BEFORE THE SPECIAL COURT, DESIGNATED FOR CONDUCTING THE SPEEDY TRIAL OF RIOT CASES, SITUATED AT OLD HIGH COURT BUILDING, NAVRANGPURA, AHMEDABAD.

SESSIONS CASE NO.235 OF 2009
CONNECTED WITH
SESSIONS CASE NO.236 OF 2009
AND
SESSIONS CASE NO.241 OF 2009
AND
SESSIONS CASE NO.242 OF 2009
AND
SESSIONS CASE NO.243 OF 2009
AND
SESSIONS CASE NO.245 OF 2009
AND
SESSIONS CASE NO.246 OF 2009
AND
SESSIONS CASE NO.270 OF 2009

INDEX

Sr. No.	Descriptions	Page No.
	Cause Title	1
	Appearances	12
A.	Brief facts and history about the case	13
B.	List of complaints	19
C.	Translated Version of I-CR No.100/2002	20
D.	About charge	24
E.	List of witnesses	25
F.	List of documents (Prosecution)	77

G.	List of documents (Defence)	123
H.	List of documents (By Court)	127
I.	Documents alongwith F.S.	129
J.	Arguments (By Sp.P.P.)	136
K.	Defence case in general	162
L.	Defence submissions and Citations	164
to		to
O.		228
P.	Summary Of Charge, Exhibit 65.	234
Q.	Points for Determination	238
R.	Answers to the above points of determination raised	246

Chapter No.		Description	Page No.
Chapter No. I	many many	non points on Cross-examination of of the PW and common arguments for of the accused, scales for appreciation dence and observations of the Court.	261
	Intro	luction	261
	(1)	Non Production of Injury Certificates - History before Doctor	263
	(2)	Exaggerations	265
	(3)	Constitution of SIT and the applications of Victim-PW to SIT	267
		(i) Constitution of SIT	267
		(ii) Application to SIT by victims PW - Exh.2289 to 2316	269
	(4)	Printed Complaints – applications and loss-damage analysis Forms.	273
	(5)	Inability to describe Topography	278
	(6)	Some Hindus saved lives of Muslims :	281
	(7)	Number of omissions, contradictions & citations.	283
	(8)	Origin of the occurrence according to defence.	292
	(9)	Injury of firearms, police firing & private firing.	295

Chapter No.	Description		Page No.
	(10)	Probability	297
	(11)	Lengthy & tiring cross, rustic witness and kind of the witnesses in the case	298
	(12)	Not lodging complaint	302
	(13)	Population of Muslim at Naroda and the probability	303
	(14)	Affidavit before the Hon'ble Supreme Court of India.	305
	(15)	Delay in F.I.R., complaint and statements, issue of complaint ante-dated and ante-timed	306
	(16)	Recovery and discovery	313
	(17)	Houses allotted to the victims of crime by the Islamic Relief Committee is the cause for false involvement	316
	(18)	The kind of the victim witnesses	317
	(19)	The probability on the aspect of height of wall of S.T.Workshop	319
	(20)	Cross stone-pelting	320
	(21)	Cross verification of the PW inter se	321
	(22)	No proper narration by PW	323
	(23)	Fortification from occurrence PW	324
	(24)	PW for whom accurate reproduction of the occurrence is common	324
	(25)	Light at site of water tank	325
	(26)	Submissions on cross of defence.	326
	(27)	Cross on belated recording of statement.	326
	(28)	Non-production of proof of residence etc.	327
	(29)	Silence of sufferers	327
	(30)	Appreciation of evidence :	327
	(31)	Police witnesses stating to have not seen the accused named in complaint	331
	(32)	Tutoring of NGO, social workers etc.	332
	(33)	Pressure, persuasion and obligation theory.	332
	(34)	Improbability and inability to notice the accused.	332
	(35)	Probability of being at tea-stall	333

Chapter No.	Description		Page No.
	(36)	First site plan	334
	(37)	Exaggeration and/or denial on occurrence	334
	(38)	Why burnt ?	335
	(39)	Mentality in mob	336
	(40)	Minor variation	336
	(41)	Principle of corpus delicti and presumption of death.	337
	(42)	Concept of "Beyond Reasonable Doubt"	339
	(43)	Probability of observation by PW	345
	(44)	Citation of defence on appreciation of evidence : (Ld. Advocate Mr.Kikani)	346
	(45)	Identity of accused to be genuine	347
	(46)	Citations by defence : (Ld. advocate Shri Thakur)	347
	(47)	The practice / theory on need of one reliable witness as sufficient	350
	(48)	Defence citations for general principles	361
	(49)	Citation of defence on investigation :	362
	(50)	Submission on false involvement	362
	(51)	Accused with weapons at site	363
	(52)	Submission on free fight	363
	(53)	Non-production of C.D. of Statement by SIT	365
	(54)	Seating arrangement of the accused	366
	(55)	Occurrence of at train.	366
	(56)	Members of the mob	366
	(57)	General hospital, fire brigade.	367
	(58)	Rapes and gang rapes	368
	(59)	Language of deposition	368
	(60)	Victims of the trial	369
	(61)	Testimony before another Court	371
	(62)	Defence of alibi	371
	(63)	Defective investigation	372
	(64)	Objects of the mobs	374
	(65)	Conduct of the PW	375
	(66)	Natural presence	375
		·	

