

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRIMINAL) NO. DY. 34207 OF 2018**

IN THE MATTER OF:

Zakia Ahsan Jafri &Anr.

...PETITIONERS

VERSUS

State of Gujarat &Anr.

...RESPONDENTS

CONVENIENCE COMPILATION ON BEHALF OF THE PETITIONERS

VOLUME II

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ADVOCATE-ON-RECORD FOR THE PETITIONERS: MS. APARNA BHAT

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A

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ISSUES NOT DEALT WITH BY THE MAGISTRATE AND THE GUJARAT

HIGH COURT:

MASS MOB MOBILISATIONS FROM 27.02.2002 ONWARDS

Issues not dealt with by the Magistrate and the Gujarat High Court

A. Provocative Behaviour was followed up by Mass Mobilisations & Hate Speech on 27.02.2002 as part of the wider conspiracy. As early as 12:30 p.m. on 27.2.2002, an SIB officer communicated to the headquarters that there were reports that some dead bodies of Godhra victims would be brought to Kalupur Station in Ahmedabad and incidents will occur in Ahmedabad city and preventive action had to be taken. Home Department at Gandhinagar receives more than 8 messages intimating about the Godhra incident, the VHP call for a bandh and about violence taking place in Valsad and other places.

B

- B. Detailed Documentary Evidence from the SIT Investigation papers pieced together meticulously in the Protest Petition reveals that SIB (State Intelligence Bureau) Messages reveal systematic and violent mobilisations all over the state on 27.2.2002 within minutes of the Godhra tragedy. Despite these warnings neither the Home Department nor the Law and Order machinery make preventive arrests or protect Innocent lives. Kar Sevaks with saffron Scarves continue shouting Anti-Muslim Slogans after incident; More VHP Workers gather at spot and even after curfew is declared at 10 a.m. (an SRP and Railway police reinforcements are deployed) Attempts to burn Muslim shops take place at Godhra. Since the investigation of the Godhra incident was by the Railway Police, it was their responsibility to deal with dead bodies
- C. By about 1 p.m. on the afternoon violent and murderous attacks at Vadodara and Anand have taken place and by the evening these have spread far and wide across the state.
- D. VHP Press Release carries exaggerated accounts of the Godhra incident. By the evening and late night of 27.2.2002, SIB messages from Godhra to Bhavnagar, Mehsana to Viramgam (far flung districts of Gujarat) record aggressive mobilisations and provocative speeches being made exhorting the mob/citizens to attacks Muslims.
- E. An Analysis of Phone Call Records officially procured by former IPS Officer Rahul Sharma and presented to the Nanavaty-Shah Commission has been analysed and evidence of elected representatives talking to some of the

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accused etc was presented to the SIT. These were not substantively investigated. For example:

- a) The mobile phone records show that Mr Bhatt, named in the Zakia Jafri Complaint dated 8.6.2006, was in touch with doctors from outside the Godhra city, after which post mortems of the Godhra Victims were carried out in the Open in the Railway Yard. (*Pages 580-583 of Volume V of Protest Petition of the SC SLP Record*)
- b) The mobile phone records also have illustrative details of the Phone Call Records of then Additional CP, Shivanand Jha that have not been investigated (*No.870-875 at Pages 580-583 of Volume V of Protest Petition and SC Record*)
- c) Similarly, the mobile phone call records of Dinesh Togadia etc of the Vishwa Hindu Parishad and other functionaries have been mentioned and remain un-investigated. (*Para 204 of Protest Petition at (Pages 295-296 of Volume V of SLP and Para 927 of Protest Petition at Pages 626-627 of Volume V of the SLP SC Record)*)
- d) The mobile phone call records dated 27.02.2002 of Praveen Togadia, International General Secretary, Vishwa Hindu Parishad (VHP) similarly need investigating (*Para 599 of the Protest Petition, Page 458, Volume IV of the SC SLP Record*).
- e) Ahmedabad city records 14 Incidents of targeted Violence even as the VHP and its members continue making incendiary and inflammatory speeches

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- f) The Gujarat Police Manual and Booklet to Prevent Communal Violence (specific to Gujarat) lay down meticulous SOPs (Standard Operating Procedures) that are not followed at all in the wake of the Gujarat tragedy.
- g) Despite the SIT papers containing documentary evidence of such more instances of attacks and aggression including hate speech, the SIT has concealed these in its final report and deliberately avoided any conclusions.

