

Exhibit : 2671

**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**

Sessions Case No.235 of 2009

Complainant : The State of Gujarat.

Versus

Accused No.1: Naresh Agarsinh Chhara,
also known as brother of Guddu Chhara @
Nariyo (Arrested on 08/03/2002 and released

on bail on 20/12/2002)

Accused No.2 : Morlibhai Naranbhai Sindhi @ Murli,
(Arrested on 08/03/2002 and released on bail
on 12/09/2002)

Accused No.3 : Umeshbhai Surabhai Bharwad,
(Arrested on 08/03/2002 and released on bail
on 26/12/2002)

Accused No.4 : Ganpat Chhanaji Didawala (Chhara)
(Arrested on 14/04/2002 and released on bail
on 30/10/2002)

Accused No.5 : Vikrambhai Maneklal Rathod (Chhara) @
Tiniyo, Son-in-law of deceased Dalpat
(Arrested on 14/04/2002 and released on bail
on 08/10/2002).

Accused No.6 : Rajesh @ Panglo Son of Kantilal Parmar
(Chhara)
(Arrested on 14/04/2002 and released on bail
on 03/10/2002).

Accused No.7 : Champak Himmatlal Rathod (Chhara),
(Arrested on 14/04/2002 and released on bail
on 08/10/2002).

Accused No.8 : Ravindra @ Batakiyo Kantilal Parmar
(Arrested on 14/04/2002 and released on bail
on 03/10/2002). At present in Jail from
20/09/2009.

Accused No.9 : Amrat @ Kalu Babubhai Rathod (Chhara)
(Arrested on 14/04/2002 and released on bail
on 11/10/2002).

Accused No.10: Haresh @ Hariyo Son of Jivanlal @ Agarsing
Rathod (Chhara) also Known as brother of
Guddu
(Arrested on 14/04/2002 and released on bail
on 19/10/2002).

Accused No.11: Kaptansing Javansing Parmar (Chhara)
(Arrested on 14/04/2002 and released on bail
on 11/10/2002). At present in Jail from
01/06/2011.

Accused No.12: Fulsing Chandansing Jadeja (Chhara)
(Arrested on 14/04/2002 and released on bail
on 08/10/2002)

Accused No.13: Deepak Kantilal Rathod (Chhara)
(Arrested on 14/04/2002 and released on bail
on 11/10/2002).

Accused No.14: Mahesh Veniram Rathod (Chhara)
(Arrested on 14/04/2002 and released on bail
on 03/10/2002).

Accused No.15: Yogesh @ Munno Son of Narayanrav Tikaje
(Marathi)
(Arrested on 14/04/2002 and released on bail
on 11/10/2002). At present in Jail from
17/08/2009.

Accused No.16: Dhanraj Vaghmal Sindhi
(Arrested on 14/04/2002 and released on bail
on 27/12/2002).

Accused No.17: Nandlal @ Jeki Son of Vishnubhai Chhara
(Arrested on 14/04/2002 and released on bail
on 05/12/2002).

(Accused No.1 to 17 are as per the charge, Exh.65.)

Note :- Criminal Case No.982/2002 was filed; accused
named above were charge-sheeted on 03/06/2002;
Since the offences were triable by Sessions Court,
the case was committed to Sessions Court on
29/07/2009 by Learned Metropolitan Magistrate
Court No.11.

Sessions Case No.236 of 2009

Complainant : The State of Gujarat.

Versus

- Accused No. 18 : Babubhai @ Babu Bajrangi Son of
Rajabhai Patel,
(Arrested on 28/05/2002 and released on
bail on 19/10/2002)
- Accused No. 19 : Padmendrasinh Jashwantsinh Rajput
(Arrested on 28/05/2002 and released on
bail on 19/10/2002)
- Accused No. 20 : Kishan Khubchand Korani
(Arrested on 28/05/2002 and released on
bail on 21/12/2002)
- Accused No. 21 : Prakash Sureshbhai Rathod (Chhara)
(Arrested on 28/05/2002 and released on
bail on 11/10/2002)
- Accused No. 22 : Suresh @ Richard @ Suresh Langado
Son of Kantibhai Didawala (Chhara)
(Arrested on 29/05/2002 and released on
bail on 23/10/2002)
- Accused No. 23 : Ashok Silvant Parmar (Chhara)
(Arrested on 04/06/2002 and released on
bail on 03/10/2002)
- Accused No. 24 : Rajkumar @ Raju Son of Gopiram
Chaumal
(Arrested on 07/06/2002 and released on
bail on 19/10/2002)
- Accused No. 25 : Premchand @ Tiwari Conductor Son of
Yagnanarayan Tiwari
(Arrested on 19/06/2002 and released on
bail on 08/05/2003)
- Accused No. 26 : Suresh @ Sehjad Dalubhai Nettlekar
(Marathi Chharo)
(Arrested on 22/06/2002 and released on
bail on 14/10/2002).
- Accused No. 27 : Navab @ Kalu Bhaiyo Harisinh Rathod
(Arrested on 22/06/2002 and released on
bail on 04/07/2003)
- Accused No. 28 : Manubhai Keshabhai Maruda

