

**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.1670 :

1. This present application has been moved by the Jail Authority, Central Jail, Ahmedabad, asking permission to produce accused of this case namely **(1) Mohammed Shafiq @ Dadabhai @ Taufiq @ Rafiq @ Ali Abdulbari Ansari (A-66), (2) Kamruddin @ Abdulla @ Raja Chand Mohammed Nagori (A-9) and (3) Safdar Hussain Jahrul Hussain Nagori (A-12)** at the **Court of Judicial Magistrate First Class, Ujjain, Madhya Pradesh** in **Criminal Case Nos. (1) 436/2000, (2) 588/1997, (3) 5702/2006, (4) 744/2007, (5) 93/2006** on **15/04/2014**.

2. It is clear on record that in view of the statement made by the State Government (State of Gujarat) 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. It is stated by the Jail Authority that so far all the accused of present Sessions Case No. 38 of 2009 and other allied matters are concerned, the State Government has invoked the provisions of Section 268(1) of Cr.P.C. that they should not be removed from the Central Jail, Ahmedabad.

However, looking to the statement made by the State Government in above mentioned Writ Petition, the other judicial proceedings cannot be delayed.

4. In these circumstances, it is required to produce above mentioned accused before the concerned court and revocation of the order passed under section 268(1) of Cr.P.C. by the State Government is necessary. This Court is to be informed that there is no Video Conferencing facility available between Jail at Ujjain and the Central Jail at Sabarmati, Ahmedabad, and therefore, physical production of above accused are necessary so that the proceedings in the **Court of learned J.M.F.C., Ujjain, Madhya Pradesh** may not be delayed/prolonged. Hence, this Court is of the opinion that all the above named accused may be sent to **the Court of learned J.M.F.C., Ujjain, Madhya Pradesh** as their respective warrants are being sent by the concerned Court. Hence, following order is passed :-

ORDER

- (a) The Secretary, Home Department, State of Gujarat to consider the issue of revocation of provision 268(1) of Cr.P.C. in order to produce above named all the accused before the concerned Court from Central Jail, Ahmedabad. At least revocation for limited purpose can also be granted as these accused are required to produce before the **Court of learned J.M.F.C., Ujjain, Madhya Pradesh** on **15.04.2014**.

- (b) The Jail Authority, Central Jail, Sarbarmati, Ahmedabad is also hereby directed that upon such revocation, the above named accused shall be produced for the judicial proceedings before the **Court of learned Judicial Magistrate First Class, Ujjain, Madhya Pradesh** on **15.04.2014**, as in compliance with the warrant annexed with this application, it is needless to say that necessary security and armed escort be provided for these accused. It is for the State Government and the Jail Authority to decide the number of such escorts. After the production of above accused before **the Court of learned Judicial Magistrate First Class, Ujjain, Madhya Pradesh** all the above mentioned accused be brought back to Central Jail, Sabarmati, Ahmedabad so as to see that the trial of the Serial Bomb Blasts Cases before this Court may not be delayed on account of permitting the production of these accused before another Court for another judicial proceedings. The Jail Authority, Ahmedabad is directed to send the copy of the warrant along with this Order to the Home Department, so that necessary formalities can be completed. The Jail Authority, Central Jail is further directed to prepare a list of jails where connectivity for Video Conferencing facility is available between the Central Jail, Ahmedabad and other jails as a precautionary measure so that in future, proceedings in different Courts may not be delayed.
- (c) The above named accused 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.

- (d) The Registry shall send the Yadi to the 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.
- (e) 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 **07th day of April, 2014.**

Date :- 07.04.2014.

**(K.K.Bhatt)
Designated Judge,
Special Court for conducting
Speedy Trial of Serial Bomb-Blast
Cases, Ahmedabad, Gujarat.
Unique ID Code No. GJ00046**