

**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

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

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**ISSUES NOT DEALT WITH BY THE MAGISTRATE AND THE GUJARAT HIGH
COURT (CONTD.)**

A. **Evidence from the Sting Operation.** It is submitted that “*Operation Kalank*”, a sting operation carried out by the Magazine “*Tehelka*” amounts to extra judicial confessions and substantiates the conspiracy and abetment to commit violent, targeted crimes.

The Protest Petition dated 15.04.2013

1. In the Protest Petition dated 15.04.2013, portions dealing with the Sting Operation had highlighted detailed illustrations of the conspiracy and abetment in targeted crimes against vulnerable sections evidenced in the extra-judicial confessions of office bearers of the Vishwa Hindu Parishad (VHP), Bajrang Dal (BD) and RashtriyaSwayamsevak Sangh (RSS) that speak of criminal actions in the build-up and prelude to the Godhra tragedy of 27.2.2002, mob mobilisations and targeting of minorities from the early afternoon of 27.2.2002, and hate speech leading to further provocations [*Protest Petition, Paras 245-260, Build-Up as Exposed in the Tehelka Tapes; Pgs314-320, Volume IV of the SC SLP record; Para 31(e), Page 221, Volume III of the SC SLP Record*)]
2. The Original Complaint of SmtZakia Ahsan Jafri was filed on 8.6.2006 that also laid down detailed instances of evidence and information of a Prelude and Build-Up of a widespread conspiracy. A year and four months later came evidence of

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the *Tehelka Sting Operation* telecast by television channel, AAJ TAK on October 25, 2007 and thereafter. The Sting Operation had been carried out by senior journalist, Ashish Khetan for the Tehelka magazine. At this point of time the hearing of the Petitioners' case (Special Criminal Application No 421 of 2007) was still pending in the Gujarat High Court.

3. The Petitioners had filed an urgent affidavit urging that the evidence as revealed in the Sting Operation amounted, *inter alia*, to extra-judicial confessions and should be also considered by the Court. In its final Order passed on November 2, 2007, the Gujarat High Court however dismissed the special criminal application and also the urgent plea made in the affidavit. It was following this that the petitioners moved this Hon'ble Court in SLP (crl) No.1088/2008 that finally, after orders of Inquiry and further Investigation into the wider Conspiracy, passed its Order on September 12, 2011.
4. Meanwhile, one of the persons exposed in the Sting Operation, a senior advocate and also then government pleader, Arvind Pandya filed a First Information Report (FIR) at the Maninagar Police Station (CR No 1-368) against Dhimant Purohit, senior journalist and Bureau Chief of AAJ TAK, a television news channel. AAJ TAK had by way of arrangement with the Tehelka magazine telecast the Sting Operation from October 25, 2007 onwards. The Hon'ble Gujarat High Court, first by way of an Interim Order (6.11.2007) (**PAGE NO. 1**) and thereafter by way of its final order and judgement dated 9.5.2012 (**PAGE NO. 6-23**) quashed the FIR. The Observations made by the Court while doing so are telling.
5. The Court in fact holds that the defence of the senior advocate that he was playing to a script and acting at the behest of the person conducting the Sting Operation are manifestly unbelievable and an attempt to wriggle out of a "sticky situation."

“The upshot of the aforesaid discussion is that the allegations made in the first information report are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for

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proceeding against the petitioner. In fact, the first information report appears to be nothing but a face saving exercise by the first informant to come out of the sticky situation in which he finds himself as a consequence of the interview given by him.”

On May 9, 2012, the Hon’ble High Court while quashing the FIR made the following observation:

“In the opinion of this court, the present case would squarely fall within the ambit of Category(v) thereof which reads thus: *“Where the allegations made in the first information report or complaint are so absurd and inherently improbable, on the basis of which, no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused”*.