(Arrested on 26/06/2002 and released on
bail on 11/10/2002)

Accused No. 29 : Prabhshankar @ Prabha Pandit
Shivshankar Mishra,
(Arrested on 28/06/2002 and released on
bail on 11/10/2002)

Accused No. 30 : Shashikant @ Tiniyo Marathi Son of
Yuvraj Patil
(Arrested on 28/06/2002 and released on
bail on 04/07/2003) At present, in Jail
from 19/08/2005)

(Accused No.18 to 30 are as per the charge, Exhibit 65.)

Note :- The Criminal Case No.1662/02 was filed; accused
named above were charge-sheeted on 22/08/2002;
Since the offences were triable by Sessions Court,
the case was committed to Sessions Court on
29/07/2009 by Learned Metropolitan Magistrate
Court No.11.

Sessions Case No.241 of 2009

Complainant : The State of Gujarat.

Versus

Accused No.31 : Ankur @ Chintu Son of Ashokbhai Parmar
(Arrested on 07/01/2009 and released on
bail on 20/04/2009)

Accused No.32 : Shivdayal @ Raj Hakamsingh Rathod
(Arrested on 04/02/2009 and released on
bail on 19/03/2009)

(Accused No.31 and 32 are as per the charge, Exhibit 65.)

Note :- The Criminal Case No.87/09 was filed; accused named above were charge-sheeted on 02/04/2009; Since the offences were triable by Sessions Court, the case was committed to Sessions Court on 30/07/2009 by Learned Metropolitan Magistrate Court No.11.

Sessions Case No.242 of 2009

Complainant : The State of Gujarat.

Versus

Accused No.33 : Babubhai @ Babu Vanzara Son of
Jethabhai Salat (Marvadi)
(Arrested on 19/11/2007 and at present in
Jail)

(Accused No.33 is as per the charge, Exhibit 65.)

Note :- The Criminal Case No.71/08 was filed; accused named above was charge-sheeted on 15/02/2008; Since the offences were triable by Sessions Court, the case was committed to Sessions Court on 30/07/2009 by Learned Metropolitan Magistrate Court No.11.

Sessions Case No.243 of 2009

Complainant : The State of Gujarat.

Versus

Accused No.34 : Laxmanbhai @ Lakho Son of Budhaji
Thakor
(Arrested on 16/03/2009 and released on
bail on 22/06/2009)

- Accused No.35 : Vijay @ Munno Shetty Son of Kesharising Didawala (Chhara)
(Arrested on 19/03/2009 and released on bail on 25/06/2009, but he expired during the trial on 27/10/2010. The death certificate of this accused is produced vide Exh.1297. Abated vide order below Exh.1296 dated 03/12/2010)
- Accused No.36 : Janaksinh Dharamsinh Nehra @ Janak Marathi
(Arrested on 27/03/2009 and at present in Jail)
- Accused No.37 : Dr.Mayaben Surendrabhai Kodnani,
(Arrested on 04/04/2009 and released on bail on 19/05/2009)

(Accused No.34 to 37 are as per the charge, Exhibit 65.)

Note :- The Criminal Case No.123/09 was filed; accused named above were charge-sheeted on 01/05/2009; Since the offences were triable by Sessions Court, the case was committed to Sessions Court on 30/07/2009 by Learned Metropolitan Magistrate Court No.11.

Sessions Case No.245 of 2009

Complainant : The State of Gujarat.

