IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL APPEAL NO. 1199 of 2008
With
R/CRIMINAL REVISION APPLICATION NO. 127 of 2008

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-

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Approved for Reporting	Yes	No
		No

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STATE OF GUJARAT
Versus
JASUBHAI MANGABHAI PATEL & ANR.

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Appearance:
MR NITIN M AMIN(126) for the Appellant(s) No. 1
MS JYOTI BHATT ADDITIONAL PUBLIC PROSECUTOR for the Appellant(s) No. 1
BAILABLE WARRANT SERVED for the Opponent(s)/Respondent(s) No. 1,2
MR JV VAGHELA(5809) for the Opponent(s)/Respondent(s) No. 1,2
YUKTA SUMARA FOR MR RJ GOSWAMI(1102) for the Opponent(s)/Respondent(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Date : 24/06/2026

JUDGMENT

1. The appellant-State has preferred this appeal under Section 378 (1)(3) of the Code of Criminal Procedure, 1973 against the judgment and order dated 20.12.2007 passed by the learned Additional Sessions Judge, Gandhinagar (hereinafter be referred to as “the Trial Court”) in Sessions Case No. 18 of 2007whereby the trial Court has acquitted the original accused-respondents from the offence punishable under Sections 306 r/w Section 114 of the Indian Penal Code (hereinafter be referred to as the “IPC”).

2. The facts giving rise to present appeal are that the complainant, Maheshbhai, had four brothers, namely Dilipbhai, Chinubhai, Maheshbhai (complainant), and Kiritbhai. Kiritbhai was married to Jasumatiben, daughter of Naranbhai Chaturbhai Patel, resident of Jagatpur, Taluka Dascroi. They had two children, Sonal (aged 5 years) and Vishal (aged 2 years), and were residing at Borkuva near the complainant.

2.1 On 08.12.2005 at about 9:00 p.m., Kiritbhai went to the agricultural field for irrigation work. At about 2:00 a.m. on the night of 08/09.12.2005, agricultural labourer Somabhai informed the complainant that Kiritbhai had consumed poison and his condition was critical. The complainant and his brother Chinubhai rushed to the field and found Kiritbhai unconscious. He was immediately taken to Dr. Ramanbhai G. Patel’s hospital, where he died during treatment.

2.2 The prosecution further alleged that the respondents were harassing and ill-treating Kiritbhai regarding the share in the sale proceeds of his father-in-law’s land, due to which he committed suicide by consuming poison. Accordingly, the complainant lodged FIR being C.R. No. I-190/2005 at Dabhoda Police Station.

2.3 After investigation and recording statements of witnesses, the Investigating Officer filed a charge-sheet against the

respondents for offences punishable under Sections 306 and 114 of the IPC before the learned Judicial Magistrate First Class, Gandhinagar. As the offences were triable exclusively by the Sessions Court, the case was committed to the Court of learned Additional Sessions Judge, Gandhinagar under Section 209 of the Cr.P.C.

2.4 The respondents pleaded not guilty and claimed trial. The prosecution examined 14 oral and 21 documentary evidence in support of its case. After appreciation of the evidence, the learned trial Court by judgment and order dated 20.12.2007, acquitted the respondents of all charges.

2.5 Being aggrieved and dissatisfied with the judgment and order of acquittal passed by the trial Court, the appellant has preferred present appeal.

3. Heard Ms. Jyoti Bhatt, learned APP for the appellant State and Ms. Yukta Sumara, learned counsel for Mr. R.J. Goswami, learned counsel for the respondents.

4. Learned APP for the appellant has submitted that the judgment and order of acquittal passed by the learned trial Court is contrary to law, evidence on record, and principles of justice, and therefore deserves to be quashed and set aside. She has submitted that the acquittal is based on unwarranted inferences and presumptions not permissible in law. The learned Trial Court failed to properly appreciate the oral and

documentary evidence on record, which clearly establishes direct and circumstantial evidence connecting the respondents with the alleged offences under Sections 306, and 114 of the IPC.