10) Apart from the above, the allegations made in the first information report may be examined independently so as to ascertain as to whether on the basis of such allegations, the offence as alleged is made out. It may be recalled that the petitioner has been alleged to have committed the offences punishable under sections 406, 420, 451, 469, 499, 500, 501 and 120(B) of the Indian Penal Code. Insofar as invocation of section 406 IPC is concerned, in the light of the fact that the court finds it difficult to believe that the first informant was told that he would be acting a role as per the written script, the offence punishable under section 406 is clearly not made out. As regards the offence under section 420 IPC, the same makes provision for punishment in case of cheating and dishonestly inducing delivery of property. Insofar as dishonestly inducing the first informant is concerned, on a plain reading to the first information report it is apparent that there is no allegation to the effect that he was induced to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed and which is capable of being converted into a valuable security. Insofar as cheating is concerned, it may be germane to refer to the provisions of section 415 of the Act which defines “cheating” and lays down that whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to

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cause damage or harm to that person in body, mind, reputation or property, is said to "cheat". For the reasons stated hereinabove, in the facts of the present case it is not possible to believe the say of the first informant that he was deceived into giving the interview by the petitioner by holding out that he would have to act a role as per the written script. Under the circumstances, the ingredients of section 415 IPC are clearly not satisfied in the present case and consequently, the provisions of section 420 IPC would not be attracted.

As regards section 451 IPC, the same makes house trespass in order to committing of any offence punishable with imprisonment as prescribed thereunder. "House trespass" has been defined under section 442 IPC and reads thus: "Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place of worship, or as a place for the custody of property, is said to commit "house-trespass". Adverting to the facts of the present case, a perusal of the first information report in its entirety shows that it is not even the case of the first informant that the petitioner had entered his office for the purpose of committing the offence in question. The entire case against the petitioner is on the basis that when the first informant made a phone call to the petitioner, he, as Bureau in-charge had assured him that there would not be any fraud and that the interview would be as per the written script. Under the circumstances, the provisions of section 451 IPC are clearly not attracted. Section 469 IPC appears to have been invoked on the ground that the interview has not been published in the form in which it was given. However, as noticed earlier, on a perusal of the C.D. as well as the transcript, it does not appear as if the interview has been represented in a manner which is contrary to the actual interview given by the first informant. Section 499 IPC relates to the offence of "Defamation" which is a non-cognizable offence. Section 500 provides for punishment for defamation and section 501 provides for punishment for printing and engraving matter known to be defamatory, and is also a non-cognizable offence. In the light of the aforesaid discussion, it is apparent that on the allegations made in the first information report, the provisions of section 406, 420, 451 and 469 IPC are not attracted, whereas insofar as section 499, 500 and 501 are concerned the same are non-cognizable offences. Sub-section (2) of section 155 of the Code bars investigation by a police officer of a non-cognizable case without the order of a Magistrate having power

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to try such case or commit the case for trial. Thus, the first information report in respect of non-cognizable offences alone is not tenable.

11) The upshot of the aforesaid discussion is that the allegations made in the first information report are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the petitioner. In fact, the first information report appears to be nothing but a face-saving exercise by the first informant to come out of the sticky situation in which he finds himself as a consequence of the interview given by him.

12) In the result, the petition succeeds and is, accordingly, allowed. The first information report registered vide Maninagar Police Station I-C.R. No. 368 of 2007, is hereby quashed and set aside. Rule is made absolute accordingly.

6. Meanwhile the Petitioners had moved the SLP 1088/2008 in this Hon'ble Court on 3.3.2008. In a parallel development related to the Sting Operation by the Tehelka Magazine, the National Human Rights Commission (NHRC) passes an Order, *suomotu*, directing the Central Bureau of Investigation (CBI) to authenticate the Tehelka Tapes on 5.3.2008. This Order as also the entire Investigation/Authentication of the Sting Operation was sent by the Joint Registrar (Law), ML Aneja, NHRC to the Chairman, SIT, RK Raghavan vide a letter dated 1.10.2009. The Petitioners crave leave to refer to this original document that runs into 188 pages from the SIT Investigation Papers at the time of hearings in this Hon'ble Court.
7. Thereafter from November 2009 onwards until April 2011 (by which time further Investigation into the original complaint of Zakia Jafri had been ordered by this Hon'ble Court on 15.03.2011) the SIT records the statements of thirteen individuals on whom these extra-judicial confessions have been obtained in the Sting Operation. In all 23 persons have been exposed in the Sting Operation; the SIT records the statements of only 13. A Comprehensive Table with details including the date of the Sting Operation, date of the recording of the SIT

