegations against the applicant is to the effect that his Car was used by co-accused persons and reading the FIR of the said case it nowhere states that the present applicant had abetted or conspired with the other co-accused persons so as to bring the applicant's role as member of syndicate indulged in committing organized crime. The

main allegations of the prosecution are to the effect that main co-accused No.1 through his family members is indulged in committing syndicate offences. The present applicant is not family member of accused no.1. The offences which are mentioned in the present case are against the main accused no.1 Mayuddin Akbarmiya Saiyed which is on the basis of personal enmity and cannot be considered as offence of organized crime syndicate. It is stated that GujCTOC Act came into force on 1/12/2019. The offence registered against the present applicant is of the year 2016 and these offences cannot be taken into consideration which are prior to GujCTOC Act having come into force. FIR of the present case is registered in 2021 under GujCTOC offence without there being any iota of evidence to show or prima facie believe that after 2016 the applicant has continued his unlawful activities. It is vehemently submitted that there is not a single offence registered against the applicant after GujCTOC Act having come into effect i.e. 1/12/2019 and on this ground also and there been no any other offence registered against the applicant/accused or anything revealing his involvement of continuing unlawful activity as a syndicate of the organized crime syndicate, the applicant cannot be charged for GujCTOC offence. Except these 2 offences as alleged by the prosecution, the other offences which are registered against the co-accused persons do not reveal or mention the name of the applicant/accused nor there is any evidence to point out that present applicant/accused as a syndicate was involved or abetted the other co-accused persons.

2.1 Ld. Advocate Mr. Arjundev Zala has placed reliance on the decision of Hon'ble Apex Court in the case of **State of Gujarat vs Sandip Omprakash Gupta, 2022 (0) AIJEL SC 70227, more particularly para 51(f) and 51(g)** to contend that provision of GujCTOC would not get attracted so far as present applicant is concerned. It is accordingly, urged to discharge the applicant/accused from the offence.

3. Ld Spl. Public Prosecutor Mr. B.N. Limbachiya has opposed the discharge application. It is stated that applicant is charged for the offence u/s 3(1)(i), 3(1)(ii), 3(2), 3(3), 3(4) of GujCTOC Act. As per the prosecution case accused persons through their organized crime syndicate have indulged into various offences of attempt to murder, Arms Act and Fire arms Act, attempt to murder, extortion, loot, damage to the properties, attacking government officers, forming unlawful assembly, etc. The main accused of the syndicate is Mayuddin Akbarmiya Saiyed. The main accused Mayuddin Akbarmiya Saiyed alongwith his family members and known persons are indulged in committing organized crime since last 30 years.

3.1 Considering the number of offences registered against the syndicate and their continuing unlawful activities, the offences of GujCTOC came to be invoked against the accused persons. GujCTOC offence can be invoked after getting necessary sanction from competent authority as envisaged in GujCTOC Act. The authority after considering all the aspects grants sanction and it is only thereafter provisions of GujCTOC are invoked.

3.2 It is stated that against the present accused Sabbirahmed Gulambkhan Nagori two offences of 2016 are registered which are committed as part of syndicate member. The 1st FIR being FIR No.2/2016 registered with Siddhpur Police Station pertains to offence of attempt to murder, unlawful assembly and Arms Act. In the said offence Bolero Car of the applicant was used by the co-accused persons. The main accused Mayuddin Akbarmiya Saiyed had contested election of Truck Association wherein the applicant was assisting the main accused. Due to the said dispute the alleged offence being FIR No.2/2016 came to be registered. Thereafter , 2nd offence being FIR No.98/2016 came to be registered with Siddhpur Police Station for threatening complainant for having registered the 1st offence of attempt to murder against the accused persons. It is stated that the main accused Mayuddin Akbarmiya Saiyed is having his place of sitting at the office of the present applicant and is indulged in criminal activities. Against the syndicate in all total 19 offences are registered which are pertaining to the year 1986 to 2021. Out of 19 offences, 14 offences are committed during the period of last 10 years and 6 offences are committed as organized crime syndicate. It is stated that out of the number of offences, 3 offences are of attempt to murder, 1 offence of dacoity, 1 offence of kidnapping, 1 offence of grievous injury, 1 offence of abetment to suicide, 1 offence of extortion, 3 offences of criminal intimidation, 1 offence of power theft, etc. At present 7 offences are pending against the syndicate. It is stated that as per the provision of Sec.2(1)(c) of GujCTOC Act a clear case is made out against the applicant/accused

