

Zakia Jafri Protest Petition

Written Arguments on Factual Aspects

Part B

10 The Operation Kalank (Sting Operation by Tehelka) telecast in October 2007 is part of the SIT Investigation Papers. The Tehelka transcripts have been relied upon by Naroda Patiya Special Court Sessions on 29.8.2012 as strong corroborative evidence. [This has been dealt with @ Paras 111-125@ Pages 66-70, Volume I, Protest Petition & Pages 120-126, Volume I, Protest Petition, Volume I (Excerpts of Ramesh Dave, Rajendra Vyas, Haresh Bhatt, Anil Patel, Dhimant Bhatt, Dhawal Patel and Arvind Pandya from the Tehelka Transcripts available @ ...Annexure III, File XIII, D-129 in SIT Records as Also their Statements @ Annexure II, Volume II, Sr Nos 107 (Ramesh Dave), Annexure II, Volume II, Sr Nos 108 (Rajendra Vyas), Annexure I Volume II, Sr Nos 116 (Haresh Bhatt), Annexure II, Volume II, Sr Nos 113 (Anil Patel), Annexure II, Volume II, Sr Nos 98 (Dhimant Bhatt), Annexure II, Volume II, Sr Nos 114 (Dhawal Patel), Annexure I, Volume I, Sr Nos 46 (Arvind Pandya) were handed over to the Court on July 3-4, 2013).

Another Comprehensive List of Dates on the Tehelka Sting Operation dated 3.7.2013 was handed over to the Court. Since the filing of the Zakia Jafri Complaint on 8.6.2006, *Operation Kalank*, the Sting Operation by Tehelka (October 2007) had provided further evidence of Conspiracy were handed over to the Court). Ashish Khetan the journalist who recorded the extra judicial confessions, was made a prosecution witness in the Naroda Patiya Case, Gulberg case and Naroda Gaam case. The Naroda Patiya judgement delivered on 29.8.2012 (Pages 750-791, Chapter II, STING OPERATION, judgement in Naroda Patiya Case excerpts handed over to the Court) used the Tehelka Tapes authenticated by the CBI has strong and reliable corroboratory evidence. (The NHRC Order dated 5.3.2008 Ordering CBI to Authenticate the Tehelka Tapes, Pages 133-136-- , Annexure Volume I, protest Petition was pointed out to the Court). The SIT, the investigating agency in both cases, the Naroda Patiya case and the Zakia Jafri Criminal Complaint dated 8.6.2006 had played a contradictory role. In the Naroda Patiya trial, it had used Tehelka's Sting Operation as reliable corroboratory evidence but when it came to Power accused like A-1 and Others in this case, valuable evidence through the Sting Operation had been ignored completely. All those persons who's extra-judicial confessions strongly indict A-1 have simply stated in their 161 statements before the SIT that they were "acting" for Ashish Khetan in

the Sting Operation and the SIT, has simply accepted this defence at face value and refused to probe further. One of the persons against whom the Sting Operation had been conducted by Tehelka, Arvind Pandya had filed an FIR against Dhimant Purohit of Aaj Tak, Television channel that had telecast the sting operation. The Gujarat High Court in Spl Crl appln Nos 2195/2007 had, on 9.5.2012 quashed the malicious FIR. (This judgement of the High Court was also handed over to the Court)