

**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. 436.

1. Heard both the sides.
2. The accused No.68 has been heard through Video Linkage, who orally states that he has given oral instructions to learned Advocate Shri I.M. Munshi to appear for and on his behalf. Learned Advocate Mr. I.M. Munshi thus appears for accused Nos.65, 66 & 68. Learned Advocate Mr. J.M. Pathan appears for accused No.67.
3. In the facts and circumstance of the case, this application has been tendered by the prosecution with a prayer to separate the trial against the four accused viz. accused Nos.65 to 68.

in light of fact that the charge has yet to be framed against the four, whereas, the witness has been kept present as far as the trial against accused Nos.1 to 64 is concerned, in larger interest of justice, it is just and proper to begin with the trial for accused Nos.1 to 64 against whom the charge has already been framed.

4. Learned Advocates for accused Nos.65 to 68 have endorsed to have No Objection for the prayer sought for by the prosecution.

5. In light of the contentions in the application it seems that the trial against A-1 to A-64 should be proceeded from today itself as the witness is in attendance.

6. Under Section 317(2) of Cr.P.C. it is permissible, hence the trial of A-65 to A-68 needs to be separated.

7. In view of the foregoing situation following final order is passed :

ORDER

- 1) Application stands partly allowed.
- 2) The trial of accused Nos.65 to 68 hereby stands separated from Sessions Case No.38 of 2009 as was ordered below Exh.341.
- 3) The prosecution is hereby directed to proceed with the trial qua accused Nos.1 to 64.

With the above directions the application stands disposed of.

Dictated and pronounced in the open Court today on this 2nd day of July, 2012.

(Dr. Smt. Jyotsna Yagnik)
Special Designated Judge
for speedy trial of serial
bomb blast cases,
Ahmedabad.