

**BEFORE THE COURT OF SPECIAL JUDGE (DESIGNATED FOR SERIAL
BOMB BLASTS CASES), CITY CIVIL & SESSIONS COURT, AT
AHMEDABAD.**

ORDER BELOW EXH.341 IN SESSIONS CASE NO. 38 OF 2009

AND

BELOW EX.1 IN SESSIONS CASES NOS.(1) 180/10, (2) 35/11, (3) 392/11, (4) 170/10, (5) 44/11, (6) 178/10, (7) 48/11, (8) 173/10, (9) 36/11, (10) 163/10, (11) 37/11, (12) 186/10, (13) 38/11, (14) 185/10, (15) 39/11, (16) 181/10, (17) 40/11, (18) 391/11, (19) 182/10, (20) 42/11, (21) 164/10, (22) 43/11, (23) 184/10, (24) 41/11, (25) 183/10, (26) 49/11, (27) 169/10, (28) 45/11, (29) 172/10, (30) 22/11, (31) 390/11, (32) 177/10, (33) 23/11, (34) 162/10, (35) 24/11, (36) 166/10, (37) 25/11, (38) 171/10, (39) 26/11, (40) 398/11, (41) 179/10, (42) 46/11, (43) 165/10, (44) 47/11, (45) 215/10, (46) 50/11, (47) 229/10, (48) 51/11, (49) 217/10, (50) 52/11, (51) 224/10, (52) 53/11, (53) 228/10, (54) 54/11, (55) 221/10, (56) 55/11, (57) 232/10, (58) 56/11, (59) 223/10, (60) 57/11, (61) 231/10, (62) 58/11, (63) 218/10, (64) 61/11, (65) 216/10, (66) 62/11, (67) 230/10, (68) 59/11, (69) 220/10, (70) 60/11, (71) 222/10, (72) 63/11, (73) 214/10, (74) 64/11 TO BE CONSOLIDATED

1. This is an application submitted by the learned Special PP Shri Amit Patel for the prosecution under-section 220 of the code of criminal procedure to consolidate 74 cases pending before the Court arising out of Serial Bomb Blast Cases at Ahmedabad District and City, Gandhinagar District and Surat City.

1.1 This type of applications are also submitted in different cases which are not consolidated. The facts of the applications in different cases are the same as in this application. Therefore, it is decided by the common order.

Facts of the application :

2. It is stated that 20 crimes are registered at the different police stations for the incident of serial bomb blasts which occurred on 26.07.2008 at Ahmedabad City and District and Gandhinagar District. The charge-sheets are filed by the investigating agency. Supplementary charge-sheets are also filed for the accused who are arrested afterwards. The cases are committed to this Court. This Court vide its order below Ex.11 consolidated the cases arising out of supplementary charge-sheets with their respective cases arising out of main charge-sheets. Thereafter 20 cases of the main charge-sheet are consolidated with the sessions case no.38/09.

2.1 It is further stated that 15 crimes are registered at the different police station of the Surat City for the incident of plantation of bomb blasts. The charge-sheets are filed by the investigating agency in those cases. Thereafter, supplementary charge-sheets are also

filed against the accused who are arrested latter on. This Court has ordered to consolidate the cases arising out of supplementary charge-sheets with their respective cases arising out of main charge-sheets. Thereafter 15 cases of the main charge-sheet are consolidated with the sessions case no.418/09.

2.2 It is also stated that the accused have also filed an application on 05.02.2010 under-section 220 of the code to consolidate the sessions case no.418/09 with sessions case no.38/09. The said application Ex.12 was granted by this Court on 10.02.2010 and ordered to consolidate sessions case no.418/09 with sessions case no.38/09.

2.3 It is further stated that the two accused namely (1) Mohammad Yunus @ Yunus Mohammad Maniyar and (2) Mohammad Safiq Ansari @ Rafiq Ansari Siddiq were arrested in each of the case i.e. 35 cases. The charge-sheets are filed and the cases are committed to this Court. These cases are as under :

“(1) 162/10, (2) 163/10, (3) 164/10, (4) 165/10, (5) 166/10, (6) 169/10, (7) 170/10, (8) 171/10, (9) 172/10, (10) 173/10, (11) 177/10, (12) 178/10, (13) 179/10, (14) 180/10, (15) 181/10, (16) 182/10, (17) 183/10, (18) 184/10, (19) 185/10, (20) 186/10, (21) 214/10, (22) 215/10, (23) 216/10, (24) 217/10, (25) 218/10, (26) 220/10, (27) 221/10, (28) 222/10, (29) 223/10, (30) 224/10, (31) 228/10, (32) 229/10, (33) 230/10, (34) 231/10, (35) 232/10.”