also. Reliance is placed on the decision of Hon'ble Apex Court in the case of **Zakir Abdul Mirajkar vs State of Maharashtra** to contend that offence is to be registered against the syndicate and not against individual member. More than one charge sheet is not required to be filed with respect to each accused person. Requirement of filing of more than one chargesheet is against the organized crime syndicate and not in respect of each persons who is alleged to be a member of such syndicate. In the present case of applicant/accused 2 offences were registered against him during the last 10 years and after getting acquittal in 1 case, still one case is pending against the applicant/accused. Reliance is placed on the decision of *Hon'ble Apex Court in the case of Abhishek vs State of Maharashtra (Criminal Appeal No.869/2022 dated 20/5/2022)*. Therefore, the applicant's case clearly attracts provisions of GujCOTC as he has continued his illegal activity as member of the syndicate. It is further submitted that whether the applicant continued his unlawful activity or not would be a subject matter of trial. There have been continued unlawful activities of the crime syndicate. So far as the evidence collected in the charge-sheet is concerned, the same are sufficient to put the accused for trial. He has placed reliance on the affidavit of I.O. (Exh.32), chargesheet & case papers and has urged the court to reject the discharge application.

4. Heard Ld. Advocate for the applicant/accused and Ld. Spl. P.P on behalf of the prosecution. The Court has gone through the discharge application, chargesheet & case papers

and affidavit of the I.O. To decide the discharge application it would be relevant to refer the provision and case law which are pertinent to decide discharge application. It would be relevant to quote Section 227 of Cr.PC for the ready reference.

"227. Discharge. If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing."

5. It would also relevant to consider the principles laid down by the Hon'ble Apex Court in the matter titled as **Union of India Vs. Prafulla Kumar Samal & Ors 1979 (3) SCC 4** wherein, the Hon'ble Apex Court had elaborately discussed the scope of Section 227 Cr.PC in para 7 and have summed up the principles while considering discharge application in para 10 as under:

"7. Section 227 of the Code runs thus:

"If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing." The words "not sufficient ground for proceeding against the accused" clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his

function after the trial starts. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.”

“10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.

(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.

(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.”

6. As per the prosecution case, the applicant - accused no.3 Sabbir Ahmed Nagori is chargesheeted for the offences u/s 3(1)(i), 3(1)(ii), 3(2), 3(3), 3(4) of GujCTOC Act in

connection with FIR CR No.11217030210939 of 2021 registered with Siddhpur Police Station, District Patan. It is the contention on behalf of the applicant – accused that applicant made an accused in GujCTOC offence on the basis that applicant was involved in the following 2 offences/FIRs of 2016:

Sr. No.	FIR No. & Police Station	Offence
1.	No. 2/16 with Siddhpur Police Station	307, 147, 148, 149, 504, 323, 506(2) of IPC, Sec. 25(1), 27 of Arms Act and Sec.135 of GP Act.
2.	No.98/16 with Siddhpur Police Station.	504, 506(2), 114 of IPC and Sec. 135 of GP Act.

It is contended that on the basis of aforesaid 2 FIRs of 2016 the provision of GCTOC ought not to have been invoked by the prosecution. Out of the 2 offences in one of the offence applicant/accused is acquitted and in another offence the allegations were his Car was used by the other co-accused persons. It is contended that the offences cannot be taken into consideration which are prior to GujCTOC Act having come into force and there is not a single offence registered against the applicant after GujCTOC Act having come into effect i.e. 1/12/2019. It is contended that the other offences which are registered against the co-accused persons do not reveal or mention the name of the applicant/accused nor there is any evidence to point out that present applicant/accused as member of syndicate was involved or abetted the other co-

accused persons and there is no evidence in the charge-sheet against the applicant/accused to invoke offence under GujCTOC Act.

