



GJKT010039032025

**EXH- A/41**

Filed on	18.08.2025		
Registered on	18.08.2025		
Decided on	13.03.2026		
Duration	Y	M	D
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FORM - A
IN THE COURT OF THE ADDITIONAL SESSIONS
JUDGE,
BHUJ- KACHCHH.

SESSIONS CASE NO.85 OF 2025**Details of FIR/Crime and Police Station**

Police Station	:	Khavda Police Station
Crime/FIR No.	:	Part-A C.R. No.11205022240406/2024
Complainant	:	The State of Gujarat
Represented By	:	Mr. D.J.Thacker learned APP
Accused	:	Taiyab Mamad Adhu Halepotra, Age-20 years, Occu.:Labourer, R/o. Sadhani Vandh, Hodko, Taluka:- Bhuj- Kachchh.

Defended By	:	Ld. Advocate Mr.B. S. Goradia .
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FORM - B

Date of Offence	20.12.2024
Date of FIR	20.12.2024
Date of Charge-sheet	17.02.2025
Date of Framing of Charges	31.01.2026
Date of commencement of evidence	18.02.2026
Date on which judgment is reserved	11/03/2026
Date of the Judgment	13/03/2026
Date of the Sentencing order, if any	---

DETAILS OF ACCUSED

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Released on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of section 428 Cr.P.C.
A1	Taiyab Mamad Adhu Halepotra,	22.12.2024	10.03.2025	U/s. 64 of the BNS	Acquitted	-----	02 months and 16 days

FORM – C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES			
A. Prosecution Witnesses:			
RAN K	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)	EXHIBI T
PW-1	Complainant (Victim)	Complainant	12
PW-2	Son of Complainant (Victim)	Witness	15
PW-3	Dr Kunjal K. Parmar	Medical Witness	28
PW-4	Vishalbhai B. Patel	Police Witness	32
PW-5	Mrugendrasinh B. Chavda	PSI, Police Witness	35
B. Defence Witnesses, if any:			
RAN K	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)	
NIL			
C. Court Witnesses, if any:			
RAN K	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)	
NIL			

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

Sr. No.	Ex. No.	Description
1	13	Original Complaint
2	14	Statement U/s. 183 of the BNSS
3	16	Panchnama of place of incident
4	17, 19	Clothes recovered panchnama
5	18	Arrest Panchnama
6	20	Medical Samples recovered panchnama
7	21	Letter to M.O., for conducting medical examination of accused
8	22	Medical Examination of accused
9	23	Letter of M.O. for collecting samples of accused person
10	29	Letter to M.O. for conducting medical examination of victim
11	30	medical examination report of the victim
12	31	Letter of M.O. for collecting samples of victim
13	36	Spot Examination Report of DFS, Gandhinagar
14	37	Dispatch note to FSL for examination of muddamal
15	38	Receipt of FSL for received Muddamal.
16	39	Forwarding letter of FSL regarding muddamal examination
17	40	Biological and serological examination report alongwith Forwarding Letter

J U D G M E N T

[1] The accused named **Taiyab Mamad Adhu Halepotra** has been booked for the offences U/S 64 Of the Bhartiya Nyaya Sanhita for committing rape upon the victim.

1.1 In case of *Nipun Saxena Vs. Union of India, 2019(2) SCC 704* and *Bhupinder Sharma Vs. State of U.P.*

(2008) 8 SCC 551, it has been held by the Hon'ble Supreme Court that keeping in view of the social object of preventing social victimization and ostracism of the victim of a sexual offence for which Section 228-A has been enacted, it would be appropriate that in the judgments, the name of the victim should be indicated. Thus, in view of the above provisions and Section 228A of IPC, disclosure of identity of the victim and concerned witnesses have not made.

[2] Facts of the prosecution case in nutshell:

2.1 The prosecution case, in brief, is that, on 20/12/2024, at approximately 16:00 hours, in the outskirts of Vadli village, Taluka Bhuj-Kutch, the complainant went with six buffaloes to graze them at the place of incident. when she was returning home, on the way, the accused came out from the acacia bushes and grabbed the complainant's right hand and placed his other hand on the complainant's face and pressed his mouth, forcibly removed the complainant's clothes and made the complainant lie down on the ground and forcibly had physical intercourse with the complainant against her will and raped her and thereby the accused person committed a serious offence under Sections 64 of Bharatiya Nyay Sanhita (In short "BNS").