S. No.	Facts/Details	Supporting Documents/Evidence	Page No. & References
1.	<p>Mass Mobilisations & Hate Speech on 27.2.2002 as Part of the Wider Conspiracy;</p> <p>a) Provocative/aggressive Behaviour of those returning from Ayodhya/Kar Sevaks</p> <p>b) Attacks on Minority Property and Hate Speech from the afternoon of 27/02.2002 onwards.</p> <p>c) Absence of</p>	<p>1) Fax from Jayanti Ravi, DM, Godhra on 27.2.2002 mentioning provocative behaviour of karsevaks at Godhra Police station. The Fax message of the incident was sent by DM Smt. Jayanti Ravi to the Home Department & Revenue Department, Gandhinagar which was received at 9 a.m. of 27.2.2002. In the said message, it was clearly mentioned that the karsevaks were shouting provocative, anti-Muslim slogans. This intimation of Provocative</p>	<p>1. Volume XIII, Page 798 of the SC Record and Listed at Annexure III, File XLI at Serial Nos 1 of the SIT Papers</p> <p>2. Listed at Volume XIII, Page 829 of the SC Record and Annexure IV, File IX , Sr Nos 241 of the SIT Record/Investigation</p> <p>3. References:</p> <p>a. Para 973-982 at Page 642-644,</p>

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	<p>Preventive Measures or arrests</p> <p>d) Aggressive Mobs not acted again not arms collection stopped</p> <p>Hate Speech on 27.2.2002</p> <p>a) Widespread meetings and Mobilisations by the VHP/RSS/Bajrang Dal exhorting Violence against religious minorities (Audiences were told to Cut the hands and legs of our enemies) in revenge for Godhra.</p> <p><i>"Muslims who live in India with sincerity and patriotism, we don't have any agitation against them. But we have objections against those who live in India and favoured Pakistan and carried out</i></p>	<p>Sloganeering by Kar Sevaks pre and post Godhra on 27.2.2002 when violence broke out in Vadodara, Anand and Ahmedabad apart from other districts was Concealed from the Public by Bureaucracy, Police & Political Executive</p> <p>(PAGE NO. 1-2)</p> <p>2) SIB Messages (Sanjiv Bhatt-DCP Communal Int) to Home Dept, Gandhinagar dated 27.2.2002 warning of a communal Conflagration post the Godhra Incident if strict and adequate preventive measures not taken</p> <p>(PAGE NO. 3-4)</p>	<p>Volume V of SC Record</p> <p>b. Para 983-984 at Pages 644-645, Volume V of the SC Record</p> <p>c. Protest Petition- Paras 962-963 at Pages 638-639 of Volume V of the SC Record</p> <p>4. References from SIT Record:</p> <p>a. Listed at Page 791, Volume XIII of the SC Record at Page 188 in Annexure III, File XVIII, D-160 (Copies of Fax Message sent by Regional Officer of State IB to Addl DGP, Gujarat(Int) – February 2002, Volume I) in SIT Record/Investigation.</p> <p>b. Listed at Page Nos 791 at Volume XIII of SC Record at Page 345, Annexure III File XIX, D-161 of the SIT</p>
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	<p><i>activities against the country. Anti- national activities are being done in the Madrasas. We have objections against it. We do not have any kind of objection against spiritual religious education for the children. Pooja prarthna at the temple and praying at the Masjid is all right but Pakistan Zindabad is not right. Above mentioned ideas were expressed by them.”</i></p> <p>Inflammatory speeches in Various Parts of Gujarat by different sections of the VHP/Bajrang Dal leadership that were recorded by the State Intelligence Bureau. The SIT completely ignores this detailed documentarr evidence.</p>		<p>Record/Investigation (Copies of Fax message sent by the Regional Officer of the State IB to ADdI DGP (Int) Gujarat for the month of February 2002, Volume II)((the message titled Vardhi No.</p> <p>c. Para 978/Protest Petition message Listed at Page Nos 791, Volume XIII of SC Record and Listed at Annexure III, File XVIII (D-160) at Page No. 19 Message No. 531 of the SIT Record/Investigation</p> <p>d. Protest petition Page 643 at Volume XIII of the SC Record</p> <p>e. Para 979 of Protest Petition</p> <p>f. Page 644 of Volume XIII, Para 980 of Protest Petition</p>
2.	Second Component		

