

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

Sessions Case No.38 of 2009 and others

Order below Exh.706.

Heard learned Special P.P. in the company of learned Assistant P.P. for the State and learned advocate for the concerned accused.

1. The present application has been moved by the Jail Authority which is intimating this Court that the accused **Kayamuddin @ Musa Saifuddin Kapadiya (A-37)** is required for another judicial proceedings before **the Court of Judicial Magistrate First Class at Ujjain (Madhya Pradesh)** on **23/01/2013**.

2. As is clear on record that in view of the statement made by the State in Writ Petition No.14/10 before Hon'ble the Supreme Court of India, the State needs to consider the issue of revocation qua the another judicial proceedings.

3. Considering the facts that to produce the accused, consideration of revocation of the order under Section 268 of the Cr.P.C. passed by the State is necessary, hence necessary direction needs to be given to the Home Department.

4. In view of the foregoing discussion, following final order is passed :

ORDER

- (a) The Secretary, Home Department, State of Gujarat to consider the issue of revocation before **23/01/2013** so as to see to it that the Jail Authority, Central Jail, Sabarmati, Ahmedabad can produce the accused for another judicial proceedings before **the Court of Judicial Magistrate First Class at Ujjain (Madhya Pradesh)** on **23/01/2013**.

The State is directed to act in strict compliance of the statement made before Hon'ble the Apex Court in Writ Petition (CRL) No.14/10 in the matter of Zia-Ur-Rehman & Others v. U.O.I & Others on 06/07/2011.

- (b) The Jail Authority, Central Jail, Sabarmati, Ahmedabad is hereby directed that upon revocation, the accused **Kayamuddin @ Musa Saifuddin Kapadiya (A-37)** shall be produced for another judicial proceedings before **the Court of Judicial Magistrate First Class at Ujjain (Madhya Pradesh)** in compliance of the warrant annexed with the application of the Central Jail Authority.

The Central Jail Authority is hereby directed to produce the accused along with necessary security and armed escorts. The Jail Authority shall decide the number of armed escort and security personnel considering the totality of the circumstances. The said security personnel and the armed escort shall bring back the accused to Central Jail, Sabarmati, Ahmedabad so as to see to it that the trial of Serial Bomb Blast Case before this Court shall

not be delayed for permitting the production of the accused for another judicial proceedings.

- (c) The Central Jail Authority, Sabarmati, Ahmedabad is hereby further directed to immediately send the copy of the warrant to the Home Department while sending the warrant to this Court in future so as to see to it that the Home Department also can initiate the necessary formalities to act in compliance of the undertaking given before the Hon'ble Apex Court as mentioned above.

The Jail Authority is also further directed to prepare a list of the Jails where connectivity for Video Conferencing Facility is provided and send the said list to this Court. It is further directed that here onwards while sending the warrant to this Court, the Jail Authority shall endorse in its forwarding letter whether the Court of the city or even Jail where the accused is required for another judicial proceedings have the Video Conferencing Facility or not.

- (d) The accused **Kayamuddin @ Musa Saifuddin Kapadiya (A-37)** shall not give any interview to individual, press, media or any person on the subject of the proceedings before this Court and shall not misuse the permission granted to them to be produced for another judicial proceedings, in any manner.
- (e) The Registry shall send the Yadi to Secretary, Home Department and Jail Authority by FAX today itself, at the earliest and then after shall send this Yadi in accordance with usual procedure so as to see to it that the Yadi is

served at the earliest to the concerned Authorities.

- (f) The Registry shall also give the Bida of Yadi to the learned Advocate for the accused, if he/she so demands, for direct service as a special case.

With the above directions, the intimation sent by the Central Jail Authority hereby stands recorded.

Pronounced in the open Court today on this 17th day of January, 2013.

**(Dr. Smt. Jyotsna Yagnik)
Designated Judge,
Special Court for Speedy Trial
of Serial Bomb Blast Cases,
Ahmedabad, Gujarat.**