

GJMR010000512026



Order below Exhibit - 1 in Criminal Revision
Application No.29/2026

- (1) Read the application. Perused the record.

- (2) This is the application submitted by the Applicants, in which, it is averted that the learned Judicial Magistrate First Class, Tankara, by order dated 03.03.2026 issued order to the Mamlatdar, Tankara, to provide details of the police personnel who were on duty at Tankara Police Station on 19.07.2025 and to undertake necessary proceedings for holding an identification parade. Pursuant thereto, the Mamlatdar, Tankara, directed on 05.03.2026 to forward the names of the police personnel and further ordered them to remain present in person for the purpose of identification parade, and accordingly a list was forwarded.
 - (2.1) Against this order, the applicants have preferred the present Revision Application on various grounds stated in the application.

 - (2.2) The learned counsel appearing for the applicant–State has, in brief, submitted that a complaint being C.R. No. 685/2025 came to be registered at Tankara Police Station on 19.07.2025 for the offences punishable under

the relevant provisions of the B.N.S. The allegations disclose that the present accused, who was earlier involved in an NDPS case, along with his family members, bore a grudge against the police and, upon police intervention during duty, obstructed traffic, abused the police personnel, and assaulted them while they were discharging their lawful duties, thereby causing injuries and issuing threats

(2.3) It is further submitted that the accused is a habitual and notorious offender within the jurisdiction of Tankara Police Station and has been involved in multiple offences, including under the NDPS Act and other offences such as assault, intimidation, and misconduct, with prior cases registered against him in Tankara Police Station B – Part C. R. No. 1088/2024 and in Tankara Police Station A- Part C. R. No. 0687/2025. It is also contended that proceedings are pending before the learned Sessions Court for breach of bail conditions by the accused.

(2.4) The learned counsel has further argued that as per Section 54 of the Bharatiya Sakshya Adhiniyam, an identification parade is justified only when the accused is in custody, and therefore, the present exercise is not legally tenable. It is contended that the proposed identification parade is being misused by the accused with an intention to create false evidence, demoralize the police force, and exert pressure upon the investigation.

(2.5) It is further submitted that the accused is well

acquainted with the police personnel, as he frequently visits the police station and has had repeated interactions with them. Therefore, there is every likelihood that under the guise of identification parade, he may falsely implicate targeted police officials against whom he bears prior animosity. It is also contended that the Mamlatdar, acting as an Executive Magistrate, is required to collect evidence for the purpose of aiding investigation and not to create evidence, and that the present process amounts to improper creation of evidence. Hence, permitting such identification parade would facilitate misuse of process and obstruct the course of justice. In view of the aforesaid submissions, it is prayed that, in the interest of justice, the orders passed by the learned Judicial Magistrate First Class, Tankara and the Mamlatdar, Tankara directing the holding of identification parade be stayed and set aside, and the said proceedings be forthwith restrained.

- (4) Now, considering the facts of this case on hand, it is fact that Accused Nizam Ibrahimhai Amroniya was produced before the Ld. Trial Court. At that time, he was produced by the Police Officers with the production report and accompanying papers.

(4.1)The accused has complained before the Ld. Trial Court that he was illtreated by the Police Officers and considering the complaint of the accused, Ld. Trial Court has floowed procedure of Para – 14 of the Criminal Manual and he is proceeding as per the provisions.

(4.2) Now, the question arises when the accused is produced before the Ld. Trial Court that the production memo and other papers in the production memo and papers, the person who had arrested the accused and the person who had produced the accused before the Ld. Trial Court have duly signed those papers with their name and designation.

(4.3) Considering the purpose of identification parade to be conducted by the Executive Magistrate, the purpose of conducting such identification parade is to identify the accused when any source of the identification of the accused or the person against whom some allegation are made is required. Here, in the case on hand, considering the arrest memo as well as the police papers produced by the Police Officers at the time of production of the accused before the Ld. Trial Court bears name as well as the designation of the person who has conducted investigation of the case. In that situation as per my humble view, identification parade is not required to be carried out when the evidence itself is in form of the documentary evidences. Hence, I pass the following Order.

FINAL ORDER

(1) In view of the above, this Court came to the conclusion that the Order passed by the Ld. Trial Court for Identification Parade is not required.

(2) This Court came to the conclusion that order passed by

Mamalatdar Tankara, on the direction given by the Ld. Judicial Magistrate First Class, Tankara, for holding of identification parade of the Police Officials, is set aside.

Signed and pronounced in the open Court, today on this 5th May, 2026.

Place :- Morbi
Date :- 05/05/2026.

(Kamal Rasiklal Pandya)
Addl. Sessions Judge,
Morbi
Judge Code GJ00739

KVA