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<p>of Conspiracy includes Inaction of Policemen/Administrator/ elected representatives Accused after Intimation of Godhra Incident & Mob Mobilisations all over Gujarat on 27.2.2002</p> <p>The Mob Mobilization after the tragic Godhra mass arson & subsequent Outbreak of Violence and Failure Statewide to Take Preventive Measures is and was for the State Police & Bureaucracy a direct Violation of the law, Constitution and Standard Operating Procedure (SOP) as laid down in the Gujarat Police Manual. The concerted acts and omissions by the Accused leading up to the train burning at Godhra and throughout 27.02.2002 leading up to the breakout of large scale violence on 28.02.2002 betrays the narrative of spontaneous acts of violence. These</p>	<p>1. As early as 12:30 p.m. on 27.2.2002, an SIB officer communicated to the headquarters that there were reports that some dead bodies of Godhra victims would be brought to Kalupur Station in Ahmedabad incidents will occur in Ahmedabad city. So take preventive action."</p> <p>2. This SIB message that can be read as Annexure III File No.XIX D-161, Part II Pages Nos.356 to 360 is a long message that records that the dead bodies reached Kalupur railway station at 3 to 3:30 hrs, were sent to Dhanwantari hospital at Bapu Nagar where a</p>	<p>i)Protest Petition at Para 983-984 at Pages 642-645, Volume V of the SC Record</p> <p>ii)Protest Petition- Paras 962-963 at Pages 638-639 of Volume V of the SC Record</p> <p><u>References from SIT Record:</u></p> <p>i) SIT Index of Investigation Papers: Listed at Page 791, Volume XIII of the SC Record at Page 188 in Annexure III, File XVIII, D-160 (Copies of Fax Message sent by Regional Officer of State IB to Addl DGP, Gujarat(Int) –February 2002, Volume I) in SIT Record/Investigation.</p> <p>ii) SIT Index of Investigation Papers: Listed at Pages 841-</p>
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	<p>documentary evidences reveal a larger conspiracy afoot leading up to the breakout of largescale violence on 28.02.2002.</p>	<p>condolence meeting was to be held by Bajrang Dal workers. This message also records that at 15:00 hrs on 27.2.2002 a mob had attacked the AMTS and ST buses at Bapu Nagar and breaking down the windows of buses and shops. At the end of this message the field officer of the SIB states that Sabarmati express train finally arrived at platform no.1 at 16:13 hrs with Kar Sevaks shouting <i>Jai Sriram, Bharat Mata Ki Jai and KhoonKaBandla Khoon</i>. No dead bodies came on the train. The SIB message records that an interview was given to the ETV stating that “for</p>	<p>842, Volume XIII of the SC Record (From Tabular format in SIT Papers Annexed here <u>Annexure IV File XX</u> Message Date 27/02/2002)</p> <p>iii) SIT Index of Investigation Papers: Page 791, Volume XIII of the SC SLP Record lists Annexure III File No.XIX D-161, Part II Pages Nos.356 to 360 which contains a long message that records that the dead bodies reached Kalupur railway station at 3 to3:30 hrs, were sent to Dhanwantari hospital at Bapu Nagar where a condolence meeting was to be held by Bajrang Dal workers.</p> <p>12) Referenc es: SIT Investigation Record: Pages 8288, 8289, 8291, 8292,8296, 8297 of Annexure IV, File XX of the SIT Papers)</p> <p>13) Protest</p>
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		<p>those who have been treated against at, those Muslims, we will attack without mercy, cut all Muslims". The SIT has not bothered to seize these or to to analyse the evidence.</p> <p>3. 27.2.2002 Message of 27:53 hours from AIO IntKodinar (Mehsana district) to Guj State IB, Gandhinagar that VHP Bajrang Dal, Hindu Dharm Raksha Samiti, Shiv Sena leaders, VHP President GemubhaiHitpar a will meet BHP (RSS) office at 17:00 to 18:00 hrs at Dhruv complex, Una town about Godhra incident</p> <p>4) At dated 27.2.2002 of the SIT</p>	<p>Petition: Paras 506 to 510 Volume IV-V of the SC SLP Precord</p>
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		<p>papers, sent from D.O., Ahmedabad to the Intelligence Office at Virangam (Virangam is in the rural district of Ahmedabad) stated that 50 to 75 members of the VHP and Bajrang Dal had gathered at Virangam town Chali and in the Golwada area and the situation was very tense.</p> <p>5)SIB Message at 27.2.02 10:12 am from Junagadh, Bhavnagar to IG, Guj, State Intelligence, Gandhinagar stating clearly that the Sadhu Samaj president Gopalnandji give agitated speech at Junagadh Kadva chowk, on dt. 27.2.02 at 19:30 to 21:00. The message then goes on to name specific local VHP leaders and says that they expressed their condolences to Karsevaks and then delivered hate speeches and called to unite all Hindus and told the audience to cut the hands and legs</p>	