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statement and names and designations of those persons in the Sting Operation has also been annexed here for easy reference. **(PAGE NO. 24-28)**

8. The requisition by the SIT of the NHRC Order directing CBI to authenticate the Tehelka Sting and the CBI's detailed report on the same was followed by a submission of the entire complete authenticated Transcripts of the Tehelka Sting Operation by the Petitioners to the SIT investigating the Zakia Jafri original complaint (8.6.2006) vide a letter dated 24.03.2010. In that communication, the Petitioners also lay down, in detail the various aspects of the Investigation that need to be thoroughly investigated by the SIT, given the evidence, in these extra-judicial confessions, of a wider conspiracy and abetment to widespread targeted crimes**(PAGE NO. 29-617)**. The detailed letter by the Petitioners to the SIT indicating the issues that need to be investigated is testimony to the fact that the investigating agency is being urged since 2010 to investigate the Sting Operation thoroughly. The complete transcripts total 490 pages provided to the SIT by the Petitioners are annexed here. *(Paras 113-125 at Pages 260-264 of the Protest Petition in the SC SLP Record; Para 260, Page 320, Volume IV of the Protest Petition in the SC SLP Record; Paras 925(25) and (34) at Pages 623 and 625 of Volume V of the Protest Petition in the SC SLP Record).*
9. In the detailed Authentication Document of the CBI the CBI Officer authenticates the Sting Operation after Forensic Voice-Tests were performed on those on whom the Sting Operation was conducted. At Para 13 of the said Authentication Report, the CBI Officer says:

“13. On the basis of the above said enquiry, following conclusions can be drawn:

- i. The recordings in the 'Sting Operation' are found to be authentic as per Forensic Science Laboratory Report.
- ii. Most of the concerned persons appearing in the Sting Operation have admitted that they were contacted and that they have talked on the subject of Gujarat Riots, which has been recorded during the sting operations.

14. The original statements and the 'laboratory report are enclosed herewith. The P.E. is being closed.

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15. Special Investigation Team (SIT), formed by Hon'ble Supreme Court to further investigate certain Gujarat riot cases, vide their letter dtd.03.02.2009 and reminder dtd.

28.04.2009 have asked for equipment and recordings collected by the CBI. This is for information of NHRC and comments / instructions, if any.

16. This is for the information of NHRC and necessary action at their end please.against High Court orde.r

10. Meanwhile, the SIT appointed by this Hon'ble Court whose mandate of Investigation was extended to also investigate the wider conspiracy into the violence that racked Gujarat in 2002 records the statement of Ashish Khetan, the reporter who carried out the Sting Operation on 27.08.2009. **(PAGE NO. 618-623)**

11. In a parallel development that further gives authenticity and legitimacy to the Sting Operation, Ashish Khetan deposes as prosecution witness (PW 322) in the NarodaPatiya case on 19.12.2011. The Petitioners crave leave to refer to that deposition should the need arise during the hearing of the Petition. On 29.08.2012, in its judgement convicting 31 persons of the widespread massacre at NarodaPatiya, the Special Sessions Judge made strong observations accepting the Sting Operation as corroborative evidence. On the basis of this validation two persons were convicted in this case. *(Extracts: Chapter II of the judgement at Pages 83-106 of Convenience Volume I)*. It is pertinent to note here that the SIT appointed by this Hon'ble Court who was investigating the Zakia Jafri complaint dated 8.6.2006 was/is also the prosecuting agency in the trials transferred to the SIT for further investigation including the NarodaPatiya and NarodaGaam trial. It is therefore inexplicable, mysterious and clear evidence of the compromised nature of the SIT investigation here that the agency entrusted with a sensitive task by this Hon'ble Court refuses to thoroughly investigate the leads and implications laid out in the conversations/extra-judicial confessions revealed in Tehelka's Sting Operation.