4.1 Learned APP submitted that the learned trial Court failed to properly appreciate the evidence of prosecution witnesses, including Maheshbhai Jivabhai Patel (Exh.11), Naranbhai Chaturbhai (Exh.22), Dr. Mukeshbhai Becharbhai Patel (Exh.23), Chhanabhai Ranchhodbhai Patel (Exh.25), Amratbhai Badarbhai Dantani (Exh.42), and Investigating Officer Ranjitsinh Dashrathsinh Dabhi (Exh.46), all of whom support the prosecution case.

4.2 Learned APP submitted that learned Trial Court also failed to properly appreciate the panchnamas and documentary evidence at Exhs. 16, 18, 20, 21, and 24, which support the case regarding the suicide and surrounding circumstances. The learned trial Court erred in ignoring evidence relating to threats allegedly given by the respondents to the deceased, which amounted to cruelty and abetment. The learned trial Court committed error in holding that the prosecution failed to prove abetment of suicide under Sections 306 and 114 of the IPC.

4.3 Learned APP urges before the Court that present appeal may be allowed and the impugned judgment and order of acquittal may be quashed and set aside.

5. On the other hand, learned counsel for the respondents has submitted that the impugned judgment and order of acquittal passed by the learned Trial Court is legal, just, and proper and has been passed after thorough appreciation of the oral as well as documentary evidence available on record. The learned Trial Court has assigned cogent, convincing, and well-reasoned findings while acquitting the respondents–accused, and the same does not warrant any interference by this Court.

5.1 Learned counsel for the respondents has submitted that the prosecution has failed to prove the charges levelled against the respondents beyond reasonable doubt. The prosecution has failed to establish the essential ingredients of the alleged offences and has not produced reliable, trustworthy, and corroborative evidence connecting the respondents with the commission of the alleged offence.

5.2 It is a settled principle of criminal jurisprudence that the presumption of innocence in favour of an accused is further strengthened by an order of acquittal. Unless the findings recorded by the Trial Court are shown to be perverse, illegal, or contrary to the evidence on record, the Appellate Court should be slow in interfering with an order of acquittal.

5.3 It is submitted that the appellant has failed to point out any infirmity, illegality, perversity, or misreading of evidence in the impugned judgment and order. The findings recorded by the learned Trial Court are based upon proper appreciation of the evidence and settled legal principles.

5.4 In view of the aforesaid facts and circumstances, it is submitted that the present appeal is devoid of merits and deserves to be dismissed. The impugned judgment and order of acquittal passed by the learned Trial Court therefore deserves to be confirmed.

6. I have perused the relevant documents and material placed on record. I have also gone through the record and proceedings of the appeal as well as the impugned judgment and order passed by the trial Court.

7. On a perusal of the impugned judgment and order passed by the trial Court, as well as the evidence recorded by the trial Court, including the testimony of the complainant, P.W.-1, Maheshbhai Jivabhai Patel (Exh. 11), who is the brother of the deceased, it emerges that the complainant lodged the complaint on the day following the incident. According to the complaint, during the night of 08.12.2005, in the early hours of 09.12.2005, the deceased consumed a poisonous substance. The information regarding the incident was conveyed by Somabhai, an agricultural labourer employed in the field of the deceased, Kiritbhai. Since the complainant, the deceased, and their other brother were residing in their respective agricultural fields situated in close proximity to each other, Somabhai immediately rushed to the complainant's residence and informed him about the incident.

8. Upon receiving the information, the complainant rushed to the place of occurrence and found his brother lying unconscious on the floor. Then the deceased was immediately

shifted to a doctor, where he was provided preliminary treatment. Thereafter, he was referred to the Civil Hospital for further treatment. However, during the course of treatment, he succumbed to his injuries on 10.12.2005. It has come on record that throughout the intervening period of approximately two and a half days, the deceased remained unconscious and never regained consciousness before his death.

9. The entire prosecution case rests substantially upon certain writings found on the shirt of the deceased and in his diary. On a perusal of one of the pages of the diary, it appears that the deceased had recorded that on the previous day, i.e., 07.12.2005, he had received a telephone call from accused No. 1, during which accused No. 1 allegedly extended threats and warned him of dire consequences. The evidence on record further reveals that there existed longstanding animosity between the family of the deceased's father-in-law and the accused persons. The dispute pertained to agricultural land, which was allegedly in the possession and cultivation of the accused and had been sold without informing the concerned person, pursuant to which a transaction had been executed. According to the prosecution, it was on account of this dispute that accused No. 1 allegedly threatened the deceased with dire consequences.