Chapter No.		Description	Page No.
	(67)	Citation for intention of the accused	375
	(68)	Fight or flight response.	376
	(69)	Hesitation to involve.	376
	(70)	Credibility of PW	377
	(71)	PW while deposing.	378
	(72)	Fear, psychological trauma and its impact	378
Chapter No. II	maps prepai	ses of the site visit by the Court and of the site of offence, the VCD red of the site of offence on 11/03/2002 No.2.	383
	(A)	On-site visit	383
	(B)	Maps of the site of the offence VCD of the site of the offence	397
	(B-1)	PW-63	397
	(B-2)	PW-315	403
	(B-3)	PW-215	404
	(B-4)	PW-178 (in part)	407
	(C)	Findings.	407
Chapter No.III		Test Identification Parade	410
	(A)	General	410
	(B)	No identity of accused in the Court by the PW	414
	(C)	Two women accused & TIP.	416
	(D)	General for TIP.	417
	(E)	Identity of the accused in the Court.	430
	(F)	Observation of the Court on T.I.P.	432
	(G)	Judgements on the subject	433
	(H)	T.I.Parade of A-38: PW-34, Exh.235, Yadi and Exh.236, T.I.P. Panchnama	439
		Finding for TIP of A-38	448
	(I)	T.I.Parade of A-33: PW-35, Exh.239, Yadi and Exh.240 T.I.P. Panchnama	448
		Finding	450
	(J)	T.I. Parade of A-53, A-54 and A-56: PW-36, Exh.246 (A-53), Exh.249 (A-54)	450

Chapter No.		Description	Page No.
		and Exh.252 (A-56)	
		Finding	452
	(K)	Conclusion	453
Chapter No. IV	303, 3 2110,	ion Under Section 196 of Cr.P.C., PW-304, 305, 306 and 309, Exh.2107 to 2112, 2115 to 2117, 2119 and 2120, to 2186.	454
		Findings	460
Chapter No.V	Metro	of C-Summaries filed at the Court of politan Magistrate 1776/1 to 1776/24)	461
	(a)	Exh.1776/1	462
	(b)	Exh.1776/3	467
	(c)	Exh.1776/6	468
	(d)	Exh.1776/9	468
	(e)	Exh.1776/10	469
	(f)	Exh.1776/12	473
	(g)	Exh.1776/18	473
	(h)	Exh.1776/22	473
	(i)	Exh.1776/14	476
	(j)	Exh.1776/18	477
	(k)	Exh.1776/20	477
	(l)	Exh.1776/21 & 1776/22	478
	(m)	Exh.1776/23	478
	(o)	Conclusion	479
Chapter No. VI		Previous Investigation	481
	(a)	Introduction	481
	(b)	On 27/02/2002	483
	(c)	First I.O. : Mr. K.K. Mysorewala (from 28/02/2002 to 08/03/2002)	485
	(d)	Second I.O. Mr. P.N. Barot (from 08/03/2002 to 30/04/2002)	496
	(e)	Third I.O. & all I.O. from Crime Branch.	499
		(1) Shri S.S.Chudasama (from 01/05/2002 to 19/11/2002 with in between the charge to P.I.Shri Agrawat)	500

Chapter No.		Description	Page No.
		(2) Shri H.P. Agrawat, P.I. (from 19/11/2002 to 05/04/2003)	500
		(3) Shri G.S.Singhal, A.C.P. (from 06/04/2003 to 14/12/2006)	500
		(4) Shri H.R.Muliyana, A.C.P. (from 15/12/2006 to 21/11/2007)	500
		(5) Shri V.K.Ambaliyar, A.C.P. (from 21/11/2007 to 10/04/2008)	500
	(f)	General observation about the previous investigation:	514
	(g)	Appreciation of the previous investigation in general	526
	(h)	Final finding on previous investigation	535
	(i)	About investigation of the SIT	535
		(i) Shri V.V.Chaudhary, S.P., (from 10/04/2008 to 08/08/2010)	535
		(ii) I.O. Shri Himanshu Shukla (from 08/08/2010 onwards)	541
	(j)	Conclusion on SIT investigation	542
Chapter No. VII		Dying declarations in this case	542
	(A)	PW-130, PW-131 and all the dying declarations on the record including which are now only earlier statements.	542
	(B)	Finding	550

Chapter No.		Description	Page No.
Chapter No. I		CONSPIRACY	552
	(A) LI	EGAL ASPECT OF CONSPIRACY	553
		Extra Judicial Confession & Its effects and Citations regarding Section 30 of the Indian Evidence Act.	556
	(B) C	DRAL EVIDENCE	573

Chapter No.		Description	
	(1)	PW - 104	573
		Cross-examination of PW - 104	577
		Opinion	595
		Finding of PW - 104.	597
	(2)	PW - 136	598
		Cross-examination of PW - 136	600
		Finding of PW - 136	604
	(3)	PW - 176	605
		Cross-examination of PW - 176	607
		Finding of PW - 176	610
	(4)	PW - 149	611
		Cross-examination of PW - 149	615
		Finding of PW - 149	625
	(5)	PW - 192	627
		Cross-examination of PW - 192	629
		Finding of PW - 192	634
	(6)	PW - 198	635
		Cross-examination of PW - 198	638
		Finding of PW - 198	643
	(7)	PW - 236	644
		Cross-examination of PW - 236	647
		Finding of PW - 236.	652
	(8)	PW - 156	653
		Substance from Chief of PW-156	660
		From Cross-examination of PW - 156	665
		Finding of PW - 156	672
	(9)	PW - 227	673
		Cross-examination of PW - 227	676
		Finding of PW - 227	680
	(10)	PW - 52	680
		Cross-examination of PW 52 and Opinion.	685
		Finding of PW - 52.	704
	(11)	PW - 143	705
		Cross-examination of PW - 143	707