- 3] After filing of the charge-sheet and on appearing of the accused, it is assured that the copies of police papers have been given to him. Thereafter, charge was framed against the accused for the offence punishable under Sections 64 of BNS. The plea of the accused was recorded to which the accused pleaded not guilty and claimed for trial.
- [4] The prosecution, thereafter, led the evidence and after leading evidence, submitted a closing pursis. Thereafter, further statement of accused person was recorded. The accused person has denied the charges leveled against him and further stated that he is innocent person and has been falsely implicated in this case.
- [5] Heard learned APP Mr. S. A. Maheshwari for the State and Learned Advocate Mr. B.S.Goradiya for the accused person at length.
- [6] Upon giving careful consideration on rival submissions, oral as well as documentary evidences on record, the charges framed, and arguments done by the accused, the following points arise for my determination:

:POINTS FOR DETERMINATION:

- 1) Whether the prosecution proves beyond reasonable doubt that on 20/12/2024, at about 16:00 hours, in the

outskirts of Vadli village, Taluka Bhuj-Kutch, the complainant went with six buffaloes to graze them at the place of incident and when she was returning home, on the way, the accused came out from the acacia bushes and grabbed the complainant's right hand and placed his other hand on the complainant's mouth and pressed her mouth, forcibly removed the complainant's clothes and made the complainant lie down on the ground and forcibly had physical intercourse with the complainant against her will and raped her and thereby the accused person committed a serious offence under Sections 64 of Bharatiya Nyay Sanhita?

2) What order ?

[7] My answers to the aforesaid points are as under-

(1) In negative.

(2) As per final order.

Submissions on behalf of the State:

8] Learned APP for the State has vehemently submitted that the accused person has committed the offence of rape with the complainant. The learned APP has further submitted that the medical certificates issued by the doctors as well as the case papers of the victim produced on record indicate that the victim was subjected to rape at the hand of the accused. Ld.

Ad.P.P. has further argued that the police witness and medical evidences have supported the prosecution's case. Further, it also appears from the evidences came on record that the accused persons have committed aforementioned serious offence with the complainant/victim. He has therefore submitted that the accused person should be held guilty for the offences for which he is charged.

Submissions on behalf of accused:

- 8.1 Learned advocate for the accused person has vehemently submitted that the accused is an innocent who has been falsely implicated in this case. He has further submitted that there is no iota of evidence of the commission of the alleged offences by the accused person. He has further submitted that if the complaint as well as the deposition of the complainant and other material witnesses are seen and read together, then they clearly proves that the prosecution has miserably failed to prove commission of any of the offences by the accused. He has also submitted that if the entire evidence of the prosecution is read, there is no proof on record to show that the accused have committed alleged offences. The learned advocate for the accused has also drawn attention of this Court to the depositions of the material witnesses i.e. complainant and her son and submitted that there is material contradiction in the story put forward by the

complainant in the complaint and main witnesses turned hostile and thus, the prosecution story fails on this very important aspect. He has further submitted that if the depositions of victim is seen, it does not support the case of the prosecution. He has, therefore, submitted the prosecution fails to prove the charges against the accused beyond reasonable doubt and hence, has submitted that the accused be acquitted.

:REASONS:

Points No.(1) and (2)

- 9] In order to prove the guilt of the accused in the offences under Sections 64 of BNS, the prosecution has examined five witnesses and tendered the documentary evidences.
- 10] The main witness - PW-1 - complainant who is victim has stepped in witness box who has been examined at Exh.12. In her deposition she has stated that, , the incident took place about a year ago. On the day of the incident, she had gone to the forest to graze her buffaloes and as she felt dizzy there, she fell down and she got injury. After a while, as she regained consciousness, she went to her house and from there her son took her to the hospital where she was treated. Apart from this, nothing else happened to her. Further, she has deposed that, on the day of the incident, when she went to graze the buffaloes, other herdsmen had come to graze their cows and buffaloes and at that time, the accused Taiyab was also present there and as the