10. According to the prosecution, it was on account of the aforesaid threats that the deceased consumed a poisonous substance. However, upon a perusal of the evidence adduced by the prosecution, particularly with regard to the alleged

handwriting of the deceased and the report of the handwriting expert, a fundamental defect in the prosecution case becomes apparent. The admitted specimen handwriting of the deceased was never obtained or forwarded to the handwriting expert for comparison with the alleged writings found on the shirt of the deceased or in the diary. Consequently, the alleged writings were never scientifically compared with any admitted handwriting of the deceased so as to establish their authorship.

11. In fact, the police obtained the specimen signatures and handwriting of the complainant for the purpose of comparison. The diary and other relevant documents, which were produced by the complainant and alleged to belong to the deceased, were forwarded for examination. Significantly, the diary was produced by the complainant only on the third day after the incident. The evidence further reveals that the complainant had retrieved the diary from the cupboard of the deceased without the knowledge of, or intimation to, the wife of the deceased, Kiritbhai.

12. The conduct of the complainant has also been noticed by the trial Court. Although the wife of the deceased was present in the house at the relevant time, neither the complainant nor Somabhai Makabhai informed her about the incident. Instead, they immediately shifted the deceased to the hospital without informing her. Likewise, Somabhai Makabhai, upon noticing that the deceased had allegedly consumed a poisonous substance, did not inform the wife of the deceased but instead went directly to the complainant and informed him of the

incident. These circumstances create a serious doubt regarding the prosecution's version of events and cast a shadow on the credibility of its case.

13. Even on a bare perusal of the evidence of the prosecution witness, Somabhai Makabhai, who was working as an agricultural labourer in the field of the complainant, Maheshbhai, it emerges that a criminal complaint had earlier been registered against the deceased, Kiritbhai, alleging that he had committed rape upon the wife of one Bhagabhai, who was also working with him. In these circumstances, the prosecution story gives rise to a serious doubt as to whether the deceased, being under mental stress or depression on account of the said criminal allegation, consumed the poisonous substance to avoid the consequences of that case, or whether he consumed the poison because of the alleged threats extended by the present respondents. The prosecution has failed to place any material before the Court to clarify this aspect. Consequently, it appears that the prosecution has suppressed the true genesis of the incident and has not approached the Court with the complete and correct facts.

14. Furthermore, there are material inconsistencies in the prosecution evidence regarding the shirt allegedly worn by the deceased. The complainant deposed that the deceased was wearing a white-coloured shirt. However, the handwriting expert, who examined the shirt containing the alleged writings, specifically noted that the shirt was not white in colour. The prosecution has also failed to establish through cogent evidence as to who removed the shirt from the body of

the deceased or at what stage it came into the custody of the investigating agency. These unexplained circumstances create serious doubts regarding the authenticity of the alleged writings found on the shirt and substantially weaken the prosecution case. The learned trial Court, upon an overall appreciation of the evidence on record, rightly disbelieved the prosecution version and extended the benefit of doubt to the accused.

15. Upon a careful perusal of the oral as well as the documentary evidence on record, it is evident that the learned trial Court rightly rejected the prosecution case, as the prosecution failed to prove the charges against the accused beyond reasonable doubt. After considering all the relevant facts and appreciating the evidence of the prosecution witnesses in its proper perspective, the trial Court has assigned cogent and convincing reasons for disbelieving the prosecution case and for acquitting the present respondents of the charges levelled against them.

16. In my considered opinion, the findings recorded by the learned trial Court are in consonance with the facts of the case and are fully supported by the evidence on record. The trial Court has meticulously evaluated the entire evidence before arriving at its conclusions. The impugned judgment has been passed upon a proper appreciation of the oral and documentary evidence, and I do not find any illegality, infirmity, perversity, or material irregularity in the findings recorded therein so as to warrant interference by this Court.

