

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 2 of 2025**

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YUSUFBHAI JIVANBHAI PATEL @ MAHENDRABHAI JIVABHAI VASAVA &
ORS.
Versus
STATE OF GUJARAT

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Appearance:

MR MUHAMMAD QUASIM VORA(10344) for the Applicant(s) No. 1,2,3,4,5
UMARFARUK M KHARADI(8155) for the Applicant(s) No. 1,2,3,4,5
MR BHARGAV PANDYA, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 30/03/2026****ORDER**

1. By way of this application, the applicants have challenged the order passed by the learned 4th Additional Sessions Judge, Bharuch below Exhibit 1 in Special Atrocity Case No.04 of 2022 whereby the prayer to discharge them from the case came to be rejected.
2. The present applicants are five in number and the referred challenge has been given under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.



3. Learned advocate for the applicants Mr. Umarfaruk Kharadi submitted that the First Information Report had been registered with Amod Police Station, Bharuch for the offences punishable under Section 4 of the Gujarat Freedom of Religion Act, 2003 read with Section 120(B), 153B(1)(c) and 506(2) of the Indian Penal Code (IPC). According to learned advocate for the applicants Mr. Kharadi, the applicants were not named in the FIR but came to be added during the course of investigation. It is further submitted that no role has been attributed to the applicants and inspite of that, the charge-sheet has been filed where the investigating officer was required to file a Report under Section 189 of the BNSS. Learned advocate Mr. Kharadi submitted that the learned trial Court Judge has failed to appreciate the facts and has not considered that the applicants have been falsely implicated in the offences. As per learned advocate for the applicants Mr. Kharadi, the statements of the six persons, on the face of the record were sufficient enough to make them witnesses and not the accused. It is also submitted that for the sole purpose of sensationalizing



the issue, innocent persons have been arraigned as accused which is a clear abuse of process of law and therefore, submitted that the applicants are required to be discharged from the matter.

4. Countering the above submissions, learned Additional Public Prosecutor Mr. Bhargav Pandya has referred to the specific role of each individual applicant and has submitted that though the applicant No.1-Yusufbhai Jivanbhai Patel was initially a Hindu, he got converted. The statements of (1) Rajubhai alias Anil Dahyabhai Solanki (2) Dharmeshbhai Chitubhai Vasava (3) Vijaybhai Dhirajbhai Vasava (4) Yogeshbhai Budhabhai Vasava (5) Udesanghbhai Jesangbhai Vasava (6) Vijaykumar Chandubhai Arya (7) Rajeshbhai Arvindbhai Vasava (8) Arvindbhai Vasantbhai Vasava (9) Jagdishbhai Vasantbhai Vasava (10) Punjabhai Raniabhai Vasava (11) Abu Bakar Suleman Patel (12) Arjun Dalsukh Vasava (13) Mukeshbhai Dilipbhai Vasava (14) Anil Panchiabhai Vasava (15) Rohit Rameshbhai Vasava (16) Udesangh Jesang Vasava and the complainant-Pravin Vasantbhai Vasava have been referred to by the learned APP to



submit that all the witnesses have stated of forcible conversion and the fact of being threatened and of providing economic assistance to the members of the Scheduled Castes (SC) and Scheduled Tribe (ST). There are evidences in the form of Whatsapp Chats, videos, lectures, which have been made viral affecting the religious sentiments of the people of the Hindu community and create animosity between two communities.

5. For applicant No.2-Ayub Barkat Patel, who too was a Hindu converted to Muslim, referring to the statements of (1) Rajubhai alias Anil Dahyabhai Solanki (2) Dharmeshbhai Chitubhai Vasava (3) Vijaybhai Dhirajbhai Vasava (4) Yogeshbhai Budhabhai Vasava (5) Udesanghbhai Jesangbhai Vasava (6) Vijaykumar Chandubhai Arya (7) Rajeshbhai Arvindbhai Vasava (8) Arvindbhai Vasantbhai Vasava (9) Jagdishbhai Vasantbhai Vasava (10) Punjabhai Raniabhai Vasava (11) Abu Bakar Suleman Patel (12) Arjun Dalsukh Vasava (13) Mukeshbhai Dilipbhai Vasava (14) Anil Panchiabhai Vasava (15) Rohit Rameshbhai Vasava (16) Udesangh



Jesang Vasava, the complainant-Pravin Vasantbhai Vasava as well as the statements of Leelaben, W/o. Bachubhai Chandubhai Vasava, Rakeshbhai Bachubhai Vasava, Mahendrabhai Hasmukhbhai Vasava and Vijaybhai Laxmanbhai Vasava, it is submitted that many illegal activities have been conducted by the applicants and that they had provided monetary assistance. Further, there are chats in the Whatsapp Group. Leelaben, W/o. Bachubhai Chandubhai Vasava has alleged that her daughter had been forcibly taken for marriage by alluring her and forcibly converting her into Muslim religion.

