



FINAL OPERATIVE ORDER

■■■ JUDGEMENT: NARODA PATIYA CASE

1] The following named and numbered accused have been held guilty by this court on 29.08.2012 for commission of different offences.

- A-1:** Naresh Agarsinh Chhara
- A-2:** Morlibhai Naranbhai Sindhi @ Murli
- A-4:** Ganpat Chhanaji Didawala (Chhara)
- A-5:** Vikrambhai Maneklal Rathod (Chhara) @Tiniyo
- A-10:** Haresh @ Hariyo, son of Jivanlal @ Agarsing Rathod (Chhara)
- A-18:** Babubhai @ Babu Bajrangi, son of Rajabhai Patel
- A-20:** Kishan Khubchand Korani
- A-21:** Prakash Sureshbhai Rathod (Chhara)
- A-22:** Suresh @ Richard @ Suresh Langdo, son of Kantibhai Didawala (Chhara)
- A-25:** Premchand @ Tiwari Conductor, son of Yagnanarayan Tiwari
- A-26:** Suresh @ Sehad Dalubhai Netlekar (Marathi Chhara)
- A-27:** Navab @ Kalu Bhaiyo Harisinh Rathod
- A-28:** Manubhai Keshabhai Maruda
- A-30:** Shashikant @ Tiniyo Marathi, son of Yuvraj Patil
- A-33:** Babubhai @ Babu Vanzara, son of Jethabhai Salat (Marvadi)
- A-34:** Laxmanbhai @ Lakho, son of Budhaji Thakor
- A-37:** Dr Mayaben Surendrabhai Kodnani
- A-38:** Ashok Hundaldas Sindhi
- A-39:** Harshad @ Mungda Jilagovind Chhara Parmar
- A-40:** Mukesh @ Vakil Ratilal Rathod, son of Jai Bhavani
- A-41:** Manojbhai @ Manoj Sindhi, son of Renumal Kukrani
- A-42:** Hiraji @ Hiro Marvadi @ Sonaji, son of Danaji Meghval (Marvadi)
- A-44:** Bipinbhai @ Bipin Autowala, son of Umedrai Panchal
- A-45:** Ashokbhai Uttamchand Korani (Sindhi)
- A-46:** Vijaykumar Takhubhai Parmar
- A-47:** Ramesh Keshavlal Didawala (Chhara)
- A-52:** Sachin Nagindas Modi
- A-53:** Vilas @ Viliyo Prakashbhai Sonar
- A-55:** Dinesh @ Tiniyo Govindbhai Barge (Marathi)
- A-58:** Santoshkumar Kodumal Mulchandani, known as Santosh Dudhwala
- A-60:** Pintu Dalpatbhai Jadeja (Chhara)
- A-62:** Kirpalsing Jangbahadursing Chhabda

Note: Here onwards, the accused shall be referred to only by their numbers for the sake of brevity.

2] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 143 r/w Section 149 of the IPC wherein each of them is sentenced to suffer rigorous imprisonment for six months, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for seven days.

3] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53,

55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 144 r/w Section 149 of the IPC wherein each of them is sentenced to suffer rigorous imprisonment for two years, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for 15 days.

4] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 147 r/w Section 149 of the IPC wherein each of them is sentenced to suffer rigorous imprisonment for two years, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for 15 days.

5] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 148 r/w Section 149 of the IPC wherein each of them is sentenced to suffer rigorous imprisonment for two years, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for 15 days.

6] Accused Nos. 1, 2, 5, 10, 18, 20, 21, 22, 25, 27, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 55, 58 and 62 (in all, 25 accused) are convicted of the offence under Section 295 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 295 r/w Section 120B of the IPC, (thus in all, 26 accused) wherein each of them is sentenced to suffer rigorous imprisonment for two years, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for 15 days.

7] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 427 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 427 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for two years, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for 15 days.

8] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 435 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 435 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for two years, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for 15 days.

9] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 436 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 436 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for 10 years, and shall also pay a fine of Rs 1,000 each, in

default, to suffer further rigorous imprisonment for 30 days.

10] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 440 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 440 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for five years, and shall also pay a fine of Rs 500 each, in default, to suffer further rigorous imprisonment for 20 days.

11] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 153 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 153 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for one year, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for seven days.

12] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 153A r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 153A r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for three years, and shall also pay a fine of Rs 300 each, in default, to suffer further rigorous imprisonment for 20 days.

13] Accused Nos. 1, 2, 5, 10, 18, 20, 21, 22, 25, 27, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 55, 58 and 62 (in all, 25 accused) are convicted of the offence under Section 153A(2) r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 153A(2) r/w Section 120B of the IPC, (thus in all, 26 accused) wherein each of them is sentenced to suffer rigorous imprisonment for three years, and shall also pay a fine of Rs 300 each, in default, to suffer further rigorous imprisonment for 20 days.

14] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 323 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 323 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for six months, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for seven days.

15] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 324 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 324 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment

for one year, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for 15 days.

16] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 325 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 325 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for seven years, and shall also pay a fine of Rs 500 each, in default, to suffer further rigorous imprisonment for 20 days.

17] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 326 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 326 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for 10 years, and shall also pay a fine of Rs 1,000 each, in default, to suffer further rigorous imprisonment for 30 days.

18] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 28, 30, 40, 41, 44, 46, 52, 53, 55 and 60 (in all, 20 accused) are convicted of the offence under Section 188 of the IPC wherein each of them is sentenced to suffer rigorous imprisonment for six months, and shall also pay a fine of Rs 200 each, in default, to suffer further rigorous imprisonment for seven days.

19] No separate sentence has been recorded for the offence committed under Section 135(1) of the Bombay Police Act and 120B of the IPC.

20] Accused No. 22 is convicted of the offence under Section 354 and under Section 376 of the IPC wherein he is sentenced to suffer rigorous imprisonment respectively for two years and for 10 years, and shall also pay a fine of Rs 200 and Rs 500. In default, he shall suffer rigorous imprisonment respectively for two months and six months.

21] Accused Nos. 1, 2, 4, 5, 10, 18, 20, 21, 22, 25, 27, 28, 30, 33, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 30 accused) are convicted of the offence under Section 307 r/w Section 149 of the IPC, and A-37 is convicted for the offence under Section 307 r/w Section 120B of the IPC, (thus in all, 31 accused) wherein each of them is sentenced to suffer rigorous imprisonment for 10 years, and shall also pay a fine of Rs 1,000 each, in default, to suffer further rigorous imprisonment for 30 days.

22] Accused No. 37 is convicted of the offence under Section 302 r/w Section 120B of the IPC and is sentenced to suffer rigorous imprisonment to serve a minimum sentence of 18 years in jail without remissions before consideration of her case for premature release, and shall also pay a fine of Rs 5,000, in default, to suffer further rigorous imprisonment for 40 days.

23] Accused Nos. 1, 2, 10, 22, 25, 41 and 44 are convicted of the offence under Section 302 r/w Section 149 of the IPC and are sentenced to suffer rigorous imprisonment

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to serve a minimum sentence of 21 years in jail without remissions before consideration of their case for premature release, and shall also pay a fine of Rs 5,000, in default, to suffer further rigorous imprisonment for 40 days.

24] Accused No. 18 is convicted of the offence under Section 302 r/w Section 149 of the IPC and is sentenced to suffer rigorous imprisonment for the remaining period of his natural life subject to remission or commutation at the instance of the government for sufficient reason only, and shall also pay a fine of Rs 500, in default, to suffer further rigorous imprisonment for 15 days in case, if his case is considered for commutation or remission.

25] Accused Nos. 4, 5, 20, 21, 27, 28, 30, 33, 34, 38, 39, 40, 42, 45, 46, 47, 52, 53, 55, 58, 60 and 62 (in all, 22 accused) are convicted of the offence under Section 302 r/w Section 149 of the IPC wherein each of them is sentenced to life imprisonment (to be meant in usual terms), and shall also pay a fine of Rs 3,000, in default, to suffer further rigorous imprisonment for 20 days.

26] As has been discussed and held while discussing Point for Determination No. XI, since PW-205 named Zarinabanu Naimuddin Shaikh was subjected to the crime known as the worst form of human rights violation of a woman, viz the commission of the offence of sexual violence, in the light of international concern for the growing menace of sexual violence against women and since she was a victim of the offence of gang rape which gives a serious blow to her supreme honour, her self-esteem and her dignity as a woman, this court gives direction to appropriately consider the case of compensation of PW-205, who is hereby ordered to be paid compensation of Rs 5,00,000 for the gang rape committed on her. The Commission for Women in Gujarat state, the principal secretary of the Department of Social Welfare, Sachivalaya, Gandhinagar, Gujarat state, and the Board formulated for the compensation of the rape victim in the state of Gujarat shall see to it that the compensation as awarded of Rs 5,00,000 from the Gujarat state exchequer shall be paid to PW-205 at the earliest upon due verification and proper procedure to be adopted for her identity...

27] All the substantive sentences, except the sentences for imprisonment for life, the applicable meaning of which has been given by this court in this order with reference to each of the accused, shall run concurrently.

28] The sentences of imprisonment for life, the applicable meaning of which has been given by this court in this order with reference to each of the accused, shall run after the expiration of the concurrent sentences for imprisonment for the mentioned terms.

29] Sessions case No. 236/09 is ordered to be kept pending in the original file of this court till the non-bailable warrant issued against A-26 stands executed. The matter qua A-26 has now been kept on 03.09.2012 for the execution of the non-bailable warrant and/or for production of an action taken report by the investigating agency.

All the mentioned seven cases for all the mentioned accused, and sessions case No. 236/2009 for all the accused except for A-26, hereby stand disposed of in the light of the further final order passed hereinabove.

30] All the accused shall be entitled for set-off in accordance with law.

31] As far as A-52 is concerned, he shall be entitled for set-off in accordance with law for all the substantive sentences for the mentioned terms.

32] A-52 shall be protected against the imposition of life sentence a second time on him while the first sentence is in operation hence he shall be entitled to his statutory right under Section 427(2) of the CrPC...

(Dr Smt Jyotsna Yagnik)
Special Judge,
Court for Conducting Speedy
Trial of Riot Cases,
SIT Courts,
Navrangpura, Ahmedabad
31.08.2012



The entire judgement can be read at:

www.cjponline.org/gujaratTrials/narodapatiya/NP%20Full%20Judgmnt/Naroda%20Patiya%20-%20Common%20Judgment.pdf