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Exhibit	

**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL
JUDGE & ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, AT LALPUR**

CRIMINAL CASE NO. 786 of 2026

Complainant	The State of Gujarat.
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Versus

Accused	Kamar Samrudinkhan Raja,
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Subject:	Offence punishable under Section 135(1) of The Gujarat Police Act, 1951
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APPEARANCE :

Ld. Public Prosecutor for the state	Ms. N.P.Jani
Ld. Advocate for the Accused	Mr. G.G.Dhaval

J U D G M E N T

1. FACTS OF THE COMPLAINT

The present case arises out of an allegation that the accused was found violating a lawful notification issued under the Gujarat Police Act by entering or remaining in a notified prohibited area or committing an act contrary to a valid prohibitory order without permission or lawful excuse, thereby committing an offence punishable under Section 135(1) of the Gujarat Police Act, 1951. It is the case of the prosecution that on 26/11/2024 at about 20:00 hours at, Meghpar (Padana), Ramdoot nagar, the accused was apprehended by the Complainant/Investigating Officer for committing an act in breach of the prohibition imposed by the relevant notification. A complaint was lodged with the competent authority, and after due investigation, the present charge-sheet came to be filed.

2. PROCEDURE AFTER FILING OF COMPLAINT

Upon filing of the charge-sheet, this Court furnished copies of the police report and the relied documents to the accused under Section 230 BNSS, 2023 (corresponding to Section 207 CrPC). The particulars of the accusation were read over and explained to the accused, who pleaded not

guilty and claimed to be tried. The plea statement was recorded at Exh. 4 and the matter proceeded for trial.

3. EVIDENCE PRODUCED AT TRIAL

The prosecution has relied upon the following oral and documentary evidence:

ORAL EVIDENCE:

1. Deposition of Investigating Officer – Exh.5
2. Deposition of Panch Witness – Exh. 8
3. Deposition of complainant – Exh. 10

DOCUMENTARY EVIDENCE:

1. Original Complaint – Exh. 11
2. Panchnama of the Scene – Exh. 9
3. Copy of Relevant Notification – Exh. 6

4. FURTHER STATEMENT OF THE ACCUSED

After completion of the prosecution evidence, the further statement of the accused was duly recorded under Section 316 BNSS, 2023 (corresponding to Section 313 CrPC). In the statement, the accused denied the allegations and

stated that he has been falsely implicated.

5. FINAL ARGUMENTS

The learned Assistant Public Prosecutor and the learned advocate for the accused advanced their final oral arguments. The learned APP submitted that the oral and documentary evidence establish that the accused was found in breach of a valid prohibitory order under the Gujarat Police Act. The learned advocate for the accused submitted that the prosecution's case suffers from material contradictions, and the evidence of the panch witnesses does not inspire confidence. It was contended that the accused was never found knowingly in violation of any lawful notification and hence deserves to be acquitted.

6. POINTS FOR DETERMINATION

(1) Whether the prosecution has proved beyond reasonable doubt that the accused was found in breach of a valid notification or prohibitory order issued under the Gujarat Police Act and thereby committed an offence punishable under Section 135(1) of the Gujarat Police Act, 1951?

(2) What order?

7. DECISION AND REASONS

Point No. 1: In Negative

Point No. 2: As per Final Order

8. FINDINGS:

8.1 I have carefully considered the oral depositions, documentary evidence and rival submissions. The record shows that the Investigating Officer has deposed at Exh. 5 regarding the apprehension of the accused at the alleged time and place in violation of the prohibition imposed by the notification produced at Exh. 6, and that the scene was recorded under the panchnama at Exh. 9.

8.2 The depositions of the panch witness examined at Exh.8, have been carefully appreciated. It appears that the panch evidence does not fully corroborate the version of the Complainant/Investigating Officer in all material particulars. Certain material contradictions and omissions have emerged during cross-examination, particularly regarding the exact circumstances under which the accused was found and the precise manner in which the panchnama was prepared. Where only one panch has supported the panchnama partially, the other has either

turned hostile or has not fully affirmed the prosecution story. This weakens the evidentiary support that the panchnama was independently witnessed in its entirety.

8.3 Further, no independent member of the public has been examined to support the allegation that the accused knowingly remained in or entered the prohibited area in defiance of the notified restriction. The notification produced at Exh.6 indeed establishes that a valid restriction was in force on the date in question, but the link between the accused and the specific breach alleged is not conclusively proved beyond reasonable doubt.

8.4 It is a well-settled principle that in criminal jurisprudence, suspicion or doubt, however strong, cannot substitute for legal proof. In absence of clear and consistent corroboration, the evidence of the Complainant/Investigating Officer alone, unsupported by consistent panch evidence and independent witnesses, is insufficient to safely sustain a conviction under Section 135(1) of the Gujarat Police Act, 1951.

8.5 In view of these material shortcomings and contradictions in the depositions, the benefit of reasonable doubt must necessarily go to the accused.

ORDER

1. The accused **Kamar Samrudinkhan Raja**, is hereby acquitted of the charge under Section 135(1) of the Gujarat Police Act, 1951 under Section 251 BNSS, 2023 (corresponding to Section 248(1) CrPC).
2. Any seized articles, if any, shall be disposed of in accordance with law after expiry of the statutory appeal period.
3. The bail bond and surety, if any, shall remain in force for a period of six months under Section 493 BNSS, 2023 (corresponding to Section 437A CrPC).

Pronounced in open Court on this 08th day of July, 2026

Date: 08/07/2026
Place: Lalpur

(Narendra Mohanlal Kadoliya)
Addl. Sr. Civil Judge & Addl.C.J.M.
at Lalpur Judge Code: GJ01115