IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR LEAVE TO APPEAL) NO. 25364 of 2017

==========

KIRITKUMAR G PATEL

Versus

MUKESHKUMAR JOITRAM PATEL & ORS.

==========

Appearance:
MR KAUSHAL D PANDYA(2905) for the Applicant(s) No. 1
MR UTPAL M PANCHAL(1075) for the Respondent(s) No. 1,2
MS JYOTI BHATT, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 4
RULE SERVED for the Respondent(s) No. 3

==========

CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Date : 27/07/2026

ORDER

1. The applicant – original complainant has preferred this application under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code' for short) seeking leave to prefer an appeal against the judgment and order dated 25.04.2017 passed by the learned Judicial Magistrate First Class, (Municipal) Court, Surat (hereinafter be referred to as "the trial Court") in P.F.A. Case No.24 of 2001, whereby the trial Court has acquitted the original accused (respondents herein) from the offences punishable under Sections 2(ia)(m), 7(1) read with Section 16 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as 'the Act' for short).

2. The brief facts of the case are that the applicant is the Food Inspector duly appointed by the State Government. That, the respondent No.1 is the original accused in the PFA Case No.24 of 2001 filed by the applicant for the offence punishable under Sections 2(ia)

(m), 7(1) r/w Section 16 of the Act. That, the applicant - original complainant had on 04.05.2000 at around 08.00 a.m. visited the shop "Patel Dairy" wherein, the accused runs an establishment and sells milk & milk products and the owner of the said shop was Shri Mukeshkumar Joitaram Patel. That, the applicant after giving proper intimation in presence of Panch (Shri Haribhai Godhaddas Patel) took 2 packed polethene pouch of sample of Sumalya Pasteurised milk weighing 500 gms each from a total of 50 pouches, for sending the same for analysis before Public Analyst and during the said process the procedure of the Act was duly complied. That, the Public Analyst report stated that the sample was found to be adulterated (substandard) and, therefore, there is violation of Sections 2(ia)(m), 7(1) r/w Section 16 of the Prevention of Food Adulteration Act, 1954 and after following such procedure prescribed under law to institute complaint against the accused, the complaint PFA Case No.24 of 2001 came to be filed before the learned Judicial Magistrate First Class, Surat.

2.2 The Complainant made his submissions supported by concrete evidences and proved his case in accordance with law. However, the learned Magistrate committed a manifest error of law by acquitting the respondent No.1 and others (original accused) and hence, the accused came to be acquitted by the impugned judgment and order dated 25.04.2017.

3. It appears from the records that to prove the case, the complainant has examined the following witnesses:-

P.W. No.	Name of Witnesses	Exhibit
1	Deposition on oath of Complainant Food Inspector –	52

	Kiritkumar Gordhanbhai Patel	
2	Deposition on oath of Pancha Witness – Haribhai Gokaldas Patel	116
3	Deposition on oath of Witness – Rajesh Thakordas Patel	118

3.1 In addition to this, the complainant has also produced the following documentary evidence:-

Sr. No.	Description	Exhibit
1	Xerox true copy of the Gujarat Government Gazette publishing the complainant's name as Food Inspector.	44
2	Xerox true copy of the certificate awarded to the complainant for undergoing Food Inspector training.	45
3	Xerox true copy of the Gazette designating the Health Officer of SMC as the Local Health Authority.	46
4	Xerox true copy of the Gazette amendment modifying the designation to Medical Officer of Health instead of Health Officer of SMC.	47
5	Xerox true copy of the order issued by the LHL to function as a Food Inspector.	48
6	Xerox true copy of the Government Notification appointing the Public Analyst for the Surat Municipal Corporation area.	49
7	Xerox true copy of the Gazette notifying power granted under Section 20 of P.F.A. Act to Medical Officer of Health for sanctioning prosecution.	50
8	Xerox true copy of the Gazette notifying Dy.	51