quarrel occurred between them regarding grazing the cows and buffaloes, the accused pushed her and as she felt dizzy, she fell down and when she regained consciousness, her clothes were not in order, she felt that the accused did something with her, therefore she filed the present complaint in a haste and agitation without understanding. Further, she has deposed that, it has not happened that the accused Taiyab Mamad Halepotra, had ever physical intercourse with her anywhere, either with her consent or against her consent. Further, she has deposed that, as there was a dispute regarding the grazing of cows and buffaloes in the forest, due to which, she got agitated and in haste, filed a complaint before the police thinking that the accused might have done something with her. Further, she has deposed that, in fact, no other incident has happened with her. Further, she was shown the original complaint from the court record, in which she had identified her thumb impression of left hand and the said complaint is exhibited vide Exh.-13. Further, she has deposed that, after the incident, her son took her to the hospital for her treatment, where the doctor questioned her, and she informed them that she sustained injuries because she felt dizzy and fell down; other than that, she did not state anything else. Further, she has deposed that, when she was in the hospital, the police came and took her right-hand thumb impression on a paper. Further, she has deposed that, since the accused belongs to her village, she know him. Further, the witness identified the accused before the

Court. Further, she has deposed that, the police took her thumb impression and thereafter, the police took her before the Magistrate, at the Bhuj Court, and there the Magistrate interrogated her and before him also, she narrated the facts exactly as she stated above and also made her thumb impression of left hand as instructed. Further, her statement under Section 183 of BNSS has been shown to her in which she identified her signature and the said document is exhibited vide Exhibit-14. Further, she has deposed that, it has not happened that, when she went to graze buffaloes in the outskirts of her village and was returning home, accused Taiyab came out from the acacia bush, grabbed her hand and pressed her mouth with his other hand, forcibly removed her clothes, made her lie down on the ground and had physical intercourse with her against her will.

10.1 In view of the above deposition of the victim, the Learned APP had sought permission of the Court to treat this witness as hostile witness and permitted him to cross-examine the witness. In the cross-examination, this witness has denied all the facts which is stated by her in her police complaint.

10.2 The learned advocate for the accused cross-examined the complainant/victim, during which she has admitted that no incident of sexual harassment has occurred with her, nor it has happened that, anyone held her hand or committed any wrongful act with her by pressing her mouth. Further, she has admitted that, at the

instance of her relatives, she has given her thumb impression to the police on a prepared writing.

11. Thereafter, son of victim/ complainant has stepped in witness box who has been examined at Exh.15. In his deposition this witness has deposed that, the incident happened about a year ago. Further, he has deposed that, on the day of incident, her mother had gone to the forest to graze buffaloes and there, as a result of a verbal spat and a quarrel with other herdsmen present there regarding the grazing of cattle, his mother felt dizzy and fell down. Further, he has deposed that, at that time, the accused was also present there, and as he pushed his mother, she felt dizzy and she became unconscious and later on regaining consciousness, she felt that the accused must have done something to her and she complained in a haste and agitation. Further, he has deposed that, after that, when his mother regained consciousness, she came home and from there he took his mother to the hospital where his mother was treated. Further, he has deposed that, apart from this, no other incident happened with her. Further, he has deposed that, it has never happened that, on the day of the incident, Taiyab Mamad Halepotra forcibly had physical relations with his mother against her consent and his mother ever told him about such a fact. Further, he has deposed that, the police interrogated him about the incident and recorded his statement. Further, he has deposed that as the accused belongs to his village, he know him. Further, this witness has identified the accused

before the Court. Further, this witness has deposed that, it has never happened that, when his mother had gone to graze buffaloes on the outskirts of his village and was returning home, the accused Taiyab came out from the acacia bush, grabbed his mother's hand and with his other hand pressed her mouth and made her lie down on the ground, having sexual intercourse with his mother against her consent.

11.1 In view of the above deposition of the said witness, the Learned APP had sought permission of the Court to treat this witness as hostile witness and permitted him to cross-examine the witness. In the cross-examination, this witness has denied all the facts which is stated by her in her police statement.

11.2 The learned advocate for the accused cross-examined the witness, during which he admitted that, no incident of sexual harassment has happened with his mother, nor it has happened that, any person committed any misdeed with his mother. Further, this witness has admitted that he recorded the facts in his statement to the police on behest of his relatives.

