

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 670 of
2020
With
R/CRIMINAL APPEAL NO. 24 of 2020
With
R/CRIMINAL APPEAL NO. 899 of 2020
With
R/CRIMINAL APPEAL NO. 775 of 2022

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE ILESH J. VORA
and
HONOURABLE MR. JUSTICE R. T. VACHHANI

Approved for Reporting	Yes	No

RATANLAL BHERUMAL JAIN

Vs.

STATE OF GUJARAT

Appearance:

Criminal Appeal Nos.670 and 899 of 2020:

MR PRATIK B BAROT(3711) for the Appellant(s) No. 1

Criminal Appeal Nos.24 of 2020:

MR KASHYAP R JOSHI(2133) for: Appellant(s) 1

MR RONAK B. RAVAL, APP for the Opponent(s)/Respondent(s) No. 1

CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 09/02/2026

ORAL JUDGMENT

(PER : HONOURABLE MR. JUSTICE R. T. VACHHANI)

1. These present appeals arise out of the judgment and order dated 17.09.2019 passed by the learned 3rd Additional learned Sessions Court, Ankleshwar, in Sessions Case No.7 of 2015. Criminal Appeal No.670 of 2020 and Criminal Appeal No.899 of 2020 are filed by the convicted accused persons under Section 374(2) of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), challenging their conviction and sentence. Criminal Appeal No.24 of 2020 is filed by the original complainant under Section 372 of the Cr.P.C., challenging the acquittal of certain accused persons. Criminal Appeal No.775 of 2022 is filed by the State under Section 378(1)(3) of the Cr.P.C., also challenging the acquittal of accused persons who were acquitted by the learned Sessions Court. Since all these appeals stem from the same trial and involve common facts, evidence, questions of law and have been heard together, they are being disposed of by this common judgment.

2. The brief facts leading to the filing of present appeals are as under:

2.1. The prosecution case, in brief, is that on 13.06.2014, around 9:00 p.m., at the residence of the complainant Satishbhai Somabhai Patel in Nava Borbhatha, Taluka Ankleshwar, District Bharuch, a group of accused persons, armed with deadly weapons such as dhariya (sharp-edged weapon), sword, farsa (axe-like weapon), and axe, unlawfully assembled and trespassed into the complainant's compound by opening the main gate. They allegedly attacked the family members in a fit of rage stemming from a prior quarrel between children during Holi celebrations.

2.2. Specifically, it is alleged that: (i) Mukeshbhai Lallubhai Vasava struck the complainant's father Somabhai on the head with a dhariya; (ii) Bhagvatbhai Vasava and Ratanbhai Marwadi (Ratanlal Bherumal Jain)

assaulted the complainant's uncle Arvindbhai Haribhai Patel with a farsa and dhariya, leading to his death; (iii) Pratik Govindbhai Rathod hit the complainant's son Nikunj on the head with a sword; (iv) Lallubhai Vasava and Mahendrabhai Madhavbhai Patel injured Sureshbhai Bhikhabhai Patel on his right leg with a dhariya; (v) Mukeshbhai Lallubhai Vasava struck the complainant's wife Alpaben on the shoulder with the blunt side of a dhariya; and (vi) Maheshbhai Vasava hit the complainant's mother Chanchalben on the shoulder with the wooden handle of a dhariya. Govindbhai Thakorbhai Rathod was also part of the armed mob.

2.3. The assailants raised shouts and fled the scene. The injured, including the complainant and his son Nikunj (with grievous injuries), were rushed to Global Hospital, while Somabhai, Arvindbhai, and Sureshbhai were taken to Baroda Hospital, Bharuch. Arvindbhai was declared dead on arrival.

2.4. The incident was reported by the complainant at Ankleshwar City Police Station, registered as C.R. No.I-82/2014 under Sections 147, 148, 149, 302, 307, 326, 325, 323, 427, 450, 504, and 120-B of the Indian Penal Code, 1860 (IPC). Investigation ensued, including inquest panchnama, scene of crime panchnama, post-mortem of the deceased, recovery of clothes and weapons from the accused, recording of witness statements, and preparation of a site map. Accused Nos.2 and 3 were undertrial prisoners during the proceedings.

2.5. Upon completion of investigation, a charge sheet was filed before the learned Additional Chief Judicial Magistrate, Ankleshwar, who committed the case to the learned Sessions Court under Section 209 of the Code of Criminal Procedure, 1973 (Cr.P.C.), as the offences were

exclusively triable by the Court of Sessions. Charges were framed against the accused under the aforesaid sections, which they denied, pleading not guilty and claiming trial.

2.6. After the completion of trial, wherein the prosecution examined witnesses and produced documentary evidence, and the defence presented its case, the learned 3rd Additional Sessions Judge, Ankleshwar, by judgment and order dated 17.09.2019 in Sessions Case No.7 of 2015, convicted accused No.2 Bhagwatbhai Thakorebhai Vasava (appellant in Criminal Appeal No.899 of 2020) and accused No.3 Ratanlal Bherumal Jain (appellant in Criminal Appeal No.670 of 2020) under Section 302 of the IPC and sentenced each of them to undergo life imprisonment along with a fine of Rs.5,000/- (Rupees Five Thousand only), in default of payment of fine, to further undergo three months' rigorous imprisonment. Additionally, both were convicted under Section 450 of the IPC and sentenced to one year's simple imprisonment along with a fine of Rs.1,000/- (Rupees One Thousand only), in default of payment of fine, to further undergo one month's simple imprisonment. The sentences were directed to run concurrently under Section 31(1) of the Cr.P.C., with the benefit of set-off under Section 428 of the Cr.P.C. for the period already undergone in custody.

2.7. The learned Sessions Court, however, acquitted accused No.1 Mahendrabhai Madhavbhai Patel, accused No.4 Govindbhai Thakorabhai Rathod, accused No.5 Pratik Kumar Govindbhai Rathod, accused No.6 Maheshbhai Uttambhai Vasava, accused No.7 Bharatbhai Mohanbhai Vasava, accused No.8 Lallubhai Mohanbhai Vasava, and accused No.9 Mukeshbhai Lallubhai Vasava of all charges under Section 235(1) of the Cr.P.C., holding that the prosecution failed to prove their involvement beyond reasonable doubt.

2.8. Aggrieved by the aforesaid judgment and order, the accused No.3 has preferred Criminal Appeal Nos.670 of 2020 and the accused No.2 has 899 of 2020 challenging their conviction and sentence, while the original complainant has filed Criminal Appeal No.24 of 2020 and the State has filed Criminal Appeal No.775 of 2022 challenging the acquittal of the remaining accused. Hence, these appeals are before us for consideration.

