

**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.

- Shri A.N. ALVI : L.A. for Accused No.19
- Shri M.M. SHAIKH : L.A. for Accused No.57
- Shri H.M. DHURVA : L.Sp.PP for the State

ORDER BELOW EXH.:2173

1. Read the application Exh.:2173 and perused records and proceedings of Sessions Case No.38/2009. Heard.
2. The accused no.19 and 57 have moved this application for transfer of their custody to Hubli, Karnataka for their Session case hearing.
3. Today at the stage of hearing, the Court has heard both the said accused with their learned Advocates through video conference. The Court has also heard the learned Special P.P., Shri H.M. Dhruva for the State.
4. Both the said accused with their learned Advocates have submitted the facts of the application para.2 before the Court and prayed to allow the application as prayed for. No further submission is made out.

5. Per-contra learned Special PP Shri H.M. Dhruva submitted before the Court that present application is not maintainable, without cogent and legal material on record and in these circumstances the application is vague and baseless and deserves to be dismissed with costs. Finally learned Special PP Shri H.M. Dhruva prayed to dismiss the application, accordingly.
6. Considering the submission of both the said accused with their learned Advocates and the submission of learned Special PP Shri H.M. Dhruva, the Court is of the opinion that it is true that here in the application, the said accused have not submitted any Sessions Case number of Hon'ble Hubli Court, Karnataka. But at the same time the accused have submitted that the case against them is at the final stage before the Hon'ble Hubli Court, Karnataka and they want to go there and hence application for transfer of custody at Hubli, Karnataka. But here in the present application, the Court does not see any valuable legal material on the record that there is a sessions case against the said accused before the Hon'ble Hubli Court. So, without that and without any legal transfer warrant, the present court is unable to accept any of the submission from the said accused with the facts of the application. If there is

any legal letter of the Hon'ble Hubli Court for the transfer of custody of the said accused, then the Court has to think over that. Without that, this Court is unable to revoke the temporary revocation of Section 268 of Cr.P.C., and transfer the custody of the said accused to Hubli. So considering all the legal aspects with the submission of said accused and on perusal of the progress of the present case with the charges and the seriousness of the trial, the following order is passed:

O R D E R

- The present application Exh.:2173 of accused no.19 and 57 is hereby disposed of with a direction that accused shall instruct their learned Advocates to move legal procedure for the same, accordingly.
- No order as to costs.
- Yaadi be sent to Jailor, Ahmedabad.

Pronounced in the open court today
on this **11th** day of **February, 2015**.

Date: 11-02-2015 (PANKAJKUMAR CHANDRAKANT RAVAL)
DESIGNATED JUDGE
SPECIAL COURT FOR CONDUCTING SPEEDY
TRIAL OF SERIAL BOMB-BLAST CASES,
AHMEDABAD, GUJARAT.
(CODE NO.: GJ00402)