17. At this stage it is appropriate to refer the provisions of

Section 306 and 107 of the IPC which are reproduced hereunder :

> ***Section 306- Abetment of suicide.—***
>
> *If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*
>
> ***Section 107*-Abetment of a thing.—**
>
> *A person abets the doing of a thing, who—*
>
> *(First)— Instigates any person to do that thing; or*
>
> *(Secondly)— Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or*
>
> *(Thirdly)— Intentionally aids, by any act or illegal omission, the doing of that thing.*
>
> *Explanation 1.— A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.*

18. The Hon’ble Apex Cout has time and again clarified the fact with regard to the ingredients of Section 306 of IPC. It is worthwhile to refer to the decision of the Hon’ble Supreme Court in the case of **Nipun Aneja and others Vs. State of Uttar Pradesh** rendered in **Criminal Appeal No. 654 of 2017** dated 03.10.2024, wherein the Hon’ble Supreme Court has held and observed in para – 17, 18, 19, 20 and 21 as under:-

> *“**17.** This Court in Geo Varghese v. State of Rajasthan and another reported in (2021) 19 SCC 144, after considering the*

provisions of Section 306 of the IPC along with the definition of abetment under Section 107 of the IPC, has observed as under:-

"14. Section 306 of IPC makes abetment of suicide a criminal offence and prescribes punishment for the same.

. . . .

15. The ordinary dictionary meaning of the word 'instigate' is to bring about or initiate, incite someone to do something. This Court in Ramesh Kumar Vs. State of Chhattisgarh, (2001) 9 SCC 618, has defined the word 'instigate' as under:-

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act"."

16. The scope and ambit of Section 107 IPC and its corelation with Section 306 IPC has been discussed repeatedly by this Court. In the case of S.S. Cheena Vs. 12 Crl.A.654/2017 Vijay Kumar Mahajan and Anr (2010) 12 SCC 190, it was observed as under:-

"25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide."

18. *This Court in M. Arjunan v. State, represented by its Inspector of Police reported in (2019) 3 SCC 315, while explaining the necessary ingredients of Section 306 of the IPC in detail, observed as under:-*

"7. The essential ingredients of the offence under Section 306 I.P.C. are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 IPC."

19. *This Court in Ude Singh & Others v. State of Haryana reported in (2019) 17 SCC 301, held that in order to convict an*

accused under Section 306 of the IPC, the state of mind to commit a particular crime must be visible with regard to determining the culpability. It was observed as under:-

"16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behavior and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another; the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased."

> ***20.*** *This Court in Mariano Anto Bruno & another v. The Inspector of Police reported in 2022 SCC OnLine SC 1387, Criminal Appeal No. 1628 of 2022 decided on 12th October, 2022, after referring to the above referred decisions rendered in context of culpability under Section 306 of the IPC observed as under:-*
>
> *"44. ...It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable."*

19. In these circumstances, the trial Court was justified in concluding that the prosecution had failed to establish the ingredients of the offence beyond reasonable doubt and, therefore, rightly recorded an order of acquittal.

20. On perusal of the record of the appeal, it transpires that the respondents-accused have established their innocence before the learned Trial Court and that, after due appreciation of the oral as well as documentary evidence and other material placed on record, the learned Trial Court has rightly passed the impugned judgment and order of acquittal. The findings recorded by the learned Trial Court are just, proper and in accordance with the settled principles of law and, therefore, no interference is warranted by this Court.

21. It is well settled by catena of decisions that the Appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded. However, Appellate Court must bear in mind that in case of acquittal there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence

that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of their innocence is further reinforced, reaffirmed and strengthened by the trial Court.

22. Further, if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the finding of acquittal recorded by the trial Court. Further, while exercising the powers in appeal against the order of acquittal, the Court of appeal would not ordinarily interfere with the order of acquittal unless the approach of the lower Court is vitiated by some manifest illegality and the conclusion arrived at would not be arrived at by any reasonable person and, therefore, the decision is to be characterized as perverse. Merely because two views are possible, the Court of appeal would not take the view which would upset the judgment delivered by the Court below. However, the Appellate Court has a power to review the evidence if it is of the view that the conclusion arrived at by the Court below is perverse and the Court has committed a manifest error of law and ignored the material evidence on record. A duty is cast upon the Appellate Court, in such circumstances, to re-appreciate the evidence to arrive to a just decision on the basis of material placed on record to find out whether the accused are connected with the commission of the crime with which he is charged.