	Commissioner (Health & Hospital) as L.H.A. u/s 2 and empowering u/s 20 of PFA Act to grant sanction for prosecution.	
9	Original Form No. 6, Intimation issued to the accused prior to taking the sample.	53
10	Copy of Rule 15 label used for the said sample.	54
11	Copy of Form 7 (Rule 17) Memorandum used for the said sample.	66
12	Original money receipt for payment made towards the food sample purchased.	67
13	Panchnama drawn at the scene of sampling procedure.	68
14	Xerox true copy of page of Postal Dispatch Register signed by P.A. confirming receipt of one sealed part of the sample sent.	69
15	Original report bearing L.H.A. signature confirming receipt of two sealed parts of the sample packet.	70
16	Xerox true copy of dispatch register page signed by P.A. acknowledging receipt of sealed cover containing Memorandum copy.	71
17	Xerox true copy of dispatch register page signed by P.A. acknowledging receipt of specimen seal and signature sample in sealed cover sent to the P.A.	72
18	Office dispatch copy of letter sent to Accused No. 2 via Regd. Post A.D. informing about the sample taken.	73
19	Original Regd. Post A.D. acknowledgment card confirming receipt of the said letter.	74

20	Report submitted by the Public Analyst, SMC regarding the complaint sample.	75
21	Office dispatch copy of Regd. Post A.D. letter sent to Accused No. 2 seeking constitutional details of their firm.	76
22	Original Regd. Post A.D. acknowledgment card confirming receipt of the said letter.	77
23	Office dispatch copy of Regd. Post A.D. letter seeking constitution details of Accused No. 2's firm due to non-response of the above letter.	78
24	Original Regd. Post A.D. acknowledgment card confirming receipt of the said letter.	79
25	Report submitted by complainant to Dy. Commissioner (Health & Hospital), SMC seeking sanction to file complaint against accused.	80
26	Sanction granted by Dy. Commissioner (Health & Hospital), SMC to prosecute the accused.	81
27	Office dispatch copy of Regd. Post A.D. letter of L.H.A. and P.A. report sent to Accused No. 1.	82
28	Original Regd. Post A.D. acknowledgment card confirming receipt of the said letter and report.	83
29	Office dispatch copy of Regd. Post A.D. letter of L.H.A. and P.A. report sent to Accused No. 2.	84
30	The sealed envelope containing the said letter returned unserved.	85

4. The evidence Produced on Behalf of the trial Court :

Oral Evidence		
Sr. No.	Particulars	Exhibit
1.	Deposition on oath of Witness – Amitabh Krishna Adhikari Nitanand Adhikari.	262

Documentary Evidence		
Sr. No.	Description	Exhibit
1	True copy of the confidential letter written by this court regarding sending the re-analysis report of the sample received from C.F.L. Mysuru to this court.	263
2	Re-analysis report of the Central Food Laboratory.	264 to 266
3	Memorandum sent for getting the re-analysis of the second part of the sample done through C.F.L.	267
4	Certificate of Verification under Section 13(2).	268
5	Empty pouch of the milk sample.	269 to 270
6	Specimen seal applied on the container and cover.	271
7	Memorandum sent for getting the re-analysis of the second part of the sample done through C.F.L.	272

4.1 Apart from that, the documents prepared on the basis of application Exh.-5 of accused No. 1 and the report received based on it are produced as follows:

Sr. No.	Description	Exhibit
1	Sealed packet containing two parts of the sample sent by LHA to this office, along with the letter	07

Sr. No.	Description	Exhibit
	regarding the same and the *rojkam* done by this office recorded behind that letter.	
2	Memorandum sent for getting the re-analysis of the second part of the sample done through C.F.L.	08
3	Certificate of Verification under Section 13(2).	09
4	Specimen seal applied on the container and cover.	10
5	Confidential letter written by this court regarding sending the re-analysis report of the sample received from C.F.L. Mysuru to this court.	15
6	Re-analysis report of the Central Food Laboratory.	16
7	The cover in which the re-analysis report of the Central Food Laboratory was received by this office.	17

5. After closure of the evidence, the statements of the accused under section 313 of the Criminal Procedure Code, 1973 have been recorded wherein they denied of having committed any offence and have stated that they are innocent.

6. After hearing both sides and considering the evidence on records, the trial Court by impugned judgment and order has acquitted the accused from all the charges levelled against them.