12. Thereafter Medical Officer Dr. Kunjalben Kirtibhai Parmar (PW 3) has stepped in witness box and has been examined at Exh.28. In her examination-in-chief, she has deposed that, on 22/11/2024, she was on duty as a Medical Officer at Bhuj G.K. General Hospital meantime victim was sent by Khavda Police Station along with a letter for medical examination. Further, she has deposed that, the

victim was aged about 52 years and 11 months old, that she was taken by Lady Constable Dakshaben Parmar. Further, she has deposed that, they started the physical examination of the victim at 11:30 a.m.. Further, she has deposed that, before conducting the physical examination of the victim, her consent was obtained for which the thumb impression of the victim was obtained. Further, this witness has deposed that, when asked about the history of the incident, she has recorded the history of the incident. Further, this witness has deposed that, no external injury marks were found on the victim's body, that the victim's hymen was torn. Further, this witness has deposed that, during the medical examination of the victim, the following samples were taken. The samples of (1) Blood, (2) Nails, (3) Saliva, (4) Pubic hair (5) Vaginal swab, (6) Para-urethral swab (7) Cervical swab were taken and the samples were sealed and sent to the Khavda Police Station with a sample of the seal in the forwarding letter. Further, this witness has deposed that, Gynec Dr. Grishmaben Mehta and Prafullaben Kotak were present with her during the medical examination of the victim. Further, this witness has deposed that, after the physical examination of the victim, according to the opinion of the gynecologist, the possibility of having physical intercourse with the victim cannot be ruled out. Further, this witness has deposed that, after the medical examination, they have reserved their final opinion until the FSL report comes.

Further, this witness has identified and confirmed the documents produced vide Exh.-29 to 31 in her deposition.

12.1 The said witness was cross-examined by the Ld. Adv. for the accused wherein the witness has admitted that, the victim was married before she came for physical examination. Further, this witness has denied that, that she has recorded the history of the victim as per the police report. Further, this witness has denied that, they have not conducted any physical examination of the victim and they have given a false certificate at the behest of the police. Further, this witness has admitted that, the victim had signs of internal or external injuries. Further, this witness has admitted that, there were no signs of force on the victim's body. Further, this witness has admitted that, no clear evidence of any recent forced physical intercourse with the victim was found during the physical examination.

13. Thereafter, the prosecution has examined **PW-4 – Vishalbhai Bhikhabhai Patel** at Exh.-32 who is the Investigating Officer in the instant case. In his examination-in-chief, he has deposed that, on 16/02/2025, he was on duty as a Police Inspector at Khavda Police Station, meantime he investigation of Khavda Police Station C.R. No. 0406/2024 was handed over to him as PSI Mr. M.B. Chavda had left for training. Further, he has deposed that, he took over the investigation and studied all the case documents and as the investigation was overall complete and there was sufficient evidence against

the accused, at the end of the investigation, a charge sheet was filed before the Hon'ble Court.

13.1 The said witness was cross-examined by the Ld. Adv. for the accused in which he has denied that, though there is no any evidence against the accused, false charge-sheet has been filed.

14. Thereafter, the prosecution has examined **PW-5 – Mrugendrasinh Bhupendrasinh Chavda** at **Exh.-35** who is the Investigating Officer in the instant case. In his examination-in-chief he has deposed that, on 21/12/2024, while he was on duty as a Police Sub Inspector at Khavda Police Station, as he received the investigation of Khavda Police Station Part-A C.R.No.0406/2024, he took over the investigation. Further, he has deposed that, for the purpose of investigation, he recorded the statements of the relevant witnesses and conducted the panchnama of local place in preence of panch witnesses. Further, he has deposed that, he had conducted the procedure to get the statement of the complainant/victim as per section-183 of BNSS. Further, he has deposed that, the clothes worn by the complainant/victim at the time of the incident were seized as per the details of the panchnama and conducted the procedure to get the complainant/victim medically examined. Further, he has deposed that, as during the investigation, the accused was found the clothes worn by the accused and the mobile and two-wheeler used at the time of

the incident were seized as per the details of the panchnama. Further, he has deposed that, he has conducted the procedure to get the accused medically examined. Further, this witness has deposed that, upon the arrival of the medical samples of the victim and the accused from the hospital, they were seized as per the details of the panchnama. Further, this witness has deposed that muddamal recovered during the investigation was sent to the FSL for examination. Further, this witness has also identified the accused as well as muddamal seized by him during the investigation before the Court. Further, this witness has deposed that, he has sent the seized muddamal to FSL, Rajkot, along with a dispatch note for examination. Further, he has deposed that, an acknowledgement was issued by the FSL regarding the receipt of the said muddamal. Further, he has deposed that, the examination report of the said muddamal was sent by the FSL along with a forwarding letter. Further, this witness has confirmed the statement of complainant/ victim recorded before him.

