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**(2025) 01 GUJ CK 0055**

**Gujarat High Court**

**Case No:** Criminal Appeal (Against Conviction) No. 1453 of 2013

Magru Alta Prasad Rajbhar -  
Yadav

APPELLANT

Vs

Vs State of Gujarat

RESPONDENT

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**Date of Decision:** Jan. 20, 2025

**Acts Referred:**

- Code of Criminal Procedure, 1973 - Section 313, 374
- Indian Penal Code, 1860 - Section 300, 302, 304

**Hon'ble Judges:** Ilesh J. Vora, J; Hemant M. Prachchhak, J

**Bench:** Division Bench

**Advocate:** Hemant Raval, K D Parmar, Jay Mehta

**Final Decision:** Partly Allowed

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### **Judgement**

PW 1â€"Exh. 7,Dimple wd/o Atulkumar Surendrasing  
PW 2â€"Exh. 8,"Yogesh Rameshchandra Mathur, panch witness  
PW 3â€"Exh. 11,"Madhubalan Krishnraj Shrinivasan, complainant  
PW 4â€"Exh. 14,"Premabhai Naranbhai Halpati, panch witness  
PW 5â€"Exh. 17,"Dr. Mayur Devchandbhai Patel, medical officer  
PW 6â€"Exh. 20,"Harishbhai Vitthalbhai, panch witness  
PW 7â€"Exh. 21,"Dr. Suresh Buddhilal Sarode, medical officer  
PW 8â€"Exh. 26,Tejas Nagarbhai Patel  
PW 9â€"Exh. 27,"Sanjaysing Rajendrasing, panch witness  
PW 10â€"Exh. 29,Rakesh Champakbhai Bhandari  
PW 11â€"Exh. 30,Dhiraj Premnath Malhotra

PW 12â€"Exh. 31,"Zinabhai Premabhai, police station officer

PW 13â€"Exh. 34,Krushnaraj Jamnadas Sampat

PW 14â€"Exh. 37,"Bhupendra Naginsing Chavda, investigation officer

Exh.22,Report of CT scan of deceased

Exh.23,Certificate of injuries to deceased issued by Hariya Hospital

Exh.25,Medical case papers of admission of deceased to Hariya Hospital

Exh.28,Panchanama of seizure of iron batch

Exh.32,33",Copy of note entered in station diary

Exh. 38,FSL mobile van report of visiting location of crime

Exh. 39,Letter by IO to FSL for analysis of articles

Exh. 40,Forwarding note by IO to FSL

Exh. 41,Letter of authority sent by IO to FSL

Exh. 42,Receipt by FSL of receiving articles

Exh. 43,Letter by FSL to IO

Exh. 44,FSL report

Exh. 45,Serological report

14. The criminal appeal is partly allowed to the extent indicated hereinabove.,