Versus

- Accused No.38 : Ashok Hundaldas Sindhi
(Arrested on 26/09/2002 and released on bail on 19/10/2002)
- Accused No.39 : Harshad @ Mungda Jilagovind Chhara Parmar
(Arrested on 19/06/2003 and released on bail on 10/07/2003)

- Accused No.40 : Mukesh @ Vakil Ratilal Rathod,
Son of Jaybhavani.
(Arrested on 07/07/2003 and released on
anticipatory bail on the same day)
- Accused No.41 : Manojbhai @ Manoj Sindhi Son of
Renumal Kukrani,
Known as Manoj Videowala and Manoj
Tyrewala
(Arrested on 20/08/2004 and released on
bail on 24/04/2006)
- Accused No.42 : Hiraji @ Hiro Marvadi @ Sonaji Son
of Danaji Meghval (Marvadi)
(Arrested on 27/08/2004 and released on
bail on 29/03/2006)
- Accused No. 43 : Haresh Parshuram Rohera,
(Arrested on 20/08/2004 and released on
bail on 10/05/2005)
- Accused No. 44 : Bipinbhai @ Bipin Autowala Son of
Umedrai Panchal
(Arrested on 26/09/2004 and released on
bail on 02/12/2005)

(Accused No.38 to 44 are as per the charge, Exhibit 65.)

Note :- The Criminal Case No.1924/02 was filed; accused
named above were charge-sheeted on 10/11/2004;
Since the offences were triable by Sessions Court,
the case was committed to Sessions Court on
30/07/2009 by Learned Metropolitan Magistrate
Court No.11.

Sessions Case No.246 of 2009

Complainant : The State of Gujarat.

Versus

- Accused No. 45 : Ashokbhai Uttamchand Korani (Sindhi)
Known as Ashok Pan-na Galla Walo and
Bholenath Pan-na-Galla walo Ashok Sindhi
(Arrested on 16/09/2008 and released on
bail on 09/01/2009)
- Accused No. 46 : Vijaykumar Takhubhai Parmar
(Arrested on 16/09/2008 and released on
bail on 05/01/2009)
- Accused No. 47 : Ramesh Keshavlal Didawala (Chhara)
(Arrested on 16/09/2008 and released on
bail on 05/01/2009)
- Accused No. 48 : Kishanbhai Shankarbhai Mahadik,
Known as Kishan Manek and Kishan Dada
Marathi
(Arrested on 16/09/2008 and released on
bail on 28/01/2009)
- Accused No. 49 : Ranchhodbhai Manilal Parmar,
(Arrested on 04/11/2008 and at present in
Jail)
- Accused No. 50 : Badal Ambalal Parmar (Chhara),
(Arrested on 04/11/2008 and released on
bail on 10/02/2009)
- Accused No. 51 : Navin Chhaganbhai Bhogekar(Chhara)
(Arrested on 04/11/2008 and released on
bail on 28/01/2009)
- Accused No. 52 : Sachin Nagindas Modi,
(Arrested on 04/11/2008 and released on
bail in this case on 20/02/2009).
- Accused No. 53 : Vilas @ Viliyo Prakashbhai Sonar
(Arrested on 10/11/2008 and released on
bail on 31/12/2008)
- Accused No. 54 : Nilam Manohar Chaubal (Marathi)
(Arrested on 11/11/2008 and released on
bail on 30/12/2008)
- Accused No. 55 : Dinesh @ Tiniyo Govindbhai Barge
(Marathi) and known as Son of SRP Wala

Govind
(Arrested on 12/11/2008 and released on
bail on 19/02/2009) At present in Jail
from 02/02/2010)

Accused No. 56 : Geetaben, daughter of Ratilal @
Jaybhavani Rathod,
Known as younger daughter of Jaybhavani
(Arrested on 12/11/2008 and released on
bail on 29/12/2008).

Accused No. 57 : Pankajkumar Mohanlal Shah
(Arrested on 17/11/2008 and at present in
Jail).

Accused No. 58 : Santoshkumar Kodumal Mulchandani,
Known as Santosh Dudhwala
(Arrested on 17/11/2008 and released on
bail on 29/12/2008).

Accused No. 59 : Subhashchandra @ Darji Son of
Jagganath Darji, known as Maharashtrian
Darji,
(Arrested on 24/11/2008 and at present in
Jail).

(Accused No.45 to 59 are as per the charge, Exh.65.)

Note :- The Criminal Case No.295/08 was filed; accused
named above were charge-sheeted on 12/12/2008;
Since the offences were triable by Sessions Court,
the case was committed to Sessions Court on
31/07/2009 by Learned Metropolitan Magistrate
Court No.11.

Sessions Case No.270 of 2009

Complainant : The State of Gujarat.