3. We have heard the learned advocates for the respective parties and carefully examined the oral and documentary evidence adduced before the learned Sessions Court. During the course of the trials, the prosecution examined witnesses and produced documents as detailed below:

~:: Oral Evidence of Prosecution ::~

P.W. No.	Particular (Witness)	Exh. No.
1.	Nareshkumar Sureshbhai Patel	27
2.	Hirenbbhai Chhitubhai Patel	29
3.	Ketanbbhai Prafulbbhai Patel	31
4.	Chintanbbhai Ambubhai Ahir	39
5.	Jiteshkumar Ambalal Patel	42
6.	Rameshbhai Ramjibhai Patel	49
7.	Hasmukhbhai Bhagwanbbhai Patel	52
8.	Satishbbhai Somabhai Patel	61
9.	Ramanbbhai Madhavbbhai Patel	71
10.	Sombhai Ratanjibhai Patel	72
11.	Rameshbhai Mohanbbhai Patel	73
12.	Sureshbhai Bhikhabhai Patel	75
13.	Natvarbbhai Chhotubhai Limbachiya	76
14.	Nikunj Satishbbhai Patel	77
15.	Chanchalben Somabhai Patel	78

P.W. No.	Particular (Witness)	Exh. No.
16.	Alpanaben Satishbhai Patel	80
17.	Anjanaben Anilbhai Patel	82
18.	Dhrumilbhai Anilbhai Patel	83
19.	Mohitbhai Satishbhai Patel	94
20.	Mayank Kumar Ambubhai Patel	95
21.	Ramilaben Arvindbhai Patel	106
22.	Dr. Sheetal Kundanlal Ehari	107
23.	Dr. Deepakbhai Chimanbhai Parekh	108
24.	Dr. Yoginiben Rameshbhai Patel	124
25.	Daaudbhai Valibhai Mansuri	128
26.	Dr. Vishal Jagadishchandra Maurya	130
27.	Dr. Pritiben Janardan Patel	137
28.	Chandubhai Khalpabhai Rana	139
29.	Mahavirsinh Jashubha Rana	144
30.	Manojbhai Keshavbharti Swami	145

~:: Documentary Evidence of Prosecution ::~

Sr. No.	Particular (Document)	Exh. No.
1.	Original Inquest Panchnama of deceased Arvindbhai Patel	28
2.	Original Panchnama of weapons seized from accused	30
3.	Original Panchnama of clothes of injured persons seized	32
4.	Original Panchnama of weapons seized from the accused	40
5.	Original Panchnama of seizure of clothes of deceased from the accused	43
6.	Yadi for crime scene map	50
7.	Crime scene map	51
8.	Original Panchnama of samples collected from crime scene	58

Sr. No.	Particular (Document)	Exh. No.
9.	Original Panchnama of seized tempo No. GJ 16 (V) 5147	59
10.	Original complaint	62
11.	Photograph of complainant Satishbhai Patel	65 to 69
12.	Original Panchnama of accused's weapon seized	94
13.	Yadi for performing post-mortem examination	108
14.	Original post-mortem report of deceased	109
15.	Original injury certificate of Somabhai R. Patel (injured)	113
16.	Original injury certificate of Sureshbhai Bhikhabhai Patel	114
17.	Original injury certificate of Satishbhai H. Patel	115
18.	Injury certificate of Nikunjibhai Satishbhai Patel	116
19.	Certified copy of station diary	129
20.	CT scan report of Nikunj Patel (Sunshine Hospital)	131
21.	Letter from FSL regarding muddamal	146
22.	Original FSL biological test report	147
23.	Original FSL serological test report	148
24.	FSL scene of offence report	149

~:: Defense Oral Evidence ::~

D.W. No.	Particular (Witness)	Exh. No.
1.	Dr. Hemaben V. Acharya (Scientific Officer)	156
2.	Ketanbhai Nagjibhai Mahadeviya (Assistant Geologist)	178
3.	Ishwarsinh Thakoribhai Patel (MLA, Ankleshwar)	183
4.	Jaideep Sarojkumar Bhavsar (Junior Clerk Geological Survey)	185
5.	Shivaji Shankararao Vaagh (Mamlatdar)	196
6.	Kajalben Amaratbhai Vaagh (Talati cum Mantri)	200
7.	Jigneshbhai Ganeshbhai Amin (P.I.)	205

D.W. No.	Particular (Witness)	Exh. No.
8.	Ratubhai Kesarbhai Dhulia (P.I.)	210

~:: Defense Documentary Evidence ::~

Sr. No.	Particular (Document)	Exh. No.
1.	Complaint filed by Assistant Geologist	163
2.	Property seizure form	164
3.	Letter sent to P.I. by Royalty Inspector	165
4.	Map of excavation measurement of farm of Mohanbhai Varsangbhai Vasava	166
5.	Excavation measurement map	167
6.	Map of measurement of farm of Sahadev Bhanabhai Vasava	168
7.	Excavation measurement map	169
8.	Notice of seized property	170
9.	Notice of seized property	171
10.	Notice of seized property	172
11.	Notice issued by Ankleshwar Court om CR.MA.No.25/12	173
12.	Notice issued by Ankleshwar Court om CR.MA.No.25/12	174
13.	Reply to notice given by Sombhai Ratanbhai Patel	175
14.	Reply to notice given by Mohanbhai Barsangbhai Vasava	176
15.	Reply to notice given by Sahadevbhai Bhanabhai Vasava	177
16.	Daily work on unauthorized soil excavation	179
17.	Daily work on unauthorized soil excavation	180
18.	Letter to Revenue Minister regarding illegal mining	184
19.	Recovery letter dated 29.03.2008 from Assistant Geologist to recover Rs.88,07,240/-	186
20.	Letter dated 11.11.2008 from Assistant Geologist,	187

Sr. No.	Particular (Document)	Exh. No.
	Bharuch	
21.	Challan of Rs.88,07,240/- deposited by Vrijeshbhai	188
22.	Illegal soil mining application form	201
23.	Panchayat resolution regarding damage caused by land and soil work	202
24.	FIR registered at Ankleshwar City Police Station bearing II-C.R. No.56/2013	206
25.	FIR registered at Ankleshwar City Police Station bearing I-C.R. No.59/2017	207
26.	FIR registered at Ankleshwar City Police Station bearing II-C.R. No.53/2014	208
27.	FIR registered at Ankleshwar City Police Station bearing II-C.R. No.27/2014	209
28.	FIR registered at Ankleshwar GIDC Police Station bearing C.R. No.127/1996	211
29.	FIR registered at Ankleshwar GIDC Police Station bearing C.R. No.176/1998	212
30.	Borbhatha, Ankleshwar Assembly Voter List for the year 2014	214

4. Heard Mr. Pratik B. Barot, learned advocate for the appellants in Criminal Appeal Nos.670 of 2020 and 899 of 2020 (conviction appeals), Mr. Kashyap R. Joshi, learned advocate for the appellant in Criminal Appeal No.24 of 2020 (complainant's appeal against acquittal), and learned APP for the State in all appeals, including Criminal Appeal No.775 of 2022 (State's appeal against acquittal). We have carefully considered the submissions, perused the record, and examined the cited decisions.