12. Thereafter on 11.2.2013, Ashish Khetan of Tehelka also deposed as prosecution witness (PW 172) in the NarodaGaam case. This is the only trial that has not so

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far reached its conclusion. The Petitioners crave leave to refer to that deposition should the need arise during the hearing of the Petition.

13. At Paras 245 to 260 of the Protest Petition dated 15.04.2013 the contours of the investigation flowing from the extra-judicial confessions are detailed. (*Pages 314-320, Volume IV of the SC SLP record*). This includes

- (i) Suggestions to Investigate the SIB Messages with the names of the same persons who also admit to committing crimes and being part of wider conspiracy (Haresh Bhatt was among those who travelled to Faizabad-Ayodhya in the Prelude and build up of the mobilisation (evidence from SIB messages at Pages 22-29 of Convenience Volume 1); Also see reference to Dilip Trivedi, public prosecutor (*Para 245 at Page 314 of Volume IV of the SC SLP record*)
- (ii) The admissions of Haresh Bhatt, chief of the Bajrang Dal and then VHP district convenor, Dhawal Patel (also in the transcript) point to the stocking of arms and ammunition before 27.2.2002, the Godhra incident. Haresh Bhatt even speaks of trucks bringing in such arms from Punjab, UP and Rajasthan. He also refers to bomb and dynamite and rocket launchers manufacture before 27.2.2002 in Sabarkantha and Ahmedabad.

(PAGE NO. 381 AND 403)

(Para 247 of the Protest Petition at Page 314-315 of the SC SLP Record)

- (iii) Questions that arise out of these confessions point the need for a thorough, impartial and rigorous probe into aspects of the wider conspiracy evident in what many of these persons say from a cynical build-up/prelude of targeted violence, mob mobilisation and targeted killings, subversion of the criminal justice system by ensuring that criminal investigations do not take place or that powerful accused are not named; attempts to compromise the

courts are also discussed as the appointment of lawyers and public prosecutors with affiliations to some of the organisations who have appeared to play a decisive hand in the conspiracy and abetment to the outbreak of targeted crimes post the Godhra tragedy on 27.2.2002.

- (iv) It appears therefore that serious questions related to the stockpiling of arms, bringing in arms, laying down plans for use of these arms in attacks etc have been conspicuously ignored by the SIT. These would be more than any other evidence point to the existence of a wider conspiracy. The said Haresh Bhatt in fact speaks of one Rohitbhai (Treasurer of the VHP) as being a core member of the Planning team. He speaks of fire crackers, country-made revolvers, pipe bomb etc being brought, rocket launchers being used for targeted attacks. The fact that at the scene of the worst massacres, victim survivors have spoken of gas cylinders etc being used to violently attack, a fair and timely investigation would have unearthed evidence. However the SIT turns a blind eye to these crucial leads given in the Sting Operation. **(PAGE NO. 400, 402, 403 AND 438)**
- (v) Among the questions raised are how widespread was the net of conspirators, individual and organisation? When did the said Haresh Bhatt order these consignments from other states? Who manufactured them? For what purpose were they bought etc. All these questions have been raised by the Petitioner in the Protest Petition but unfortunately not investigated by the SIT and overlooked by the learned Magistrate.
- (vi) Dhawal Jayantilal Patel, the then VHP *zillasanyojak* (district convener), Sabarkantha, to *Tehealkasays* in the Sting Operation that he is a registered holder and supplier of dynamite used in quarrying in the district. He also said that he along with