Chapter No.		Description	Page No.
		Observation of the Court	718
		Finding of PW - 143	721
	(12)	PW - 112 AND OTHER PW	722
		Finding of PW - 112 AND OTHER PW	723
	(13)	PW - 219 AND OTHER PW	723
		Finding of PW - 219 AND OTHER PW	723
	(14)	Support from Exh.1776/1.	724
		Finding of Exh.1776/1.	724
	(15)	Support from the Complaint - Exh.1773	725
	(16)	Probability of private possession and use of firearm	727
	Final F	inding of the Part-3 on Conspiracy :-	727
	PW 52	ary of the Testimonies of 13 PWs: , 104, 112, 136, 143, 149, 156, 176, 192, .9, 227, 236.	
		Final finding on the entire chapter of conspiracy.	749
Chapter		Sting Operation	 0
NoII		Sting Operation	750
	(1)	Appreciation of DVD & CD	750
	(2)	Appreciation of DVD & CD	750
	(2) (3 to 6) (7 &	Appreciation of DVD & CD Relevant citations	750 753
	(2) (3 to 6) (7 & 8)	Appreciation of DVD & CD Relevant citations In general from the facts and opinion. Summary of C.D., D.V.D., Exh.2259 and	750 753 758
	(2) (3 to 6) (7 & 8) (9)	Appreciation of DVD & CD Relevant citations In general from the facts and opinion. Summary of C.D., D.V.D., Exh.2259 and from the deposition of PW-322 From the interview recorded by PW 322	750 753 758 761
	(2) (3 to 6) (7 & 8) (9)	Appreciation of DVD & CD Relevant citations In general from the facts and opinion. Summary of C.D., D.V.D., Exh.2259 and from the deposition of PW-322 From the interview recorded by PW 322 with A-18 (DVD). From the interview recorded by PW 322	750 753 758 761 763
	(2) (3 to 6) (7 & 8) (9) (10)	Appreciation of DVD & CD Relevant citations In general from the facts and opinion. Summary of C.D., D.V.D., Exh.2259 and from the deposition of PW-322 From the interview recorded by PW 322 with A-18 (DVD). From the interview recorded by PW 322 with A-21. From the interview recorded by PW 322	750 753 758 761 763
	(2) (3 to 6) (7 & 8) (9) (10) (11) (12 to 16)	Appreciation of DVD & CD Relevant citations In general from the facts and opinion. Summary of C.D., D.V.D., Exh.2259 and from the deposition of PW-322 From the interview recorded by PW 322 with A-18 (DVD). From the interview recorded by PW 322 with A-21. From the interview recorded by PW 322 with A-21.	750 753 758 761 763 768
	(2) (3 to 6) (7 & 8) (9) (10) (11) (12 to 16) (17)	Appreciation of DVD & CD Relevant citations In general from the facts and opinion. Summary of C.D., D.V.D., Exh.2259 and from the deposition of PW-322 From the interview recorded by PW 322 with A-18 (DVD). From the interview recorded by PW 322 with A-21. From the interview recorded by PW 322 with A-22. Opinion	750 753 758 761 763 768 769
	(2) (3 to 6) (7 & 8) (9) (10) (11) (12 to 16) (17) (18)	Appreciation of DVD & CD Relevant citations In general from the facts and opinion. Summary of C.D., D.V.D., Exh.2259 and from the deposition of PW-322 From the interview recorded by PW 322 with A-18 (DVD). From the interview recorded by PW 322 with A-21. From the interview recorded by PW 322 with A-22. Opinion PW 314, Exh.2213 to 2216:	750 753 758 761 763 768 769 772

Chapter No.		Description			
	(21)	PW 323 - Exh.2275, 2276, 2277 (defence)	789		
	(22)	Final finding on Sting Operation	790		
Chapter No. III		Mobile Call Details	792		

Chapter No.	Description	Page No.
Chapter No. I	PANCHNAMA	800
	1. Introduction	800
	(A) TIP Panchnamas	802
	(B) Panchnamas for damages :-	802
	(1) Exh.2046 :	806
	(2) Exh.2047 :	806
	(3) Exh.143 :	808
	(4) Exh.162 :	808
	(5) Exh.164 :	808
	(6) Exh.384 (by defence)	809
	(7) Exh.2038 :	809
	(8 & 9) Exh.929 & 931 :	809
	(10 to 12) Exh.1345, 1346, 1347 :	810
	(13 & 14) Exh.1455 and 1479 :	811
	(15) Exh. 1531 (by defence).	811
	(16) Exh.1563 :	811
	(17) Exh.1856 :	812
	(18 & 19) Exh.2036 & 2037 :	812
	(20 & 21) Exh.2039 & 2040 :	812
	(22) Exh.2048 :	813
	(23) Exh.950 :	814
	(24 to 28) Exh.952, 1036, 1055, 1082, 1083 (by defence)	814
	(29) Exh.1151	814

(30) M	ark - 134/65.	814
Comm of dam	on Conclusion For All The Panchnamas	815
Comm damag	on finding of all 29 panchnamas for es.	815
(C) Inque PWs.	est Panchnamas and their panch	816
I. <u>Inques</u>	t Panchnamas	816
l I I I	l) Exh.192, 194, 203 and 205 (Inquest namas) :	816
	3) Exh.207, 210, 212 and 214 (Inquest namas) :	816
(9 to panch	11) Exh.221,224, 232 (Inquest namas)	817
(12) Ex	xh.402 (Inquest panchnama) :	817
1 1 1 7	Exh.394, 406 and 662 (Inquest nama) :	817
(14) Ex	xh.937 & 357 (Inquest panchnama) :	817
l l '	20) Exh.1454, 1333, 2021, 2062, 2064 75 (Inquest Panchnama) :	818
II. <u>Identif</u>	<u>ication Panchnamas</u>	818
(1) Exh	n.219 :	818
(2) Exh	n.1303	819
(3) Exh	n.1349	819
(4) Exh	n.2041	819
III. Comm	non conclusion For All Inquests :	819
(D) Discov	very Panchnamas	820
1. Exh.87	75 - Discovery Panchnama of A-22.	824
Findin A-22.	g of Exh.875 - Discovery panchnama of	825
2. Exh.14	194 - Discovery Panchnama of A-44	825
Findin of A-44	g of Exh.1494 - Discovery Panchnama 1	826
3. Exh.18	334- Discovery Panchnama of A-41.	826
Findin of A-41	g of Exh.1834, Discovery Panchnama	827
4 Exh.21 & Panchi 5 Bhavai	namas from deceased Guddu and Jay	827
Findin	g of Exh.2130 & Exh.2129 - Discovery	828