6. Against the applicant No.3-Ibrahim Puna Patel alleged as converted Muslim, learned APP submitted that there are the statements of (1) Rajubhai alias Anil Dahyabhai Solanki (2) Dharmeshbhai Chitubhai Vasava (3) Vijaybhai Dhirajbhai Vasava (4) Yogeshbhai Budhabhai Vasava (5) Udesanghbhai Jesangbhai Vasava (6) Vijaykumar Chandubhai Arya (7) Rajeshbhai Arvindbhai Vasava (8) Arvindbhai Vasantbhai Vasava (9) Jagdishbhai Vasantbhai Vasava (10) Punjabhai Raniabhai Vasava (11) Abu Bakar



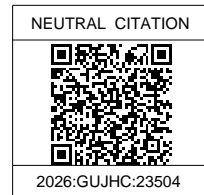
Suleman Patel (12) Anil Panchiabhai Vasava (13) Mukeshbhai Dilipbhai Vasava (14) Rohit Rameshbhai Vasava (15) Ashwinbhai Dhirajbhai Vasava (16) Udesangh Jesang Vasava (17) Complainant-Pravin Vasantbhai Vasava (18) Leelaben, W/o. Bachubhai Chandubhai Vasava (19) Rakeshbhai Bachubhai Vasava (20) Mahendrabhai Hasmukhbhai Vasava and (21) Vijaybhai Laxmanbhai Vasava.

7. Learned APP Mr. Bhargav Pandya stated that for the applicant No.4-Yakub Ibrahim Shankar, it is the case that he had delivered lectures affecting the religious sentiments and had created animosity between two communities. It is alleged that he had allured the members of the SC and ST community by gifts in cash as well as kind. The statements of the witnesses suggest that money had been provided by the applicants and the allegations are of funding.
8. While against applicant No.5-Rizwan Mehboobhai Patel, it is the case that he in conspiracy with the applicant No.4-Yakub Ibrahim Shankar had also been involved in



providing money for conversion and had instigated many to renounce their religion and to adopt another religion as practiced by the applicant/s. It is further submitted that money had also been provided from overseas which had been received by the applicants and thus, money has been used in the activity of conversion. The figures had also been collected during the investigation.

9. Thus, considering the above, learned APP submitted that it is a case of large scale conspiracy with a scheme of converting the whole of village where a large population of SC and ST members are there and by alluring them, by offering them incentives in the form of cash and things, which has been referred to in the statement of individual witnesses. The conversion is also by way of fraudulent way of marriage and all the co-accused are connected in the act.
10. Learned APP has referred to the following decisions of the Apex Court to submit with regard to the authority in the power of Magistrate to confine the examination to the final report and the accompanying documents while



dealing with an application for discharge :-

(a) **State of Orissa v. Debendra Nath Padhi** reported in **2005 (1) SCC 568** and

(b) **State Represented by Inspector of Police, CBI, ACB, Vishakhapatnam v. Eluri Srinivasa Chakravarthi** reported in **2025 (0) INSC 758.**

11. Having regard to the statements of the witnesses as referred by learned APP and the charge-sheet which has been filed against the present applicants, prima-facie there is a case as alleged under the Gujarat Freedom of Religion Act, 2003. In the revisional jurisdiction, the Court has the authority to only find out whether there is prima-facie case against the applicant/s. The Court cannot run a mini trial to find out the credibility and authenticity of the statements of the witnesses and the evidence collected by the investigating officer. In addition, the trial Court has also noted that there are many documents which have been fraudulently created in the form of Aadhar Card as well as electronic records, these have been forged and have been used as true. The members of the SC and ST community have been



threatened. Section 153A and 153A of the IPC was also invoked. The learned trial Court Judge has considered the prima-facie evidence against the accused and had also added the provisions of Sections 466, 467 and 471 of IPC and Sections 3(2)(5-A) and 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by an order dated 30.11.2021.

12. In the case of **State of Maharashtra v. Priya Sharan Maharaj** reported in **(1997) 4 SCC 393**, it was held that at the stage of Sections 227 and 228, the Court is required to evaluate the material and documents on record with a view to find out if the facts taken at its face value disclose the existence of the ingredients constituting the alleged offence. The Court may, for this limited purpose sift the evidence.
13. The Court therefore, need not dwell all the materials on record and minutely deal with each of the statements and proof. The prima-facie satisfaction of the trial Court Judge to come to the conclusion of sufficiency of material to frame the charge is the real test.



14. In view of the aforesaid discussion, this Court does not find any reason to entertain the present application as the same is devoid of merits and thus, the same stands rejected.

Sd/-

(GITA GOPI, J)

CAROLINE / DB # 37