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some others had been trained to make bombs. They made local bombs, used RDX , that were then distributed and used in various areas. The obvious issues for a criminal investigation that have been raised have been ignored. **(PAGE NO. 291, 292, 293, 294)**

These have been detailed at *Para 252, Page 317-318, Volume IV of the SC SLP record)*

(vii) Anil Patel, the VHP's *vibhagpramukh* (departmental chief) in Sabarkantha, spoke to *Tehelka* about bombs destined for Ahmedabad being smuggled in from quarries owned by VHP workers in Sabarkantha. This suggests the existence of a well-organised and structured arms and ammunition network within Gujarat that has been in operation since well before the violence in 2002 and perhaps thereafter. Anil Patel also explains how sections of the Gujarat police, for example, ND Solanki, the then SP, Sabarkantha, were full-fledged supporters of the VHP. He adds that Solanki gave him full support and even enabled the quick release of a "co-minister" **(PAGE NO. 90 AND 92)**.

(Para 253, Page 318, *Volume IV of the SC SLP record)*

14. In conclusion, it is clearly evident that the same investigating agency, the SIT that, in the case of the NarodaPatiya trial relied upon the Tehelka Sting Operation has, by conscious omission, despite the Protest Petition and communications in this regard to them by the Petitioners, willfully desisted at a free and fair investigation. The Judgement in the NarodaPatiya Case is the best answer to this fatal lacunae. The Judge therein holds that:

- (i) Appreciation of DVD and CD (Pages 83-85 of Volume I, *Convenience Compilation in SLP*)
- (ii) In General From Facts and Opinion: Assessing the Extra Judicial Confessions and relating it to the Evidence led in the Trial (*Pages 88-89 of Volume of Volume 1, Convenience Compilation in SLP*)

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- (iii) Exh 2259 Excerpts of the CD/DVD sent to FSL Jaipur by the CBI (under Directions of the NHRC for Scientific Examination) (*Pages 89 of Volume 1, Convenience Compilation in SLP*)
- (iv) “To Satisfy Judicial Conscience...Court viewed the CDs/DVDs and parts related to the three accused...summary in Gist and Substance the Words of the Accused.” (*Pages 90 of Volume 1, Convenience Compilation in SLP*)
- (v) The cassette and DVD are not merely a document but more akin to real evidence: Court (*Pages 93-95 relevant part ie Court’s Opinion at Page 95 of Volume 1, Convenience Compilation in SLP*)
- (vi) Proving of the FSL Report, Exh, Mudammal in this case after CBI had done it on Orders of the NHRC
PW-314, Exh 2213-2216 (then Director All India Radio/Akashwani who received a request of SIT to conduct voice samples of all three accused (A-18, A-21 and A-22), PW-320, PW-322; CBI receives request from NHRC, sends to FSL etc) All this was done (*Pages 96-98 of Volume 1, Convenience Compilation in SLP*)
- (vii) Judge’s Findings on Cross Examination of PW-322 Ashish Khetan, who carried out the Sting Operation
Pages 69 (last para on page), d-6 on Page 101, d-8, d-9, d-10 of (Page 101 of Volume 1, Convenience Compilation in SLP)
- (viii) PW 323 Witness Scientist from FSL Jaipur Evidence examined by Judge, Page 105(para 21)of *Convenience Volume I*
- (ix) Final Finding on Sting Operation in the NarodaPatiya Judgement dtd 29.08.2012:

15. The extra-Judicial Confession by all three accused have been held to be “truthful, voluntary and genuine confessions which is held to be admissible and relevant, free from any doubt and safe to be acted upon

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Pages 106, (para 22) of Volume 1, Convenience Compilation in SLP, paras corroborating the sting operation as corroborative value)

16.A Consolidated Document of all the 13 Statements of Persons in the Sting Operation recorded by the SIT during its Inquiry/Investigations.**(PAGE NO. 624-689)**

17.The SIT Inquiry report filed before this Hon'ble Court on 12.5.2010 is strangely elusive on the legal validity of the Tehelka Sting Operation, almost pre-judging the issue and being dismissive.