7. Being aggrieved by and dissatisfied with the aforesaid judgment and order of acquittal the applicant – original complainant has preferred this application seeking leave to prefer an appeal.

8. Heard Mr.Kaushal Pandya, learned counsel for the applicant – original complainant, Mr.Utpal Panchal, learned counsel for the respondents – accused and Ms.Jyoti Bhatt, learned Additional Public

Prosecutor for the respondent – State of Gujarat at length.

9. Mr.Pandya, learned counsel appearing for the applicant – original complainant has submitted the same facts which are narrated in the memo of application and has also submitted that the prosecution has examined witnesses and produced documentary evidence, despite this fact, the trial Court has not considered the same in its true and proper perspective in passing the judgment and order of acquittal. Learned counsel Mr.Pandya, while referring to the entire oral as well as documentary evidence, has assailed the impugned judgment and order and submitted that the trial Court has not taken into consideration the evidence connecting the accused to the alleged offence in its proper perspective and even the prosecution has been able to prove the charges levelled against the accused. While referring to the evidence of the witnesses and the material collected against the accused, learned counsel Mr.Pandya has submitted that the prosecution has established the case against the accused by examining the witnesses, who have supported the case of the prosecution, however, the trial Court has discarded and disbelieved the evidence of these witnesses. He has submitted that the witnesses have fully supported the case of the prosecution, however, the trial Court has not appreciated the same and passed the judgment and order of acquittal which is illegal and unjust. He has submitted that it is settled legal position that the evidence of a single witness is sufficient for conviction if the same is reliable and trustworthy and in the present case, though the evidence of all the witnesses are reliable and trustworthy, without any cogent reason, the trial Court has disbelieved and discarded the evidence of the witnesses.

9.1 According to learned counsel Mr.Pandya, the trial Court ought to have convicted the accused and ought to have imposed necessary sentence. He has prayed to allow the present application seeking leave to prefer an appeal against the impugned judgment and order of acquittal.

10. Per contra, Mr.Panchal, learned counsel for the respondents – accused has supported the impugned judgment and order and has submitted that the trial Court has not committed any error of law and fact in acquitting the accused from the charges levelled against him. He has submitted that the ingredients of the offence alleged against the accused are not proved beyond reasonable doubt and, therefore, the trial Court has rightly acquitted the accused as the complainant has failed to prove the charge levelled against the accused. He has also submitted that there is no iota of evidence to connect the accused with the alleged crime in question. He has prayed to confirm the impugned judgment and dismiss the present application.

11. On perusal of the impugned judgment and order of acquittal passed by the trial Court, the questions arise for determination are as under:-

(1) whether the trial Court is justified in passing the judgment and order of acquittal.
(2) whether the trial Court has rightly appreciated the evidence led by the prosecution in recording the reasons.
(3) whether there is any illegality, irregularity or any perversity in the impugned judgment and order of acquittal.

12. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. I have also gone through the impugned judgment and order passed by the trial Court. It is necessary to first examine the facts of the case. On 04.05.2000, at around 8:00 a.m., the complainant visited Shop No. 3, situated in Dindayal Society, Palanpur Patiya, Palanpur Road, Surat, which was owned by Respondent No. 1. There, he found 50 packets of 500 ml each of milk pouches manufactured by respondent No.2 under the brand name 'Sumalya Pasteurized Milk'. For the purpose of analysis, he informed respondent No.1 that he intended to purchase samples of the pasteurized milk for analysis and accordingly, purchased two milk packets. In the presence of the panch witness, Haribhai Godaddas Patel, the complainant collected two pouches of pasteurized milk. After thoroughly mixing the contents, he poured the milk into a clean plastic jug. Thereafter, after adding formalin as a preservative, he divided the sample into three separate clean, dry, and moisture-free glass bottles of identical weight and capacity. The pasteurized milk sample was poured equally into these bottles. After completing all the prescribed formalities relating to sampling, sealing, packing, and labeling, one of the sealed sample bottles was forwarded to the Public Analyst, Surat, through a peon for analysis. Upon receipt of the report of the Public Analyst, the milk sample was found to be adulterated. The milk fat content was found to be 1.5% as against the prescribed minimum limit of 6.0% under the Prevention of Food Adulteration (P.F.A.) Rules. Although the solid-not-fat (SNF) content was found to be 9.7%, which was above the prescribed minimum limit of 9.0%, the deficiency in the milk fat content rendered the sample adulterated. Accordingly, the applicant–complainant filed the complaint for the offences punishable under Sections 2(ia)(m) and 7(i) read with Section 16 of the Act. After receipt of the report from the Public Analyst, the