2.4 It is further stated that the accused namely Hasib Raja @ Samimbhai Ferdos Saiyad was arrested in each of the case i.e. 35 cases. The charge-sheets are filed and the cases are committed to this Court. These cases are as under :

“(1) 22/11, (2) 23/11, (3) 24/11, (4) 25/11, (5) 26/11, (6) 35/11, (7) 36/11, (8) 37/11, (9) 38/11, (10) 39/11, (11) 40/11, (12) 41/11, (13) 42/11, (14) 43/11, (15) 44/11, (16) 45/11, (17) 46/11, (18) 47/11, (19) 48/11, (20) 49/11, (21) 50/11, (22) 51/11, (23) 52/11, (24) 53/11, (25) 54/11, (26) 55/11, (27) 56/11, (28) 57/11, (29) 58/11, (30) 59/11, (31) 60/11, (32) 61/11, (33) 62/11, (34) 63/11, (35) 64/11.”

2.5 That the accused namely Afaq Iqbal @ Iqwal @ Danish Riyaz @ Saki S/o. Nurulhoda was arrested in 4 cases. The charge-sheets are filed and the cases are committed to this Court. These cases are as under :

(1) 390/11, (2) 391/11, (3) 392/11 and (4) 398/11.

It is requested to grant the application and consolidate all the cases in one case.

2.6 The accused have not filed any reply against the application for consolidation of the case.

Arguments of the parties :

3. Read application. Perused the record of the case. Heard the learned special public prosecutor Shri H. M. Dhruv, Shri M. R. Amin and Shri Amit Patel for the prosecution.

Heard the learned advocate Shri I. M. Munshi, Shri J. M. Pathan, Shri A. N. Alvi, Shri M. M. Shaikh, Shri K. G. Shaikh and Shri D. D. Pathan and accused in person who have not engaged the advocate.

3.1 The learned special public prosecutor Shri H. M. Dhruv has submitted that the present application is filed under section 220 of the code of criminal procedure seeking consolidation of all the cases and to try all the accused at one trial.

3.2 It is also submitted that as transpiring from the record in some of the cases, all the accused have been charged for the same offences vide Ex.32 and Ex.122.

3.3 That there are more than seventeen hundred witnesses are common and related in each case. That hundreds of the documents like panchnamas of recovery and discovery, the panchnama of Test Identification Parade, FSL reports, Electronic Evidence and other documentary evidence are also common in all the cases.

3.4 It is also argued that if the cases are consolidated, it will be convenient to both the parties i.e. prosecution as well as the accused. It will be more benefited for the Court to record the evidence and requested to consolidate all the cases which are subsequently committed to this Court after the order of consolidation at Ex.6 and Ex.11 was passed.

4. Learned advocate for the accused Shri I. M. Munshi, Shri J. M. Pathan, Shri A. N. Alvi, Shri M. M. Shaikh, Shri K. G. Shaikh and Shri D. D. Pathan have fairly submitted that earlier vide order dated Ex.6 and Ex.11, the cases are consolidated. It is also submitted that considering the bulky oral as well as the documentary evidence to be produced in this case, requested to pass just order in this case.

Merits of the Case :

5. It appears that vide its order below Ex.6 dated 13.11.2009 in sessions case no.38/09 had consolidated the following supplementary cases with their respective main cases arising out of same C. R. No. and ordered to record proceedings in the main cases only. It was further ordered that now onwards the supplementary cases shall be treated as part of their respective main cases.