		Panchnamas from deceased Guddu and Jay Bhavani.	
	(E)	Inquest Panchnamas of deceased accused	828
		1 & 2. Exh.2069 and Exh.2070	828
	(F)	Miscellaneous Panchnamas :	828
		1. Exh.177	828
		2. Exh.888 (by defence)	828
		3. Exh.1228 :	829
		4. Exh.1556 :	830
		5. Exh.2071 (by defence)	832
		6. Exh.1868 : (connects A-38)	832
		7. Exh.1749 (Part-1 to 5)	835
		8. Exh.2203 :	836
		- Conclusion for all the panchnamas described above at (A) to (F) :	836
Chapter No. II	AN	E POSTMORTEMS, INQUESTS, YADIS D DOCTOR WITNESSES, VICTIM AND EIR RELATIVE WITNESSES.	839
	Int	roduction :	839
	A-	Deaths proved by Inquests, PM etc In cases where the deceased were identified :-	848
		1. Case No.1 (Number given by the Court for convenience and proper reference by the Court) Death of Mohammad Shafiq Adambhai Shaikh Inquest, Yadi, Relevant PW etc.,-(Death No.1)-Morning Occurrence	848
		FINDINGS ON DEATH OF MOHAMMAD SHAFIQ ADAMBHAI SHAIKH: (Death No.1)	850
		2. Case No.2: Death of Saidabanu Ibrahim Shaikh, aged 23 years, resident of Hussain Nagar (Death No.2 -)	851
		FINDINGS on the Death of Saidabanu Ibrahim Shaikh (Death No.2, Evening Occurrence)	852
		3. Case No.3 : Death of Jubaidabanu Shabbir Ahmed Shaikh (seems to be daughter-in-law of Kudratbibi) (Death No.3)	852
		FINDINGS OF DEATH OF JUBAIDABANU SHABBIR AHMED SHAIKH (Death No.3,	853

Evening Occurrence)		
4. Case No.4 : Death of Khurshidbhai (Death No.4)	of Kudratbibi 853	3
FINDINGS on the Death of Khurshidbhai (Death No.4)	of Kudratbibi 850	6
5. Case No.5 : Death of Sarr Noor Mohammad (Death No.5)	muddin Khalid 850	6
FINDINGS ON DEATH OF KHALID NOOR MOHAMMAD (I		7
6. Case No.6 : Death of Asif 5 years (Death No.6)	Shabbir, aged 85'	7
FINDINGS ON THE DEAT SHABBIR : (Death No.6 Occurrence)		8
7. Case No.7: Death of Suaged 35 years (Death No.7)	ıpriya Marjid, 858	8
FINDINGS on the Death of S (Death No.7) (Noon Occurrence	- 5	9
8. Case No.8 : Death of Mohammad Maroo, aged 10 No.8)		9
FINDINGS on the death of Mohammad Maroo, (Death No.8		0
9. Case No.9 Death of Mehboobbhai aged about 8- 12 No.9)		0
FINDINGS on the Death of Mehboobbhai (Death No.9 Occurrence		1
10. Case No.10 : Death Babubhai Bhatti (Death No.10)	of Shakina 862	2
FINDINGS on the Death of Shal Bhatti (Death No.10) (Morning (3
11. Case No.11 - Death of de Babubhai Bhatti (Death No.11)	eceased Razak 863	3
FINDING on the death of de	ceased Razak 86	5

	I	
	Babubhai Bhatti (Death No.11) (Morning Occurrence)	
	12. Case No.12 : Death of deceased Sufiabanu/Sofiabanu Majid Shaikh (Death No.12)	865
	FINDINGS on the death of deceased Sufiabanu / Sofiabanu Majid Shaikh (Death No.12) (Evening Occurrence)	867
	13. Case No.13 Death of Mehboob Khurshidbhai Shaikh (Death No.13)	867
	FINDINGS ON DEATH OF MEHBOOB KHURSHID SHAIKH (Death No.13) (Noon Occurrence)	868
	14. Common Notes :	869
В-	Deaths proved otherwise :-	869
	1. Death of Moin Khan/Soin Khan, dead body identification panchnama Exh.1303, Yadi etc. (Death No. 14) (in the fact of the case, it seems to be of crippled person)	869
	FINDINGS ON DEATH OF MOIN KHAN / SOIN KHAN : (Death No.14)	871
	2. Death of Six family members of Jaidabibi alias Ghoribibi (PW 90) (Death No.15 to 20)	872
	FINDING ON DEATH OF (1) Salambhai Abdulla Khureshi, (2) Reshma Salam, (3) Samir Salam, (4) Imran Salam, (5) Meraj Salam and (6) Hussain Mohammad (Death Nos. 15 to 20) (Evening Occurrence)	875
	3. Deaths of Lalbi Majidbhai W/o Abdul Majid, Jadikhala and Mumtaz Noorbhai (Death Nos. 21, 22 & 23)	876
	FINDINGS OF THE DEATH OF Lalbi Majidbhai W/o Abdul Majid, Hajrabibi alias Jadi Khala and Mumtaz Noorbhai (Death Nos.21, 22 & 23) (Evening Occurrence)	880
	4. Death of Zarinabanu Bundubhai and Nasimbanu Bundubhai (Death Nos.24 & 25)	880
	FINDING ON DEATHS of Zarinabanu	881