complainant prepared the necessary papers and submitted the requisite documents to the sanctioning authority for obtaining sanction to launch prosecution against the respondents. Upon receipt of the sanction, the complaint was filed before the trial Court. The trial Court took cognizance of the offence and issued a bailable warrant against the respondents. Thereafter, respondent No. 1 appeared before the trial Court and filed an application below Exh.-8 seeking analysis of the counterpart sample by the Central Food Laboratory. The trial Court allowed the said application, and one sample was accordingly forwarded to the Central Food Laboratory, Mysore, for analysis. The report of the Central Food Laboratory was thereafter received and produced before the trial Court at Exh. 16, wherein it was opined that the sample did not conform to the prescribed standards and was found to be adulterated and, therefore, the case proceeded further.

13. The prosecution principally relied upon the evidence of the Public Analyst and examined the relevant witnesses to prove the charge against the respondents. On perusal of the impugned judgment and order, it is evident that the trial Court, after considering the oral as well as the documentary evidence and recording the submissions advanced by both sides, framed the issues referred to in paragraph 9. The trial Court thereafter recorded its reasons from paragraph 10 onwards, observing that the report received by the Local Health Authority and produced at Exh.-75 formed the basis for intimating respondent Nos.2 and 3 and calling upon them to furnish the registration details of the companies. It appears from the record that the respondent No.1 was a retailer who had purchased 50 milk pouches manufactured by respondent Nos. 2 and 3 for the purpose of sale under a valid bill, which was duly produced on record. However,

the deposition of PW-1 (the complainant) reveals that he was unable to state whether he had complied with the provisions of Rule 14 read with Rule 13(2) of the P.F.A. Rules. Further, the deposition of PW-3, Rajesh Thakoredas Patel, indicates that the sample sent to the Central Food Laboratory (CFL) and the report received from the CFL referred to different serial numbers. Taking these aspects into consideration, the trial Court, while dealing with the submissions advanced on behalf of the respondents in paragraph 13 of the judgment, observed that there was a discrepancy regarding the sample number mentioned in the memorandum and the corresponding CFL report. On the basis of Exhibits 9 and 16, the trial Court ultimately held that there was a material discrepancy in the sample numbers reflected in the record. It also appears from the record that respondent No. 1 had filed an application below Exhibit 8 seeking analysis of the sample by the Central Food Laboratory (CFL). Pursuant to the order allowing the said application, the sample was forwarded to the CFL. However, the sample number mentioned in the memorandum did not correspond with the sample number reflected in the CFL report, thereby revealing a discrepancy.

14. The trial Court observed that the sample was drawn on 04.05.2000, whereas the complaint was lodged on 09.04.2001, after a delay of nearly 11 months. The Court further noted that no explanation for this delay was forthcoming either from the deposition of the complainant or from the prosecution evidence. The trial Court further observed that the prosecution failed to establish that it had complied with the mandatory provisions of Section 13(2) and Rule 14 of the Rules. In view of these deficiencies, and after considering all the relevant aspects, the trial Court rightly passed the impugned judgment and order of acquittal. I do not find any illegality, infirmity,

