

**IN THE COURT OF SESSIONS FOR GREATER BOMBAY  
AT SEWREE  
SESSIONS CASE NO. OF 2004**

The State of Gujarat

....Complainant

V/s.

Rajubhai Dhamirbhai Baria  
and Others.

....Accused

**CHARGE**

I, A. M. Thipsay, Additional Sessions Judge, Greater Bombay, do hereby charge you,

1. Rajubhai Dhamirbhai Baria,
2. Yogesh @ Painter Laxmansinh Varma
3. Harish @ Tino S/o. Virendragir Gosai
4. Pankaj Virendragir Gosai
5. Mahendra @ Langado S/o. Vishwasrao Jadhav
6. Pratapsinh Ravjibhai Solanki ... (Orig. Accd. No. 10)
7. Bahadursinh @ Jitu s/o. Chandrasinh Chauhan ... (Orig. Accd. No. 12)
8. Yasin Alibhai Khokhar ... (Orig. Accd. No. 13)
9. Jagdish Chunilal Rajput ... (Orig. Accd. No. 14)
10. Dinesh Fulchand Rajbhar ... (Orig. Accd. No. 15)
11. Shanabhai Chimabhai Baria ... (Orig. Accd. No. 16)
12. Tulsi Bhikabhai Tadvi ... (Orig. Accd. No. 17)
13. Shailesh Anupbhai Tadvi ... (Orig. Accd. No. 18)
14. Kamlesh Bhikhabhai Tadvi ... (Orig. Accd. No. 19)
15. Suresh @ Lalo Devjibhai Vasava ... (Orig. Accd. No. 20)
16. Ravi Rajaram Chauhan ... (Orig. Accd. No. 21)

as under,

**FIRSTLY** :- That between about 9.00 p.m. on 1<sup>st</sup> March, 2002 and 10.50 a.m. on 2<sup>nd</sup> March, 2002, at Hanuman Tekdi, Vadodara, Gujarat, you, the abovenamed accused, the absconding accused and other unknown persons were the members of an unlawful assembly, the common object of which was to commit offences of mischief, dacoity, criminal trespass, mischief by fire, voluntarily causing hurt, murder, etc., or any of these offences, and you all thereby committed an offence punishable under Section 143 of the I. P. C., and within my cognizance;

**SECONDLY** :- That, at the aforesaid time and place, you Pratapsinh Ravjibhai Solanki (Accused No. 10) being armed with a deadly weapon, to wit, an iron rod, you

Bahadursinh @ Jitu Chandrasinh Chauhan (Accused No. 12) being armed with a deadly weapon, to wit, a gupti, you Kamlesh Bhikhabhai Tadvi (Accused No. 19) being armed with a lathi, which used as a weapon of offence, is likely to cause death, and you Ravi Rajaram Chauhan (Accused No. 21) being armed with a lathi, which used as a weapon of offence is likely to cause death, were members of an unlawful assembly, and you accused nos. 10, 12, 19, and 21 thereby committed an offence punishable under Section 144 of the I. P. C., and within my cognizance;

**THIRDLY** :- That, at the aforesaid time and place, in prosecution of the aforesaid common object of the unlawful assembly, force and / or violence was used by the aforesaid unlawful assembly, or by some of the members of the aforesaid assembly, and you all being members of the said unlawful assembly at that time, thereby committed the offence of rioting punishable under Section 147 of the Indian Penal Code, and within my cognizance;

**FOURTHLY** :- That, at the aforesaid time and place, and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, you accused no. 10 – Pratapsinh Ravjibhai Solanki, you accused no. 12 – Bahadursinh @ Jitu Chandrasinh Chauhan -, you accused no. 19 – Kamlesh Bhikhabhai Tadvi – and you accused no. 21 – Ravi Rajaram Chauhan – did commit the offence of rioting, being armed with deadly weapons to wit, you accused no. 10 with an iron rod, you accused no. 12 with a gupti, you accused no. 19 with a lathi and you accused no. 21 with a lathi, and that you accused nos. 10, 12, 19, and 21 thereby committed an offence punishable under Section 148 of the I. P. C., and within my cognizance;