- 14.1 Further, this witness was cross-examined by learned advocate for the accused, in which this witness has admitted that during his investigation no evidence supporting the complaint was found at the local place. Further, this witness has denied that, he has written down the statements of the witnesses himself in accordance with the complaint. Further, this witness has denied that, the Panchnama has been

prepared in a wrong manner and the signatures of the Panchs have been obtained later. Further, this witness has denied that, a false investigation was conducted in accordance with a false complaint, false evidence was fabricated, and a false charge sheet was filed against the accused despite there being no evidence.

- 15** Upon perusal and appreciation of the deposition of the main witness i.e. victim/ the complainant (PW1) at Exh.-12, she has not supported the facts of the complaint. She has mainly deposed that, on the day of the incident, she had gone to the forest to graze her buffaloes and as she felt dizzy there, she fell down and she was injured and after a while, as she regained consciousness, she went to her house and from there her son took her to the hospital where she was treated. Apart from this, nothing else happened to her. Further, it also transpires from her deposition that, on the day of the incident, when she went to graze the buffaloes, other herdsmen had come to graze their cows and buffaloes and at that time, the accused Taiyab was also present there and as the quarrel occurred between them regarding grazing the cows and buffaloes and as the accused pushed her, she felt dizzy and she fell and when she regained consciousness, her clothes were not in order, therefore, she felt that the accused did something with her, therefore she filed the present complaint in a

haste and agitation without understanding. Thereafter this witness has clearly deposed that,, it has not happened that the accused Taiyab Mamad Halepotra, had ever physical intercourse with her anywhere, either with her consent or against her consent. Further, she has deposed that, as there was a dispute regarding the grazing of cows and buffaloes in the forest, due to which, she got agitated and in haste, filed a complaint before the police thinking that the accused might have done something with her. Further, she has deposed that, in fact, no other incident has happened with her. Further, she has clearly deposed that, it has not happened that, when she went to graze buffaloes in the outskirts of her village and was returning home, accused Taiyab came out from the acacia bush, grabbed her hand and pressed her mouth with his other hand, forcibly removed her clothes, made her lie down on the ground and had physical intercourse with her against her cosent. As this witness has not supported case of the prosecution, Ld. Ad.P.P. has declared this witness hostile. After declared this witness hostile, the Ld. Ad.P.P. with permission of this Court, cross examined the witness in detail but the prosecution has totally failed to bring anything important on record which helpful to the case of the prosecution. Even, in her cross-examination conducted by Ld. Adv. for the defence, she has admitted that, no incident of sexual

harassment has occurred with her, nor it has happened that, anyone held her hand or committed any wrongful act with her by pressing her mouth. Further, she has also admitted that, at the instance of her relatives, she has made her thumb impression to the police on a prepared writing. Thus, this main witness i.e. victim has not supported the case of prosecution. Thus, from the entire deposition of the victim, it becomes absolutely clear that, no any alleged incident happened with the victim. The version of the complainant/victim itself before the Court is against the complaint given by her. Moreover, victim herself has denied the allegations levelled against the accused in the complaint. Therefore, looking to the above evidence, case of the prosecution and complaint against the accused becomes doubtful. Looking to the evidence of victim, it's appeared that no any material facts have come out which involved the accused person in this offence.

16. Further, upon perusal and appreciation of the deposition of the other material witness i.e. son of victim, he has also not supported the case of prosecution. He has mainly deposed in his deposition at Exh.-15 that, on the day of incident, her mother had gone to the forest to graze buffaloes there, as a result of a verbal spat and a quarrel with other herdsmen present there regarding the grazing of cattle, his mother felt dizzy and fell down. Further, he has also deposed that, at that time, the accused was

also present there, and he pushed his mother and therefore, she felt dizzy and she became unconscious and later on regaining consciousness, she felt that the accused must have done something to her and she complained in a haste and agitation. Further, he has deposed that, after that, when his mother regained consciousness, she came home and from there he took his mother to the hospital where his mother was treated. Further, he has deposed that, apart from this, no other incident happened with her. Further, this witness has also clearly stated in his deposition that, it has never happened that, on the day of the incident, Taiyab Mamad Halepotra forcibly had physical relations with his mother against her consent and his mother ever told him about such a fact. Further, this witness has deposed that, it has never happened that, when his mother had gone to graze buffaloes on the outskirts of his village and was returning home, the accused Taiyab came out from the acacia bush, grabbed his mother's hand and with his other hand pressed her mouth and made her lie down on the ground, having sexual intercourse with his mother against her consent. As this witness has not supported case of the prosecution, Ld. Ad.P.P. has declared this witness hostile. After declared this witness hostile, the Ld. Ad.P.P. with permission of this Court, cross examined the witness in detail but the prosecution has totally failed to bring anything important on record