Allegations carried by Tehelka magazine: The Report mentions that Haresh Bhatt tells SIT that: "He has stated that the talks about a CBI inquiry, the fact that he owned a gun factory where diesel bombs and pipe bombs were made and distributed to Hindus,the fact about two truck load of swords ordered from Punjab and subsequently distributed amongst Hindus making of a rocket launcher in his gun factory by filling them with gun powder and lighting a 595 locally made bomb to blast were absolutely false and baseless"

The SIT Inquiry Report concludes:

"However, the question arises as to what would be the evidentiary value of the evidence of those persons, who do not figure either as a witness or accused in any of the cases. In my view such evidence cannot be put to any use, because the same is factually incorrect. In the light of aforesaid discussions no reliance can be placed upon the so-called extra judicial confessions recorded by Shri Ashish Khetan,Tehelka Correspondent."

(Pg 289-290, Volume XI (11) of the SC SLP record)

18.The SIT Closure Report dated 8.2.2012 is similarly dismissive about these grave facts and evidence. *(Page 1451 of Volume VIII of the SC SLP Record)*. Going even further than the Inquiry Report, the officer simply accepts the version on the extra-judicial confessions mentioned by Haresh Bhatt and BabuBajrangi. The serious issues of manufacture of arms and bombs, bringing these in from neighbouring states, other aspects of a wider conspiracy as can be eluciated from a close reading of the Transcripts are completely sidelined and ignored by the SIT.

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19. In conclusion, while the Petitioner in her Complaint dtd 8.6.2006 has shown documents and nuggets of information from affidavits filed before the Nanavaty-Shah Commission (by then serving officers of the state government) that clearly call for a through Inquiry and Investigation into the conscious and willful build-up of communal and targeted mobilization (from State Intelligence Bureau reports etc) and violence before 27.2.2002, the Tehelka Sting Operation gives more teeth and evidence of such a build-up. Hate speech and mob mobilisations by organisations like the VHP, Bajrang Dal and RSS are also indicated earlier. In the Sting Operation office bearers and functionaries of these organisations are stating and admitting to this. Yet the SIT disregards this evidence. In the sting operation are also senior officers of the court, advocates and public prosecutors whose names are not only mentioned in the SIB messages in the build-up and communal mobilization but are also reportedly involved in the intimidation and browbeating of a senior serving officer (then Additional DGP, RB Sreekumar before his deposition to the Nanavaty-Shah Commission). The Gujarat High Court quashes a spurious FIR lodged by a senior advocate against a channel that telecast this Sting Operation. Yet, the SIT appears clear in its intent to not investigate the Sting thoroughly and worse, discredit official and independent witnesses like RB Sreekumar. The contradiction in the behavior of the SIT could not be more glaring inasmuch as while in the NarodaPatiya and Gaam cases, Ashish Khetan, the reporter of the Tehelka Sting is called in by the SIT as a prosecution witness, when it comes to investigating into the wider conspiracy into what happened all over the state of Gujarat, the same SIT chooses to disbelieve Khetan and the Sting Operation.

18. Legal Issues:

(Pages 84-85 of Volume 1, Convenience Compilation in SLP)

- (I) Section 17 of The Indian Evidence Act provides that an admission means a statement may be contents in electronic form, which suggests and inference as to any fact in issue or relevant fact.
- (II) Section 22A of the Indian Evidence Act helps the PW as it is provided that when oral admissions as to contents of electronic record are relevant, oral admission in electronic contents are relevant if the

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genuineness of the electronic record is produced. Here by a certificate of F.S.L., genuineness has been proved.