7. At this juncture, it would be relevant to refer some of the provisions which would have bearing on the point of decision which are as under:

“It would be appropriate to refer to sections 2(1) (a), 2 (1) (c), 2 (1) (e) and 2 (1) (f) of the GUJCTOC Act, which are as under:

(i) “Sec.2. (1) In this Act, unless the context otherwise requires,

(a) “abet” with its grammatical variations and cognate expressions includes-

(i) the communication or association with any person with the actual knowledge or having reason to believe that such person is engaged in assisting in any manner an organised crime syndicate;

(ii) the passing on or publication of without any lawful authority, any Information likely to assist the organised crime syndicate and the passing on or publication of or distribution of, any document or matter obtained from the organised crime syndicate; and

(iii) the rendering of any assistance, whether financial or otherwise, to the organised crime syndicate for committing an offence under this Act;

(ii) 2 (1) (c) “continuing unlawful activity” means an activity prohibited by law for the time being in force, which is a cognizable offence punishable with imprisonment for a term of three years or more, undertaken either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent court within the preceding period of ten years and that court has taken cognizance of such offence;

The ingredients of a 'continuing unlawful activity' are as follows:

- a. *The activity must be prohibited by law for the time being in force;*
- b. *The activity must be a cognizable act punishable with imprisonment of three years or more;*
- c. *The activity may be undertaken either singly or jointly as a member of an organized crime syndicate or on behalf of such a syndicate;*
- d. *More than one charge-sheet should have been filed in respect of the activity before a competent court within the preceeding period of ten years; and*
- e. *The Court should have taken cognizance of the offence.*

(iii) 2(1)(e) "**organised crime**" means any continuing unlawful activity and terrorist act including extortion, land grabbing, contract killing, economic offences, cyber crimes having severe consequences, running large scale gambling rackets, human trafficking racket for Prostitution or ransom by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion or other unlawful means;

The ingredients of 'organized crime' are as under:

- a. *The existence of a continuing unlawful activity;*
- b. *Engagement in the above activity by an individual;*
- c. *The individual may be acting singly or jointly either as a member of an organized crime syndicate or on behalf of such a syndicate;*
- d. *The use of violence or its threat or intimidation or coercion or other unlawful means; and*
- e. *The object being to gain pecuniary benefits or undue economic or other advantage either for the person undertaking the activity or any other person or for promoting insurgency.*

(iv) 2(1)(f) "**organised crime syndicate**" means a group of two or more persons who, acting either singly or collectively, as a syndicate or gang indulging in activities of organised crime;

The elements of the definition of 'organized crime syndicate' are as follows:

- a. A group of two or more persons;
- b. Who act singly or collectively, as a syndicate or gang; and
- c. Indulge in activities of organized crime.

Further, it is appropriate to refer to the provisions of the GUJCTOC Act, which read as follows:

3. (1) *Whoever commits an offence of organised crime shall,—*

(i) if such offence has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees one lakh;

(ii) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lakhs.

(2) Whoever conspires or attempts to commit or advocates, abets or knowingly facilitates the commission of an organised crime or any act preparatory to organised crime, shall be punishable with imprisonment for a term which shall be not less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lakhs.

(5) Whoever holds any property derived or obtained from commission of an organised crime or which has been acquired through the organised crime syndicate funds shall be punishable with a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine, subject to a minimum fine of rupees two lakhs.”