5.1 From the said order it appears that following cases are consolidated with the respective main case.

Sr. No.	Police Station	C. R. No.	Supplementary Sessions Case Nos.	Proceedings to be recorded in the main Sessions Case No.	Total Case
1	Shahibaug	I/236/08	47, 338, 337, 389/09	38/09	5
2	Ramol	I/321/08	393, 352, 379/09	95/09	4

3	Ramol	I/322/08	372, 380/09	365/09	3
4	Bapunagar	I/220/08	353, 388/09	341/09	3
5	Amraiwadi	I/273/08	350, 386/09	347/09	3
6	Naroda	I/401/08	336, 303, 400/09	300/09	4
7	Naroda	I/400/08	357, 399/09	342/09	3
8	Khadia	I/71/08	356, 332, 376/09	82/09	4
9	Kalupur	I/123/08	363, 381/09	362/09	3
10	Vatva	I/218/08	366, 369/09	364/09	3
11	Danilimda	I/140/08	340, 373/09	339/09	3
12	Kalol	I/200/08	378/09	348/09	2
13	Isanpur	I/190/08	351, 355, 370/09	344/09	4
14	Maninagar	I/203/08	101, 302, 397/09	61/09	4
15	Maninagar	I/204/08	333, 396/09	321/09	3
16	Maninagar	I/205/08	320, 395/09	319/09	3
17	Maninagar	I/206/08	324, 398/09	323/09	3
18	Sarkhej	I/181/08	335, 394/09	334/09	3
19	Odhav	I/338/08	354, 368/09	361/09	3
20	Odhav	I/339/08	371, 377/09	346/09	3
				TOTAL	66

5.2 My learned predecessor has by order below Ex.11 dated 04.12.2009 in sessions case no.38/09, above 20 main cases registered as shown in column no.4 i.e. 38/09, 95/09, 365/09, 341/09, 347/09, 300/09, 342/09, 82/09, 362/09, 364/09, 339/09, 348/09, 344/09, 61/09, 321/09, 319/09, 323/09, 334/09, 361/09, 346/09 are further consolidated with the sessions case no.38/09.

It transpires from the order below Ex.6 and Ex.11 that only 66 above cases (20 main and 46 supplementary cases) are consolidated.

6. My learned predecessor vide its order below Ex.1 dated 08.01.2010 in sessions case no.418/09 (re-exhibited in sessions case no.38/09 at Ex.104) had consolidated 15 main cases and 63 supplementary sessions cases registered with this Court pertaining to the plantation of bombs at various places in the Surat City. It is ordered that all sessions cases pertaining to the supplementary charge-sheets are ordered to be consolidated with their respective main cases. It is further ordered that the supplementary cases shall be treated as part of their respective main cases.

6.1 As observed in the order below Ex.2 in sessions case no.418/09 (re-exhibited in

sessions case no.38/09 at Ex.105), the following supplementary sessions cases are consolidated with their main cases.

Sr. No.	Police Station	C. R. No.	Supplementary Sessions Case Nos.	Proceedings to be recorded in the main Sessions Case No.	Total Cases
1	Kapodra	II/175/08	413, 414, 415, 416, 417/09	412/09	6
2	Kapodra	II/176/08	419, 420, 421, 422, 424/09	418/09	6
3	Kapodra	II/179/08	439, 440, 441, 442/09	438/09	5
4	Kapodra	II/180/08	444, 445, 446, 447/09	443/09	5
5	Varacha	II/363/08	449, 450, 451, 452/09	448/09	5
6	Varacha	II/364/08	454, 455, 456, 457/09	453/09	5
7	Varacha	II/365/08	459, 460, 461, 462/09	458/09	5
8	Varacha	II/366/08	464, 465, 466, 467/09	463/09	5
9	Varacha	II/367/08	489, 490, 491, 492, 493/09	488/09	6
10	Katargam	II/203/08	469, 470, 471, 472/09	468/09	5
11	Katargam	II/208/08	477, 478, 479, 480/09	476/09	5
12	Mahidharpura	II/208/08	482, 483, 484, 485/09	481/09	5
13	Mahidharpura	II/209/08	501, 502, 503, 521/09	500/09	5
14	Umara	II/651/08	505, 506, 507, 508/09	504/09	5
15	D. C. B.	II/3019/08	510, 511, 512, 513/09	509/09	5
				TOTAL	78

6.2 My learned predecessor has by order below Ex.2 dated 11.01.2009 in sessions case no.418/09 (re-exhibited in sessions case no.38/09 at Ex.105), above all 15 main cases registered as shown in column no.4 i.e. 412/09, 418/09, 438/09, 443/09, 448/09, 453/09, 458/09, 463/09, 488/09, 468/09, 476/09, 481/09, 500/09, 504/09, 509/09 are further consolidated with the sessions case no.418/09.

It transpires from the order below Ex.1 and Ex.2 of sessions case no.418/09, that 78 above cases (15 main and 63 supplementary cases) are consolidated.

