

IN THE CITY SESSIONS COURT NO.1 AT AHMEDABAD
SESSIONS CASE NO. 38 OF 2009.

Complainant :

1. THE STATE OF GUJARAT

VERSUS

Accused :

1. JAHID KUTBUDDIN SHAIKH
C/O. POPATLAL, SANDHI AVENUE,
OPP. VISHALA HOTEL,
JUHAPURA,
AHMEDABAD.

AND OTHERS.

ORDER BELOW APPLICATION EXH.1930.

1. Learned Special Public Prosecutor has given this application under Section 220 of the Criminal Procedure Code 1973, stating that this Court is designated for the trial of serial bomb blast cases which occurred at Ahmedabad and for another 15 cases regarding plantation of the bombs at Surat, are also directed to be tried by this Court. Present application is given to club Sessions Case Nos.390/2011, 391/2011, 392/2011, 398/2011, 113/2013 to 126/2013, 393/2012 to 407/2012, 6/2013, 272/2014, 273/2014 and

274/2014 to 290/2014, in total 53 Sessions cases with main Sessions Case No.38/2009.

2. It is further stated that in the year of 2008, there were different bomb blasts in different areas of Ahmedabad city and 20 different offences were registered in different police stations. All these charge-sheets and supplementary charge-sheets were ordered to be clubbed together as per the order passed below Exh.6 on 13.11.2009. Subsequently the cases regarding bomb blasts that occurred in Ahmedabad city i.e. 20 main charge-sheets were also clubbed together in the main charge-sheet filed with the Shahibaug police station in Sessions Case No.38/2009. It is further stated that total 15 cases are registered for plantation of bombs at Surat and all these 15 cases are clubbed in Sessions Case No.418/2009 and subsequently the cases for offence of planting of bombs are also consolidated/clubbed together with main Sessions case No.38/2009 (Offence registered with Shahibaug police station). Subsequently different accused were arrested and different charge-sheets were filed. Some of them were committed to the Court of Sessions and as and when these charge-sheets are committed to the Court of Sessions, they are consolidated/clubbed together with main Sessions Case No.38/2009. However, the situation arise that some of the supplementary charge-sheets were not committed

to the Court of Sessions or in some cases the charge-sheets were not preferred against arrested accused, a delay was occurring for the trial of main charge-sheet i.e. Sessions Case No.38/2009, and therefore, as per the order passed below Exh.341 dated 06.02.2012, 74 Sessions Cases were consolidated in main Sessions Case No.38/2009 and accordingly the order was passed below Exh.436 dated 02.07.2012 and 74 Sessions Cases were bifurcated from main Sessions Case No.38/2009. It further reveals that subsequently accused Mohammad Yunus @ Yunus Mohammad Maniar and Mohammad Safiq Ansari @ Rafiq Ansari Siddik, as per the order passed below Exh.671 dated 20.12.2012, in all 35 Sessions Cases were ordered to be clubbed together with Sessions Case No.38/2009. It is further stated that thereafter accused Hasib Raza @ Samimbhai Firdosh Saiyad and Mohammad Habib @ Habib Falahi @ Taiyab, son of Aiyub Jais Shaikh, were arrested and their cases were also ordered to be clubbed together with main Sessions Case No.38/2009.

3. It further reveals that as per the order passed below Exh.904 dated 30.05.2013, cases of accused Amin @ Raja, son of Aiyub Nazir Shaikh of Sessions Case Nos.26/2012 to 45/2012 and accused Mohammad Mobin @ Mubin @ Irfan, son of Abdul Safurkhan of Sessions Case Nos.85/2013 to 99/2013, were also ordered to be

consolidated with main charge-sheet i.e. of Sessions Case No.38/2009. As per paragraph no.8 of this application, other 35 cases i.e. Sessions Case Nos.322/2013 to 356/2013 pertaining to accused Mohammad Sahid @ Abdul Sahid @ Usman, son of Abdul Hamid Nagori were committed to the Court of Sessions and the same were also clubbed/consolidated together with main Sessions Case No.38/2009 as per the order passed below Exh.1129 dated 18.09.2013. It is further prayed that subsequently other 35 cases i.e. 20 cases registered with different police stations of Ahmedabad City and 15 cases of different police stations of Surat city are committed, wherein accused Abdul Sattar P. @ Mansur, son of Abdul Razak Sunni Muslim, were committed to the Court of Sessions. This accused was detained in the judicial custody of Arnakulam Sessions Court, therefore a transfer warrant was issued and said accused is brought in the judicial custody of this Court, and thereafter it is prayed that the Sessions Case pertaining to this accused namely Abdul Sattar @ Mansur, son of Abdul Razak Sunni Muslim, be consolidated/clubbed together with charge-sheet of main Sessions Case No.38/2009 and Sessions Cases of this accused i.e. Sessions Case Nos.22/2014 to 36/2014 and 38/2014 to 57/2014 were also prayed to be clubbed together with main case and have also been consolidated/clubbed together with charge-sheet

of main Sessions Case No.38/2009 vide order passed on dated 26.06.2014.

4. Vide application Exh.1930, it has been stated that Sessions Case Nos.390/2011, 391/2011, 392/2011, 398/2011, 113/2013 to 126/2013 (18 cases) have been committed against accused Afaq Iqbal @ Iqval @ Danish @ Safi, son of Narulla Hoda Saiyad and Sessions Case Nos.393/2012 to 407/2012, 6/2013, 272/2014, 273/2014 (18 cases) have been committed against accused Mohammad Abrar @ Munna @ Ismail @ Abdulla @ Ibrahim, son of Babukhan Maniar and Sessions Case Nos. 274/2014 to 290/2014 (17 cases) have been committed against above both accused, and thus in total 53 Sessions cases have been committed and prayed to be consolidated/clubbed together with charge-sheet of main Sessions Case No.38/2009.

5. Accused Afaq Iqbal @ Iqval @ Danish @ Safi, son of Narulla Hoda Saiyad and Mohammad Abrar @ Munna @ Ismail @ Abdulla @ Ibrahim, son of Babukhan Maniar are represented by an advocate. This application is in Gujarati language. Therefore, contents of this application have been explained to both the accused in their language by their advocate and thereafter accused have endorsed that they have no objection for clubbing their Sessions Cases with main Sessions Case No.38/2009 registered

with Shahibaug Police Station.

6. Hence in this circumstances, this Court is of the opinion that no serious prejudice is likely to be caused to present accused, if their Sessions cases be clubbed together in main Sessions Case No.38/2009.

7. Therefore, following order is passed:

ORDER

1. Sessions Case Nos.390/2011, 391/2011, 392/2011, 398/2011, 113/2013 to 126/2013, 393/2012 to 407/2012, 6/2013, 272/2014, 273/2014 and 274/2014 to 290/2014, (total 53 Sessions Cases) be clubbed together with main Sessions Case No.38/2009 registered with Shahibaug Police Station, Ahmedabad city.

Pronounced in the open Court on 11th day of September, 2014.

[K.K.BHATT]
Special Judge,
Ahmedabad.
(Unique Code:GJ00046)

pina