

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 1406 of 2023**

With
R/CRIMINAL REVISION APPLICATION NO. 1396 of 2023

FOR APPROVAL AND SIGNATURE:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Approved for Reporting	Yes	No

TATHYA PRAGNESHBHAI PATEL**Versus****STATE OF GUJARAT****Appearance:****MS ZEAL H SHAH(9811) for the Applicant(s) No. 1****PUBLIC PROSECUTOR for the Respondent(s) No. 1****CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL****Date : 03/12/2025****ORAL JUDGMENT**

1. The applicants have preferred the present application under Section 397 and Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “CrPC” for the sake of brevity), assailing the order dated 21.10.2023 below Exhibit 19 and 20 passed by the learned Principal District Judge, Ahmedabad (Rural) in Sessions Case No. 115 of 2023, wherein, the learned Trial Court rejected the application filed by the applicants under Section 227 of the CrPC seeking discharge from the offences punishable under Sections 304 and 308 of the Indian Penal Code (hereinafter referred to as



“IPC” for short) in Sessions Case No. 115 of 2023.

2. The facts in nutshell are that:-

2.1 On 20.07.2023 at around 12:30 am to 1:10 am the applicant was driving Jaguar car in his possession having registration number GJ-01-WK-0093 with dark film while having five co-passengers in his car namely Shreya Vaghasiya, Aryan Panchal, Dhvani Panchal, Shaan Soni and Malvika Patel and thus it is alleged that the applicant was driving the said car with more co-passengers than the permissible limit.

2.2. That the applicant was driving the said car at high speed in a rash manner and it is alleged that knowing fully well that if he will drive in such a manner the lives of others as well as his own life will be at risk and will lead to death, the applicant drove in such a manner.

2.3. That having this knowledge, the applicant drove at a speed of 141.27 over Iskcon Bridge and crashed into policepersons and people who had gathered there owing to a previous accident that had occurred between a Mahindra Thar car and a dumper between electric pole number IMH48452 to IMH48455.

2.4 That the applicant hurled at the crowd and some people were flung in air and were dragged for about 120 feet and as a result 9 persons who were standing there died and severe injuries were caused to 12 other persons who were standing there.



2.5. That the accused no. 2 who is the father of applicant got to know about the incident and thereafter arrived at the place of incident and it is alleged that he quarreled with people who had gathered there and abused them and threatened to kill them and thus aided the applicant to escape and run away from the place of occurrence and breached the speed limit mentioned in the Public Order as issued by the Police Commissioner, Ahmedabad City. Pursuant thereto the FIR being 11191069230241 of 2023 on 20.07.2023 was lodged before the SG Highway 02 Traffic Police Station, Ahmedabad City for the offences under Section 279,337,338,304,504,506(2) and 114 of the IPC read with Section 177,184 and 134(b) of the MV Act.

2.6 Pursuant to the completion of investigation, chargesheet dated 27.7.2023 came to be filed against the present Applicants for the aforesaid Offences before the jurisdictional Magistrate and was numbered as Criminal Case No. 9125 of 2023, however, having found that the charges are Sessions Triable, the matter was committed by the Ld. 5th Additional Civil Judge and Judicial Magistrate First Class, Ahmedabad and Sessions Case No. 115 of 2023 is pending adjudication before the Court of Ld. Principle District Judge, Ahmedabad (Rural).

3. At the outset, Ld. Senior Counsel Mr. I.A. Saiyed has submitted that pursuant to the order passed by the Hon'ble Supreme Court in Petition for Special Leave to Appeal (Criminal) No. 14482 of 2025 vide order dated 3 November 2025, the Trial Court has proceeded to frame charges against the applicant. The



Hon'ble Supreme Court has further clarified that the High Court is at liberty to proceed with the Criminal Revision Application, notwithstanding the pendency of the Special Leave Petition. It has also been observed that the framing of charges during the pendency of the proceedings would not render the matter infructuous as it would be subject to the order passed by the Hon'ble Supreme court.