7. After the order of consolidation of cases passed below Ex.6 and Ex.11 in the sessions case 38/09 and order of consolidation of cases passed below Ex.1 and Ex.2 in the sessions case 418/09, some of the absconding accused were arrested and charge-sheets were filed against them. The cases were committed to this Court. Considering the record and the proceedings of the serial bomb blast all cases committed to this Court till today, following cases are pending in this Court.

Sr. No.	Name of the Police Station	Crime Number	Sessions Case Number	No. of Accused	Main or Supplementary Charge-sheet	Sr. No.	Name of the Police Station	Crime Number	Sessions Case Number	No. of Accused	Main or Supplementary Charge-sheet
1	Shahibaug	I-236/08	38/09	26	Main	9	Ramol	I-321/08	95/09	26	Main
2	Shahibaug	I-236/08	47/09	19	Suppl.	10	Ramol	I-321/08	393/09	20	Suppl.
3	Shahibaug	I-236/08	337/09	4	Suppl.	11	Ramol	I-321/08	352/09	1	Suppl.
4	Shahibaug	I-236/08	338/09	2	Suppl.	12	Ramol	I-321/08	379/09	15	Suppl.
5	Shahibaug	I-236/08	389/09	11	Suppl.	13	Ramol	I-321/08	170/10	2	Suppl.
6	Shahibaug	I-236/08	180/10	2	Suppl.	14	Ramol	I-321/08	44/11	1	Suppl.
7	Shahibaug	I-236/08	35/11	1	Suppl.						
8	Shahibaug	I-236/08	392/11	1	Suppl.	20	Bapunagar	I-220/08	341/09	44	Main
						21	Bapunagar	I-220/08	353/09	3	Suppl.
15	Ramol	I-322/08	365/09	44	Main	22	Bapunagar	I-220/08	388/09	15	Suppl.
16	Ramol	I-322/08	372/09	3	Suppl.	23	Bapunagar	I-220/08	173/10	2	Suppl.
17	Ramol	I-322/08	380/09	15	Suppl.	24	Bapunagar	I-220/08	36/11	1	Suppl.
18	Ramol	I-322/08	178/10	2	Suppl.						
19	Ramol	I-322/08	48/11	1	Suppl.						
						30	Naroda	I-400/08	342/09	44	Main
25	Amraiwadi	I-273/08	347/09	44	Main	31	Naroda	I-400/08	357/09	3	Suppl.
26	Amraiwadi	I-273/08	350/09	3	Suppl.	32	Naroda	I-400/08	399/09	15	Suppl.
27	Amraiwadi	I-273/08	386/09	15	Suppl.	33	Naroda	I-400/08	186/10	2	Suppl.
28	Amraiwadi	I-273/08	163/10	2	Suppl.	34	Naroda	I-400/08	38/11	1	Suppl.
29	Amraiwadi	I-273/08	37/11	1	Suppl.						
						41	Khadia	I-71/08	82/09	26	Main
35	Naroda	I-401/08	300/09	27	Main	42	Khadia	I-71/08	356/09	19	Suppl.
36	Naroda	I-401/08	336/09	17	Suppl.	43	Khadia	I-71/08	332/09	2	Suppl.
37	Naroda	I-401/08	303/09	3	Suppl.	44	Khadia	I-71/08	376/09	15	Suppl.
38	Naroda	I-401/08	400/09	15	Suppl.	45	Khadia	I-71/08	181/10	2	Suppl.
39	Naroda	I-401/08	185/10	2	Suppl.	46	Khadia	I-71/08	40/11	1	Suppl.
40	Naroda	I-401/08	39/11	1	Suppl.	47	Khadia	I-71/08	391/11	1	Suppl.
48	Kalupur	I-123/08	362/09	43	Main	53	Vatva	I-218/08	364/09	43	Main
49	Kalupur	I-123/08	363/09	4	Suppl.	54	Vatva	I-218/08	366/09	4	Suppl.
50	Kalupur	I-123/08	381/09	15	Suppl.	55	Vatva	I-218/08	369/09	15	Suppl.
51	Kalupur	I-123/08	182/10	2	Suppl.	56	Vatva	I-218/08	164/10	2	Suppl.
52	Kalupur	I-123/08	42/11	1	Suppl.	57	Vatva	I-218/08	43/11	1	Suppl.
58	Danilimda	I-140/08	339/09	44	Main	63	Kalol	I-200/08	348/09	21	Main
59	Danilimda	I-140/08	340/09	3	Suppl.	64	Kalol	I-200/08	378/09	41	Suppl.