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		<p>of our enemies. They said in their speech that the incident occurred at Godhra in the morning at 7:30 a.m. but yet no reaction was seen from the Hindus, which was very unfortunate. <i>“Muslims who live in India with sincerity and patriotism, we don’t have any agitation against them. But we have objections against those who live in India and favoured Pakistan and carried out activities against the country. Anti-national activities are being done in the Madrasas. We have objections against it. We do not have any kind of objection against spiritual religious education for the children. Pooja prarthna at the temple and praying at the Masjid is all right but Pakistan Zindabad is not right. Above mentioned ideas were expressed by them.”</i></p> <p>6) SIB Int Gandhinagar receives a</p>	
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		<p>message on 27.02.2002 to the effect that 50 Karsevak came to Modasa centre Taluka Dhansura Village Vadagam, from Ahmedabad in a special train on 27.2.02 time 18:30 hours and as a result of a provocative speech made by them the mob gathered burnt vehicles of Muslims. At Kalol centre Taluka Kadi, Bavlu PS Village Kalyanpur; the shop of YasinbhaiMultan i was burnt by mob.</p> <p>Details of the Message in the Protest Petition: Para 980 of Protest Petition: Fax Message Com/HM/550/02 Dt. 27.2.02 23:59 Out No 398 from ACP, Int. Gandhinagar Region to IG,</p>	
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		<p>Gujarat. State IB, Gandhinagar says that 50 Karsevaks travelling by a special bus from Ahmedabad reached Modasa centre in village Vadagam at Taluka Dhansura at around 18:30 p.m. on 27.2.2002.</p> <p>“They were received by a mob of 500 people and these karsevaks addressed the mob and told the people how the comartment of Sabarmati Express was attacked. People present in the mob got excited and 21:30 hours people from around the village gathered and the mob swelled to a huge size. To maintain order the force was not sufficient and about 10</p>	
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		<p>paan bidi shops were set on fire. Vehicles like the Jeep, Maruti and Ambassador were set on fire. These vehicles and shops seemed to belong to Muslims. One Mr. YasinbhaiMullan's shop at Kalol centre Tal. Kadi and Bavlu PS village Kalyanpur was burnt down by the mob.</p> <p>7) A Fax Message from Junagadh to the IG, Guj State Intelligence, Gandhinagar states that the nephew of a person who had filed a complaint, Salim Habib had been assaulted by Bajrang Dal's worker Kamalbhai by sharp knife on stomach</p>	
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		<p>8) A message of the SIB dated. 28.2.2002 12:25 hrs from the ACP, State IB Vadodara Region to IG, Guj. State IB, Gandhi Nagar states that provocative behaviour was being attempted at Dabhol by VHP workers who had gathered organized Ramdhun .</p> <p>9) 28.2.2002SIB Message from ACP, State IB Vadodara Region to IG, Guj, State IB, Gandhi Nagar saying that 1 Muslim person stabbed with knife on neck and chest and death. Kareli baug police station.</p> <p>10) Dt. 28.2.02 10:23 hrs from ACP, State IB</p>	
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		<p>Vadodara Region to IG, Guj. State IB, Gandhi Nagar of mobilisations by BJP and other leaders at Baroda</p> <p>11) Similar messages on the morning of 28.02.2002, an SIB message, Message No. Com/538/28/2/0 2 says that a funeral procession was allowed to take place at Khedbrahma, a town in Sabarkantha district. The message cited above states that soon after the funeral procession, 2 Muslims on their way to Khedbrahma were stabbed and the situation had become very tense.</p> <p>12) Several of these</p>	
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		<p>messages from State Intelligence Bureau including the one sent from District Police at Narmada to the police station of Raj Pimpla, Sagwada, Kediapada, Tilkwadi, Kewadia provide internal documentation and proof of the aggressive behaviour and mobilisations around the funeral processions by the so called Kar Sevaks from 27.2.2002 itself. The SIT has deliberately not further explored why no adequate steps were taken nor has the SIT tried to recover similar documents of the SIB from all the districts of Gujarat.</p>	
3.	<p>VIOLENT ATTACKS ON MINORITIES FROM AFTERNOON OF 27.2.2002 ITSELF: Baroda (Vadodara), Anand and then as many as 14 attacks in Ahmedabad</p> <p>Not only were no</p>	<p>1) On 27.02.2002 at 15:00 hours a SIB Message from the SIT Records states that one person named Abdul Rashid Kalubhai Mashita was assaulted by some karsevaks at platform No 2 & 3</p>	<p>References:</p> <p>1) Protest Petition at Pages 384-390, Volume IV of SC SLP Record;</p> <p>2) Also in Annexure IV, File IV listed in SIT Index at</p>