5. Submissions on behalf of the Convicted Appellants (Criminal Appeal Nos.670 and 899 of 2020)

- 5.1. Mr. Pratik B. Barot, learned advocate for the appellants (original accused Nos.2 and 3), vehemently contended that the learned Sessions Court's conviction under Sections 302 and 450 of the IPC is unsustainable on multiple grounds. He submitted that the case rests on direct evidence, primarily the testimony of Somabhai Ratanjibhai Patel (PW-10, Exh.-72), who is projected as the star witness, but whose evidence is riddled with inconsistencies and lacks corroboration. Pointing to the charge, he argued that the alleged motive a prior dispute during Holi celebrations between children is not substantiated, as confirmed by the investigating officers, who admitted no material was gathered to support it.
- 5.2. The learned advocate emphasized that the occurrence took place at night in a compound area, involving nine accused, yet the learned Sessions Court acquitted seven while convicting only the appellants based on the same evidence. He submitted that Somabhai Ratanjibhai Patel's (PW-10, Exh.-72) testimony is unreliable, as the court disbelieved his account of his own injury (inflicted by accused No.9 Mukeshbhai Lallubhai Vasava) due to lack of medical corroboration, invoking the principle of *falsus in uno falsus in omnibus*. He argued that this disbelief taints the entire testimony, especially since no phone call evidence links accused No.7 (Bharatbhai Mohanbhai Vasava) to summoning others, as admitted by Somabhai Ratanjibhai Patel (PW-10, Exh.-72).
- 5.3. Mr. Barot further highlighted the variance between ocular and medical evidence. Referring to the post-mortem report (Exh.-109), he pointed out only one visible injury on the deceased's head a contused lacerated wound (CLW) with a depressed frontal bone

fracture causing death due to extradural hemorrhage. However, Somabhai Ratanjibhai Patel (PW-10, Exh.-72) and other witnesses (Ramanbhai Madhavbhai Patel (PW-9, Exh.-71), Sureshbhai Bhikhabhai Patel (PW-12, Exh.-75), and Natvarbhai Chhotubhai Limbachiya (PW-13, Exh.-76) attributed two separate blows to the head by the appellants using sharp weapons (farsa and dhariya). The PM doctor, Dr. Sheetal Kundanlal Ehari (PW-22, Exh.-107), confirmed in cross-examination that bruises/contusions are caused by blunt objects, not sharp-edged weapons, ruling out the prosecution's version. He argued that when witnesses attribute sharp weapons like axes or spears without clarifying blunt-side use, the medical evidence of blunt injuries falsifies their account. No clarification was sought from witnesses that the blunt side was used, leading to only blunt injuries (CLWs and bruises) on the deceased, not sharp cuts.

- 5.4. The learned advocate argued that the incident was a fight in a dimly lit compound at 9:00 p.m., lasting 10 minutes, with multiple armed persons assaulting in commotion, making specific attribution impossible (Somabhai Ratanjibhai Patel (PW-10, Exh.-72); Sureshbhai Bhikhabhai Patel (PW-12, Exh.-75); Natvarbhai Chhotubhai Limbachiya (PW-13, Exh.-76). He submitted that the evidence is inseparable, and applying *falsus in uno falsus in omnibus* warrants acquittal of the appellants, as conviction on self-same unreliable evidence for one accused should be set aside after acquittal of co-accused, emphasizing difficulty in identifying assailants in a dark-night melee with armed persons; and holding that where truth and falsehood are inextricably linked, the entire evidence must be discarded unless separable.

- 5.5. Mr. Barot pointed to enmity proved by seven defense witnesses, including illegal sand mining complaints against Somabhai Ratanjibhai Patel's (PW-10, Exh.-72) family, leading to an Rs.88 lakh penalty (Exh.-187, Hemaben V. Acharya (DW-1, Exh.-156). Accused No.2 (appellant Bhagwatbhai) was a panchayat member agitating against Somabhai Ratanjibhai Patel (PW-10, Exh.-72), providing motive for false implication. He noted the brain mapping report (Exh.-155) favoring the appellants, indicating no knowledge of the incident, though not evidentiary, it supports the defense when read with totality. Weapons and clothes were not sent to FSL (as admitted by the investigating officer), further creating doubt.
- 5.6. Characterizing Somabhai Ratanjibhai Patel (PW-10, Exh.-72) as falling in the third category (partly reliable, partly unreliable), he argued conviction requires corroboration, absent here from medical/FSL evidence or other independent sources. Ramanbhai Madhavbhai Patel (PW-9, Exh.-71) and Natvarbhai Chhotubhai Limbachiya (PW-13, Exh.-76) positioned themselves outside the compound (Somabhai Ratanjibhai Patel (PW-10, Exh.-72); Ramanbhai Madhavbhai Patel (PW-9, Exh.-71); Natvarbhai Chhotubhai Limbachiya (PW-13, Exh.-76), reducing their reliability. Multiple antecedents against Somabhai Ratanjibhai Patel (PW-10, Exh.-72) (DW-6, Exhs.-206-208) impeach his credibility. In cross-examination, witnesses admitted collective assault without specificity (Somabhai Ratanjibhai Patel (PW-10, Exh.-72); Ramanbhai Madhavbhai Patel (PW-9, Exh.-71); Sureshbhai Bhikhabhai Patel (PW-12, Exh.-75), and no accused sustained injuries, suggesting suppressed genesis.
- 5.7. In the alternative, if conviction stands, he urged conversion to

Section 304 Part I IPC, given single head injury, no premeditation, and 10 years 5 months already undergone, citing sudden commotion without intent to kill. He argued on medical contradictions demolishing interested witnesses' accounts, and for extending benefit on crumbled backbone evidence.

