

**IN THE CITY SESSIONS COURT AT AHMEDABAD****3****SESSIONS CASE NO. 38 OF 2009.****WITH****SC/418/2009****Complainant:**

- 1. THE STATE OF GUJARAT  
CITY CIVIL AND SESSIONS COURT, BHADRA,  
AHMEDABAD.**

**VERSUS****Accused:**

- 1. JAHID KUTBUDDIN SHAIKH 25  
C/O. POPATLAL, SANDHI AVENUE, OPP. VISHALA  
HOTEL, JUHAPURA, AHMEDABAD.**
- 10. AMIL PARVEZ KAJI SAIFUDDIN SHAIKH  
CHHOTA BAJAR, JAMA MASJID, THANA, UNHEL, UJJAIN.**
- 11. SHIBLI @ SABIT ABDULKARIM MUSLIM  
DIST. KOTAYAM, KERALA.**
- 12. SAFDARNAGORI JAHRULHASAN @ JAHRUDDIN NAGORI  
NAGORI MAHOLLA, THANA, MAHIDPUR, DIST. UJJAIN,  
MADHYAPRADESH.**
- 13. HAFIJHUSEN @ ADNAN TAJUDDIN MULLA  
REMAND HOME, B/H. BUS STAND, STATION ROAD,  
BIJAPUR, KARNATAK.**
- 14. MAHMAD SAJID @ SAJJAD @ SALIM @ SAD S/O.  
GULAMKHAW  
33, LUKMAN PARK, JAMBUSAR ROAD, BAYPAS. BHARUCH.**

15. MUFTI @ ABUBASAR @ ABDULRASID S/O. ABUBAKAR  
SHAIKH  
AT.POST. BINA, DIST. AZAMGADH, UTTARPRADESH.
16. ABBAS UMAR SAMEJA  
OPP. PAVAN CHAKKI, JUNA KACHCHH, MITRA PRESS  
ROAD, CAMP AREA, BHUJ, KACHCHH.
17. NAVED S/O. NAIMUDDIN  
ALFARUQ SOCIETY, JIVRAJPRAK, B/H. CHOWKI,  
AHMEDABAD.
18. JAVED AHEMAD SAGIR AHEMAD SHAIKH  
744/19, PATASA POLE, KAMDAR MEDAN, GOMATIPUR,  
AHMEDABAD.
19. RAJIUDDIN NASIR @ RIYAZUDDIN NASIR @ ALAUR  
RAHEMAN  
16/2/807 , A/11, J.Y.COLONY, HAYDRABAD.
2. IMRAN IBRAHIM SHAIKH  
PARNJARI GHAR, OPP. MASJID, VADI, TAIWADA,  
VADODARA
20. ATIKUR RAHEMAN ABDUL HAKIM MUSALMAN KHILJI  
MUSLIM  
NR. SAMAD BODYWALA, GHANTAGHAR, THANA MAKARBA,  
KOTA, RAJASTHAN.
21. MAHENDI HASAN @ VIKKI ABDULHABIB ANSARI JULAHA S  
MOTI MASJID, NARAYAN PANVALA NI GALI,  
BAJAJKHANA, KOTA, RAJASTHAN.
22. IMRAN AHEMAD @ RAJA SIRAJAHEMAD @ HAJI PATHAN  
MAIN ROAD, KISHORPURA, ASHAPALLA MANDIR, KOTA,  
RAJASTHAN.
23. AYAZ RAJAKMIYA SAIYAD  
40, ALGAJALI PARK, NR. UMARNAGAR, SAIYADVADI,  
VATVA, AHMEDABAD.
24. UMAR @ ASHOK KALABHAI KABIRA

1, SABNAM DUPLEX, NR. AMIR PARK SOCIETY, MEMAN HALL, JUHAPURA, AHMEDABAD.

25. SALIMBHAI @ UMAR JAMALBHAI SIPAI  
763/5154, GUJARAT HOUSING BOARD, GARIBNAGAR,  
BAPUNAGAR, AHMEDABAD.
26. MAHMADALI @ JAMAL @ JIYA @ YASAR @ ABUBAKAR  
MAHARA  
376/85, NAI BASTI, GOHALPUR, JABALPUR,  
MADHYAPRADESH.
3. IQBAL KASAM SHAIKH  
3, YAKUTPURA, KABIR COMP, BHOIVADA NAKA,  
VADODARA.
4. SAMSUDDIN SHAHBUDDIN SHAIKH  
3100/3, LAKHOTA POLE, DARIYAPUR, AHMEDABAD.
5. GYASUDDIN ABDULSALIM ANSARI  
2, CHAUDHARY NI CHALI, KAMDAR MEDAN, GOMATIPUR,  
AHMEDABAD.
6. MAHMAD ARIF MAHMAD IQBAL KAGDI  
179, SAGARWAD, B/H. PATTHAVALI MASJID, SHAHPUR,  
AHMEDABAD.
7. MAHMAD USMAN MAHMAD ANIS AGARBATTIVALA  
MAHANT NO KHANCHO, VADI, TAIWADA, VADODARA.
8. YUNUS MAHAMADBHAI MANSURI  
C/132, AJITMILL CHAR RASTA, BAPUNAGAR,  
AHMEDABAD.
9. KAMRUDDIN CHANDMOHAMAD NAGORI  
NAGORI MAHOLLA, THANA, MAHAKAL, UJJAIN.