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	<p>preventive measures taken and no Curfew declared in Ahmedabad till post 12.45 p.m. on 28.2.2002 despite the attacks on lives and property but widespread Mob Mobilisation was allowed</p>	<p>Baroda station as a result of which he died and another 2 persons were injured. The karsevaks shouting provocative slogans.</p> <p>2. On 27.02.02 at 15:51 hrs another SIB message from ACB, State IB Vadodara Region to IG, Guj, State IB, Gandhi Nagar says that BJP and VHP leaders arrived at Baroda Rly Stn at 1.30 p.m., shouted slogans, destroyed property; One person was killed at 14:10 hours as a result. Forcible closure of shops was attempted . The message was sent in warning to Anand. Thereafter one 60 year old Ibrahimbhai was killed due to assault by Karsevaks caused by head injury. Another person was injured by a sharp knife</p> <p>This message also from the SIB mentions that BJP's Maya Bhartiben Vyas, BJP leader Jitendra</p>	<p>Page 818, Volume XIII of SC Record;</p> <p>3) Also in Annexure III, Volume XIX ie D-161 in SIT Index at Page 791, Volume XIII of SC Record</p> <p>4) Also at Annexure III, File XXXIV, ie D-176 in SIT Index at Page 795, Volume XIII of SC Record</p> <p>5)</p>
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		<p>Sukhadev and many other VHP and Bajrang dal workers were behaving in a provocative manner and another person 60 year old Ibbrahimbhai died after being assaulted by the Kar Sevaks(Paras 449 and 450 at Volume V of the SC Record: Protest Petition). It is evident therefore that by afternoon of 27.2.2002 this part of the conspiracy was put in place, and many of the co accused administrators and policemen had already decided to not take protective measures or preventive measures following the Godhra incident. SIT has completely ignored this evidence and even tried to withhold the investigation papers.</p> <p>3. Mob Attacks on the Muslim Minority in Ahmedabad city from about 2.30 p.m.</p>	
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		<p>onwards on 27.02.2002. There is a tabular record of these from the Police Control Room Records from the SIT Record/Investigation. These attacks are annexed hereto in Tabular format from the SIT record..</p> <p>They include:</p> <ol style="list-style-type: none"> Bapunagar, Ahmedabad, 27.2.2002: Between 14:30 to 15:00 a mob of 200 persons was pelting stones and set fire to a bus & shop. A mob attacked a rickshaw and injured 4 persons near Ratnasagar Cross Road, Meghaninagar, Ahmedabad, at 22:00 on dt. 27/2/02. A mob injured one Muslim with sharp weapons near the 	
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		<p>Express Highway at 21:45 on 27/2/02 and TaushifShaeb Ali Saiyed has died.</p> <p>d. Unknown persons burnt a rickshaw and injured one Muslim with sharp weapons near C.T.M., Ramol, Amraiwadi, Ahmedabad at 21:45 on dt. 27/2/02.</p> <p>e. A mob attacked and injured one Muslim near Mahalaxmi Cross Road, Paldi, at 20:30 on dt. 27/2/02.</p> <p>f. A mob attacked and injured one Muslim near Law Garden at 20:15 on dt. 27/2/02.</p> <p>g. Unknown persons attacked and injured one</p>	
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		<p>Muslim near Kathwada Road, Naroda, at 19.30 on dt. 27/2/02.</p> <p>h. Jafarbai who was injured near Rameshwar Cross Road at 13:10 yesterday died at 18:45 yesterday i.e. on dt. 27/2/02.</p>	
	<p>Standard Operating Procedures in the Gujarat Police Manual and 'Preventive Measures In Case of Threatened Communal Riots' not followed. Excerpts from the Gujarat Police Manual (Chapter II and III) on the Maintenance of Order where at Page 770 there is a Section on 'Preventive Measures In Case of Threatened Communal Riots'</p>	<p>2) Excerpt from the Gujarat Police Manual (Chapters II and III) on the Maintenance of Order where at Page 770 there is a Section on 'Preventive Measures In Case of Threatened Communal Riots'</p> <p>These standard operating procedures are extremely clear-cut and well laid down: to be followed to both anticipate and prevent the escalation of communal violence</p> <p><u>(PAGE NO. 23-73)</u></p>	<p>References: SIT Index of Investigation Papers Page 797, Volume XIII of the SC SLP Record (File - XL D-191 D-195)</p>
	<p>Statements to SIT by then Collector/DM, Godhra, MS Jayanti</p>	<p>1) DM Jayanthi Ravi's Statetement to SIT</p>	<p>References: 1) Index of SIT Investigation Record</p>