5.8. In support of his arguments, the following cases are relied upon:

Sr. No.	Citation	Case Number	Date
1	2023 (0) AIJEL-SC 70553	CR.A/211/2023	03.03.2023
2	2025 (0) AIJEL-SC 74754	CR.A/127/2014, CR.A/126/2014	11.02.2025
3	2025 (0) AIJEL-SC 75020	CR.A/3318/2023	04.04.2025
4	2025 (0) AIJEL-SC 76207	CR.A/305/2024	27.11.2025
5	2024 (0) AIJEL-SC 73772	CR.A/2038/2017	09.07.2024
6	2025 (0) AIJEL-SC 74525	CR.A/118/2013	06.01.2025
7	2024 (0) AIJEL-SC 74038	CR.A/314/2012, CR.A/2623/2014	18.09.2024
8	2024 (0) AIJEL-SC 74101	CR.A/2631/2014, CR.A/2632/2014, CR.A/2640/2014	03.10.2024
9	2004 (0) AIJEL-SC 19075	CR.A/1177/1997	04.02.2004
10	1974 (0) AIJEL-SC 10468	CR.A/142/1970	19.03.1974
11	2023 (0) AIJEL-SC 72811	CR.A/2300/2009	08.11.2023

6. Submissions on behalf of the Complainant (Criminal Appeal No.24 of 2020)

- 6.1. Mr. Kashyap R. Joshi, learned advocate for the complainant-appellant, submitted that the learned Sessions Court's acquittal of original accused Nos.1,4,5,6,7,8, and 9 is perverse and warrants reversal. He argued that the evidence clearly establishes an unlawful assembly under Sections 147-149 of the IPC, with a common object to commit murder and cause grievous hurt, arising from deep-seated enmity over illegal mining complaints against the complainant's family, which the learned Sessions Court itself acknowledged in the impugned judgment. He emphasized that all nine accused persons, armed with deadly weapons such as dhariya, sword, farsa, and axe, unlawfully trespassed into the complainant's compound and launched a collective assault on the family, resulting in the death of Arvindbhai Haribhai Patel and grievous injuries to six others, namely Somabhai Ratanjibhai Patel (PW-10, Exh.-72), the complainant Satishbhai Somabhai Patel (PW-8, Exh.-61), Nikunj Satishbhai Patel (PW-14, Exh.-77), Sureshbhai Bhikhabhai Patel (PW-12, Exh.-75), Alpanaben Satishbhai Patel (PW-16, Exh.-80), and Chanchalben Somabhai Patel (PW-15, Exh.-78).
- 6.2. The learned advocate highlighted the strength of the prosecution's case, pointing to 13 eyewitnesses, including 6 injured witnesses (PWs 8,10,12,14,15,16), out of which 11 consistently named all nine accused in their testimonies (as per a prepared chart; only PW-8 omitted reference to accused No.7, and PW-14 was somewhat vague on certain details). He contended that these versions remained unshaken in cross-examination and are fully corroborated by medical evidence, where the injuries match the attributed weapons, as well as by panchnamas and the credent

testimonies of panch witnesses (PWs 1,2,5,7,11). According to him, the learned Sessions Court erred in acquitting the seven accused by deeming the injury certificates doubtful, while ignoring their overt acts, presence in the armed mob, and the common object of the assembly. He argued that minor discrepancies do not undermine the consistent substratum of the prosecution's narrative. He further submitted that the established enmity provides a clear motive for the attack, rather than a basis for false implication, as no outsiders were named despite ongoing village disputes.

- 6.3. Learned advocate Mr.Joshi contended that Section 149 of the IPC applies even in the absence of individual overt acts, so long as the accused were part of the unlawful assembly and knew that murder was likely to be committed in prosecution of the common object, where conviction under Section 302/149 was upheld despite injuries inflicted in a group assault. He described the incident as premeditated, lasting about 10 minutes in a well-lit compound (as confirmed by witnesses), initiated by accused No.7's quarrel with PW-10 followed by summoning the others. The brain mapping report was rightly discarded as non-evidentiary. He urged that the acquittal overlooks the collective nature of the assault on the entire family, the presence of blood at the scene, and FSL corroboration, asserting that two persons alone could not have caused such widespread injuries. Therefore, all accused should be convicted under Sections 302/149, 307/149, etc., of the IPC.
- 6.4. On the conviction appeals (Nos.670 and 899 of 2020), the learned advocate supported the learned Sessions Court's findings, submitting that PW-10's testimony is reliable and corroborated by PWs 9,12,13, as well as medical evidence showing the fatal head

injury matching the farsa and dhariya used by the convicted accused. He argued that the evidence inspires confidence, particularly in cases involving large assemblies. Any variance between ocular and medical evidence is minor and explainable by possible blunt-side use of weapons or the commotion, without falsifying the primacy of ocular accounts. Enmity acts as a double-edged sword, providing motive rather than doubt. There is no case for conversion to Section 304 IPC, as intent is evident from the deadly weapons and targeted blows to the head.

6.5. In support of his arguments, the following cases are relied upon:

Sr. No.	Citation	Case Number	Date
1	AIR 2012 SC 1743	SLP (CR) 2874/2008	28.02.2012
2	2022 LiveLaw (SC) 596	CR.A/739/2017	14.07.2022

7. Submissions on behalf of the State (Criminal Appeal No.775 of 2022)

7.1. Learned APP for the State, echoed the complainant's submissions and independently argued that the acquittal of accused Nos.1,4,5,6,7,8, and 9 by the learned Sessions Court is manifestly erroneous and against the weight of evidence, necessitating their conviction. He reiterated that the prosecution has proven an unlawful assembly under Sections 147-149 of the IPC beyond reasonable doubt, with a shared common object to murder and inflict grievous injuries, fueled by enmity over illegal sand mining activities, as accepted by the learned Sessions Court. The nine accused, forming an armed mob, committed house trespass and a

brutal assault, leading to Arvindbhai Haribhai Patel's death and serious injuries to the six family members.

- 7.2. The learned APP stressed the robustness of the ocular evidence from 13 eyewitnesses, including the 6 injured ones, where 11 witnesses explicitly implicated all nine accused, with consistent narratives surviving cross-examination. This is bolstered by medical corroboration (injuries aligning with weapons) and objective evidence like panchnamas, supported by panchas. He stressed upon the learned Sessions Court's selective doubt on injury certificates as a basis for acquittal, while disregarding the accused's participation in the mob and the common intent. He submitted that the core prosecution case remains intact despite any peripheral inconsistencies. Enmity strengthens the motive, not the defense of false implication.
- 7.3. He affirmed that liability under Section 149 attaches to all members of the assembly aware of the likelihood of murder, irrespective of individual acts. The premeditated attack in a lit area, triggered by accused No.7, and the scale of injuries preclude the possibility of only two perpetrators. Brain mapping was properly ignored, and the acquittal fails to account for blood evidence and FSL reports. He prayed for conviction of all under the charged sections.
- 7.4. In opposing the conviction appeals, the learned APP defended the learned Sessions Court's decision, highlighting PW-10's credible testimony supported by corroborative evidence and arguing against any reduction to Section 304 IPC given the clear murderous intent.