or perversity in the impugned judgment, as this Court has consistently held in a catena of judgments that compliance with the mandatory provisions of the Rules is required to be strictly observed in their true letter and spirit. So far as the breach of provisions of Section 13(2) of the Act are concerned, it would be appropriate to refer to the decisions rendered in case of ***State of Gujarat – Thro Ratilal Shivlal Patel, Food Inspector Vs. Manishkumar Bhogilal Modi – M/s. Bhavani Provision Stores & Anr.***, reported in ***2025 LawSuit (Guj) 2565***, in case of ***Akil Abbasbhai Kapadiya Vs. State of Gujarat***, reported in ***2008 (2) GLR 1713***, in case of ***State of Gujarat Vs. Mahendarkumar K. Mody***, reported in ***2007 LawSuit (Guj) 3042,*** in case of ***State of Gujarat Vs. Jitendrakumar Takchandani Hotchandani and others in Criminal Appeal No. 1860 of 2008,*** in case of ***Rameshwar Dayal Vs. State of U.P., (1996) SCC (Cri) 75***. In view of the above, I am of the opinion that the trial Court has not committed any error of facts and law in passing the impugned judgment and order and there is no any illegality or any infirmity found in the judgment and order.

15. At this stage, it is appropriate to refer the decisions of this Court wherein in similar set of facts, this Court has dismissed the appeal filed by the original complainant/State of Gujarat under the provision of Prevention of Food Adulteration Act. The said decisions of this Court read as under :-

> *STATE OF GUJARAT V/S PRAJAPATI AMRATLAL NATVARLAL reported in 2008 1 GLR 765*
>
> *STATE OF GUJARAT V/S HUSENALI NAJARALI HUDA AND 2 ORS reported in 2010 LawSuit(Guj) 250*
>
> *MANGALDAS AMBUBHAI PATEL V/S MAHESH CELLARAM*

MOHNANI & 1 reported in 2016 LawSuit(Guj) 1473

STATE OF GUJARAT V/S RASULKHAN A PATHAN reported in 2015 LawSuit(Guj) 1168

STATE OF GUJARAT V/S MOHMADBHAI NOORMOHMAD SUNASARA reported in 2007 LawSuit(Guj) 2768

MANGALDAS AMBUBHAI PATEL V/S DASHRATHBHAI SHAMBHUBHAI PATEL & 1 reported in 2016 LawSuit(Guj) 1480

MANGALDAS AMBUBHAI PATEL V/S DHARAMVEER HORILAL YADAV & 1 reported in 2014 LawSuit(Guj) 1850

MAHENDRA AMBALAL PATEL V/S BARKATALI PYARALI HUDDA AND ORS reported in 2012 LawSuit(Guj) 613

16. Further, it is also appropriate to refer the decisions of this Court in case of ***Ahmedabad Municipal Corporation through Food Inspector, D.G. Patel vs. Abid Hussain Abdul Majid Ansari, and another*** passed in Criminal Appeal No.3173 of 2008, the decision dated 25.09.2024 passed in Criminal Appeal No. 1132 of 2006 in case of ***Nalinbhai H. Vyas, Food Inspector Versus Kishorbhai Ghelaram Khushlani for Paris Confectionary Works*** *and* ***Vishnuprasad C. Dodiya vs. Surendrakumar Mohanlal Thakkar reported in 1994 (1) GLR 487,*** in case of ***Chimanlal Govindji Thakker vs. State of Gujarat reported in 1997(1) GLR 458*** and ***V.B. Chauhan v. Umeshbhai Manubhai Modi in Criminal Appeal No. 2255 of 2009,*** whereby identical issue has been dealt with by this Court.

17. It is well settled by catena of decisions that an Appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded. However, Appellate

Court must bear in mind that in case of acquittal there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of their innocence is further reinforced, reaffirmed and strengthened by the trial Court.

18. Further, if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the finding of acquittal recorded by the trial Court. Further, while exercising the powers in appeal against the order of acquittal, the Court of appeal would not ordinarily interfere with the order of acquittal unless the approach of the lower Court is vitiated by some manifest illegality and the conclusion arrived at would not be arrived at by any reasonable person and, therefore, the decision is to be characterized as perverse. Merely because two views are possible, the Court of appeal would not take the view which would upset the judgment delivered by the Court below. However, the Appellate Court has a power to review the evidence if it is of the view that the conclusion arrived at by the Court below is perverse and the Court has committed a manifest error of law and ignored the material evidence on record. A duty is cast upon the Appellate Court, in such circumstances, to re-appreciate the evidence to arrive to a just decision on the basis of material placed on record to find out whether the accused are connected with the commission of the crime with which they are charged.