60	Danilimda	I-140/08	373/09	15	Suppl.	65	Kalol	I-200/08	183/10	2	Suppl.
61	Danilimda	I-140/08	184/10	2	Suppl.	66	Kalol	I-200/08	49/11	1	Suppl.
62	Danilimda	I-140/08	41/11	1	Suppl.						
						73	Maninagar	I-203/08	61/09	26	Main
67	Isanpur	I-190/08	344/09	26	Main	74	Maninagar	I-203/08	101/09	19	Suppl.
68	Isanpur	I-190/08	351/09	20	Suppl.	75	Maninagar	I-203/08	302/09	4	Suppl.
69	Isanpur	I-190/08	355/09	1	Suppl.	76	Maninagar	I-203/08	397/09	13	Suppl.
70	Isanpur	I-190/08	370/09	15	Suppl.	77	Maninagar	I-203/08	172/10	2	Suppl.
71	Isanpur	I-190/08	169/10	2	Suppl.	78	Maninagar	I-203/08	22/11	1	Suppl.
72	Isanpur	I-190/08	45/11	1	Suppl.	79	Maninagar	I-203/08	390/11	1	Suppl.
80	Maninagar	I-204/08	321/09	44	Main	85	Maninagar	I-205/08	319/09	44	Main
81	Maninagar	I-204/08	333/09	5	Suppl.	86	Maninagar	I-205/08	320/09	5	Suppl.
82	Maninagar	I-204/08	396/09	13	Suppl.	87	Maninagar	I-205/08	395/09	13	Suppl.
83	Maninagar	I-204/08	177/10	2	Suppl.	88	Maninagar	I-205/08	162/10	2	Suppl.
84	Maninagar	I-204/08	23/11	1	Suppl.	89	Maninagar	I-205/08	24/11	1	Suppl.
90	Maninagar	I-206/08	323/09	45	Main	95	Sarkhej	I-181/08	334/09	45	Main
91	Maninagar	I-206/08	324/09	4	Suppl.	96	Sarkhej	I-181/08	335/09	4	Suppl.
92	Maninagar	I-206/08	398/09	13	Suppl.	97	Sarkhej	I-181/08	394/09	13	Suppl.
93	Maninagar	I-206/08	166/10	2	Suppl.	98	Sarkhej	I-181/08	171/10	2	Suppl.
94	Maninagar	I-206/08	25/11	1	Suppl.	99	Sarkhej	I-181/08	26/11	1	Suppl.
100	Odhav	I-338/08	361/09	44	Main	105	Odhav	I-339/08	346/09	43	Main
101	Odhav	I-338/08	354/09	5	Suppl.	106	Odhav	I-339/08	371/09	6	Suppl.
102	Odhav	I-338/08	368/09	13	Suppl.	107	Odhav	I-339/08	377/09	13	Suppl.
103	Odhav	I-338/08	179/10	2	Suppl.	108	Odhav	I-339/08	165/10	2	Suppl.
104	Odhav	I-338/08	46/11	1	Suppl.	109	Odhav	I-339/08	47/11	1	Suppl.
110	Kapodra	II-175/08	412/09	2	Main	118	Kapodra	II-176/08	418/09	2	Main
111	Kapodra	II-175/08	413/09	19	Suppl.	119	Kapodra	II-176/08	419/09	19	Suppl.
112	Kapodra	II-175/08	414/09	15	Suppl.	120	Kapodra	II-176/08	420/09	15	Suppl.
113	Kapodra	II-175/08	415/09	1	Suppl.	121	Kapodra	II-176/08	421/09	1	Suppl.
114	Kapodra	II-175/08	416/09	3	Suppl.	122	Kapodra	II-176/08	422/09	3	Suppl.
115	Kapodra	II-175/08	417/09	12	Suppl.	123	Kapodra	II-176/08	424/09	12	Suppl.
116	Kapodra	II-175/08	215/10	2	Suppl.	124	Kapodra	II-176/08	229/10	2	Suppl.
117	Kapodra	II-175/08	50/11	1	Suppl.	125	Kapodra	II-176/08	51/11	1	Suppl.
						126	Kapodra	II-176/08	398/11	1	Suppl.
127	Kapodra	II-179/08	438/09	21	Main						