**FIFTHLY** :- That at the aforesaid time and place, and in the prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly committed mischief by fire and explosive substance, intending to cause, or knowing it to be likely that they would thereby cause, the destruction or damage to the property to the amount of Rs. 100/- (Rupees one hundred only) or upwards such as handcarts, Hero Honda motor-bike, rickshaw tempos, etc., which is an offence punishable under Section 435 of the I. P. C. and you all being members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 435 of the I. P. C. read with Section 149 of the I. P. C., and within my cognizance;

**SIXTHLY** :- That, at the aforesaid time and place and in the prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly committed mischief by fire and explosive substance intending to cause, or knowing it to be likely that they would thereby cause, the destruction of building or buildings, ordinarily used as a human dwelling or as a place for the custody of property, which is an offence punishable under Section 436 of the Indian Penal Code, and you all being members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 436 of the I. P. C. read with Section 149 of the I. P. C., and within my cognizance;

**SEVENTHLY** :- That, at the aforesaid time and place, you all committed dacoity and you thereby committed an offence punishable under Section 395 of the I. P. C., and within my cognizance;

**EIGHTLY** :- That, at the aforesaid time and place, you all committed dacoity and that at the time of committing the said dacoity, you used deadly weapons such as sword, knife, gupti, iron roda etc. and caused grievous hurt to (1) Mrs. Sairunissa Habibulla Shaikh, (2) Ms. Zahira Habibulla Shaikh (3) Sahirabanoo Habibulla Shaikh, (4) Yasmin Nafitulla Shaikh, (5) Nafitulla Shaikh, (6) Nasibulla Shaikh (7) Raees Amin Ahmed Pathan, (8) Shellan Hasankhan Pathan and (9) Tuffel Habibulla Shaikh, and you all thereby committed an offence punishable under Section 395 of the I. P. C. read with Section 397 of the I. P. C., and within my cognizance;

**NINETHLY** :- That, at the aforesaid time and place, and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, some of the members of the said assembly, wrongfully confined (1) Mrs. Sairrunissa Habibulla Shaikh, (2) Ms. Zahira Habibulla Shaikh, (3) Sahirabanoo Habibulla Shaikh, (4) Yasmin Nafitulla Shaikh, (5) Nafitulla Shaikh, (6) Nasibulla Shaikh, (7) Raees Amin Ahmed Pathan, (8), Shellan Hasankhan Pathan, (9) Tuffel Habibulla Shaikh (10) Baliram Shamla Varma, (11) Ramesh Baijnath and (12) Prakash Ugroo Dhobi, in certain premises, which is an offence punishable under Section 342 of the I. P. C., and you all being members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 342 of the I. P. C. read with Section 149 of the I. P. C., and within my cognizance.

**TENTHLY** :- That, at the aforesaid time and place and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly committed criminal trespass by entering in to and / or remaining in the wooden warehouse of Mr. Kallubhai @ Lalmohamad Shaikh, residential premises of Mr. Aslam Khan, building of Best Bakery and residential house in possession of Ms. Zahira Shaikh and her family members, which is an offence described under Section 442 of the I. P. C., made punishable under Section 448 of the I. P. C., and you all being the members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 448 of the I. P. C., read with Section 149 of the I. P. C., and within my cognizance;

**ELEVENTHLY** :- That, at the aforesaid time and place and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly committed criminal trespass by entering in to and / or remaining in the wooden warehouse of Mr. Kallubhai @ Lalmohamad Shaikh, residential premises of Mr. Aslam Khan, building of Best Bakery and residential house in possession of Ms. Zahira Shaikh and her family members, in order to the committing of an offence punishable with death, which is an offence punishable under Section 449 of the I. P. C., and you all being the members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 449 of the I. P. C., read with Section 149 of the I. P. C., and within my cognizance.