		Bundubhai and Nasimbanu Bundubhai (Death Nos.24 & 25)	
		5. FINAL CONCLUSION ON THE CHAPTER OF P.M., INQUESTS, YADIS AND CONCERNED PWS AND DOCTOR P.M. etc. :-	881
		A. Conclusion on A:	885
		B. Conclusion on B:	886
	С	MISSING PERSONS : (Death Nos.26, 27 & 28)	887
		Conclusion on C : -	888
		Finding for Death Nos.26, 27 & 28:-	888
	D.	OFFENCE - WATER TANK ETC., OF EVENING OCCURRENCE, CHART OF INQUESTS AND DEATH NO.29 ONWARDS.	888
		UNIDENTIFIED DEAD BODIES :	888
		Finding on D :-	905
	E.	DEATHS PROVED BY BURIAL RECEIPTS:-	905
		CONCLUSION	908
Chapter No. III		INJURIES TO THE VICTIMS	908
	(A)	Injury certificates (Case No.1 to 32)	908
		Common Factors in all the injury certificates	908
		(1) Case of Shafi Bablu Mehboobbhai, aged 7 years, male, resident of Patiya.	911
		1, ,	911 912
		7 years, male, resident of Patiya. Finding of the victim Shafi Bablu	
		7 years, male, resident of Patiya. Finding of the victim Shafi Bablu Mehboobbhai (Noon Occurrence) (2) Case of Yasin Abdul Majid, male child,	912
		7 years, male, resident of Patiya. Finding of the victim Shafi Bablu Mehboobbhai (Noon Occurrence) (2) Case of Yasin Abdul Majid, male child, aged 8 years. Finding of victim, Yasin Abdul Majid -	912
		7 years, male, resident of Patiya. Finding of the victim Shafi Bablu Mehboobbhai (Noon Occurrence) (2) Case of Yasin Abdul Majid, male child, aged 8 years. Finding of victim, Yasin Abdul Majid - Evening Occurrence: (3) Case of Shehnazbanu Munavar, Exh.281, aged 35 years, female, resident of	912 912 913

- aged 45 years.	
Finding of Victim, Bashir Ahmed Mohammadhussain Shaikh / Bashir Ahmed Dobhi - Noon Occurrence :	915
(5) Case of Aishabanu Mohammad Maru Pathan, - female, aged 8 years.	915
Finding of Victim Aishabanu Mohammad Maroo Pathan - Evening Occurrence:	916
(6) Case of Afsanabanu Rehmanbhai Saiyad, female, aged 19 years	917
Finding of Victim - Afsanabanu Rehmanbhai Saiyad - Evening Occurrence:	917
(7) Case of Shabbir Ahmed Munir Ahmed Shaikh, male, aged 17 years.	917
Finding of Victim Shabbir Ahmed Munir Ahmed Shaikh - Evening Occurrence:	918
(8) Case of Naimuddin Ibrahim Shaikh - Male aged 35 years	919
Finding of Victim Naimuddin Ibrahim Shaikh :	919
(9) Case of Farzanabanu Aiyubkhan Pathan - Female - aged 30 years.	919
Finding of Victim Farzanabanu Aiyubkhan Pathan - Evening Occurrence :	920
(10) Case of Saberabanu Abdul Aziz Shaikh, female aged 24 years	920
Finding of Victim Saberabanu Abdul Aziz Shaikh - Evening Occurrence:	921
(11) Case of Usmanbhai Valibhai - Male aged 65 years.	921
Finding of Victim Usmanbhai Valibhai - Evening Occurrence:	922
(12) Case of Yasin Usmanbhai Mansuri, Male, Aged 16 years	922
Finding of Victim, Yasin Usmanbhai Mansuri - Evening Occurrence:	923
(13) Case of Shabana Abdul Rahim, Female aged 23 years.	923
Finding of victim, Shabana Abdul Rahim - Noon Occurrence :	923
(14) Case of Shoheb Mohammad Aiyub Shaikh, Male - Infant, aged 20 days.	924

Finding of Victim, Shoheb Mohammadayub Shaikh - Evening Occurrence:	924
(15) Case of Ahmed Badshah Mohammad Hussain Shaikh, Male 20 years.	925
Finding of Victim – Ahmed Badshah Mohammad Hussain Shaikh - Morning And Evening Occurrence :	926
(16) Case of Ahmed Mohammad Hussain Saiyad, Male aged 7 years.	926
Finding of the Victim-Ahmed Mohammad Hussain Saiyad - Noon Occurrence:	927
 (17) Case of Mohammad Maru Raufalikhan Pathan, Male aged 39 years.	927
 Finding of Victim - Mohammad Maru Raufalikhan Pathan - Evening Occurrence:	928
(18) Case of Shahrukh Shabbir, Male Child.	929
Finding of Victim Shahrukh Shabbir :	929
(19) Case of Kamarraza Mohammad Maru Pathan, Male, aged 5 years.	929
 Finding of the victim Kamarraza Mohammad Maru Pathan - Evening Occurrence :	930
(20) Case of Jetunbibi Aslammiya Shaikh, Female, aged 18 years.	930
 Finding of the Victim : Jetunbibi Aslammiya Shaikh - Evening Occurrence:	931
(21) Case of Reshmabanu Aiyubkhan Pathan, Female, aged 10 years.	931
Finding of the Victim, Reshmabanu Aiyubkhan Pathan - Evening Occurrence:	932
(22) Case of Kulsumbanu Ibrahimbhai, Female, aged 35 years.	932
Finding of victim, Kulsumbanu Ibrahimbhai - Evening Occurrence:	933
(23) Case of Zarinabanu Naeemuddin, Female, aged 25 years.	933
 Finding for the Victim, Zarinabanu Naimuddin - Evening Occurrence:	934
 (24) Case of Shaukatbhai Nabibhai Mansuri, Male.	934
(25) Case of Shahjahan Kabirahmed Shaikh, Female	935
Finding of Shahjahan Kabirahmed Shaikh -	936