8. On perusal of the provisions of the GCTOC Act, the prosecution has to show that the accused is member of syndicate or a gang and individual charge sheet is not necessary and charge sheet or offences against syndicate must have been registered. As per the prosecution case accused persons including the present applicant are part of

crime syndicate, indulged in various offences of attempt to murder, Arms Act and Fire arms Act, attempt to murder, extortion, loot, damage to the properties, attacking government officers, forming unlawful assembly, etc. as member of organized crime syndicate or on behalf of it. There are statements of witnesses recorded during the investigation of this offence wherein, they have stated that the present applicant-accused was also part of syndicate who are indulged in committing various nature of offences as stated above. Contention is taken on behalf of the applicant that there is no continuing unlawful activity as no offence is registered after 2016 against the applicant/accused.

8.1 At this stage it would be relevant to refer to definition of "*continuing unlawful activity*" which is given in Sec.2 (1) (c) of the Act. **As per the definition an activity prohibited by law for the time being in force, which is a cognizable offence punishable with imprisonment for a term of three years or more, undertaken either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent court** within the preceding period of ten years and that court has taken cognizance of such offence. It reveals during investigation that against the syndicate in all total 19 offences are registered which are pertaining to the year 1986 to 2021. Out of 19 offences, 14 offences are committed during the

period of last 10 years and 6 offences are committed as organized crime syndicate. Out of the total number of offences, 3 offences are of attempt to murder, 1 offence of dacoity, 1 offence of kidnapping, 1 offence of grievous injury, 1 offence of abetment to suicide, 1 offence of extortion, 3 offences of criminal intimidation, 1 offence of power theft, etc and at present 7 offences are pending against the syndicate. The Hon'ble High Court of Gujarat in the case of **Rameshbhai Vallabhbhai Abhangi vs. State of Gujarat R/Criminal Misc. Application (For Quashing & Set Aside FIR/Order) No. 2049 of 2021 With Criminal Misc. Application (For Stay) No. 1 of 2021 in R/Criminal Misc. Application No. 2049 of 2021 dated 02/08/2024** has held in Para 11.2 and 11.3 as under:

*“[11.2] The Hon'ble Apex Court in the case of **Zakir Abdul Mirajkar (supra)**, on the same issue has answered by elaborately discussing and considering the decisions in the case of **Kavitha Lankesh (supra)**; **State of Maharashtra & Ors. vs. Lalit Somdatta Nagpal & Anr.** reported in (2007) 4 SCC 171 and **Govind Sakharam Ubhe vs. State of Maharashtra** and has been pleased to hold in paragraph Nos.76 and 77(c) as under:*

“76. The appellants argued that gambling is punishable with a maximum sentence of 2 years and does not, therefore, fall within the scope of MCOCA (which requires the commission of a crime punishable with imprisonment of 3 years or more). However, not all the offences punishable under MCOCA have this requirement. The appellants have been charged under the following provisions of MCOCA:

a. Section 3(1) i.e., the offence of committing organized crime requires the accused to have committed a cognizable offence which is punishable with imprisonment of three years or more.

b. One part of Section 3(2) also contains a similar requirement to Section 3(1), namely persons can attempting be to accused commit, of conspiring, advocating, or knowingly facilitating the commission of an organised crime or any act preparatory to organised crime, only if the

offence in question is a cognizable one, which is punishable with imprisonment of at least three years. However, those accused of abetting the commission of organized crime need not themselves be charged with committing a cognizable offence punishable with imprisonment of at least three years. They need only be abetting those who are guilty of committing a cognizable offence punishable with imprisonment of at least three years, which offence amounts to an organized crime. The definition of “abet” in Section 2(1)(a) would be applicable in such cases.

c. Section 3(4) provides that any person who is a member of an organized crime syndicate is liable to be penalized. The definition of an organized crime syndicate in Section 2(1)(f) indicates that it is necessary to indulge in organized crime to be considered a member. Section 2(1)(e) indicates that persons are said to commit organized crime when they are involved in continuing unlawful activity. Continuing unlawful activity, in turn, means a prohibited activity which is a cognizable offence punishable with imprisonment of at least three years.

d. Section 3(5) stipulates that those who hold any property derived or obtained from commission of an organised crime or which has been acquired through the organised crime syndicate funds are liable to be punished. Once again, the definition of an organized crime requires the commission of a cognizable offence punishable with imprisonment of three years or more. Hence, Section 3(5) MCOCA may be invoked only with respect to offences which are punishable with imprisonment of three years or more.

