

ITEM NO.301

COURT NO. 5

SECTION PIL/XVIA/
IX/IIA/X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO. 109 OF 2003

NATIONAL HUMAN RIGHTS COMMISSION

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(With Appln(s) for directions)
(For Final Disposal)

WITH

CrI.M.P. NOS. 18710 & 18712 In WP(CRL.) NO. 109 of 2003
(For impleadment and directions on behalf of Bipin Umedbhai
Panchal)

CRL.M.P.NOS.4757, 4759-4760 IN W.P. (CRL.) NO.109/2003
(FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF ILIYAS HUSSAIN
MULLICK)

W.P(CRL.) NO. 37-52 of 2002
(With appln. for permission to submit additional document(s) and
exemption from filing O.T. and interim directions and permission
to place addl. documents on record and directions and exemption
from filing O/T and office report)

W.P (CrI.) No. D17953 of 2003
(With office report)

T.P(CrI.) Nos. 194-202 & 326-329 of 2003
(With appln. for stay and exemption and impleading party and
permission to submit additional documents and permission to place
addl. documents on record and office report)

SLP(C) No. 7951 of 2002
(With appln. for exemption from filing c/c of the impugned
judgment and permission to place addl. documents on record)

SLP(CrI) NO. 4409 of 2003
(With appln. for stay)

SLP(CrI.) No. 5309 of 2003
(with appln. for c/delay in filing SLP and exemption from filing
c/c of the impugned judgment and exemption from filing O.T. and
office report)

W.P(CRL.) NO. 216 of 2003

T.P.(CRL) NO. 66-72 of 2004
(With appln. for permission to file T.P. and stay and directions
and taking addl. documents on record and permission to submit
addl. document(s))

T.P.(CRL) NO. 43 of 2004
(With appln. for stay and exemption from filing O.T. and office
report)

W.P(CRL.) NO. 118 of 2003
(With appln. for directions and interim relief and exemption from
filing O.T. and office report)

T.P. (CRL.) NOs. 233-234 of 2004
(With appln. for stay and office report)

W.P(CRL.) NO. 284 of 2003
(With office report)

CrI.M.P. No. 4485 of 2006 In SLP(CrI.) No. 3770 of 2003
(For directions)

SLP(CrI.) NO. 1088 of 2008
(With appln. for exemption form filing c/c of the impugned
judgment and permission to place addl. documents on record and
directions and office report)

SLP (CrI.) No. 7046 of 2010
(with appln(s) for exemption from filing O.T. and ex parte stay
and exemption from filing c/c of the impugned judgment and
permission and exemption from filing O.T. and office report)

SLP (CRL.)...CRLMP. NO. 1127/2011
(With Appln(s) for permission to file SLP and office report)

SLP (CRL.)...CRLMP. NO. 1519/2011
(With Appln(s) for permission to file SLP and ex-parte stay and
office report)

Date: **20/01/2011** These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s)

WP 109/03 Mr. Harish N Salve, Sr. Adv. (A.C.)
Mr. Bhargava V Desai, Adv. (A.C.)

SLP 1088/08 Mr. Raju Ramachandran, Sr. Adv. (A.C.) L
Mr. Gaurav Agarwal, Adv. (A.C.)

WP D17953/03 In person

SLP (C) 7951/02 Mr. S Udaya Kuamr Sagar, Adv.
Ms. Bina Madhavan, Adv.
for M/s Lawyers Knit & Co., Adv.

SLP (CRL) 4409/03
WP (CRL) 216/03 Mr. Ejaz Maqbool, Adv.

TP (CRL) 43/04 &
WP (CRL) 284/03 Mr. Naveen R. Nath, Adv.

TP (CRL) 194-202 &
326-329/03 Ms. Indu Malhotra, Adv.

WP (CRL) 118/03 Ms. Shobha, Adv.

WP (CRL) 37-52/02 Ms. Kamini Jaiswal, Adv.
& SLP (CRL) 5309/03 Mr. Sanjay Parikh, Adv.
& TP (CRL) 66-72/04 Ms. Aparna Bhat, Adv.
& CRLMP 4485/06 IN Mr. P. Ramesh Kumar, Adv.
SLP (CRL) 3770/03 Mr. Divyesh Pratap Singh, Adv.
& SLP (CRL) 7046/10 & Mr. Banju Rajkumar, Adv.
TP (CRL) 233-234/04 &
SLP (CRL) CRLMP.1127/11 &

SLP (CRL) CRLMP.1519/11 Mr. Nikhil Goel, Adv.
Ms. Naveen Goel, Adv.
Mr. Marsook Bafaki, Adv.
Mr. A. Venayagam Balan, Adv.

For Respondent(s)

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Ranjit Kumar, Sr. adv.
Mr. Tushar Mehta, AAG
Ms. Hemantika Wahi, Adv.
Mr. Bhupendra Yadav, Adv.
Ms. Jeral, Adv.
Mr. C.D. Singh, Adv.

Mr. A. Venayagam Balan, Adv.

Dr. Nafis A. Siddiqui, Adv.

Mr. Aparna Bhat, Adv.

Mr. Avinash Kumar, Adv.

Mr. E.C. Agrawala, Adv.