128	Kapodra	II-179/08	439/09	15	Suppl.	134	Kapodra	II-180/08	443/09	21	Main
129	Kapodra	II-179/08	440/09	1	Suppl.	135	Kapodra	II-180/08	444/09	15	Suppl.
130	Kapodra	II-179/08	441/09	3	Suppl.	136	Kapodra	II-180/08	445/09	1	Suppl.
131	Kapodra	II-179/08	442/09	12	Suppl.	137	Kapodra	II-180/08	446/09	3	Suppl.
132	Kapodra	II-179/08	217/10	2	Suppl.	138	Kapodra	II-180/08	447/09	12	Suppl.
133	Kapodra	II-179/08	52/11	1	Suppl.	139	Kapodra	II-180/08	224/10	2	Suppl.
						140	Kapodra	II-180/08	53/11	1	Suppl.
141	Varachha	II-363/08	448/09	21	Main						
142	Varachha	II-363/08	449/09	15	Suppl.	148	Varachha	II-364/08	453/09	21	Main
143	Varachha	II-363/08	450/09	1	Suppl.	149	Varachha	II-364/08	454/09	15	Suppl.
144	Varachha	II-363/08	451/09	3	Suppl.	150	Varachha	II-364/08	455/09	1	Suppl.
145	Varachha	II-363/08	452/09	12	Suppl.	151	Varachha	II-364/08	456/09	3	Suppl.
146	Varachha	II-363/08	228/10	2	Suppl.	152	Varachha	II-364/08	457/09	12	Suppl.
147	Varachha	II-363/08	54/11	1	Suppl.	153	Varachha	II-364/08	221/10	2	Suppl.
						154	Varachha	II-364/08	55/11	1	Suppl.
155	Varachha	II-365/08	458/09	21	Main						
156	Varachha	II-365/08	459/09	15	Suppl.	162	Varachha	II-366/08	463/09	21	Main
157	Varachha	II-365/08	460/09	1	Suppl.	163	Varachha	II-366/08	464/09	15	Suppl.
158	Varachha	II-365/08	461/09	3	Suppl.	164	Varachha	II-366/08	465/09	1	Suppl.
159	Varachha	II-365/08	462/09	12	Suppl.	165	Varachha	II-366/08	466/09	3	Suppl.
160	Varachha	II-365/08	232/10	2	Suppl.	166	Varachha	II-366/08	467/09	12	Suppl.
161	Varachha	II-365/08	56/11	1	Suppl.	167	Varachha	II-366/08	223/10	2	Suppl.
						168	Varachha	II-366/08	57/11	1	Suppl.
169	Varachha	II-367/08	488/09	21	Main						
170	Varachha	II-367/08	489/09	15	Suppl.	177	Katargam	203/08	468/09	16	Main
171	Varachha	II-367/08	490/09	1	Suppl.	178	Katargam	203/08	469/09	20	Suppl.
172	Varachha	II-367/08	491/09	3	Suppl.	179	Katargam	203/08	470/09	1	Suppl.
173	Varachha	II-367/08	492/09	1	Suppl.	180	Katargam	203/08	471/09	3	Suppl.
174	Varachha	II-367/08	493/09	12	Suppl.	181	Katargam	203/08	472/09	12	Suppl.
175	Varachha	II-367/08	231/10	2	Suppl.	182	Katargam	203/08	218/10	2	Suppl.
176	Varachha	II-367/08	58/11	1	Suppl.	183	Katargam	203/08	61/11	1	Suppl.
184	Katargam	208/08	476/09	21	Main	191	Mahidharpura	208/08	481/09	21	Main
185	Katargam	208/08	477/09	15	Suppl.	192	Mahidharpura	208/08	482/09	15	Suppl.
186	Katargam	208/08	478/09	1	Suppl.	193	Mahidharpura	208/08	483/09	3	Suppl.
187	Katargam	208/08	479/09	3	Suppl.	194	Mahidharpura	208/08	484/09	1	Suppl.
188	Katargam	208/08	480/09	12	Suppl.	195	Mahidharpura	208/08	485/09	12	Suppl.
189	Katargam	208/08	216/10	2	Suppl.	196	Mahidharpura	208/08	230/10	2	Suppl.
190	Katargam	208/08	62/11	1	Suppl.	197	Mahidharpura	208/08	59/11	1	Suppl.

