

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY  
SUBORDINATE COURT) NO. 1898 of 2024**

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SARFRAZ @ JAVID KHUJI @ JAVID MUFTI SALIM HASAN YUSUF  
IBRAHIM PATEL & ANR.

Versus  
STATE OF GUJARAT

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**Appearance:**

MR MUHAMMAD QUASIM VORA(10344) for the Applicant(s) No. 1,2  
MR UMARFARUK M KHARADI(8155) for the Applicant(s) No. 1,2  
MR BHARGAV PANDYA APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE GITA GOPI**

**Date : 30/03/2026**

**ORDER**

1. The petitioners are original accused nos.1 and 2, who have filed the present revision application under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS' Act).

2. The petitioners are arraigned as accused in offence registered with Amod Police Station, Bharuch vide FIR No.11199003211359 of 2021 for the offences punishable under Section 4 of the Gujarat Freedom of Religion Act read with Section 120(B), 153(b)(1)(c) and 506(2) of the IPC.

3. Learned Advocate Mr. Umarfaruk M. Kharadi submitted that the trial Court has committed an error by not allowing the discharge application of the present applicants, where there is



no sufficient evidence to frame the charge and they have been falsely implicated.

3.1 Advocate Mr. Kharadi submitted that both the petitioners are Moulvis and it is their religious duty to preach about the religion and therefore, submitted that no case could have been drawn against them, who perform the religious act and they have their fundamental right to do so. Advocate Mr. Kharadi has also stated that these two persons have been made accused in the third supplementary charge-sheet.

4. Countering the arguments, learned APP Mr. Bhargav Pandya submitted that larger conspiracy has been busted and applicant no.1 Sarfraz @ Javid Khuji @ Javid Mufti Salim Hasan Yusuf Ibrahim Patel, had earlier too, converted many innocent villagers into muslims and during the year 2019, applicant no.1 had along with witnesses Abdul Rahim Bhuji, Moulvi Saiyed Devla, Amin Delawala had come in a four wheeler with Ismail Bhagat along with accused Haji Abdulla along with two other persons at village Kankaria and in the house of Ajit Vasawa, they had the meeting.

5. The namaz was performed and the applicant no.1 and Haji Abdul Fhefadawala had delivered the lecture and had also given knowledge of the muslim religion to those converted as muslim.

6. APP Mr. Bhargav Pandya submitted that the statements of Pravinbhai Vasantbhai Vasawa, Mohammad Amin Shabbir Patel, Saiyed Ahmed Suleman Patel and Abdul Rahim Yusuf Suleman which shows that the present applicant also known as



Javed Mufti along with the Ismail Belavala had often come to their village and had given clothes, medicines and cash amount and had allured to get them converted into muslim religion. They were providing education to the residents of Amod village for conversion. There is also a video for the meeting

7. Learned APP Mr. Pandya has also referred to statements of Anilkumar Panchiyabhai Vasawa, Rohitbhai Rameshbhai Vasawa, Ashwinbhai Dhirajbhai Vasawa, Vijaybhai Laxmanbhai Vasava, Arjunbhai Dalsukhbhai Vasawa, Mukeshbhai Dilipbhai Vasawa and Pravinbhai Vasantbhai Vasava, who too have stated against the present applicant Ramiz Raja @ Owaish Abdul Gani, as involved in providing those converts, who were promised air cooler, water cooler, hand cart, chattai/chaadar for offering namaz.

8. It is the argument of learned APP Mr. Bhargav Pandya that Section 5 of the Gujarat Freedom of Religion Act, 2003 and Rule 3, 4, 5 of the Gujarat Freedom of Religion Rules, 2008 were required to be followed which prima-facie on the record does not get proved. Hence the case has been drawn against the present applicant.

9. Having considered the evidence against the present applicants in the form of statements of the witnesses and the provision of Gujarat Freedom of Religion Act, 2006, no case of any discharge has been found on the material and statements perused by this Court. There are evidences of meetings conducted by the applicant which were for religious



conversion. This Court does not find any reason for interfering in the order passed by the concerned trial Court Judge, since at the stage of cognizance and summoning, the trial Court has applied judicial mind to find out whether the prima-facie case is made out for. Summoning the accused and at the stage of framing charge, sufficiency of materials for the purpose of conviction is not the requirement.

10. Hence, the present criminal application stands disposed of, as rejected.

PARMAR KRISH/60

**(GITA GOPI,J)**