4. During the pendency of the present Revision Application, the Learned Trial Court has framed charges against the applicants. A photocopy of the said charges, handed over across the Bar, is taken on record.

5. Submissions on behalf of the Applicants:-

5.1 That the Investigating Officer without application of mind charged applicants for the offences punishable under Section 304 and 308 of the IPC in a matter pertaining to the accident case based on rash and negligent driving which would be evident from the charge framed vide Exh. 168 in Sessions Case No. 115/2023.

5.2 That the Ld. Trial Judge while rejecting the application for partial discharge, has arrived at conclusion without appreciating whether the ingredients of the said offences, more particularly, Section 304 and 308 of the IPC are satisfied or not and has passed the impugned order rejecting the discharge Application.

5.3 That the Trial Court has materially erred in not considering



the fact that the Tathya was not driving in an inebriated condition or under influence of any kind of intoxication and even upon taking the entire case of the prosecution on the best, would fall under the category of rash, reckless and negligent driving and no charge under Section 304 and 308 of IPC could be sustained.

5.4 That even from the evidence placed on record alongwith chargesheet, it cannot be said that the applicant had knowledge or intention which could be attributed as required under the provisions of Section 299 of IPC coupled with the fact that it is not even the case of the prosecution that the Applicant was inebriated condition when the accident has taken place.

5.5 That there is no prima facie material attracting of Section 304 Part 2 of the IPC and the material relied upon for framing such charges follow through of prima facie indicating that the Accused is guilty of culpable homicide falling either under Part I or Part II of Section 304 of IPC.

5.6 That the Trial Court has materially erred in not appreciating the fact that :-

(A) An order framing of charge substantially affects the person's liberty and the Trial Court must not automatically frame the charge merely because the prosecution considers it proper to institute the cases;

(B) For the purpose of considering the question of framing the charge, the Trial Court should exercise its power to sift and



weigh the evidence produced for the purpose of finding out whether or not a prima facie case is made out against the accused.

(C) The test of deciding or determining the existence of prima facie case, is by and large however, if two views are equally possible and the Hon'ble Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

(D) It would not be logical or proper to say that the allegations are sufficient to frame the charge for certain offences and the accused should not mechanically be asked to face the charge of a much graver offence falling in similar category of the case punishable under any other Special Statute. Therefore, argued that the impugned order is required to be quashed and set aside.

5.7 That the Trial Court has further erred in not observing that no prejudice will be caused to the defense side and the prosecution should be given a chance to prove the charges against the applicant. The applicant most respectfully submits that the application preferred by them was mainly made on the ground that the offences as alleged are not made out against the applicant and the rights of the applicant will be substantially affected if the applicant is made to face a trial for graver offences when even if entire case of the prosecution is proven, the ingredients of the attracted provision of Section 304 and 308 are not satisfied. Therefore also, the impugned order is required to be quashed and set aside

5.8 That the Trial Court has simply passed the impugned order without concurring any reasons and has arrived only after



recording the statement of both the sides. Hence, clearly reflecting non application of mind while deciding the discharge Application. After the alleged accident, the applicant was severely beaten by the mob which had gathered around the place and when the applicant's father arrived at the place of occurrence upon coming to know of the same, they were left with no other option but to leave from the place of occurrence on account of mob fury. However, it is submitted that immediately upon leaving the place of occurrence, the father of the applicant, i.e. accused no. 2 had dialed police on 100 number and the same is also reflecting from the call records forming part of the chargesheet papers and the applicant was taken to CIMS hospital for treatment. Upon reaching CIMS Hospital, the Applicant has narrated the occurrence of the accident correctly and this also sufficiently established that the applicant had no intention to run away or escape after the alleged accident.