	,	
	Evening Occurrence:	
	(26) Case of Mohammad Khalid Saiyadali Saiyad, Male, aged 29 years.	936
	Finding of Mohammad Khalid Saiyadali Saiyad - Morning And Evening Occurrence :	937
	(27) Case of Pir Mohammad Allabaksh - Male aged 35 years	938
	Finding of victim - Pir Mohammad Allabaksh - Morning Occurrence:	938
	(28) Case of Mohammad Hussain Shaikh, Male, aged 26 years	939
	Finding of Mohammad Hussain Shaikh - Morning Occurrence:	939
	(29) Case of Mustaq Razzak Kaladia - Male aged 20 years,	939
	Finding of victim Mustaq Razzak Kaladia - Morning Occurrence:	940
	(30) Case of Abdulmajid Saiyadali Saiyad - Male aged 23 years.	940
	Finding of Victim - Abdulmajid Saiyadali Saiyad - Morning Occurrence :	941
	(31) Case of Raziyabanu Mohammad Aiyub - Female, 35 years	941
	Finding of Victim , Raziyabanu Mohammad Aiyub - Noon Occurrence:	942
	(32) Case of Sufiyabanu Inayat Saiyad, Female, Aged 32 years	942
	Finding of the victim Sufiyabanu Inayat Saiyad:	943
(B)	Injured who took treatment in Relief Camp (Case No. 33 to 96 and 97 to 125 from the Chapter of Occurrence Witness and others):	943
	(33) Case of Parveenbanu Salambhai, Female	943
	Finding of victim, Parveenbanu Salambhai :	944
	(34) Case of Abdul Rashid Rahimbhai Shaikh :-	944
	(35) Case of Mohammad Aiyub Shofilal Shaikh:	944
	(36) Case of Sallaudin Abdul Karim Shaikh :-	944
	(37) Case of Taufiqbhai Akbarmiya :-	944

(38) Case of Kamrunnisha Muradali Shaikh	945
FINDING OF PW 218, 185, 190, 40 and 56:	945
(39) Common Finding For All	945
(40) Bibi Banu and Parvin Banu	946
(41 & 42) DETAILED STATEMENT OF INJURED PERSONS AND WHO WERE TREATED AT RELIEF CAMP.	946
(43) CONCLUSION OF INJURY CERTIFICATE	952
(44) FINAL CONCLUSION OF THIS PART :	953

Chapter No.	Description	Page No.
Chapter No. I	Appreciation Of Oral Evidence Of Different Victims And Relatives Or Acquaintances Of The Deceased :	954
	[I] Principles for appreciation (Citations)	954
	[II] Common Facts	975
	[III] Other Than Common Facts	979
	Occurrence PWs :	980
	Occurrence Prosecution Witnesses, Who Do Not Involve Any Accused By Name.	981
	Morning Occurrences (From 9:30 a.m. to about 12:00 noon.)	990
	Noon Occurrences (12:00 noon to 5:00 p.m.):	996
	Evening Occurrence (5:00 p.m. onwards):	1000
	Important aspects From The Depositions of Occurrence Prosecution Witnesses Related To injuries And Deaths.	1011
	Findings:	1022
Chapter No. II	VICTIM WITNESSES	1025
	Introduction	1025
	(01) PW 37	1026
	(02) PW 56	1036
	(03) PW 65	1040

Chapter No.	Description	Page No.
	(04) PW 72	1042
	(05) PW 73	1052
	(06) PW 83	1069
	(07) PW 94	1077
	(08) PW 105	1080
	(09) PW 106	1088
	(10) PW 107	1097
	(11) PW 108	1100
	(12) PW 109	1107
	Note: PW-110 has been dealt with at Sr.No.94 herein below.	
	(13) PW 112	1112
	(14) PW 113	1123
	(15) PW 114	1132
	(16) PW 115	1137
	(17) PW 116	1141
	(18) PW 117	1145
	(19) PW 135, 237, 245, 253, 270, 277 Etc.	1147
	(20) PW 135	1155
	(21) PW 137	1164
	(22) PW 138	1168
	(23) PW 141	1172
	(24) PW 142	1175
	(25) PW 144	1186
	(26) PW 145	1189
	(27) PW 147	1192
	(28) PW 150	1197
	(29) PW 157	1200
	(30) PW 158	1205
	(31) PW 162	1214
	(32) PW 167	1218
	(33) PW 168	1223
	(34) PW 169	1224
	(35) PW 170	1227

Chapter No.	Description	Page No.
	(36) PW 171	1230
	(37) PW 172	1232
	(38) PW 173	1233
	(39) PW 174	1236
	(40) PW 175	1240
	(41) PW 177	1243
	(42) PW 179	1248
	(43) PW 180	1251
	(44) PW 181	1252
	(45) PW 182	1256
	(46) PW 183	1259
	(47) PW 184	1262
	(48) PW 185	1267
	(49) PW 186	1271
	(50) PW 187	1274
	(51) PW 188	1276
	(52) PW 189	1285
	(53) PW 190	1292
	(54) PW 193	1296
	(55) PW 197	1298
	(56) PW 199	1299
	(57) PW 200	1301
	(58) PW 201	1311
	(59) PW 202	1316
	(60) PW 203	1322
	(61) PW 204	1330
	(62) PW 209	1333
	(63) PW 212	1339
	(64) PW 213	1344
	(65) PW 217 & PW 218	1351
	(66) PW 219	1359
	(67) PW 224	1367
	(68) PW 225 (husband of Kausharbanu)	1369
	(69) PW 226	1372