(III) Effects of the Extra Judicial Confessions on the three Accused

'Section 30 of the Evidence Act needs to be held in operation in this case as its ingredients stand satisfied in the facts of the case. The base of section 30 is when an accused makes a confession implicating himself that may suggest that the maker of the confession is speaking the truth. It is not likely that the matter of the confessional statement would implicate himself untruly. This is not a weak type of evidence against the maker himself. A-18, A-21, A-22 are themselves makers of the confession. Hence, the Court needs to consider the said confession.'

Pages 73 (para e, e-1, e-3,) Page 103 (f-1, f-2) of Volume 1, Convenience Compilation in SLP

20. Citations relied upon in NarodaPatiya Judgement

1. (2011) 11 SCC 754 - *Sk. Yusuf v. State of West Bengal*
2. (2011) 5 SCC 258 - *Kulvinder Singh v. State of Haryana*
3. (1985) 1 SCC 505 - *State of U.P. Vs. M.K. Anthony*

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EVIDENCE IN DOCUMENTS

1	Interim Order of the Gujarat HC staying the Investigation of an FIR lodged by one of the persons in the Sting Operation (Arvind Pandya) 6.11.2007	Order of the Gujarat High Court (interim) dtd 6.11.2007 on a special criminal application filed by Bureau in Chief, AAJ TAK News Channel, Dhimant Purohit praying for the quashing of an FIR against him by senior advocate Arvind Pandya, govt pleader in the Nanavaty Shah Commission. <u>(PAGE NO. 1)</u>	
2	Final Judgement of the Gujarat High Court (interim) dtd 9.5,2012	Final Judgement of the Gujarat High Court (interim) dtd 9.5,2012 that Quashes the FIR and passes a speaking order on the complainant Arvind Pandya <u>(PAGE NO. 6-23)</u>	
3	Table Listing the Details of the Sting Operation in the SIT Records	List of 23 persons on whom the Sting Operation was Table with Names, Designations, Dates of Sting and 13 of them for whom SIT recorded Statements with Dates Designations etc are given <u>(PAGE NO. 24-28)</u>	Reference: From D-129, D-129, Petitioners letter with Complete Transcripts from Annexure III, File XIII of the SIT Record which is listed at 788-789 of

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			Volume XIII of the SC SLP Record.
4	<p>Tehelka's Sting Operation, Operation Kalank that was telecast on AajTak from October 25, 2007</p> <p>Complete Tehelka Transcript from the SIT Records</p>	<p><u>PAGE NO. 29-617)</u></p> <p>Contains:</p> <p>1.Letter by Petitioner Teesta Setalvad, CJP to SIT IO Shri A.K. Malhotra Dtd 24.03.2010</p> <p>2. These include VHP and Bajrang Dal Functionaries and Lawyers (Govt Pleaders and PPs of the State Govt. The contents of the Transcripts point to various ingredients and elements of Conspiracy:</p> <p>li) SIB Messages with the names of the same persons who also admit to committing crimes and being part of wider conspiracy (Haresh Bhatt was among those who travelled to Faizabad-Ayodhya in the Prelude ad build up of the mobilisation(evidence from SIB messages at <u>Pages 22-29 of Convenience Volume 1</u></p> <p>Reference to Dilip Trivedi, public prosecutor;</p>	<p>Reference:</p> <p>1.Protest Petition: (i) Paras 113-125 at Pages 260-264 of the Protest Petition in the SC SLP Record; Para 260, Page 320, Volume IV of the Protest Petition in the SC SLP Record; (ii)Paras 925(25) and (34) at Pages 623 and 625 of Volume V of the Protest Petition in the SC SLP Record</p>

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		<p>(iii) Paras 245-260, Build-Up as Exposed in the Tehelka Tapes; Pgs314-320, Volume IV of the SC SLP record;</p> <p>(iv) Para 31(e), Page 221, Volume III of the SC SLP Record)</p> <p>1.SIT Investigation Papers: D-129, Petitioners letter with Complete Transcripts from Annexure III, File XIII of the SIT Record which is listed at 788-789 of Volume XIII of the SC SLP Record. The</p>
	<p>(ii) Stockpiling of Arms, pre-planning in use of these arms: The admissions of Haresh Bhatt, chief of the Bajrang Dal and then VHP district convenor, Dhawal Patel (also in the transcript) point to the stockpiling of arms and ammunition before 27.2.2002, trucks bringing them from states like Punjab, UP and Rajasthan He also speaks of</p>	