198	Mahidharpura	209/08	500/09	21	Main	205	Umara	651/08	504/09	21	Main
199	Mahidharpura	209/08	501/09	15	Suppl.	206	Umara	651/08	505/09	15	Suppl.
200	Mahidharpura	209/08	502/09	1	Suppl.	207	Umara	651/08	506/09	1	Suppl.
201	Mahidharpura	209/08	503/09	3	Suppl.	208	Umara	651/08	507/09	3	Suppl.
202	Mahidharpura	209/08	521/09	12	Suppl.	209	Umara	651/08	508/09	12	Suppl.
203	Mahidharpura	209/08	220/10	2	Suppl.	210	Umara	651/08	222/10	2	Suppl.
204	Mahidharpura	209/08	60/11	1	Suppl.	211	Umara	651/08	63/11	1	Suppl.
212	D. C. B.	3019/08	509/09	21	Main	216	D. C. B.	3019/08	513/09	12	Suppl.
213	D. C. B.	3019/08	510/09	15	Suppl.	217	D. C. B.	3019/08	214/10	2	Suppl.
214	D. C. B.	3019/08	511/09	1	Suppl.	218	D. C. B.	3019/08	64/11	1	Suppl.
215	D. C. B.	3019/08	512/09	3	Suppl.						

8. From the above table, it has emerged that there are 218 cases are pending in this Court arising out of the serial bomb blast cases for which the crime registered at the police station of Gandhinagar District, Ahmedabad City and District and serial bomb plantation cases for which the crime registered at the police station of Surat City. It appears that order of consolidation for the specific 66 and 78 cases out of 218 cases are made. Therefore, the order of consolidation for the 74 cases is required to be made.

9. This application is made under-section 220 of the code of criminal procedure. It will be convenient to reproduce the section 220 and 223 which runs as under :

9.1 Section 220 (Trial for more than one offence)

(1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

(2) When a person charged with one or more offences of criminal breach of trust or dishonest misappropriation of property as provided in sub-section 212 or in sub-section (1) of section 219, is accused of committing, for the purpose of facilitating or concealing the commission of that offence or those offences, one or more offences of falsification of accounts, he may be charged with, and tried at one trial for, every such offence.

(3) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences.

(4) Several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for the offence constituted by such acts when combined, and for any offence constituted by any one, or more, or such acts.

(5) Nothing contained in this section shall affect section 71 of the Indian Penal Code (45 of 1860).

9.2 Section 223 (What persons may be charged jointly.)

The following persons may be charged and tried together, namely :

- (a) persons accused of the same offence committed in the course of the same transaction;*
- (b) persons accused of an offence and persons accused of abetment of, or attempt to commit, such offence;*
- (c) persons accused of more than one offence of the same kind, within the meaning of section 219 committed by them jointly within the period of twelve months;*
- (d) persons accused of different offences committed in the course of the same transaction;*
- (e) persons accused of an offence which includes theft, extortion, cheating, or criminal misappropriation, and persons accused of receiving or retaining, or assisting in the disposal or concealment of, property possession of which is alleged to have been transferred by any such offence committed by the first-named persons, or of abetment of or attempting to commit any such last-named offence;*
- (f) persons accused of offences under sections 411 and 414 of the Indian Penal Code (45 of 1860) or either of those sections in respect of stolen property the possession of which has been transferred by one offence;*
- (g) persons accused of any offences under chapter XII of the Indian Penal Code (45 of 1860) relating to counterfeit coin and persons accused of any other offence under the said chapter relating to the same coin, or of abetment of or attempting to commit any such offence; and the provisions contained in the former part of this chapter shall, so far as may be, apply to all such charges:*

Provided that where a number of persons are charged with separate offences and such persons do not fall within any of the categories specified in this section, the (Magistrate or Court of Session) may, if such persons by an application in writing, so desire, and (if he or it is satisfied) that such persons would not be prejudicially affected thereby, and it is expedient so to do, try all such persons together.

10. On perusing the record of the case, it transpires that the charge-sheet papers submitted in the twenty cases arising out of the serial bomb blasts which took place on 26.07.2008 in Ahmedabad City and District and Gandhinagar District. It appears that there are at present 68 accused who have been nabbed in 20 cases registered at different police stations of Ahmedabad City and District and in 15 cases registered at different police stations of the Surat City. The concerned Investigating Officers submitted 35 main charge-sheets and other supplementary charge-sheets against the accused, before the learned Designated Metropolitan Magistrate, who committed the said cases to this Court, which is also specially Designated Court for conducting the trials of serial bomb blasts cases.