7.5. In support of her arguments, the following cases are relied upon:

Sr. No.	Citation	Case Number	Date
1	2025 (0) AIJEL-SC 76047	CR.A/151/2013	29.10.2025
2	2023 (0) AIJEL-SC 70719	CR.A/1910/2010	29.03.2023
3	2003 (0) AIJEL-SC 23430	CR.A/119/1997	31.10.2003
4	1989 (0) AIJEL-SC 15415	CR.A/227/1983	17.01.1989

8. Heard the learned Advocate for the appellants and learned APP for the respondent – State and perused the deposition of witnesses as also documentary evidence placed on record as well as the order passed by the learned Sessions Court.

9. The prosecution examined Dr. Sheetal Kundanlal Ehari (PW-22, Exh.-107), who conducted the post-mortem examination on the body of the deceased on 14.06.2014 at the Civil Hospital, Bharuch. The doctor stated that the dead body was brought with a police requisition letter (Exh.-108) and an inquest panchnama (Exh.-28), which was duly proved through the testimony of panch witness Nareshkumar Sureshbhai Patel (PW-1, Exh.-27). The post-mortem was conducted between 7:00 a.m. and 8:45 a.m. The deceased was a male aged about 58 years, wearing blood-stained clothes, with rigor mortis present, post-mortem lividity visible, and eyes open.

10. On external examination, the doctor noted a triangular cut lacerated wound measuring 3 x 2 cm on the right side of the head reaching up to the bone, a vertical elongated wound above the right elbow, several bluish contusions of different sizes on the left hand and back, and abrasions on the right side of the back. On internal examination, there was a fracture of the frontal bone, extra-dural and sub-dural haemorrhage

with about 100-200 ml of clotted blood, compression of the posterior part of the head, and a pale brain. Other organs were mostly normal except for pallor in some. Blood samples and clothes were preserved for further examination. The doctor opined that the cause of death was shock due to extra-dural haemorrhage caused by the head injury. He further stated that such injuries could be caused by a blunt object like a stick or the blunt side of an axe, and not by a sharp-edged weapon. In cross-examination, he explained the time frame of rigor mortis and stated that death might have occurred about eight hours prior to the examination. He also explained colour changes of injuries with time, admitted that the colour of abrasions was not specified, confirmed that no history of the incident was mentioned in the police papers, and stated that no weapon was shown to him for opinion after the post-mortem.

11. After carefully considering this evidence, the learned Sessions Court held that the post-mortem report (Exh.-109) clearly proved that the death was homicidal in nature. The court found that the injuries were ante-mortem, were intentionally inflicted on a vital part of the body, and satisfied the ingredients of culpable homicide under Section 299 of the Indian Penal Code, 1860. The learned Sessions Court dealt with the defence arguments relating to alleged discrepancies in the number of injuries, the nature of weapons used, and differences between the medical evidence and the inquest panchnama, and held that these issues were minor and did not affect the core conclusion regarding the cause of death. The contention regarding partial rigor mortis and the timing of death was also rejected. The court found the medical evidence reliable and supportive of the prosecution case against the convicted accused.

12. It appears from the record that the testimony of the doctor is clear, systematic, and well-supported by the post-mortem report. It conclusively

establishes that the deceased died due to severe head injuries caused by intentional acts, and not due to accidental or natural causes. Although the defence argued that the injuries were consistent with blunt weapons rather than sharp weapons like the alleged dhariya or farsi, we find that during a violent incident, variations in the manner, force, or angle of blows can result in lacerated injuries instead of clean incised wounds. Such minor variations do not weaken the prosecution case. The learned Sessions Court rightly held that these peripheral inconsistencies do not affect the fundamental finding of homicidal death. It is also well settled law that the post-mortem report prevails over the inquest panchnama in describing injuries, and the absence of showing weapons to the doctor after the post-mortem does not invalidate the opinion on cause of death. We therefore affirm the finding that the medical evidence proves culpable homicide amounting to murder and strongly corroborates the role attributed to Accused Nos. 2 and 3.

13. We now refer to the eyewitness evidence relating to the assault on the deceased. The prosecution mainly relied upon the testimony of Somabhai Ratanjibhai Patel (PW-10, Exh.-72), who is the father of the complainant and was himself injured in the incident. He stated that on 13.06.2014 at about 9:00 p.m., in the village of Nava Borbhatha, he was sitting in the compound after dinner along with the deceased Arvindbhai Haribhai Patel, Sureshbhai Bhikhabhai Patel (PW-12, Exh.-75), Natvarbhai Chhotubhai Limbachiya (PW-13, Exh.-76), and Ramanbhai Madhavbhai Patel (PW-9, Exh.-71). Accused No. 7 Bharatbhai Mohanbhai Vasava arrived in a tempo and questioned him about a previous quarrel involving his child during Holi. The witness stated that he was not present during that incident. Thereafter, Accused No. 7 made a phone call and shouted words to the effect that others should come and cut Somabhai's family members, and then left. Shortly thereafter, several

accused persons arrived armed with weapons. Mukeshbhai Lallubhai Vasava and Lallubhai Mohanbhai Vasava were carrying dhariyas, Govindbhai Thakorbhai Rathod and Pratik Govindbhai Rathod were carrying swords, Mahendrabhai Madhavbhai Patel had a dhariya, and Maheshbhai Uttambhai Vasava had an axe. They shouted threats and forcibly opened the gate. Mukeshbhai struck the witness on the head with a dhariya, Mahendrabhai hit him on the cheek with the blunt side of the weapon, Accused No. 3 Ratanlal Bherumal Jain struck the deceased on the head with a dhariya, and Accused No. 2 Bhagvatbhai Thakorbhai Vasava struck the deceased on the head with a farsi. After causing damage to vehicles parked there, the accused fled. The injured persons were taken to hospital, where Arvindbhai was declared dead.

14. The learned Sessions Court accepted the testimony of this witness insofar as it related to the fatal assault on the deceased. The court found this part of the testimony to be consistent, trustworthy, and not shaken in cross-examination, despite the fact that the witness was related to the deceased. The court took note of prior disputes and litigations between the parties, including cases under mining laws, but held that these factors did not undermine the reliability of the witness regarding the specific role played by the accused in causing the fatal injuries. At the same time, the court did not rely upon the witness's version relating to assaults inside the house, as his position in the compound would not have allowed him to witness those events. The court found no serious contradictions affecting his account of the assault on the deceased.

15. It transpires that the witness gave a clear and sequential account and specifically attributed the fatal head injuries to Accused Nos. 2 and 3. This version fully matches the medical evidence showing fracture of the frontal bone and haemorrhage. Although cross-examination revealed past

enmity and prior cases between the parties, nothing material emerged to suggest false implication with respect to the fatal blows. The argument regarding lack of visibility due to darkness is unconvincing, considering the close proximity of the parties and their familiarity with each other in a village setting. The learned Sessions Court correctly applied the principle that conviction can be based on the testimony of a single reliable witness when it is supported by medical evidence. Its decision to accept the testimony only to the extent it was reliable, and to reject other portions, reflects proper appreciation of evidence. We therefore concur that this testimony clearly establishes the involvement of Accused Nos. 2 and 3 in causing the fatal injuries with the intention required under Section 300 of the IPC.