Versus

- Accused No. 60 : Pintu Dalpatbhai Jadeja (Chhara)
(Arrested on 17/07/2009 and at present in
Jail.)
- Accused No. 61 : Ramilaben daughter of Ratilal @
Jaybhavani Somabhai Rathod,
Known as elder daughter of Jaybhavani
(Arrested on 18/07/2009 and released on
bail on 26/08/2009).
- Accused No. 62 : Kirpalsing Jangbahadursing Chhabda,
Known as P.A. of Mayaben Kodnani,
(Arrested on 19/07/2009 and till today in
Jail).

(Accused No.60 to 62 are as per the charge, Exhibit 65.)

Note :- The Criminal Case No.239/09 was filed; accused
named above were charge-sheeted on 13/08/2009;
Since the offences were triable by Sessions Court,
the case was committed to Sessions Court on
25/08/2009 by Learned Metropolitan Magistrate
Court No.11.

The names of the deceased accused are as under:

- (1) Gulab Kalubhai Vanzara
- (2) Deepak Laljibhai Koli
- (3) Ramesh @ Subhash Ramkrushna Tukaram Arwade
(Marathi)
- (4) Maheshbhai Bhikhabhai Solanki
- (5) Dalpat Abhesinh Jadeja (Chhara)
- (6) Jaswant @ Lalo Keshavlal Rathod (Chhara)
- (7) Raju Ratilal Rajput (Chhara)
- (8) Rajendra Kesharsinh Bhat (Chhara)
- (9) Ratilal @ Jaybhavani Somabhai Rathod
- (10) Mukesh @ Guddu Chhara Jivanlal Baniya (Chhara)

**(The above named Accused are as per the charge, Exhibit
65.)**

The names of the absconding accused are as under:

- (1) Vinod Vasantraai Marathi
- (2) Mohansingh Brijlal Nepali
- (3) Tejasbhai @ Tejpal Ratilal Pathak

(The above named Accused are as per the charge, Exhibit 65.)

Mobs of thousands of unidentified persons.

(As per the charge at Exhibit 65).

Appearances of the Learned advocates as on date :

- (A) Learned Special P.P. Mr.A.P.Desai for the State.
Learned Sp. Asst. P.P.Ms.H.D.Rajput for the State.
Learned Sp. Asst. P.P.Mr.G.A.Vyas for the State.
- (B) Learned advocate Mr.Y.B.Shaikh, Mr.R.A.Shaikh, Mr.Altaf Zinderan and Mr.G.M.Parmar for the victims.
- (C) Learned advocate Mr.G.S.Solanki for the accused Nos.1, 8, 15, 28, 30, 46, 48, 53, 54, 55, 59 and 62.
- (D) Learned advocate Mr.N.M.Kikani for the accused Nos. 2, 5, 6, 7, 9, 11, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 37, 38, 41, 43, 44 and 58.
- (E) Learned advocate Mr.K.N.Thakur for the accused Nos.3, 4, 10, 12, 33, 49, 57 and 60.
- (F) Learned advocate Mr. H.S.Ravat for the accused Nos.32, and 61.
- (G) Learned advocate Mr.H.S.Ravat for the accused Nos.21, 31, 33, 39, 40, 42, 45, 47, 50, 51, 52 and 56 (by virtue of transfer purshis).
- (H) Learned advocate Mr.R.N.Kikani for the accused Nos.34, 35 and 36.

practice while appreciating the oral evidence in this case, that neither any accused shall be held guilty basing upon police PW alone nor basing upon the oral evidence of police personnel alone any of the accused shall be granted benefit of doubt. In the peculiar facts of this case, it is extremely unsafe to decide either guilt or innocence solely basing upon the oral evidence of the police. Details on the topic is also discussed under the chapter of previous investigation.

32. TUTORING OF NGO, SOCIAL WORKERS, ETC. :

It is notable that it is not alleged that the NGO leaders or lawyers or the social workers have any personal enmity or ill-will against the accused. Hence the suggestion in the cross-examination of PW that they have been speaking as was taught to them, is found very irrelevant. What would be the benefit of such NGO is nowhere suggested except suggesting that it was to defame State of Gujarat. But then, the State of Gujarat is not an accused but is the prosecuting agency which was forgotten it seems. No substance is found in this submission.

33. PRESSURE, PERSUASION AND OBLIGATION THEORY :

The theory of pressure, tutoring, persuasion, rewarding the obligation of giving new house by the Islamic Relief Committee are all the suggestions raised in the cross, which have miserably failed to crop-up any reasonable doubt in the mind of the Court.

34. IMPROBABILITY AND INABILITY TO NOTICE THE

Dictated and pronounced in the open Court today on this
31st day of August, 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.