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	<p>Ravi & Superintendent of Police, Raju Bhargava</p> <p>SP states that Kar Sevaks with saffron Scarves continue shouting Anti-Muslim Slogans after incident; More VHP Workers gather at spot and even after Curfew is declared at 10 a.m. (an SRP and Railway police reinforcements are deployed) attempts to burn Muslim shops take place at Godhra. Investigation by Railway Police so their responsibility to deal with dead bodies</p>	<p>dtd 15.09.2009 & 26.10.2009 & 03.11.2009 (PAGE NO. 74-76) (PAGE NO. 77-78)</p> <p>2) SP Godhra, Raju Bhargava Statement to SIT dated 26.10.2009 & 03.11.2009 (PAGE NO. 79-81) (PAGE NO. 82-83)</p>	<p>at Pages 764, 764 & 771 of Volume XIII of the SC SLP Record;</p> <p>2) Index of SIT Investigation Record at Pages 764 of Volume XIII of the SC SLP Record</p>
	<p>A-21 Jaideep Patel says in his statement to the SIT on 15.2.2010 that he received information about the burning of the railway coach of Sabarmati express at Godhra over telephone on 27.2.2002 by 7.30 am from the Kar Sevaks who were aboard the Sabarmati express. Immediately after</p>	<p>SIT completely ignores all the above listed evidence. No action is taken against Jaideep Patel and Hasmukh Patel for such exaggerated statements</p> <p>Statement of Jaideep Patel - (PAGE NO. 84-88)</p> <p>Statement of Kaushik J. Mehta - (PAGE NO. 89-91)</p>	<p>References:</p> <p>1) Protest Petition: Paras 209 at Page 798-799 of Volume IV of SC SLP Record</p> <p>2) SIT Investigation Record: Page 767 of Volume XIII of SC SLP Record</p>

