

**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.1109.

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 intimating this Court that the accused- **[1] Abubasar @ Abdul Rashid @ Asdulla @ Mufti @ Abubasar Abubakar Shaikh (A-15)** and **[2] Hafiz Hussain @ Adnan Tajudin Mulla (A-13)** are required for another judicial proceedings before **the Court of Principal Sessions Judge Belgaum (Karnataka)** on **07/09/2013**.

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. Upon perusal of Exh.1046, it has been learnt that the video conferencing facility between Central Jail, Ahmedabad and the Court at Belgaum (Karnataka) which has issued the production warrant for the U.T.P., has not been yet connected, hence in absence of video conferencing linkage, it would not be possible to direct the Central Jail Authority to put up the accused on video conferencing for conducting the case at Belgaum. That being so, it is clear that necessary direction to the Superintendent, Central Jail needs to be given so as to respect the Production Warrant having been issued by another Court for the trial of the case against the U.T.P.

5. It has been learnt that inspite many of the orders passed by this Court, the U.T.P.s are not being sent to the respective Courts fromwhere the production warrants for the said accused were received. It is conveyed by the Jail Authority to this Court that the U.T.P.s could not be sent to respective Courts since the order of the State for revocation has not been received by the Jail Authority. On account of such situation which takes place often during the recent past, it is felt that a serious view of the entire matter needs to be taken as at the cost of repetition, it needs to be clarified that the statement has been made by the State before Hon'ble the Apex Court as mentioned herein below for sending the U.T.P.s to the other Courts where their trials are ongoing.

It is humbly but firmly opined that such kind of conduct on the part of the concerned authority seems to be contemptuous in nature whether intentional or unintentional. It is also in clear violation of the order passed on judicial side and

statement made by the State before Hon'ble Supreme Court of India. Necessary care needs to be taken by the concerned authority to see to it that the statement made before Hon'ble Apex Court by the state is complied with and the order passed by this Court is effected to with all necessary seriousness.

6. 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 **07/09/2013** so as to see to it that the Jail Authority, Central Jail, Sabarmati, Ahmedabad can produce the accused - **[1] Abubasar @ Abdul Rashid @ Asdulla @ Mufti @ Abubasar Abubakar Shaikh (A-15)** and **[2] Hafiz Hussain @ Adnan Tajudin Mulla (A-13)** for another judicial proceedings before **the Court of Principal Sessions Judge, Belgaum (Karnataka)** on **07/09/2013**.

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 - **[1] Abubasar @ Abdul Rashid @ Asdulla @ Mufti @ Abubasar Abubakar Shaikh (A-15)** and **[2] Hafiz Hussain @ Adnan Tajudin Mulla (A-13)** shall be produced for another judicial proceedings before **the**

Court of Principal Sessions Judge, Belgaum (Karnataka) 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 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.
- (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 30th day of August, 2013.

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

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