

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL APPEAL (AGAINST ACQUITTAL) NO. 502 of 2026

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VARSHABEN LAXMANBHAI JIVABHAI BARAIYA
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR ADITYA T PANCHOLI(13067) for the Appellant(s) No. 1
PUBLIC PROSECUTOR for the Opponent(s)/Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN
and
HONOURABLE MR. JUSTICE D. M. VYAS

Date : 24/03/2026
ORAL ORDER
(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)

Mr. Aditya Pancholi, learned Advocate appearing for the appellant while inviting the attention of this Court to the First Information Report submitted that it was categorically the case of the complainant that she was informed by one of the friends who was present at the scene of offence about the incident taking place. It is submitted that it is true that the witnesses have turned hostile; however, the evidence namely the CCTV footage visual appearance directly connects the accused, let alone the incident taking place. There were two panchas; although one has turned hostile but another pancha who was examined at Exh.56 has supported the case of the prosecution and narrated in detail the whole incident taking place. What weighed with the learned Judge was the eye-witnesses turning hostile; however, the fact remains that the circumstances directly connect the accused.

2. It is further submitted that First Information Report has been lodged in connection with the threats extended by the brother of the accused followed by charge-sheet and the case is still pending. It is submitted that even the court below has passed an order under the provisions of section 344 of the Code of Criminal Procedure, 1973 sentencing them with requisite punishment.

3. Considered the submissions. ADMIT. Ms.Divyangana Zala, learned Additional Public Prosecutor learned Advocate waives service of notice of admission on behalf of respondent no. 1. For respondent no.2, bailable warrant of Rs.10,000/- each, be issued.

(SANGEETA K. VISHEN,J)

(D. M. VYAS, J)

SINDHU NAIR