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	<p>receiving the information he rushed to the VHP office at Paldi, Ahmedabad. He and other office bearers of the VHP decided that he should go to Godhra and thereafter accompanied by Hasmukh Patel also of the VHP he left for Godhra and reached by 12.40 hrs.</p> <p>A-21 Jaideep Patel and A-19 Kaushik Mehta, also a senior functionary of VHP and Dilip Trivedi, another general secretary of VHP, issues a joint statement dated 27.2.2002 in which they declare that "Hundreds of Ram Sevaks have been attacked in a pre-planned conspiratorial attack in which compartments have been set on fire and women molested."</p>	<p>VHP Press Release from SIT Papers <u>(PAGE NO. 92-93)</u></p>	<p>References: SIT Investigation Papers: at Pages 791 at Annexure III File XVIII-D-160 and Page 793 Annexure III, File XXVI, D-168 of the SIT papers is the Press Release of the VHP. <u>(Sr Nos 189, D-160, ANNEXURE III, File XVIII SIT INVESTIGATION RECORD (FAX MESSAGES FROM REGIONAL OFFICES OF THE STATE IB))</u></p>
	TEHELKA	1. Transcript of	References:

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	<p>TRANSCRIPTS ON MASS MOBILISATIONS FROM 27.2.2002 ONWARDS</p>	<p>Haresh Bhat, National Vice President of Bajrang Dal & President of Gujarat, MLA after Dec 2002 elections</p> <p>2. Rajendra Vyas, VHP Ahmedabad City Vice President (PAGE NO. 94-101)</p> <p>3. Dhimant Bhatt, Accountant with the MS University Vadodara and also a VHP/Bajrang Dal functionary (PAGE NO. 102-105)</p>	<p>Pages 788-789 of Volume XIII of the Supreme Court SLP Volumes (Index of SIT Investigation Record): D-129, File III, Annexure XIII, Reference</p>
5.	<p><u>PHONE CALL RECORDS</u></p> <p>An analysis of the phone call records reveals that various accused were in constant touch with one another and overlap with acts of omission and dereliction of duty and it appears that illegal instructions were disseminated through these telephone conversations. In 2004, then DCP Control Room, ahmedabad and</p>	<p>1. Rahul Sharma, ex IPS statement before the SIT dated 2.7.2009 before the SIT and presented to the Magistrate and HC <u>(PAGE NO. 106-114)</u></p>	<p>References:</p> <p>1. Listed at Page 764, Volume 13 in the SC Record, Annexure I, Volume I, Sr Nos 4 of the SIT papers (Rahul Sharma's statement before SIT dtd 2.7.2009) CD containing tower details of Ahmedabad and Godhra of AT&T And Cell Force Cellular service providers, earlier collected by Shri Rahul Sharma, IPS: Part-I & CD containing tower</p>