5.9 Ld. Senior Counsel further argued that Section 304 Part II of the IPC requires knowledge, whereas for attracting Section 304A there is no such requirement. As stated, both the offences are different and distinct, and therefore, there should be clarity regarding the framing of charge, since framing of charge is a serious exercise. The Applicant had no knowledge that a previous accident had taken place at a spot which had a bare curve and no street lights, even as per the video supplied to the accused. Moreover, a group of people was standing in the middle of the road, and despite applying brakes, a fateful accident occurred. Under such circumstances, no knowledge can be attributed to the Applicant. Even as per the various statements



of the co-passengers, at most, it could be stated that the applicant was driving his car in a negligent and reckless manner, thereby attracting the offence punishable under Section 304A of the IPC.

5.10. Ld. Advocate for the Applicant has relied on the following judgments:-

(a) Naresh Giri Vs. State of MP reported in (2008) 1 Supreme Court Cases 791.

(b) Mayur Mukundbhai Desai Vs. State of Gujarat and another reported in 2018 Law Suit(GUJ) 792

(c) Anbazhagan Vs. State Represented by the Inspector of Police Reported in 2023 SCC Online SC 857.

(d) State through PS Lodhi Colony, New Delhi Vs. Sanjeev Nanda reported in (2012)8 SC 450.

(e) Harendra Nath Mandal Vs. State of Bihar reported in (1993) 2 SCC 435.

6. Ld. Public Prosecutor, Mr. Hardik Dave submits that considering the statement of Co-passanger recorded during the course of investigation, under the provision of Section 161 of the CRPC read with statement of said witnesses under Section 164 of the CRPC, it would be clear that despite of Vismay being asked to drive slowly, but not gave heed to such request and drive his car in excessive speed and thus, case of knowledge that if accident occurs, there is likelihood of accident and of such excessive speed, there is also likelihood of persons being killed if hit by such accident.



6.1 The argument of the Ld. Advocate for the applicant that if none of the exceptions under Section 300 are attracted, nor does the act of the applicant fall within any of the clauses of Section 300, then Section 304 Part II of the IPC would also not apply, is fallacious. Clause Secondly of Section 299 defines culpable homicide, whereas Section 304 Part II is attracted when an act is done with the knowledge that it is likely to cause death, but without any intention to cause death. In such circumstances, merely because the act does not attract the provisions of Section 300 does not mean that it would also fall outside the purview of Section 304 Part II.

6.2 For attracting Section 304, culpable homicide not amounting to murder requires the presence of knowledge but absence of intention. Even as per the prosecution's case, as reflected from various statements of the co-passengers, despite being cautioned to drive slowly, the applicant drove the car at an excessive speed of over 130 km per hour. Such conduct certainly implies knowledge though not intention.

6.3 Further, the Ld. PP submits that as per the communication forwarded by Jaguar India Limited, the speed of the car recorded in the five seconds before impact shows 130.31 km/h, and at the moment of impact, 108.5 km/h. This reflects not merely negligence but clear knowledge of the likely consequences, particularly when the panchanama of the scene of offence shows that the car had landed almost 140 feet away after the accident. The fact that the car continued to drag even after braking speaks volumes. Hence, the Ld. PP argues for rejection of the present



application.

6.4 Ld. PP has further relied on the judgment in the case of ***Vismay Amitbhai Shah Vs. State of Gujarat Reported in 213 SCC GUJ 4747*** to buttress the argument that in some what similar situation, the Trial Court had framed charges against the provision of Section 304 part II of IPC and has also further relied on the judgment of ***State Of Maharashtra vs Salman Salim Khan & Anr reported in AIR 2004 SUPREME COURT 1189*** referred to in the case of Vismay Amitbhai Shah (Supra) to buttress the argument that ther of the sides would have been in any manner prejudiced in the trial by framing of a charge either under section 304A or section 304 Part II, IPC except for the fact that the forum trying the charge might have been different, which by itself, in our opinion, would not cause any prejudice. This is because at any stage of the trial it would have been open to the concerned court to have altered the charge appropriately depending on the material that is brought before it in the form of evidence and thus argued that in the said referred judgment in the case of Vismay Amitbhai Shah (Supra), no prejudice would cause to the present applicant herein, since if a graver charges is framed, the applicant can be certainly punish under lesser offence if during the trial it is found that graver charge is not applicable and the Trial Court has power under CRPC to frame charge even before the pronouncement of judgment and has thus, argued to reject the present Application.