Chapter No.	Description	Page No.
	(70) PW 228	1374
	(71) PW 229	1385
	(72) PW 230	1387
	(73) PW 231	1394
	(74) PW 232	1398
	(75) PW 233	1398
	(76) PW 234	1401
	(77) PW 235	1406
	(78) PW 237 & PW 245	1412
	(79) PW 238	1412
	(80) PW 239	1416
	(81) PW 242	1419
	(82) PW 243	1421
	(83) PW 244	1423
	(84) PW 247	1425
	(85) PW 249	1428
	(86) PW 250	1430
	(87) PW 257	1431
	(88) PW 258	1436
	(89) PW 260	1439
	(90) PW 261	1442
	(91) PW 272	1447
	(92) PW-223	1449
	(93) PW-271	1450
	(94) PW-110	1452
	(95) PW-146	1453
Chapter No. III	OFFICIAL WITNESSES	1456
	(1) PW-269	1456
	(2) PW-273	1460
Chapter No. IV	DOCUMENTARY EVIDENCES ON ADMISSION OF THE DEFENCE AND CIRCUMSTANTIAL EVIDENCE.	1463
	(I) DOCUMENTS:	1463
	(a) Exh.2049 to 2075	1463

XXII

Chapter No.	Description	Page No.
	(b) Exh.292 to 317	1465
	(c) Exh.318	1465
	(d) Exh.2131 to 2163	1466
	(e) Exh.532, 553 and 1207	1466
	(f) Exh.1231, 1412 and 1616	1466
	(g) Exh.1801	1467
	(II) CIRCUMSTANTIAL EVIDENCE	1467
	A. FINAL CONCLUSION OF PART - 5	1469
	B. COMMON FOR ALL PWS	1471
	C. FINAL CONCLUSION OF THE MATERIAL SO FAR AND FOR THE PW WHO ONLY INVOLVED THE DEAD ACCUSED (THIS CHAPTER IS IN PART-6)	1471
	D. FINAL CONCLUSION OF PART - 3 & 5, ETC. AS FAR AS DEATHS PROVED :	1484

PART - 6

Chapter No.	Description	Page No.
Chapter No. I	THE PWs WHO INVOLVE THE DEAD ACCUSED	1487
	FINDINGS FOR THE DEAD ACCUSED	1493
Chapter No. II	IMPORTANT ASPECTS FROM THE DEPOSITIONS	1494
	(1) PW-70	1494
	(2) PW-76	1494
	(3) PW-79	1494
	(4) PW-90	1494
	(5) PW-140	1495
	(6) PW-148	1495
	(7) PW-166	1495
	(8) PW-167	1495
	(9) PW-191	1495
	(10) PW-248	1496
	(11) PW-326	1496

Chapter No.	Description	Page No.
Chapter No. III	POLICE WITNESSES	1496
	POLICE OFFICIALS WHO BROUGHT VARDHIS OF THE HOSPITALS (PW 221, 222 & 241)	1502
	PW-222	1502
	PW-241	1505
	PW- 221	1506
	THE POLICE OFFICIALS WHO BROUGHT NOTIFICATION UNDER B.P. ACT & THE CURFEW ORDER	1507
	PW- 220	1507
	THE POLICE PWs AT THE SITE ON THE DAY	1509
	PW - 264	1512
	PW - 265	1515
	PW - 266	1517
	PW - 267	1518
	PW - 268 (PSO of Naroda Police Station)	1519
	PW-262 (COMPLAINANT OF I-C.R. No.100/02 & EXH.1773- THE COMPLAINANT)	1522
	FIRST IO AND HIS ASSIGNEE OFFICERS (PW-274, PW-276, PW-296 & PW-297)	1527
	PW- 276	1527
	PW- 296	1528
	PW- 297	1529
	PW- 274	1530
	SUPERIOR OFFICERS OF FIRST IO	1537
	PW-277	1537
	PW-294	1543
	SECOND IO & HIS ASSIGNEE OFFICERS [PW-178 (IO) & PW-292 (ASSIGNEE OFFICER OF PW-178)]	1544
	I.O.No.3, Shri S.S.Chudasama - PW-307 and his Assignee Officers & Officials	1549
	FOURTH I.O PW- 275 (MR.H.P.AGRAWAT):	1556
	PW- 278, 279, 280, 281, 282, 283, 284, 291, 292 (discussed alongwith I.O2) 293, 295, 298, 299, 300, 301 and 302 :	1558
	FIFTH I.O PW-317 (Shri G.L. Singhal)	1567

Chapter No.	Description	Page No.
	SIXTH I.O PW-313 (Shri Muliyana)	1568
	SEVENTH I.O. (Shri Ambliyar)	1569
	EIGHTH I.O. PW 327 OF SIT	1569
	NINTH I.O. AND CURRENT IO OF SIT :	1574
	FINAL CONCLUSION	1574
	FINDINGS UNDER THE HEADING OF 'APPRECIATION OF THE PREVIOUS INVESTGIGATION IN GENERAL.'	1574
	FINAL CONCLUSION OF PART-6	1575
	FINAL CONCLUSION FOR TOTAL DEATH TOLL	1575

Chapter No.		Description	Page No.
Chapter No. I	A. The Part-	Point of Determination raised at 1.	1577
	I.	Point of Determination No.1 and its discussion	1577
	II.	Point Of Determination No.2 and its discussion.	1598
	III.	Point Of Determination No.3 and its discussion.	1620
	IV.	Point Of Determination No.4 and its discussion.	1624
	V.	Point Of Determination No.5 and its discussion.	1629
	VI.	Point Of Determination No.6 and its discussion.	1631
	VII.	Point Of Determination No.7 and its discussion.	1634
	VIII.	Point Of Determination No.8 and its discussion.	1652
	IX.	Point Of Determination No.9 and its discussion.	1662
	X.	Point Of Determination No.10 and its discussion.	1679
	XI.	Point Of Determination No.11 and its discussion.	1696

