

ORDER BELOW EXH. 265 IN SESSIONS CASE NO.38 OF 2009.

(1) This is an application dated 01-11-2011 submitted by Deputy Superintendent of Central Jail, Ahmedabad requesting to pass necessary orders for the production of accused Imam @ Sadakatali @ Mohammad Sidique S/o. Izharali in the Court of Chief Judicial Magistrate, Alipore, 24 Paraganas, South, Kolkatta . This application is received by post on 08.11.2011.

(2) Facts of the Application.

It is stated that the accused Imam @ Sadakatali @ Mohammad Sidique S/o. Izharali of the case No. 38 / 09 (Serial Bomb blast is at present in the Central Jail, Ahmedabad in Judicial custody. The another case bearing PS Case No. 223 / 2001 dated 25.07.2001 U/s. 364A, 307, 341, 120B of IPC & 27, 28 of Arms Act (Khadim Abduction Case) is pending before the Court of Chief Judicial Magistrate, Alipore, 24 Paraganas, South, Kolkatta. The accused is required to be produced before the said Court on 15-11-2011.

(3) A Xerox copy of the warrant dated 23.09.2011 U/s. 35 & 37 of the Act III of 1900 is attached with the application which is marked as at Ex. 265/1. Wherein it is stated as under :

“on the 15th day of November next by 2011 of the clock in the forenoon of the same day there to give evidence in the matter (2) / answer a charge now pending before the said Court and after the said _____ has then and there has given his evidence before the said Court (3) / such charge has been disposed of or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.”

On perusing the said warrant, it transpires that it is not specifically stated as to what purpose the accused is required to be produced before the Court of CJM, Alipore.

(4) 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 62 in number of the serial bomb blast shall not be removed from the Central Prison, Ahmedabad. The name of the present is included in the above 62 accused.

Considering the facts and circumstances of the case and interest of justice following order is passed :

ORDER

The present application is rejected.

It is directed and ordered that the jail authorities will ensure as to what purpose the accused is required to be produced in the Court of CJM, Alipore, Kolkatta. Jail Authority is further directed and ordered to find out whether the Video Conferencing facility is available at the Court situated at Alipore or not. If it is found, the accused be produced through Video Conferencing. The request may be made to the concerned Court accordingly.

Yadi be sent to the Jail Superintendent, Central Jail, Ahmedabad.

Date : 08/11/2011

(V. P. Patel)
Special Judge,
Designated Court for conducting
Bomb blast cases, Ahmedabad.