6.5 Lastly, it is argued that while exercising power under Section 397 read with Section 401 of CRPC, more particularly,

against the order of rejection of discharge application no roving inquiry much less appreciation of evidence has to be made either by the Trial Court or even by the Ld. Revisional Court and having found no palpable error apparent on the face of the record no further inference is required. Thus, argued to reject the present Application.

7. Heard Ld. Advocate for the respective parties. Perused the impugned order. At the outset, the law governing the scope of hearing at the time of framing of charge is concerned is required to be taken into consideration as also in the case ***K.H.Kamaladini Vs. State reported in 2025 SCC ONLINE SC 1176***, wherein, in para 9, the Hon'ble Supreme Court has held as under:-

"9. In this case, the appellant sought discharge. The prayer for discharge was rejected by the Special Court. Therefore, a revision application under Section 401 read with Section 397 of the CrPC was preferred by the Appellant. As far as the scope of hearing at the time of framing of charge is concerned, the law is well settled. Firstly, at this stage, the Court can examined only the documents forming part of the charge-sheet and no other material can be considered. Secondly, after considering the material on record, the Court has to decide whether or not there exists a sufficient ground for proceeding with the trial against the Appellant. Thirdly, at this stage, the Court cannot shift the evidence forming a part of the charge-sheet with a view to separating the grain from the chaff. Fourthly, if the Court is of the view that the evidence without cross examination or rebuttal shows that the accused has not permitted any offence, then an order of discharge must be passed. Lastly, if the evidence adduced before the Court, creates a grave suspicion against the accused the Court will not discharge the accused."

8. The Applicant herein has been charged with the offences punishable under Section 279,337,338,304,504 and 506(2), 114 of the IPC and Section 177, 184 and 134(b) of the Motor Vehicle Act, 1988 (for short “MV Act”). The Applicant vide Exh. 19 in Sessions Case No. 115 of 2023 preferred application for discharge under Section 227 of the CrPC on behalf of the Accused No. 1 Tathya for the alleged offence punishable under Section 304,308 of the IPC.

“Section 304 of the IPC reads as under:-

304. Punishment for culpable homicide not amounting to murder.—

Whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death, or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.”

Whereas, culpable homicide is defined in Section 299 of the IPC which reads as under:-

299. Culpable homicide.—

Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations



(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1.— A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2.— Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.— The causing of the death of child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

Whereas, Section 308 reads as under:-

“308. Attempt to commit culpable homicide.—Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either



description for a term which may extend to seven years, or with fine, or with both.”

9. The contention of the Senior Counsel for the Applicant is to the effect that the case of the Applicants does not attract the provisions of Section 300 of IPC namely Murder. Since firstly, secondly and thirdly are attracted only when there is intention, whereas clause fourthly of the Section 300 of IPC attracts when there is knowledge, however, none of the exceptions of culpable homicide not amounting to murder are attracted and thus, even when the case of the prosecution is not of culpable homicide amounting to murder, provisions of Section 299 of the IPC are not attracted.

10 It is further argued that even if the speed of the orig. Accused No. 1 was excessive would only attract section 304A of the IPC and not Section 304 Part II and for that purpose has relied on the case of Mayur Mukund Desai Vs. State of Gujarat reported in 2018 Law Suit (Guj) 792. On perusal of the said judgment, the Hon'ble Supreme Court after considering the facts of the case concluded that the said case was not one in which a very gross or a particular act with a motivating force can be attributed to the applicant accused so as to bring his case within the purview of Section 304 of the IPC and it was observed that the entire case of the prosecution was on the basis of rash and negligent driving i.e. driving the vehicle at high speed.