Chapter No.	Description				
	XII. & XIII.	Point Of Determination No.12 & 13 and its discussion.	1709		
	XIV.	Point Of Determination No.14 and its discussion.	1759		
	XV.	Point Of Determination No.15 and its discussion.	1762		
	XVI.	Point Of Determination No.16 and its discussion.	1764		
Chapter No.II		ent Incidents In General Which Took On The Date, Time And Site Of The Offence :	1764		
Chapter No.III		DEALING WITH THE WRITTEN MENTS OF THE ACCUSED AFTER F.S.	1785		
	(A TO	Applicable in general to all the accused.	1785		
	E)				
	(F)	A-1:	1787		
	(G)	A-2:	1787		
	(H)	A-4 :-	1791		
	(I)	A-5 :-	1793		
	(J)	A-10 :-	1795		
	(K)	A-18:	1795		
	(L)	A-20:	1800		
	(M)	A-21:	1804		
	(N)	A-22:	1805		
	(O)	A-25 :	1807		
	(P)	A-26 :	1807		
	(Q)	A-27 & A-28 :	1807		
	(R)	A-30 & A-33 :	1808		
	(S)	A-34 & A-39 :	1808		
	(T)	A-37 :-	1808		
	(U)	A-38:	1813		
	(V)	A-40 :-	1815		
	(W)	A-41 :	1815		
	(X)	A-42 :	1818		
	(Y)	A-44 :-	1818		
	(Z)	A-45, A-46, A-52, A-53 & A-55 :	1821		

Chapter No.		Description	Page No.
	(AA)	A-47 :-	1822
	(AB)	A-58:	1823
	(AC)	A-62 :	1824
Chapter No. IV :		GRANT OF BENEFIT OF DOUBT	1825
	1.	A-1:	1826
	2.	A-2:	1826
	3.	A-3:	1826
	4.	A-4:	1827
	5.	A-5:	1827
	6.	A-6:	1827
	7.	A-7:	1827
	8.	A-8:	1828
	9.	A-9:	1829
	10.	A-10:	1829
	11.	A-11:	1829
	12.	A-12 :	1830
	13.	A-13:	1831
	14.	A-14:	1831
	15.	A-15:	1832
	16.	A-16:	1832
	17.	A-17:	1833
	18.	A-18:	1834
	19.	A-19:	1834
	20.	A-20:	1835
	21.	A-21:	1835
	22.	A-22:	1835
	23.	A-23:	1835
	24.	A-24:	1836
	25.	A-25 :	1837
	26.	A-26:	1837
	27.	A-27:	1837
	28.	A-28 :	1837
	29.	A-29 :	1837
	30.	A-30 :	1838

Chapter No.		Des	scription				Page No.
	31.	A-31 :					1838
	32.	A-32 :					1838
	33.	A-33 :					1839
	34.	A-34:					1839
	35.	A-35 :					1839
	36.	A-36 :					1839
	37.	A-37 :					1840
	38.	A-38 :					1840
	39.	A-39 :					1840
	40.	A-40 :					1840
	41.	A-41 :					1840
	42.	A-42 :					1840
	43.	A-43 :					1840
	44.	A-44 :					1841
	45.	A-45 :					1841
	46.	A-46 :					1841
	47.	A-47 :					1841
	48.	A-48 :					1841
	49.	A-49 :					1842
	50.	A-50 :					1843
	51.	A-51 :					1843
	52.	A-52 :					1844
	53.	A-53 :					1844
	54.	A-54 :					1844
	55.	A-55 :					1845
	56.	A-56 :					1845
	57.	A-57 :					1846
	58.	A-58 :					1846
	59.	A-59 :					1846
	60.	A-60 :					1847
	61.	A-61 :					1847
	62.	A-62 :					1848
Chapter No. V :		Culpability	of the A	ccus	ed		1848
	[1]	COMMON	FOR A	LL	THE	LIVE	1850

Chapter No.		Description	Page No.
		ACCUSED HELD GUILTY:	
	[2]	A-1:	1860
	[3]	A-2:	1863
	[4]	A-4:	1866
	[5]	A-5:	1866
	[6]	A-10:	1867
	[7]	A-18:	1868
	[8]	A-20 :	1871
	[9]	A-21 :	1872
	[10]	A-22:	1877
	[11]	A-25 :	1879
	[12]	A-26 :	1881
	[13]	A-27:	1883
	[14]	A-28 :	1884
	[15]	A-30 :	1885
	[16]	A-33 :	1886
	[17]	A-34:	1887
	[18]	A-37:	1887
	[19]	A-38 :	1889
	[20]	A-39:	1891
	[21]	A-40:	1892
	[22]	A-41:	1893
	[23]	A-42 :	1895
	[24]	A-44 :	1896
	[25]	A-45:	1899
	[26]	A-46 :	1899
	[27]	A-47 :	1900
	[28]	A-52 :	1900
	[29]	A-53 :	1902
	[30]	A-55:	1902
	[31]	A-58 :	1903
	[32]	A-60:	1904
	[33]	A-62 :	1905
	[34]	Deceased Accused (Conspirators as well as members of unlawful assembly):	1906

Chapter No.	Description	Page No.
	FINAL ORDER	1911
	FURTHER FINAL ORDER	1931

Date :- 31/08/2012.

(Dr.Smt.Jyotsna Yagnik)
Special Judge,
Court for conducting speedy
Trial of Riot Cases, situated at SIT Courts, Old High Court Building, Navrangpura, Ahmedabad.