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		<p>bomb and dynamite and rocket launchers manufacture before 27.2.2002 in Sabarkantha and Ahmedabad.</p> <p><u>(PAGE NO. 381 AND 403)</u></p> <p><u>(PAGE NO. 400, 402, 403, 438)</u></p> <p>(iii) Questions that arise out of these confessions point the need for a thorough, impartial and rigorous probe into aspects of the wider conspiracy evident in what many of these persons say from a cynical build-up/prelude of targeted violence, mob mobilisation and targeted killings, subversion of the criminal justice system by ensuring that criminal investigations do not take place or that powerful accused are not named; attempts to compromise the courts are also discussed as the appointment of lawyers and public prosecutors with affiliations to some of the organisations who have appeared to play a decisive hand in the conspiracy and abetment to the outbreak of targeted crimes post the Godhra tragedy on 27.2.2002.</p> <p>(v) Wide net of conspirators, individual and organization.</p>	<p>entire Transcript is also here</p> <p><i>(Para 247 of the Protest Petition at Page 314-315 of the SC SLP Record)</i></p>
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		<p>(vi) DhawalJayantilal Patel, the then VHP <i>zillasanyojak</i> (district convener), Sabarkantha, to <i>Tehelka</i>: Patel says in the Sting Operation that he is a registered holder and supplier of dynamite used in quarrying in the district. He also said that he along with some others had been trained to make bombs. They made local bombs, used RDX also, that were then distributed and used in various areas. The obvious issues for a criminal investigation that have been raised have been ignored.</p> <p><u>(PAGE NO. 291, 292, 293 AND 294)</u></p> <p>(vii)Anil Patel, the VHP's <i>vibhagpramukh</i> (departmental chief) in Sabarkantha, spoke to <i>Tehelka</i> about bombs destined for Ahmedabad being smuggled in from quarries owned by VHP workers in Sabarkantha. This suggests the existence of a well-organised and structured arms and ammunition network within Gujarat that has been in operation since well before the violence in 2002 and perhaps thereafter._Anil Patel also</p>	<p>These have been detailed at <i>Para 252, Page 317-318, Volume IV of the SC SLP record)</i></p> <p>Para 253, Page 318, <i>Volume IV of the SC SLP record)</i></p>
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		<p>explains how sections of the Gujarat police, for example, ND Solanki, the then SP, Sabarkantha, were full-fledged supporters of the VHP. He adds that Solanki gave him full support and even enabled the quick release of a “co-minister”,</p> <p><u>(PAGE NO. 90 AND 92)</u></p>	
5	<p>Ashish Khetan statement dated 27.08.2009 before SIT</p>	<p><u>(PAGE NO. 618-623)</u></p>	
6	<p>A Consolidated Document of all the 13 Statements of Persons in the Sting Operation recorded by the SIT during its Inquiry/Investigations post 2009</p>	<p>The Table at Sr Nos 3 above lists the persons (13 out of 23) whose statements the SIT records at different points of time from 2009 onwards</p> <p><u>(PAGE NO. 624-689)</u></p>	<p>Reference from SIT Records:</p> <p>(i) Arvind Pandya, Anil Patel, Bharat Bhatt, Deepak Shah, Dhawal Patel, Dhimant Bhatt, Diliptrivedi, Prahlad Raju. Madan Chaaval, Maangilal Jain, KakulPathal,</p>

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			Murali Mulchandani, Prakash Rathod, Suresh Ruchard, Rajendra Vyas Ramesh Dave all at Annexure III File XIII D-129 Annexure III File XIII of the SIT Records
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