UOI Mr. T.S. Doabia, Sr. Adv.
Mr. Sadhana Sandhu, Adv.
Mr. S.S. Rawat, Adv.
Mr. D.S. Mahra, Adv.
Mr. Raghenth Basant, Adv.
Ms. Sandhya Goswami, Adv.
Mr. S.N. Terdal, Adv.

Mr. P Parmeshwaran, Adv.
Ms. Sushma Suri, Adv.

Mr. V.N. Raghupathy, Adv.

State of Bihar/
Tripura Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.
Mr. Chandan Kumar, Adv.

UT of Puducherry Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Rama Subramanian, Adv.

Mr. Naresh Kr. Sharma, Adv.

Mr. Gopal Prasad, Adv.

Mr. Bimal Roy Jad, Adv.

State of Assam Mr. Navneet Kumar, Adv.
M/s. Corporate Law Group, Adv.

Mr. Ravindra Kr. Adsure, Adv.

Mr. Ravi Prakash Mehrotra, Adv.
Mr. T.V. George, Adv.

Orissa Mr. Radha Shyam Jena, Adv.

State of Sikkim Mrs. Aruna Mathur, Adv.
Mr. Amarjit Singh Girsra, Adv.
for M/s. Arputham, Aruna & Co., Adv.

Mr. Tara Chandra Sharma, Adv.

Mr. K.R. Sasiprabhu, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Meghalaya Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.

Mr. D.K. Sinha, Adv.

Mr. Naveen R Nath, Adv.

Ms. Anita Shenoy, Adv.

Mr. Sanjay R Hegde, Adv.

Mr. KH. Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

Mr. R Satish, Adv.

Mr. P.V. Dinesh, Adv.

Mr. Divya Jyoti, Adv.
Ms. Jyoti Mehndiratta, Adv.

Mr. S.N. Bhat, Adv.

Dr. Kailash Chand, Adv.

Mr. Sanjay Jain, Adv.

Mr. Rashmikumar Manilal Vithlani, Adv.

M/s Parekh & Co, Advs.
Dr. Meera Agarwal, Adv.

Mr. Annam D.N. Rao, Adv.

WP 109/2003 Dr. Manish Singhvi, AAG for Rajasthan
Mr. D.K. Devesh, Adv.
Mr. Milind Kumar, Adv.

CRLMP 18710 &
18712 in WP 109/03 Mr. D.N. Ray, Adv.
(applicants) Mr. Lokesh K. Choudhary, Adv.
Ms. Sumita Ray, Adv.

U.P. Mr. T.N. Singh, Adv.
Mr. Ashutosh Kr. Sharma, Adv.
Mr. G. Venkateswara Rao, Adv.

UPON hearing counsel the Court made the following
O R D E R

W.P. (CRL.)NO. 109/2003

Mr. Harish N. Salve, the learned amicus curiae, has placed before us a note, pointing out that the Presiding Judge conducting trial in Naroda Police Station I.CR No.100/2002, has since been transferred by the High Court in routine transfers of the Judicial Officers in the State.

Learned amicus suggests that since the trial in the said case is at an advanced stage, the Officer may not be shifted.

We feel that it will be proper and expedient if this request is made by the Chairman, Special Investigation Team (SIT) before the Chief Justice of Gujarat High Court on the administrative side. We are confident that having regard to the fact situation, the learned Chief Justice will pass appropriate orders on the request of the Chairman, SIT.

A Progress Report, dated 18th January, 2011, regarding nine under trial cases has been filed by the Chairman, SIT. It appears from the said report that except for two Naroda cases, trial in other cases is nearing completion.

In the said report, it is also pointed out that Presiding officer looking after the trial of Gulberg Society case (Shri B.U. Joshi) and Naroda Patiya case (Ms. Jyotsnaben Yagnik) have been transferred out of Ahmedabad on 30th December, 2010. The report is taken on record and shall be kept in a sealed cover.

Special Leave Petition (Criminal) No. 7046 of 2010

Ms. Kamini Jaiswal, learned counsel appearing for the petitioners prays that orders on the petition may be deferred for some time as she has not yet received complete instructions in the matter.

Call on 3rd March, 2011 at 3.00 p.m.

W.P.(CRL.) NO. 37-52/2002

An additional affidavit has been filed by Ms. Teesta Setalvad, one of the petitioners, explaining the circumstances under which copies of two letters addressed by her to Shri R.K. Raghavan, Chairman, SIT, were endorsed to the Office of High Commissioner for Human Rights (OHCHR), at Geneva. Ms. Kamini Jaiswal states on instructions from Ms. Teesta Setalvad, who is present in Court, that in future no such letters shall be sent to the said organization. In light of the statement, we close the issue at that.

SLP (CRL.)...CRLMP.NO.1127/2011

Delay condoned.

No ground is made out for grant of permission to file the Special Leave Petition.

The Special Leave Petition is dismissed accordingly.

SLP (CRL)....CRLMP. NO.1519/2011

Delay condoned.

Issue notice returnable on 3rd March, 2011.

SLP(CRL) NO. 1088 OF 2008

A note has been submitted by Mr. Raju Ramachandran, learned amicus curiae, for our perusal. A copy of the said note has also been supplied to the Chairman, SIT, who is present in Court today.

List the matter on 3rd March, 2011 at 3.00 p.m.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master