16. We now consider the evidence regarding the alleged grievous injury caused to Nikunj Satishbhai Patel (PW-14, Exh.-77), the son of the complainant. It was alleged that Accused No. 5 Pratik Govindbhai Rathod struck him on the head with a sword. The witness stated that he was inside the house when the incident began, came out after hearing the noise, and was struck on the head by Pratik Rathod with a sword, after which he fell near the deceased and sustained a bleeding injury. However, during cross-examination, he admitted that due to the chaos, he could not clearly see who assaulted whom.

17. The learned Sessions Court noted several inconsistencies and deficiencies in this part of the prosecution case. It found contradictions regarding the place of injury, as this witness claimed the injury occurred in the compound, while other witnesses suggested it happened inside the house or near the entrance. The medical evidence did not support an injury caused by a sharp-edged weapon, and the CT scan opinion of Dr. Vishal Jagadishchandra Maurya (PW-26, Exh.-130) at Exh.-131

suggested blunt force impact similar to a stick. The injury certificate (Exh.-116) was found unreliable as it lacked signatures, dates, and history of the incident. The recovered sword (Exh.-30) had no blood stains and was not sent to the FSL. On these grounds, the learned Sessions Court held the evidence insufficient and acquitted Accused No. 5.

18. Upon perusal of the record, we find no fault with the reasoning of the learned Sessions Court. The witness's own admission that he could not clearly identify the assailant creates serious doubt. This doubt is further strengthened by conflicting versions given by related witnesses and the medical evidence pointing towards blunt force injury rather than a sword attack. The failure to properly examine the weapon and the background of existing enmity further weaken the prosecution case. In these circumstances, the learned Sessions Court rightly extended the benefit of doubt to Accused No. 5, and we find no reason to interfere with that acquittal.

19. We now examine the allegation of grievous injury caused to Sureshbhai Bhikhabhai Patel (PW-12, Exh.-75). It was alleged that Accused No. 8 Lallubhai Mohanbhai Vasava caused a fracture to his right tibia with the sharp edge of a dhariya, and that Accused No. 1 Mahendrabhai Madhavbhai Patel caused an abrasion on his cheek with the blunt side of a dhariya. The witness stated that while he was in the compound, Lallubhai struck his leg with a sharp dhariya, resulting in a fracture, and Mahendrabhai struck him on the cheek.

20. The learned Sessions Court found that the injury certificate (Exh.-114) was not duly proved, as it lacked proper signatures, dates, and history of the incident, and that Dr. Yoginiben Rameshbhai Patel (PW-24, Exh.-124) had signed it without personal knowledge of the injuries. The

court further noted that there was no clear medical evidence of a sharp-edged injury, contradictions regarding whether the injury was on the left or right cheek, and the fact that the complaint itself did not mention the cheek injury. The witness also admitted of having suffered a similar leg injury earlier. The dhariya (Exh.-40) was not sent to the FSL. In view of these shortcomings, the learned Sessions Court held that the prosecution failed to prove this charge beyond reasonable doubt and accordingly acquitted the concerned accused.

21. On examining the record, we find that the learned Sessions Court correctly and carefully assessed the evidence. The lack of clarity regarding the injury on the cheek, which was not mentioned in the complaint (Exh.-62), indicates that this detail was added later. The medical evidence of Dr. Deepakbhai (PW-23, Exh.-108) shows only swelling and does not support the claim of grievous injury. His testimony also leaves open the possibility that the fracture could have been accidental or old. Independent witnesses present in the compound, namely Ramanbhai Madhavbhai Patel (PW-9, Exh.-71) and Natvarbhai Chhotubhai Limbachiya (PW-13, Exh.-76), had left the spot at an early stage, which weakens their support. In view of existing enmity and gaps in the evidence, the learned Sessions Court rightly extended the benefit of doubt and maintained the acquittal of Accused Nos. 1 and 8.

22. We now consider the allegation of grievous hurt to Somabhai Ratanjibhai Patel (PW-10, Exh.-72), who claimed that Accused No. 9 Mukeshbhai Lallubhai Vasava struck him on the head with a dhariya, causing a fracture at the back of the skull. In his examination-in-chief, the witness stated that while sitting in the compound, after witnessing the assault on the deceased, Mukeshbhai hit him near the left ear with a dhariya, causing severe pain, after which he was taken to Patel Hospital

and later to Baroda Heart Hospital. However, during cross-examination, he gave inconsistent statements. He denied that the injury was caused by a sword, expressed uncertainty about a dhariya blow, and admitted that the blow on his chest, which caused swelling, came from behind during the scuffle, making it impossible for him to identify who caused that injury. He further stated that he could not say with certainty who struck him, as the assailants were behind him.

23. It may be noted that there are serious defects in the injury certificate (Exh.-113) prepared by Dr. Deepakbhai Chimanbhai Parekh (PW-23, Exh.-108): it was not duly signed by him, undated, contained no history of the incident, and was signed only by Dr. Yoginiben Rameshbhai Patel (PW-24, Exh.-124) on instructions, without having examined the patient. The court also found a clear mismatch between oral and medical evidence. Although the certificate recorded cut lacerated wounds in the occipital region, fracture and swelling in the left parietal bone, and chest contusions, there was no incised wound, which would normally be expected if a sharp dhariya had been used. The doctor admitted that such injuries could be caused by blunt force or even an accidental fall and that no internal details were recorded. The learned Sessions Court further observed that witnesses inside the house (PW-14 to PW-21) could not have seen what happened in the compound, considering the distance of about 25 feet shown in the scene of offence map (Exh.-51). Their evidence appeared exaggerated and influenced by family ties and existing enmity. The seized dhariya (Exh.-40) was not sent for FSL examination, which further weakened the prosecution case. On these grounds, Accused No. 9 was acquitted.

24. Upon scrutiny of the record, we fully agree with the learned Sessions Court. The witness's clear accusation in examination-in-chief

loses credibility due to his admissions in cross-examination that he was unsure and could not identify who struck him. This uncertainty affects the allegation against Accused No. 9. The medical evidence does not support the use of a sharp weapon and instead suggests blunt force injuries, directly contradicting the prosecution case. The injury certificate is unreliable due to the absence of signature, date, and incident history. The so-called corroboration by indoor witnesses is improbable in light of the site map (Exh.-51) and is further weakened by their close relationship with the complainant and admitted enmity arising from earlier mining disputes and cross-complaints. The failure to send the dhariya for FSL examination breaks any forensic link. In these circumstances, the benefit of doubt was rightly given to Accused No. 9, and we find no error in his acquittal.