which helpful to the case of the prosecution. This witness has been cross examined by the learned advocate for the accused. In his cross-examination also, this witness has admitted that, no incident of sexual harassment has happened with his mother, nor it has happened that, any person committed any misdeed with his mother. Further, this witness has also admitted that he recorded the facts in his statement to the police on behest of by his relatives. Thus, this witness has also not supported the case of prosecution and so case of prosecution becomes doubtful. Looking to the evidence of the said witness, it's appeared that no any material facts have come out which involved the accused person in this offence.

17. Further, the FSL reports which are produced on record at Exh.40 does not suggests the act of sexual intercourse by the accused person with the victim. Also, no any material was found on the any Muddamal article or in the samples which collected during investigation and thus, the FSL report also does not support the case of the prosecution. Further, the material witnesses have also turned hostile and not support the case of prosecution. Even Medical witness Dr. Kunjal K. Parmar has admitted in her cross-examination at Exh.-28 that, no clear evidence of any recent forced physical intercourse with the victim was found during the physical examination. Moreover, as per the discussions above, when victim herself did not support the case of the

prosecution and there is no any FSL evidence support to the case of the prosecution, the prosecution miserably fails to prove his case beyond reasonable doubt.

18. It is to be noted that as discussed above, it's appeared that the material and main prosecution witnesses are not supporting the case of prosecution, therefore, it can be noted that primary evidence of the prosecution are not supporting to the prosecution case. It is required to note that the evidence regarding statement u/s.183 of BNSS and medical history which produced on record through medical officers are fall under the category of corroborative pieces of evidence which can also be considered as supportive evidence. It is required to note that the corroborative evidence cannot take place of primary evidence and it is further required to note that in absence of primary evidence, on the basis of supportive evidence, the accused persons cannot be convicted for the offence which alleged against them. It is required to note that the prosecution is duty bound to prove its case beyond the all reasonable doubt. It is Under these circumstances, this Court is of view that the prosecution has absolutely failed to prove beyond reasonable doubt that on the day of incident, the complainant went with six buffaloes to graze them at the place of incident and when she was returning

home, on the way, the accused came out from the acacia bushes and grabbed the complainant's right hand and placed his other hand on the complainant's face and pressed his mouth, forcibly removed the complainant's clothes and made the complainant lie down on the ground and forcibly had physical intercourse with the complainant against her will and raped her. In these circumstances, on over all appreciation of evidence and discussions made herein above, this Court concludes that the prosecution has not succeeded to prove the charges of offence punishable u/s.64 of BNS, beyond reasonable doubt by leading cogent and reliable evidence and therefore, Point No.1 is answered in the negative and for Point No.2, following final order is passed:

ORDER

1. The **Accused Taiyab Mamad Adhu Halepotra**, R/o. Sadhani Vandh, Hodko, Taluka:- Bhuj- Kachchh is hereby acquitted from the charges under Sections 64 of the BNS.
2. Bail bond executed by the concerned accused at the time of releasing him on bail stands cancelled.
3. The accused person shall execute bail bond of Rs.5,000/- (Rupees Five Thousand only) with surety of the like amount in compliance with Section 481 of the Bhartiya Nagrik Suraksha Sanhita, to appear

before the higher Court as and when such Court issues notice in respect of an appeal or revision/petition.

4. So far as Muddamal Motorcycle and mobile are concerned, if any interim order is passed, it is made permanent and if no order is passed, then it is hereby directed to do the procedure for its disposal as per law after the expiration of the Appeal period and in case Appeal is preferred, then as per the decision in the said appeal.
5. Non- Valuable Muddamal like clothes, samples etc. seized in this case shall be destroyed as per rules after the expiration of the Appeal period and in case Appeal is preferred, then as per the decision in the said appeal.

*Signed and pronounced in the open court today
this on 13th day of March, 2026.*

sd/-

Place: Bhuj.

Date : 13.03.2026

Hiren Dave

(J.A. THAKKAR)

**Additional Sessions Judge,
Bhuj- Kachchh.
(GJ-00631).**