

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL NO. 964 of 2012****With****R/CRIMINAL APPEAL NO. 890 of 2012****With****R/CRIMINAL APPEAL NO. 1031 of 2012****With****R/CRIMINAL APPEAL NO. 1084 of 2012****With****R/CRIMINAL APPEAL NO. 1241 of 2012****With****R/CRIMINAL APPEAL NO. 1243 of 2012**=====
HARISHBHAI VALLABHBHAI PATEL & 8 other(s)**Versus****STATE OF GUJARAT**
=====**Appearance:****MR YOGESH LAKHANI, SENIOR COUNSEL WITH MR. JAY M****THAKKAR(6677) for the Appellant(s) No. 1,2,3,4,5,6,7,8,9****MR JM BUDDHBHATTI(1239), SPECIAL PUBLIC PROSECUTOR(19) for the
Opponent(s)/Respondent(s) No. 1**
=====**CORAM: HONOURABLE THE CHIEF JUSTICE MR. JUSTICE
VIKRAM NATH****and****HONOURABLE MR. JUSTICE BIREN VAISHNAV****Date : 21/06/2021****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM
NATH)**

1. This group of appeals is listed before us for final hearing. Although six appeals are listed but it has been pointed out that Criminal Appeal No. 1031 of 2012 is wrongly clubbed with the other five appeals as this appeal relates to a completely different incident. For the said statement, counsels for both the parties have no objection that this appeal may be delinked from this group and may be listed before the appropriate court in its turn for hearing. It is accordingly directed that Criminal

Appeal No. 1031 of 2012 be separated from this bunch of appeals and be listed independently before the appropriate court and shall not be treated as tied up to this bunch.

2. Out of the five remaining appeals, there are two appeals against conviction, two appeals against acquittal and one appeal for enhancement. The state has preferred one appeal against acquittal and one appeal has been preferred by the victim side against acquittal. The State has preferred another appeal for enhancement. Thus, there are five appeals which are clubbed together.

3. Mr. Yogesh Lakhani, learned Senior Counsel appearing with Mr. Jay Thakkar, learned counsel for the accused in all the appeals, be it against conviction, against acquittal or enhancement states that although there are more than 60 witnesses but he would be relying upon 16 of them and as the statements have been recorded in vernacular language, translations in English would be required for which appropriate directions may be given to the Registry. According to Mr. Lakhani, learned Senior Counsel, there are 12 victim witnesses, two police officers whose statements are relevant and two medical officers whose statements he would be relying upon. These witnesses are P.Ws. 21, 23, 24, 29, 35, 36, 37, 39, 47, 48, 49, 55, 64, 65, 17 & 63. The office may get the translations of the statements of these 16 witnesses carried out within six weeks. Copy of the translated statements may be provided to counsels for both the sides i.e. Mr. Jay Thakkar, learned advocate for the accused and Mr. Jitendra Buddhbhatti, learned Special Public Prosecutor appearing for the State of Gujarat in all the five appeals.

4. Mr. Lakhani, learned Senior Counsel and Mr. Buddhbhatti, learned

Special Public Prosecutor have offered to provide detailed charts of all the witnesses along with their respective relevance. Let such charts be also provided within the time allowed above and the charts be also exchanged between the counsels. Let this group of remaining five appeals be listed on 09.08.2021.

(VIKRAM NATH, CJ)

(BIREN VAISHNAV, J)

DIVYA