10.1 It is also revealed from the charge-sheet that on 26.07.2008, between 18:15 to 19:00 hrs., serial bomb blasts took place in Ahmedabad City & District, as a part of conspiracy hatched by the present accused and absconding accused to strike terror in different cities of Gujarat State. According to him, there were 18 bombs which were kept on bicycles, two in bus, two in cars, one in the dustbin and one in the pakodi lorry and thus, out of 24 bombs, 22 bombs blasted and two bombs, one at Kalol and one at Naroda did not blast, however, as a result of such serial bomb blasts, 56 persons were killed and 240 persons were seriously injured.

10.2 From the statement of the witnesses and documentary evidence submitted in the charge-sheet, allegations made against the accused, conspiracy, proximity of time and place, unity and continuity of action, community of purpose or design, it is revealed that the accused of the same offences committed in the course of same transaction, different accused of different offences committed in the course of same transaction.

10.3 As per the provision of section 220 of 'the Code', the trial for more than one offence can be held if one series of act so connected together as to form the same transaction, more offences are committed by the same person. In the above cases, the 68 accused are said to have committed more offences at different place by one series of act so connected together as to form the same transaction and committed more than one offences. It also appears that the act of the accused constitute an offence falling within two or more separate definitions of different laws. Therefore, also accused can be jointly charged with and tried at one trial for every such offence.

10.4 That the nature of the evidence to be produced to prove the charge, it will be convenient to the prosecution to produce evidence as well as the accused for making their defense. It will be benefited to the Court for recording of evidence by avoiding multiplicity of examination of different witnesses on the same issue. Therefore, there is no chance to prejudice the defense of the accused.

11. Considering the facts of the application, argument advance by the learned special PP Shri Dhruv and the learned advocates for the accused, allegations made against the accused, provisions of law, bulky evidence to be produced in the case, facts and circumstances of the case and in the interest of justice the following order is passed.

FINAL ORDER

(1) This application is granted.

(2) All the remaining cases registered as Sessions Case Nos.(1) 180/10, (2) 35/11, (3) 392/11, (4) 170/10, (5) 44/11, (6) 178/10, (7) 48/11, (8) 173/10, (9) 36/11, (10) 163/10, (11) 37/11, (12) 186/10, (13) 38/11, (14) 185/10, (15) 39/11, (16) 181/10, (17) 40/11, (18) 391/11, (19) 182/10, (20) 42/11, (21) 164/10, (22) 43/11, (23) 184/10, (24) 41/11, (25) 183/10, (26) 49/11, (27) 169/10, (28) 45/11, (29) 172/10, (30) 22/11, (31) 390/11, (32) 177/10, (33) 23/11, (34) 162/10, (35) 24/11, (36) 166/10, (37) 25/11, (38) 171/10, (39) 26/11, (40) 398/11, (41) 179/10, (42) 46/11, (43) 165/10, (44) 47/11, (45) 215/10, (46) 50/11, (47) 229/10, (48) 51/11, (49) 217/10, (50) 52/11, (51) 224/10, (52) 53/11, (53) 228/10, (54) 54/11, (55) 221/10, (56) 55/11, (57) 232/10, (58) 56/11, (59) 223/10, (60) 57/11, (61) 231/10, (62) 58/11, (63) 218/10, (64) 61/11, (65) 216/10, (66) 62/11, (67) 230/10, (68) 59/11, (69) 220/10, (70) 60/11, (71) 222/10, (72) 63/11, (73) 214/10, (74) 64/11 are consolidated in one case i.e. Sessions Case No.38/2009.

(3) It is directed and ordered that all the accused in the above cases shall be charged with and tried at one trial for the alleged offences, in Sessions Case No.38/2009.

(4) The prosecution is directed and ordered to furnish the additional list of witnesses to be examined and the list of additional documents to be relied upon at the time of trial, giving references of the charge-sheets and page numbers, other than already submitted in the Court.

(5) The prosecution is further directed and ordered to furnish the copies of the above mentioned additional list of witnesses and additional documents, if any, which are not part of the papers of the charge-sheets furnished earlier, to the accused.

Now onwards there will be no proceedings except in Sessions Case No.38/2009.

Pronounced in the Open Court on 6th February, 2012.

(V. P. Patel))
Special Judge
(Designated for Serial Bomb Blasts
Cases), City Civil & Sessions Court,
Ahmedabad