

**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.940.

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] Kayamuddin @ Musa @ Asfaq @ Abdul Kadir @ Rizwan @ Sameer Sarfuddin Kapadiya (A-37), [2] Mohammad Saif @ Rahul Sharma @ Karion Sabad Ahmed Shaikh (A-38), [3] Jisan Ahmed @ Jisan Isan Ahmed Shaikh (A-39), [4] Mohammad Shakil @ Shakil @ Yaminkhan (A-42), [5] Zia-ur Rehman @ Zia Abdul Rehman Muslim (A-40) and [6] Sakib Nisar Nisar Ahmed Azmi (A-41)** are required for another judicial proceedings before **the Court of Additional Sessions Judge (Central), Tis Hazari Courts, Delhi** on **03/07/2013, 04/07/2013 and 05/07/2013.**

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. The accused No.37 Kayamuddin @ Musa @ Asfaq @ Abdul Kadir @ Rizwan @ Sameer Sarfuddin Kapadiya has not sought for any exemption, hence the trial of this case has to be postponed if this application is granted. Since the trial of this case is likely to adversely affect on grant of the request, this application qua the accused No.37 stands rejected as no relief can be granted at the cost of conduct of this trial.

5. 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 **03/07/2013** so as to see to it that the Jail Authority, Central Jail, Sabarmati, Ahmedabad can produce the accused - **[1] Mohammad Saif @ Rahul Sharma @ Karion Sabad Ahmed Shaikh (A-38), [2] Jisan Ahmed @ Jisan Isan Ahmed Shaikh (A-39), [3] Mohammad Shakil @ Shakil @ Yaminkhan (A-42), [4] Zia-ur Rehman @ Zia Abdul Rehman Muslim (A-40) and [5] Sakib Nisar Nisar Ahmed Azmi (A-41)** for another judicial proceedings before **the Court of Additional Sessions Judge (Central), Tis Hazari Courts, Delhi** on **03/07/2013, 04/07/2013 and 05/07/2013.**

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] Mohammad Saif @ Rahul Sharma @ Karion Sabad Ahmed Shaikh (A-38), [2] Jisan Ahmed @ Jisan Isan Ahmed Shaikh (A-39), [3] Mohammad Shakil @ Shakil @ Yaminkhan (A-42), [4] Zia-ur Rehman @ Zia Abdul Rehman Muslim (A-40) and [5] Sakib Nisar Nisar Ahmed Azmi (A-41)** shall be produced for another judicial proceedings before **the Court of Additional Sessions Judge (Central), Tis Hazari Courts, Delhi** 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 14th day of June, 2013.

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

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