23. The scope and principles are enunciated by the Hon’ble Apex Court in case of ***Chandrappa and others Vs. State of***

Karnataka reported in ***(2007) 4 SCC 415***, more particularly ***paragraph Nos. 42 and 43***, which was subsequently re-affirmed by the Hon'ble Apex Court ***Rajesh Prasad Vs. State of Bihar and another***, reported in ***[2022] 3 SCC 471***, wherein, the Hon'ble Apex Court has enunciated the general principles in case of acquittal, more particularly in ***paragraph No. 26*** the general principles are set out by the Hon'ble Apex Court based upon various decisions of the Hon'ble Apex Court. Then in case of ***Babu Sahebagouda Rudragoudar Vs. State of Karnataka, reported in AIR 2024 SC 2252 = (2024) 8 SCC 149,*** the Hon'ble Apex Court has dealt with the similar issue, more particularly, in ***paragraph Nos. 37 to 40.*** Hence, I am in complete agreement with the findings recorded by the trial Court.

24. It is also worthwhile to refer to the recent decision of the Hon'ble Supreme Court in the case of ***Ramesh vs. State of Karnataka, reported in [2024] 9 SCC 169***, wherein the Hon'ble Supreme Court has held and observed in paras-20 and 21 as under:-

> *"20. At this stage, it would be relevant to refer to the general principles culled out by this Court in Chandrappa and others vs. State of Karnataka , regarding the power of the appellate Court while dealing with an appeal against a judgment of acquittal. The principles read thus:*
>
> *"42. .... (1) An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.*
>
> *(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.*

(3) Various expressions, such as, "substantial and compelling reasons", "good and sufficient grounds", "very strong circumstances", "distorted conclusions", "glaring mistakes", etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of "flourishes of language" to emphasize the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.

(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.

21. In Rajendra Prasad v. State of Bihar, a three-Judge Bench of this Court pointed out that it would be essential for the High Court, in an appeal against acquittal, to clearly indicate firm and weighty grounds from the record for discarding the reasons of the Trial Court in order to be able to reach a contrary conclusion of guilt of the accused. It was further observed that, in an appeal against acquittal, it would not be legally sufficient for the High Court to take a contrary view about the credibility of witnesses and it is absolutely imperative that the High Court convincingly finds it well-nigh impossible for the Trial Court to reject their testimony. This was identified as the quintessence of the jurisprudential aspect of criminal justice. Viewed in this light, the brusque approach of the High Court in dealing with the appeal, resulting in the conviction of Appellant Nos. 1 and 2, reversing the cogent and well-considered judgment of acquittal by the Trial Court giving them the benefit of doubt, cannot be sustained."

25. Considering the entire evidence on record, it clearly appears that there is no credible evidence to connect the present accused with the alleged crime and the evidence on record is not so convincing to prove beyond reasonable doubt that the accused has committed the alleged crime. Therefore, the accused cannot be convicted on the evidence on record.

26. On perusal of the impugned judgment and order, it clearly transpires that the trial Court has not committed any error of fact and law in appreciating the evidence on record and in acquitting the accused from the charges levelled against them. Even on re-appreciation of the evidence, it clearly transpires that the prosecution has miserably failed to prove the charge levelled against the accused beyond reasonable doubt. Therefore, the impugned judgment and order of the trial Court is sustainable and the present appeal is liable to be dismissed.

27. In view of the above, the present appeal is devoid of merits and it deserves to be dismissed. Resultantly, it is dismissed. Accordingly, the Criminal Revision Application preferred by the original complainant also stands dismissed. The impugned judgment and order of acquittal passed by the trial Court is hereby confirmed. Bail bond stands cancelled. Record and proceedings be sent back to the concerned Trial Court forthwith.

Sd/-
(HEMANT M. PRACHCHHAK,J)

SURESH SOLANKI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SURESHKUMAR MOTIBHAI SOLANKI(HC00208), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 01/07/2026 17:18:12