11. On careful evaluation of the material and documents on



record, it emerges prima facie on the face of such statement and documents, that it discloses all the ingredients constituting the alleged offence establishing Section 304 of the IPC for the following reasons.

(1) On the fateful day of the accident, accused No. 1 was driving his car at a high excessive speed at more than 130 Km/h.

(2) During investigation and after recording the evidence of the co-passengers it prima facie reveals that, despite Tathya being asked to drive slowly, he did not give heed to such request from the co-passengers.

(3) Going through the report submitted by the manufacturer of the car reveals that before five seconds of the accident, the car was driven at excessive speed of over 130 Km/h.

(4) After the accident, the car was dragged almost 40 mtrs.

(5) The statements of Aryan Prakash Panchal, Shreya Ashwin Vaghashiya (Patel), Shan Mayur Sagar (Soni), Dwani Prakash Panchal would clearly establish that the speed was so excessive that he had no chance to brake the vehicle and stop it well in advance.

(6) The report of Director of FSL and read with the report submitted by Jaguar dated 24.07.2023 reflects that at 0.0 second i.e., at the time of accident impact, the speed of the car was 108.5 Km/h and it is only before 0.5 seconds that the brakes were applied when the vehicle was 130.5 Km/h.

12. Thus, the case on hand is not merely of rash or negligent driving but the evidence on record clearly indicates that while



Tathya was driving his vehicle at very high excessive speed and despite being asked by co-passengers to drive slow, he did not though it fit to do so and continued to drive at very high excessive speed resulting into death of nine people and also injuring other persons. This Court is also mindful of the fact that owing to the previous accident, that had occurred between Mahindra Thar and Dumper over Iscon Bridge where police personnel and general people had gathered, however, it cannot be said that because of such gathering, Tathya Patel met with an accident because the factum of Tathya driving his car at highly excessive speed despite being asked by the co-passenger to drive slowly had gone to deaf ears. Even in the midst of the night when there is even a visibility issue coupled with the fact of driving a car with dark glasses at a high excessive speed, under such circumstances, it cannot be said that the accused No. 1 Tathya Patel was driving his car with a hope that the consequences would not follow.

If the argument for the Ld. Counsel for the Applicant are considered, then in no case the provisions of Section 304 Part II of the IPC can be made applicable. What is to be seen is the facts and circumstances of the each case, manner in which the accident took place, conduct of the accused before, during and after the accident and keeping all these aspects read with the papers of the chargesheet, it cannot be said that this is a pure and simple case of rash and negligence driving. Thus, it cannot be stated that the Applicant had a hope and was under the belief that he had taken sufficient precaution to prevent the happening. This imputability arises from persisting in excessive speed despite being asked to drive slowly



13. Even on perusal of the charge-sheet, what has been imputed to the accused No. 1 is not merely that he drove at excessive speed and driving in a negligent manner but if the car is driven at high and excessive speed and in a manner and despite having knowledge that this would lead to death was driven in such a manner which resulted into the death of nine persons.

14. Thus, the present case falls within last clause of Section 299 of the IPC and not clause fourthly of Section 300 coupled with the fact of driving the vehicle at an excessive speed with a knowledge of dangerous consequences, despite having been asked to drive slow was not given heed by the accused.

Ld. Advocate for the respective parties have referred to judgment as stated hereinabove. This Court has considering the principles established in the said judgment. At this stage it would be opt to consider the judgment in the case of the ***Regional Manager and Another Vs. Pawan Kumar Dubey Reported in 1976 AIR 1766***, wherein, it is held as under:-

“It is the rule deducible from the application of law to the facts and circumstances of a case which constitutes its ratio decidendi and not some conclusion based upon facts which may appear to be similar. One Additional or different fact can make a world of difference between conclusions in two cases even when the same principles are applied in each case to similar facts. ”

In the case of Megh Singh Vs. State of Punjab reported in AIR 2003 SUPREME COURT 3184, it is held as under:-

“Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases or between two accused in the same case. Each case depends on its own facts and a close similarity between one case and another is not enough because a single significant detail may alter the entire aspect. It is more pronounced in criminal cases where the backbone of adjudication is fact based”

In view of the aforesaid principles, this Court has considered the ratio laid down in the judgment referred to, however, each case has to be decided on its own facts and the law applicable to such case is kept in mind while deciding the present Application.