**TWELFTHLY** :- That, at the aforesaid time and place and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly committed criminal trespass by entering in to and / or remaining in the wooden warehouse of Mr. Kallubhai @ Lalmohamad Shaikh, residential premises of Mr. Aslam Khan, building of Best Bakery and residential house in possession of Ms. Zahira Shaikh and her family members, in order to the committing of an offence punishable with imprisonment for life, which is an offence punishable under Section 450 of the I. P. C., and you all being the members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 450 of the I. P. C., read with Section 149 of the I. P. C., and within my cognizance.

**THIRTEENTHLY** :- That, at the aforesaid time and place and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly committed criminal trespass by entering in to and / or remaining in the wooden warehouse of Mr. Kallubhai @ Lalmohamad Shaikh, residential premises of Mr. Aslam Khan, building of Best Bakery and residential house in possession of Ms. Zahira Shaikh and her family members, in order to the committing of an offence punishable with imprisonment, which is an offence punishable under Section 451 of the I. P. C., and you all being the members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 451 of the I. P. C., read with Section 149 of the I. P. C., and within my cognizance.

**FOURTEENTHLY** :- That, at the aforesaid time and place and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly voluntarily caused hurt to (1) Mrs. Sairunissa Habibulla Shaikh, (2) Ms. Zahira Habibulla Shaikh, (3) Sahirabanoo Habibulla Shaikh, (4) Yasmin Nafitulla Shaikh, (5) Nafitulla Shaikh, (6) Nasibulla Shaikh, (7) Raees Amin Ahmed Pathan, (8) Shellan Hasankhan Pathan and (9) Tuffel Habibulla Shaikh, by dangerous weapons and you all being members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 324 of the I. P. C. read with Section 149 of the I. P. C., and within my cognizance.

**FIFTEENTHLY** :- That, at the aforesaid time and place and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly voluntarily caused grievous hurt to (1) Nafitulla Shaikh, (2) Nasibulla Shaikh, (3) Raees Amin Ahmed Pathan, (4) Shellan Hasankhan Pathan and (5) Tuffel Habibulla Shaikh, by means of dangerous weapons and you all being members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 326 of the I. P. C., read with Section 149 of the I. P. C., and within my cognizance.

**SIXTEENTHLY** :- That, at the aforesaid time and place and in prosecution of the aforesaid common object of the aforesaid unlawful assembly, some members of the assembly committed murder by intentionally and / or knowingly causing the death of 14 human beings namely (1) Jainabibi Hasanbhai, (2) Sabirabibi Habibbhai, (3) Sabnambibi Aslam, (4) Saili Aslam Shaikh, (5) Babli Aslam Shaikh, (6) Son of Firoz Aslam Shaikh

or age about 4 years, (7) Daughter of Firoz Aslam Shaikh of age about 3 years, (8) Raju alias Ramesh Baijnath, (9) Prakash Ugroo Dhobi, (10) Baliram Shamlal Verma (11) Nasroo Haskhan Pathan, (12) Firoz Pathan, (13) Kausharbi Shaikh and (14) Ashrad @ Lulla Hasanbhai Shaikh, and you all being members of the aforesaid unlawful assembly at that time, thereby committed an offence punishable under Section 302 of the I. P. C., read with Section 149 of the I. P. C., and within my cognizance.

**SEVENTEENTHLY** :- That at the aforesaid time and place, you all and other unknown persons, willfully disobeyed the order of Police Commissioner of Vododara, dated 28/02/2002, by unlawfully assembling on 01/03/2002 to 02/03/2002, and thereby committed an offence punishable under Section 188 of the I. P. C., and within my cognizance.

And I hereby direct that you all be tried by me on the aforesaid charges.

Dated this 22<sup>nd</sup> day of September, 2004.

**(A. M. Thipsay)**  
**Additional Sessions Judge**  
**Greater Bombay, at Sewree.**