



Suit instituted on	25	03	2026
Registered on	25	03	2026
Decided on	01	07	2026
Duration	Y.	M.	D.

Exh.

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS (MUNICIPAL), AT RAJKOT**

Criminal Case No. 7232/2026

COMPLAINANT :-

THE STATE OF GUJARAT

Gandhigarm-2 (Uni.) Police Station,

CR NO. PART I, 112080032250779/2025, Dated 21/08/2025

VERSUS

ACCUSED :-

1) SACHIN @ POLO PRAVINBHAI VORA,

Age : 22 Years, Occupation : Rickshaw Driver

Address :

Raiyadhar Ranima Rudima Chowk,

Nr. Radhika Pan, Indiranagar,

Rajkot.

2) BHAVESH @ BHAVLO PRAVINBHAI VORA

Age : 28 Years, Occupation : Rickshaw Driver

Address :

Gandhigram, Opp. Aksharnagar Street No.2 Ashram,
Rajkot.

CHARGE: Punishable under Section 115(2),
352, 351(3), 3(5) of B. N. S. with
Section 135 of the G. P. Act.

Appearance :-

Mr. R. N. Gosai Ld. A. P. P. on behalf of the prosecution.

Mr. B.H.GOHIL Ld. Adv. on behalf of the accused.

-:: J U D G E M E N T ::-

1. The facts emanating in the present case is that the complainant had lodged the FIR against the accused. The complainant was at his home when accused No. 1 and accused No. 2 came there. They told the complainant that he had called them regarding the matter of visiting his elder uncle Dineshbhai's house. On this issue, they started arguing with the complainant and abused him. Accused No. 1 assaulted the complainant with an iron pipe, and accused No. 2 also assaulted the complainant with a plastic pipe, causing injuries on the complainant's body. Thereafter, they threatened the complainant over the phone and stated that they would kill him. By doing so, both accused violated the arms prohibition order issued by the

Police Commissioner, Rajkot City. Both accused acted in furtherance of their common intention and committed the offence together and also helped each other in committing the crime.

2. It is pertinent to note that as per Section 308 of B.N.S.S. the evidence of the prosecution was recorded in the presence of the Accused.
3. After the completion of the same, no prima facie incriminating evidence was found against the accused and therefore, he was not examined U/s. 351 of Bhartiya Nagrik Suraksha Sanhita, 2023.
4. The prosecution has produced the following oral as well as the documentary evidences:-

(A) ORAL EVIDENCE:-

Sr. No.	Details	Exh. No.
1.	Statement of the complaint Kaushal Nitinbhai Makwana	8

(B) DOCUMENTARY EVIDENCES:-

Sr. No.	Details	Exh. No.
1.	FIR	2
2.	Panchnama	9
3.	Panchnama	10

4.	Closing Pursis	7
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5. I have perused the entire evidence of the prosecution minutely. I have heard Learned in-charge A.P.P. for the prosecution and Learned Advocate for the accused at length. The arguments advanced are respectfully taken in consideration.
6. Following issues are framed for the determination of the present case:
- 1)Whether the prosecution proves beyond reasonable doubt, that the accused committed the offence under Section 115(2), 352, 351(3), 3(5) of B. N. S. with Section 135 of the G. P. Act.?
 - 2)What Order?
7. **Findings:**
1. In **NEGATIVE**.
 2. As per the **FINAL ORDER**.

REASONS

POINT NO. 1 & 2:

8. In the criminal justice delivery system in India, the burden of proving the guilt of the accused beyond the reasonable doubt is on the prosecution. The prosecution has to rely on such reliable and cogent evidences that the nexus between the accused and the crime alleged be established according

to the settled position of law. Indian law is adversarial in nature and therefore the accused is charged with no burden to prove his innocence. It is deemed that the accused is innocent until proved guilty. Therefore, the prosecution has to establish the guilt beyond reasonable doubt and if the prosecution fails to do the same, the benefit of doubt goes in the favour of the accused. *Lord Denning in Bater v Bater, (1950) 2 All ER 458 at p. 459* has observed that the doubt must be of a reasonable man and the standard adopted by a reasonable and just man for coming to a conclusion considering the particular subject matter. *In Gurbachan Singh v Satpal Singh, AIR 1990 SC 209*, it is indicated that the conscience of the court can never be bound by any rule but that is coming itself dictates the consciousness and prudent exercise of the judgment. Reasonable doubt is simply that degree of doubt which would permit a reasonable and just man to come to a conclusion. Reasonableness of the doubt must be commensurate with the nature of the offence to be investigated. It is also to be borne in mind that in India the maxim '*falsus in uno, falsus in omnibus*' has no application.

9. Keeping in mind above settled principles of law, let us peruse the evidence on records. Prosecution has examined the complainant vide **Exhibit-8** wherein he has mainly deposed that the alleged incident took place about four to five months ago. On the morning of the incident, the complainant and his wife Vandana were present at home.

At that time, Bhavesh Pravinbhai Vora and Sachin, who was present there with his rickshaw, had a general argument with the complainant regarding whether the complainant had earlier gone to his elder uncle Dineshbhai's house. During the said incident, the complainant accidentally sustained an injury on his rib. Therefore, the complainant had filed the present complaint. Now, the complainant has amicably settled the matter with the accused outside the court. Hence, the complainant does not wish to proceed further with this case or examine any witnesses. Thereafter, the complainant turned hostile and deposed that, it is not true that the complainant has stated in the FIR that these two brothers told him why he had called them regarding the incident at Dinesh's house. It is also not true that the complainant told them that the matter had already been settled, and therefore they got agitated and said, "Now we will deal with you." It is not true that both the brothers started abusing the complainant as they pleased. It is not true that when the complainant refused to abuse them, Bhavesh was carrying an iron pipe and Sachin was carrying a plastic pipe, and they assaulted the complainant with those pipes on the rib causing serious injuries. It is also not true that Bhavesh and Sachin abused the complainant on mobile phone and threatened to kill him. It is not true that the complainant has stated all these facts in the complaint. Since the complainant has now settled the matter with the accused, the complainant is giving false

testimony on oath to protect the accused. Thereafter, the Ld. Advocate for the accused has cross-examined the complainant wherein the complainant deposed that it is true that the complainant sustained injuries due to a fall. It is also true that the complainant has no dispute or conflict with the accused.

10. Perusing the evidence in total, panchnama has not proved of the panchnama which was brought on record. The evidence of the complainant is not corroborating to the injury therein. It is well settled law that only when the medical evidence corroborate with the oral evidences, then it can be taken into consideration. Hence, merely producing panchnama do not infer the guilt of the accused. Moreover, the prosecution has failed to establish that the complainant received injury from the beating given by the accused. It seems to this court that the prosecution has failed to show the ingredients of Section 115(2), 352, 351(3), 3(5) of B. N. S. with Section 135 of the G. P. Act against the accused.
11. For the reason stated above, this court is of the considered view that prosecution has not succeeded in establishing the case beyond reasonable doubt and therefore the Issue No.1 in negative and answer the Issue No.2 will follow the order:

∴ ORDER ∴

- (1) Accused are hereby acquitted under Section 271(1) of

B.N.S.S from the offence under Section 115(2), 352, 351(3), 3(5) of B. N. S. with Section 135 of the G. P. Act

- (2) An old surety of accused is hereby continue for the period of six month from the date of this order and if he is not alive, accused is hereby directed to furnish the fresh surety and personal bond of Rs. 5,000/- as per Section 481 of B.N.S.S. 2023.
- (3) Which muddamal have been seized in the case, the same is hereby destroy after the lapse of appeal period.

Order signed and pronounced in the open Court on this 01st day in the month of **July - 2026**.

Date: 01/07/2026

Place: Rajkot

(Kamleshkumar Rameshbhai Gagnani)

JMFC (Municipal)

Rajkot

(UIC No.GJ01687)