25. We next consider the allegation of hurt to the complainant Satishbhai Somabhai Patel (PW-8, Exh.-61), who alleged that Accused No. 4 Govindbhai Thakorabhai Rathod struck him on the head with a sword and Accused No. 6 Maheshbhai Vasava struck him with an axe. The complainant stated that when the accused entered the compound, he ran inside the house, where Maheshbhai and Govindbhai followed him. According to him, Maheshbhai hit him on the head with an axe, Govindbhai hit him with a sword, and the flat handle of the axe struck his left hand. However, he admitted that his original complaint (Exh.-62), lodged on 14.06.2014 while he was fully conscious, did not mention any injury to himself. These details were added only in a later statement recorded on 15.06.2014, which he explained by saying that head pain prevented him from stating them earlier.

26. The learned Sessions Court found this omission in the FIR to be a serious defect. It observed that the complainant gave a detailed account of

injuries to others but made no mention of his own injuries, despite being conscious. The later addition was treated as an afterthought, especially since the complainant admitted that he did not inform the treating doctor at Sunshine Global Hospital about the incident or the assailants. The injury certificate (Exh.-115) was found doubtful as it was unsigned by Dr. Deepakbhai Chimanbhai Parekh (PW-23, Exh.-108), undated, and signed by Dr. Pritiben Janardan Patel (PW-27, Exh.-137) without personal knowledge. The certificate noted two injuries, but the complainant claimed only one blow, and no incised wound was present despite the alleged sword attack. The court also took note of strong enmity between the parties, including pending atrocity cases and cross-complaints, raising the possibility of false implication. Accused No. 4 was therefore acquitted.

27. The failure to mention personal injuries in the original complaint, given promptly and consciously, is a material contradiction. The explanation of “head pain” does not appear convincing when the complainant admitted full awareness during the complaint. This suggests exaggeration. Medical evidence does not support a sword injury, as there was no incised wound, only swelling and a laceration consistent with blunt force or accident. The injury certificate suffers from serious procedural defects and cannot be relied upon. Evidence from family members inside the house is biased and unreliable. Considering the admitted enmity, the prosecution failed to prove the charge beyond reasonable doubt, justifying the acquittal of Accused No. 4.

28. We now turn to the allegation relating to Alpanaben Satishbhai Patel (PW-16, Exh.-80), the complainant’s wife, who claimed that Accused No. 9 Mukeshbhai Lallubhai Vasava struck her on the shoulder with the blunt side of a dhariya. In her testimony, she stated that she was

hit on the back and shoulder with flat blows inside the house but did not name any specific person who caused the injury. She stated that she took treatment at home but could not name the doctor or produce any medical record. In cross-examination, she admitted differences between her testimony and her police statement, where she had stated that someone struck her with a stick. The witness did not attribute the injury to Accused No. 9 or any named accused. No medical evidence was produced to prove the injury. The inconsistency regarding the weapon further weakened her testimony. Other family witnesses also gave conflicting versions, and all were interested witnesses with admitted enmity. On this basis, the allegation was rejected and Accused No. 9 was acquitted on this charge. The injured witness did not identify the assailant, which is a basic defect. In the absence of medical proof, even the existence of injury is doubtful. Contradictions regarding the weapon and inconsistent family testimony, combined with enmity, make the allegation unreliable. The benefit of doubt was rightly given.

29. The allegation concerning Chanchalben Somabhai Patel (PW-15, Exh.-78), the complainant's mother, is similar. She alleged that Accused No. 6 Maheshbhai Vasava struck her on the shoulder and abdomen with the handle of an axe. However, in her testimony, she stated only that "someone" struck her with flat blows of a stick and did not identify Accused No. 6. She claimed treatment at Yash Hospital but produced no injury certificate, and no doctor was examined. She admitted that these blows were not mentioned in her police statement, and other family witnesses gave varying versions. The witness did not name Accused No. 6. There was no medical proof. There were contradictions regarding the weapon. Importantly, the defence showed through the Borbhatha Assembly Voter List for 2014 (Exh.-214) that several persons named Mahesh Vasava lived in the village. No test identification parade was

conducted, and the investigating officers (PW-29, Exh.-144 and PW-30, Exh.-145) could not explain how this particular Maheshbhai Uttambhai Vasava was identified. The learned Sessions Court therefore acquitted Accused No. 6. The lack of clear attribution, absence of medical evidence, and serious doubt regarding identity make the allegation speculative. The presence of multiple persons with the same name and the absence of identification procedures are fatal to the prosecution case. Enmity further weakens reliability. The acquittal is justified.

30. Lastly, we consider the charge of unlawful assembly under Sections 141, 147, 148, and 149 IPC. The prosecution alleged that all accused formed an unlawful assembly with a common object to commit trespass and assault. The learned Sessions Court rejected this contention. It found that only Accused Nos. 2 and 3 were proved to have caused fatal injuries. The evidence against the others was doubtful. The incident was short in duration, accounts of timing were inconsistent, and there was no clear proof of prior planning or a shared common object. The presence of other accused was not reliably proved, and false implication due to enmity could not be ruled out. The requirements of Section 149 were therefore not met. An unlawful assembly requires at least five persons sharing a common object, and Section 149 applies only when offences are committed in furtherance of that object. Here, the prosecution proved only the individual acts of Accused Nos. 2 and 3. The remaining accused were not shown to have shared any common object or participated in the offences. Given the brief incident, lack of clear evidence of concerted action, and doubtful presence of others, the finding of unlawful assembly cannot be sustained. The benefit of doubt rightly goes to the acquitted accused.

