

**IN THE COURT OF SPECIAL DESIGNATED JUDGE FOR
CONDUCTING THE SPEEDY TRIAL OF SERIAL BOMB BLAST
CASES, AT AHMEDABAD.**

SESSIONS CASE NO.38 OF 2009 AND OTHERS.

**ORDER BELOW EXH.:2498
(Application of Accused No.72)**

1. The present application has been preferred by the Jail authority through the learned Special P.P., seeking relief inter-alia to the effect that the **Accused No.72** being **Mohmmad Abrar @ Munna @ Ismail @ Abdullah @ Yaasir @ Haider @ Kurkan Babukhan Maniar**, who is in judicial custody in connection with the offence registered at Shahibaug Police Station being Ist C.R. No. 236/08, and which has culminated into Sessions Case No. 38 of 2009 as also other related matters which are tried as a group be permitted to be produced for another judicial proceedings before the **District & Sessions Court, Aurangabad, Maharashtra** on **20.03.2015**.
2. It is clear that the accused referred to above who is in judicial custody are also covered by a notification whereby the provisions contained in Section 268 of the Criminal Procedure Code is made applicable to such accused.

3. The present application seeks relief inter-alia to the effect that the above referred accused is required to be produced before the **District & Sessions Court, Aurangabad, Maharashtra** and therefore, temporary revocation of the provisions contained in Section 268 of the Criminal Procedure Code is sought and appropriate orders are also sought from this Court.
4. It is required to be noted that no usual production Warrant has been forwarded with the present application by the Jail Authorities, requisitioning the production of the above referred accused before the **District & Sessions Court, Aurangabad, Maharashtra** on 20.03.2015. As well as it is to be noted here in the case that the *same mistake is again repeated by accused no.72 by not producing production warrant, wherein in his earlier application vide Exh.:2317 for revocation in the same District & Sessions Court, Aurangabad, Maharashtra on 26.02.2015 he had not produced production warrant* and in such cases, the production Warrant from the other Court where the accused are sought to be produced in connection with other proceedings, is mandatorily required to be produced by the Jail Authorities before this Court, so as to enable this Court to pass appropriate orders.

5. In my opinion, there is no material placed for the consideration of this Court which makes it imperative and mandatory for the accused to be kept present in such fashion before the other Court concerned, and therefore, I pass the following order:-

O R D E R

- This application is rejected and is accordingly disposed of. However, it is also made clear that henceforth the Jail Authorities shall not apply for such reliefs or prefer similar applications without production Warrant relating to the concerned accused to be produced before any other Court in connection with other proceedings.
- It is made clear that the applications without such production Warrant tendered to the Court would not be entertained and the Jail authorities are further directed not to seek orders for revocation of the provisions of Section 268 from this Court on the basis of such inappropriate or incomplete applications.
- With these observations, the application is accordingly ordered to stand disposed of.

➤ Yaadi to the IG (Prisons), Jail Superintendent, Home Department and Special P.P.

Pronounced in the open court today
on this **18th** day of **March, 2015.**

Date: 18-03-2015 (PANKAJKUMAR CHANDRAKANT RAVAL)
DESIGNATED JUDGE
SPECIAL COURT FOR CONDUCTING SPEEDY
TRIAL OF SERIAL BOMB-BLAST CASES,
AHMEDABAD, GUJARAT.
(CODE NO.: GJ00402)

bkpatel