77(c). More than one charge-sheet is not required to be filed with respect to each accused person.

The appellants have argued that in the preceding ten years, more than one charge-sheet has not been filed in respect of each of them. This submission does not hold water. It is settled law that more than one charge sheet is required to be filed in respect of the organized crime syndicate and not in respect of each person who is alleged to be a member of such a syndicate.

[11.3] In view of above proposition of law and as per section 2(1)(a) of the GUJCTOC Act, a person abetting an offence is against those accused for abetting commission of offence crime need not be charged with cognizable offence punishable with imprisonment of three years as abetting an offence is also an offence under Section 2(1)(a) of the GUJCTOC Act. Herein, allegation against accused is of abetment and member of syndicate.....”

9. Considering the principles laid down in the above decisions the fact remains that the applicant – accused is prosecuted not only on the basis of FIRs/chargesheet filed against him, but as a member of syndicate. As stated above against the syndicate in all total 19 offences are registered which are pertaining to the year 1986 to 2021 and out of 19 offences, 14 offences are committed during the period of last 10 years and 6 offences are committed as organized crime syndicate. In the case of **Kavitha Lankesh vs State of Karnataka and others reported in (2022) 12 SCC 753 (3 Judges Bench)** wherein the Hon'ble Apex Court has considered the requirement for invocation of offence u/s 3(1) and Sec.3(2) to 3(5) of Karnataka Control of Organized Crimes Act, 2020 and it was held that the offence should be considered in context with Organized Crime Syndicate and not against individual person. The Hon'ble Apex Court in its decision in the case of **Zakir Abdul Mirajkar vs State of Maharashtra** held that offence is to be registered against the syndicate and not against individual member and more than one charge sheet is not required to be filed with respect to each accused person. Requirement of filing of more than one chargesheet is against the organized crime syndicate and not in respect of each persons who is alleged to be a member of such syndicate.

10. In the present case 2 offences were registered against applicant/accused during the last 10 years and after getting acquittal in 1 case, still one case is pending against the

applicant/accused. The contention that applicant is acquitted in one offence cannot be looked into in view of the decision of *Hon'ble Apex Court in the case of Abhishek vs State of Maharashtra (Criminal Appeal No.869/2022 dated 20/5/2022)*. In the said case the accused was charged for MCOCA offence and contention was raised with regard to acquittal of the said accused in 2 cases and sanction ought not to have been granted by the prosecution for MCOCA. The Hon'ble Apex Court in para 17.5 has held that acquittal or discharge is of no significance and what is significant and pertinent for the purpose of Sec.2(1)(d) of MCOCA is involvement of the person concerned in the referred activity and filing of chargesheet and taking of cognizance in the offences.

11. Further during investigation of the present offence, it has revealed that applicant/accused was abetting the co-accused persons in the present offence and therefore abetting/assistance is a subject matter of trial. 6 offences are committed during the period of last 10 years by the organized crime syndicate and therefore, the applicant/accused as member has committed continuous criminal activity or not is also a matter of trial.

12. In view of facts and circumstances noted hereinabove this Court is of the opinion that this is not a fit case where the applicant-accused **Shabbir Ahmed Nagori** can get discharge from the offences leveled against him as there is prima facie evidence against the applicant-accused

for trial. Hence, following final order is passed in the interest of justice:-

-:FINAL ORDER :-

The **discharge application – Exh.25** preferred by accused **Sabbir Ahmed Nagori is rejected.**

Date : 8/1/2026

(Kamal M. Sojitra)
Principal District & Sessions Judge
&
Designated Spl. Judge (GujCTOC)
Ahmedabad (Rural)
U.I.C No.GJ01494

vsb