15. Under such circumstances, it cannot be said that this is a pure and simple case of rash and negligent driving attracting provisions of Section 304A of the IPC. From the bare reading of the papers of the charge-sheet, a strong prima facie case of Section 304 Part 2 is made out. More particularly, when the law for the purpose of holding accused guilty for the offence punishable under Section 304 Part 2 of the IPC, it is not necessary to bring the case of the prosecution within one of the exceptions of Section 300 of IPC. Thus, if the case on hand is considered without controverting it, there is strong prima facie material against the present accused No. 1 to proceed with the offence under Section 304 Part II of the IPC and Section 308. Thus, no case is made out for discharging the Applicant – Org.



Accused No. 1 for the offence punishable under Section 304 and 308 of the IPC, however, considering the role attributed to the Org. Accused No. 2 – Pragnesh Harshadbhai Patel, the Applicant – Org. Accused No. 2 has sought discharge for the offence punishable under Section 279,337,338,304 and 308 of IPC with the aid of Section 107 and also seeking discharge under the provisions of Section 177, 184 and 134(b) of the MV Act is concerned.

16. Section 279 of IPC deals with rash driving or riding on a public way.

Section 337 of IPC deals with causing hurt by act endangering life or personal safety of others..

Section 338 of IPC deals with causing grievous hurt by act endangering life or personal safety of others.

Section 304 of IPC deals with punishment for culpable homicide not amounting to murder.

Section 308 of IPC deals with attempt to commit culpable homicide.

Whereas Section 107 defines Abetment of a thing.

Section 177 of the MV Act deals with general provision for punishment of offences.

Section 184 of the MV Act deals with driving dangerously.

Section 134 (b) of the MV Act deals with duty of driver in case of accident and injury to a person.



17. On perusal of the papers of the charge-sheet, the role attributed to accused No.2 i.e., the father of Tathya is to the effect that on receiving the information of the accident, he reached at the place of incident and started quarreling with the persons who had gathered there, used abusive language and also threatened them and took away his son. Thus, even if the defence of the accused No. 2 is not taken into consideration, and considering the facts of the prosecution qua accused No.2 is concerned, at the best provisions of Section 504, 506(2),114 and 118 of IPC are made out, however, no offence under Section 279, 337,338,304,308 of the IPC and Section 177,184 and 134(b) of the MV Act are made out. Thus, Criminal Revision Application No. 1396 of 2023 is allowed in part and Criminal Revision Application No. 1406 of 2023 is dismissed. Org. Accused No. 2, Pragnesh Harshadbhai Patel stands discharged from the offence punishable under Section 279, 337,338,304,308 of the IPC and Section 177,184 and 134(b) of MV Act. The impugned order passed by the Principal District Judge, at Ahmedabad Rural in Sessions Case No. 115/2023 dated 21.10.2023 qua Org. Accused No.2 Pragnesh Harshadbhai Patel stands partly allowed to the aforesaid extent.

Further Order:-

After pronouncement of the judgment and order, learned Senior Counsel Mr. I. H. Syed submitted that he wants to prefer an application praying for separate trial for father – Mr. Pragnesh Patel in view of the order passed today.



It is made clear that, it is always open for the applicant to prefer such an application and the trial Court shall decide the same in accordance with law giving opportunity to the concerned parties.

It is also made clear that the observations made in this judgment and order are purely with regard to framing of charges. It goes without saying that the trial Court concerned shall conduct the trial without being influenced by the observations made herein.

(P. M. RAVAL, J)

MMP