31. While examining whether the legal principles relating to

apportionment of liability and appreciation of evidence, as relied upon by the appellant, can be applied to the facts of the present case, we do not find any substance in the said contention. Upon a careful reading of the factual matrix and the evidence on record, neither the legal position nor the proportion sought to be applied comes to the aid of the appellant. The learned advocate for the appellant has relied upon the decisions in ***[Premchand Vs. State Of Maharashtra - 2023 (0) AIJEL-SC 70553]***, ***[Mehatar Vs. State Of Maharashtra - 2025 (0) AIJEL-SC 74754]***, ***[Murugan Vs. State Rep. By The Inspector Of Police - 2025 (0) AIJEL-SC 75020]***, ***[Suresh Sahu Vs. State Of Bihar (Now Jharkhand) - 2025 (0) AIJEL-SC 76207]***, ***[Vinod Jaswantray Vyas Vs. State Of Gujarat - 2024 (0) AIJEL-SC 73772]***, ***[Edakkandi Dineshan @ P. Dineshan & Ors. Vs. State Of Kerela - 2025 (0) AIJEL-SC 74525]***, ***[Rama Devi Vs. State Of Bihar And Others - 2024 (0) AIJEL-SC 74101]***, ***[Narain Vs. State Of Madhya Pradesh - 2004 (0) AIJEL-SC 19075]***, ***[Hallu Vs. State Of Madhya Pradesh - 1974 (0) AIJEL-SC 10468]***, and ***[Balaram Vs. State Of Madhya Pradesh - 2023 (0) AIJEL-SC 72811]*** to contend that the testimony of a sole witness becomes unreliable on account of previous enmity between the parties, that such testimony should not be acted upon, and that the evidence of certain witnesses has not been properly considered, thereby entitling the appellant and the co-accused to the benefit of doubt. It is further argued that there are material inconsistencies in the testimonies, coupled with procedural lapses, including lapses relating to material witnesses. These judgments lay down principles such as contradictions between ocular and medical evidence, defective examination under Section 313, faulty investigation, and the double-edged nature of enmity, and hold that where evidence is inseparable and contradictions strike at the root of the prosecution case, acquittal is justified, especially when the same evidence has led to acquittal of co-accused. However, in the present case, the crucial issue is

not the existence of these principles in law, but whether they are applicable to the facts of the case at hand. Each case must be decided on its own facts, and precedents cannot be mechanically applied without examining factual distinctions. Here, the evidence is clearly separable. There are consistent ocular testimonies of multiple injured witnesses, which are duly corroborated by the medical evidence. The inconsistencies pointed out are minor in nature and do not destroy the core of the prosecution case. The existence of enmity, in the present facts, supplies a motive rather than leading to false implication. Despite certain procedural lapses, the overall evidence remains trustworthy and cogent. Therefore, the aforesaid precedents do not assist the appellant, and the conviction is sustainable.

32. Further, learned advocate for the appellant relied upon the case in ***Saheb, S/o Maroti Bhumre Etc. v. State of Maharashtra [Criminal Appeal Nos. 313 of 2012 and 314 of 2012]*** reported in **2024 (0) AIJEL-SC 74038**, the Hon'ble Supreme Court, held that maxim *falsus in uno, falsus in omnibus* is only a rule of caution and has not assumed status of a rule of law in Indian context, an attempt must be made to separate truth from falsehood and where such separation is impossible, there cannot be a conviction. The Hon'ble Supreme Court while evaluating the credibility of the sole eyewitness (the widow of the deceased) in a case involving offences under Sections 148, 149 and 302 of the Indian Penal Code, 1860, held that although the maxim *falsus in uno, falsus in omnibus* is only a rule of caution and not a rule of law in the Indian context, a sincere effort must be made to separate truth from falsehood. However, where such separation is rendered impossible owing to pervasive inconsistencies such as contradictory statements regarding the sequence of assault, absence of adequate moonlight for clear identification, embellishments in court deposition vis-à-vis the initial complaint, and inexplicable omission

to attribute any role to certain accused despite their alleged prominent entry the entirety of the testimony falls into the realm of uncertainty. In such circumstances, no conviction can be sustained on the solitary testimony, and the accused are entitled to the benefit of doubt, resulting in their acquittal notwithstanding prior incarceration.

33. The learned advocate for the complainant has also relied upon **[Surendra and Ors. v. State of U. P. - AIR 2012 SC 1743]** and **[Shahaja @ Shahajan Ismail Mohd. Shaikh Vs. State of Maharashtra - 2022 LiveLaw (SC) 596]** to submit that the common object of the unlawful assembly can be inferred from the coordinated manner of attack and the motive arising out of enmity, and that the ocular evidence of multiple witnesses remains reliable despite minor discrepancies. It is further contended that the applicability of Section 149 does not require proof of individual overt acts, provided there is knowledge of the likelihood of the offence of murder. These decisions hold that where motive and common object are established, and where the Court is able to separate truth from falsehood, convictions under Sections 302/149 and 307/149 are justified, while cautioning that the evidence of interested witnesses must be carefully scrutinized and accepted only if corroborated. However, in the present matter, the acquittals recorded by the trial court are not perverse. The trial court has, on a proper appreciation of evidence, found the injury certificates to be doubtful and the material on record insufficient to establish specific overt acts or a common object in respect of the seven acquitted accused.

34. It is well settled that the principle of *falsus in uno, falsus in omnibus* is not strictly applicable in India, and the Court is required to separate the truthful part of the evidence from the false. In the present case, such separation is possible, and while the prosecution case remains

intact against the convicted accused, the benefit of doubt has rightly been extended to the acquitted accused. Hence, these citations do not justify interference or reversal.

35. The learned APP has placed reliance upon ***[Haribhau Bhausal eb Dinkar Kharuse & Anr. Vs. State Of Maharashtra - 2025 (0) AIJEL-SC 76047]***, ***[Balu Sudam Khalde Vs. State Of Maharashtra - 2023 (0) AIJEL-SC 70719]***, ***[Ramchand Yadav Vs. Prabhu Nath Jha - 2003 (0) AIJEL-SC 23430]***, and ***[Lalji Vs. State of Uttar Pradesh - 1989 (0) AIJEL-SC 15415]*** to contend that the acquittals are erroneous, as the common object of the unlawful assembly stands proved through active participation of the accused, supported by ocular evidence corroborated by medical records, and that minor contradictions or defects in investigation do not warrant acquittal when the core prosecution case is established. These judgments state that reversal of acquittal is permissible where the findings are manifestly perverse, that vicarious liability under Section 149 extends to members of an unlawful assembly who were aware of the likelihood of murder being committed, and that prior enmity supplies motive and does not negate guilt, provided the evidence is otherwise reliable. However, in the present factual scenario, the findings of the trial court regarding doubtful injuries and absence of specific overt acts attributed to the acquitted accused cannot be termed perverse. The evidence on record permits separation between the role of the convicted and the acquitted accused. While the inconsistencies do not weaken the prosecution case against the convicted persons, they are sufficient to justify the acquittals. Accordingly, these precedents do not support interference with the acquittal in the facts of this case.

36. In conclusion, the judgment of the learned Sessions Court shows careful and fair appreciation of evidence, separating reliable material

from doubtful claims. We find no reason to interfere. The conviction of Accused Nos. 2 and 3 under Sections 302 and 450 IPC is required to be confirmed, so also the acquittal of the remaining accused is required to be upheld.

37. In view of the foregoing reasons, the conviction appeals being Criminal Appeal No. 899 of 2020 and Criminal Appeal No. 670 of 2020 are hereby dismissed. The acquittal appeals being Criminal Appeal No. 24 of 2020 and Criminal Appeal No. 775 of 2022 also hereby dismissed. Bail bonds, if any, stand cancelled. The records be transmitted to the learned Sessions Court forthwith.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

MVP