**Appearance:**

H.M.DHRUVA For Complainant 1

S.P.BRAHMBHATT For Complainant 1

A.M.PATEL For Complainant 1

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No Advocate For Accused

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**ORDER BELOW EXH.352 IN SESSIONS CASE NO.38 OF 2009.**

**1.** This is an application dated 27-02-2012 submitted by Superintendent of Central Jail, Ahmedabad requesting to pass necessary orders for the production of accused (1) Saduli @ Haris Abdul Karim Muslim (2) Mohammad Ansar @ Nadvi Abdul Razak Muslim before the Special NIA Cases Court, Ernakulam, Kerala on 14.03.2012.

**2 Facts of the Application.**

**2.1** It is stated that the accused (1) Saduli @ Haris Abdul Karim Muslim (2) Mohammad Ansar @ Nadvi Abdul Razak Muslim are at present in the Central Jail, Ahmedabad in Judicial custody in the case No.38/09 (Serial Bomb blast).

**2.2** The another case bearing Sessions Case No.01/11 U/s.34, 120-B, 122, 124-A, 153-A of IPC, Sec.25 and 27 of the Arms Act and Sec.3 and 4 of the Explosives Act is pending before the Special NIA Cases Court, Ernakulam, Kerala. The accused is required to be produced before the said Court on 14.03.2012.

**2.3** Xerox copy of the letter O.No.148/12 dated 15.02.2012 requiring the officer in-charge of the prison to produce both the accused before the Special NIA Cases Court, Ernakulam, Kerala is attached with the application. It is requested to pass necessary order to produce the above accused before the Special NIA Cases Court, Ernakulam, Kerala.

**2.4** Further, on 29.02.2012, Mr. I. K. Sonara, Jailor Group No.2, Sabarmati Central Jail, Ahmedabad remained present and he submitted that the Special NIA Cases Court, Ernakulam, Kerala has sent a report for the production of the above accused on 14.03.2012. He also submitted that the procedure for revoking the order of the Government of Gujarat passed U/s.268 of the code of criminal procedure is going on and if the Government will permit then and then the accused will be sent to the concerned Court.

### **3 Merits of the case**

**3.1** A Xerox copy of the letter O.No.148/12 dated 15.02.2012 sent by the Special NIA Cases Court, Ernakulam, Kerala is attached with the application which is marked as at Ex.352/1 and Ex.352/2. On perusing the letter, it transpires that the request is made to produce the above accused on 14.03.2012 in Sessions Case No.01/11 for the offence u/s.120-B and 124-A of IPC & Sec.10(a)(i), 10(a)(ii) and 13(i)(b) of UAP Act.

**3.2** On perusing the said letter, it also transpires that the purpose of production of both the accused before the Special NIA Cases Court, Ernakulam, Kerala is specifically stated that their presence is required for to answer the charge U/s.228 of the Cr.P.C.

**3.3** The Government of Gujarat had passed order dated 2-09-2009 u/s. 268 of the Criminal Procedure Code

that in the public interest, the accused 70 in number of the serial bomb blast shall not be removed from the Central Prison, Ahmedabad. The name of the present accused are included in the above 70 accused at serial no.60 and 59. It is also stated that there are 35 cases (serial blast cases) as well as other out of state cases are also pending against the accused.

**3.4** It is observed in the paragraph no.2 of the order passed by the Hon'ble Supreme Court dated 06-07-2011 in Writ Petition (Cri.)No. 14 of 2010 that :

*"Mr. D.K.Garg, learned counsel appearing for the petitioners submit that the Home Department of State of Gujarat has issued a general order dated 27-10-2009 wherein it is stated that accused persons shall not be moved out of central prison, Ahmedabad. This submissions is countered by learned Solicitor General who states that even after this order, the accused persons were produced in Delhi. As specific query to this effect has also been put to the learned counsel appearing for the State of Gujarat who assures the Court that whenever it will be necessary and whenever there are proper warrants by any of the special courts, the accused persons shall be moved out of Ahmedabad to be present in that court."*

4.The case against all the accused in the Special NIA Cases Court, Ernakulam, Kerala is pending for

framing of charge. Presence of accused in the said Court is necessary for the framing of charge. Speedy trial is a fundamental right of the accused. Therefore accused are required to be sent to Special NIA Cases Court, Ernakulam, Kerala.

5.Considering the fact of the application, presence required for trial, fundamental right of the accused, on the facts and circumstances of the case and in the interest of the justice, the following order is passed.

#### ORDER

This application is granted.

The Jail Superintendent of Central Jail, Ahmedabad is permitted to produce the accused (1) Saduli @ Haris Abdul Karim Muslim (2) Mohammad Ansar @ Nadvi Abdul Razak Muslim before the Special NIA Cases Court, Ernakulam, Kerala on 14.03.2012 subject to following conditions.

1. The Jail Superintendent shall obtain temporary revoke order u/s. 268 of the Criminal Procedure code from the Government of Gujarat for removing the above accused from the jail.

2. After completion of the work in the Special NIA Cases Court, Ernakulam, Kerala on 14.03.2012 the above both the accused are to be returned immediately to the Central Jail, Ahmedabad. Accused shall not be retained for any purpose. It

is further clarified that both the accused are sent to the concerned Court only to remain present for one day i.e. on 14.03.2012 and only for the purpose of answering the charge and no authority, police or the concerned Court shall restrain these accused beyond this time limit, as there is an ample necessity of the accused for the trial pending before this Court.

3. The Jail Superintendent is directed and ordered to take all precautions regarding the maintenance of human rights of the above accused during the transit period.

4. Jail Superintendent will inform to this Court on return of the above accused in the jail.

Copy of the order be sent to the Jail Authority accordingly.

**Date : 29-02-2012**

**Place : AHMEDABAD**

**(V. B. MAYANI)**  
**Special Judge, CBI Court No.2,**  
**I/c. Special Judge, CBI Court**  
**No.1 and I/c. Serial Bomb Blast**  
**Cases, AHMEDABAD**