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<p>former SP Bhavnagar, Rahul Sharma presented a set of CDs annexed to his affidavit to the Nanavaty Commission and later the Banerjee Committee. This data of Mobile Phone records for the whole city of Ahmedabad and state of Gujarat for the crucial period between February 27, 2002 and March 3, 2002 when mass violence broke out has been analysed to show prima facie contacts between accused, errant officers and bureaucrats: The CDs accessed by then DCP Rahul Sharma were annexed to and submitted with his affidavit before the Nanavaty-Shah Commission in 2004.</p> <p>These CDs were analysed by Jan SangharshMorchha and Citizens for Justice and Peace (CJP) and these analyses were filed before this Hon'ble Court in September 2010 (in SLP 1088/2008) and</p>	<p>a. Phone Call Records between those named in complaint and other offenders and or officials</p> <p>Phone Calls Made from Accused to one Another and to official functionaries not dealt with by Magistrate</p> <p><u>(PAGE NO. 130-139)</u></p>	<p>details of Ahmedabad and Godhra of .AT&T and Cell Force Cellular service providers, earlier collected by Shri Rahul Sharma, IPS: Part-II Listed at Serial Nos 12 & 13, Page 845, Volume XIII of the SC Record at Annexure-IV (List of Documents Collected during Inquiry/ Investigation)</p> <p>3.Protest Petition: Para 926 (36)-927 at Pages 625, Volume V of SC Record contains analysis of Rahul Sharma's CD presented to Nanavati Commission</p> <p>4. Protest Petition: Paras 473-475, Pages 405-406 of Volume IV of SLP have not been dealt with/investigated (Ashok Bhatt with Doctors)</p> <p>5. References</p>
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	<p>also submitted to the SIT with the statement recorded by CJP before the SIT and subsequent correspondence with SIT (27/28.06.2009)</p>	<p>i) For example, accused minister Ashok Bhatt (now deceased calling doctors from outside Godhra city to Godhra on 27/2/2002)</p> <p>ii) MOS Home, accused no 5, Mr. GordhanZadaphiya call records indicate that he was in close touch with Dr. Jaideep Patel (12 calls were exchanged between them on 28.2.2002), two calls with Dr.. Maya Kodnani and 26 calls with Mr. R.J. Sawani, then DCP, Zone V, and 7 calls with Mr. Bipin Panchal. Mr. Bipin Panchal and Dr. Jaideep Patel have been accused and charged for fomenting rioting.</p> <p>iii) Phone call records of Mr. Dinesh Togadia, brother of Accused No. 20 Dr. Praveen Togadia, international</p>	<p>Protest Petition also at No.870-875 at Pages 580-583 of Volume V of Protest Petition and SC Record have illustrative details of the Phone Call Records of then Additional CP that have not been investigated (Shivanand Jha)</p> <p>6. Para 204 of Protest Petition at Pages 295-296 of Volume V of SLP (Praveen Togadia)</p> <p>7. Para 927 OF PROTEST PETITION AT PAGES 626-627 OF VOLUME V OF SLP</p> <p>Reference Note: Detailed Tabular Phone Call records were submitted by the Petitioners in SLP 1088/2008 to the SIT and form part of the Investigation Record:</p>
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		<p>general secretary of the VHP show that of the 48 call records available for that day, he is in touch with DCP, RJ Savani and also with Accused No. 16 Dr. Maya Kodnani,</p> <p>Phone call record show police officers were in constant contact with elected officials and private organisations/individual who have subsequently been convicted.</p> <p>b. Then CP PC Pande's Phone Call Records detailed in the Protest petition and Annexures to it show that of the 309 calls made and received by him on 28.2.2002, he had dialed 39 numbers from his Mobile Phone</p> <p><u>(PAGE NO. 115-127)</u></p> <p><u>(PAGE NO. 128-129)</u></p>	<p>1. At Annexure IV, File V (List of Documents collected during Further Investigation under section 173(8) of the CRPC, Sr Nos 106 (Letter dated 06.04.2011 sent by Smt. Teesta Setalvad forwarding therewith an application for permission to place on record additional documents along with Annexures - A & B containing records analysis, locational analysis and Control Room analysis and editor's guild report, Annexure-C containing 44 graphs of individual phone call records.</p> <p>2. At Annexure IV, File VI (List of Documents</p>
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