19. The scope and principles are enunciated by the Hon’ble Apex

Court in case of ***Chandrappa and others Vs. State of Karnataka*** reported in ***(2007) 4 SCC 415***, more particularly ***paragraph Nos. 42 and 43***, which was subsequently re-affirmed by the Hon'ble Apex Court ***Rajesh Prasad Vs. State of Bihar and another***, reported in ***[2022] 3 SCC 471***, wherein, the Hon'ble Apex Court has enunciated the general principles in case of acquittal, more particularly in ***paragraph No. 26*** the general principles are set out by the Hon'ble Apex Court based upon various decisions of the Hon'ble Apex Court. Then in case of ***Babu Sahebagouda Rudragoudar Vs. State of Karnataka, reported in AIR 2024 SC 2252 = (2024) 8 SCC 149,*** the Hon'ble Apex Court has dealt with the similar issue, more particularly, in ***paragraph Nos. 37 to 40.*** Hence, I am in complete agreement with the findings recorded by the trial Court.

20. It is also worthwhile to refer to the recent decision of the Hon'ble Supreme Court in the case of ***Ramesh vs. State of Karnataka, reported in [2024] 9 SCC 169***, wherein the Hon'ble Supreme Court has held and observed in paras-20 and 21 as under:-

> *"20. At this stage, it would be relevant to refer to the general principles culled out by this Court in Chandrappa and others vs. State of Karnataka , regarding the power of the appellate Court while dealing with an appeal against a judgment of acquittal. The principles read thus:*
>
> *"42. .... (1) An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.*
>
> *(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.*
>
> *(3) Various expressions, such as, "substantial and compelling reasons", "good and sufficient grounds", "very strong circumstances", "distorted conclusions", "glaring mistakes", etc.*

are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of "flourishes of language" to emphasize the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.

(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.

21. In Rajendra Prasad v. State of Bihar, a three-Judge Bench of this Court pointed out that it would be essential for the High Court, in an appeal against acquittal, to clearly indicate firm and weighty grounds from the record for discarding the reasons of the Trial Court in order to be able to reach a contrary conclusion of guilt of the accused. It was further observed that, in an appeal against acquittal, it would not be legally sufficient for the High Court to take a contrary view about the credibility of witnesses and it is absolutely imperative that the High Court convincingly finds it well-nigh impossible for the Trial Court to reject their testimony. This was identified as the quintessence of the jurisprudential aspect of criminal justice. Viewed in this light, the brusque approach of the High Court in dealing with the appeal, resulting in the conviction of Appellant Nos. 1 and 2, reversing the cogent and well-considered judgment of acquittal by the Trial Court giving them the benefit of doubt, cannot be sustained."

21. Considering the entire evidence on record, it clearly appears that there is no credible evidence to connect the present accused with the alleged crime and the evidence on record is not so convincing to prove beyond reasonable doubt that the accused have committed the alleged crime. Therefore, the accused cannot be convicted on the evidence on record.

22. On perusal of the impugned judgment and order, it clearly transpires that the trial Court has not committed any error of fact and law in appreciating the evidence on record and in acquitting the accused from the charges levelled against them. Even on re-appreciation of the evidence, it clearly transpires that the prosecution has miserably failed to prove the charge levelled against the accused beyond reasonable doubt. Therefore, the impugned judgment and order of the trial Court is sustainable and the present appeal is liable to be dismissed.

23. In view of the above, the present application seeking to leave to prefer an appeal is devoid of merits and it deserves to be dismissed. Resultantly, it is dismissed and leave is refused. Rule is discharged. The impugned judgment and order of acquittal passed by the trial Court is hereby confirmed. Bail bond stands cancelled. Record and proceedings be sent back to the concerned Trial Court forthwith.

(HEMANT M. PRACHCHHAK,J)

Dolly

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DOLLYBEN CHETANBHAI VADUKAR(HC01392), PRIVATE SECRETARY, at High Court of Gujarat on 29/07/2026 17:20:49