

ORDER BELOW EXH.310 IN SESSIONS CASE NO.38/09.

1. This application dated 4/1/2012 has been submitted before me which is sent by Shri R.J.Pargi, Superintendent, Ahmedabad Central Jail, Sabarmati, through Shri Radhakishan Pillai, PI, N.I.A.Kerala-New Delhi, and Rameshchandra R.Pandya, ASI, S.O.G. Crime, Ahmedabad City. It is stated in the application that in Sessions Case No.1/2010, NIA of Ernakulam, Kerala, production is required for the presence of the accused named E.T. Sainuddin alias Abdulsattar alias Salim S/o.E.T.Mahmad, to be produced on 7/1/2012. It is also stated in the letter that 35 cases of Serial Blasts are pending against the above mentioned accused, and the Government of Gujarat has applied Sec.268 of Cri.P.C. for the above mentioned accused.

2. The above mentioned PI Shri Radhakishan Pillai has produced the above mentioned letter along with the order requiring production in the court of person in prison for answering to charge of offence (Sec.267 of Cri.P.C.) issued by the Hon'ble Judge, 8 P.L. Court of NIA Cases, Ernakulam, Kerala, for the production of the above mentioned accused before their court. He has produced the zerox copy of the order of Home Department, Sachivalaya, Gandhinagar, Govt.of Gujarat, No.Pota/102011/1474/SB-5 dtd.5/1/2012 in which it has been mentioned that the Govt. revokes the order made by the Government vide Home Department's Order read at Sr.nNo.2 in respect of the aforesaid accused for 5 days i.e. 5/1/2012 to 9/1/2012, under the powers confirmed by Sub-Sec.(1) of Sec.268 of Cri.P.C. as the accused have to be produced before the Judge, in a Special Court for the NIA Cases at Ernakulam, Kerala, on the date of hearing i.e. 7/1/2012.

3. In view of the above mentioned facts and circumstances, the above mentioned accused is required to be presented at the Court of 8 P.L.Court for NIA Cases, Ernakulam, Kerala, on 7/1/2012, as per the above mentioned warrant and the Govt.of Gujarat has revoked its earlier order for 5 days as mentioned above. Therefore, considering the fact that the speedy trial is required for the earlier disposal of cases, and therefore, it is required that as per the above mentioned transfer warrant, letter of Sabarmati Central Jail, and the above mentioned order of the Govt.of Gujarat, Home Department, the accused is required to be sent to produced before the above mentioned court at Ernakulam, Kerala only for a day i.e. 7/1/2012, and thereafter, it is required to sent the above mentioned accused back to the Central Jail, Sabarmati, Ahmedabad, for the purpose of production before the Special CBI Court, Ahmedabad, and also the Government has also ordered to revoke the earlier order only for 5 days, and therefore, the application is required to be granted subject to some conditions, and therefore, I pass the following order in the interest of justice :-

ORDER

The present application is granted. It is permitted to send the accused E.T.Sainuddin alias Abdulsattar alias Salim, S/o.E.T.Mahmad, to remain present in Sessions Case No.1/2010(NIA) before the Juge, Special Court for N.I.A. Cases, Ernakulam, Kerala, on 7/01/2012, for answering the charge of offence as mentioned in the heading of the transfer warrant subject to following conditions:-

1. After the completion of the work of answering of charge of offence, the accused shall be returned immediately to Central Jail, Sabarmati, Ahmedabad, on or before 9/01/2012.

2. The Jail Superintendent, Sabarmati Central Jail, Ahmedabad, is directed to take all precautions regarding the maintenance of Human Rights of the accused during the transit period.
3. The Jail Superintendent, will inform the court on return of the accused in the jail on or before 9/01/2012.
4. It is hereby directed to Mr.Radhakishan Pillai, PI, NIA Came Office, Kochi, accordingly, to return the accused within the stipulated time, requesting the authority or court, if require.
5. The Sabarmati Central Jail authority shall verify the genuineness of the order of the Judge, 8 P.L. For NIA Cases, Ernakulam, Kerala, and the order of the Govt.of Gujarat, Home Department dt.5/1/2012, revoking the earlier order in regard to the above mentioned accused for 5 days i.e. 5/1/2012 to 9/1/2012.
6. Copy of this order be sent to the Superintendent, Central Jail, Sabarmati, Ahmedabad, and Mr.C.Radhakishan Pillai, PI, NIA Camp office, Kochi.

Pronounced in the open court on this 5th day of January-2012.

(V.B.MAYANI.)
I/c.Special Judge
CBI Court, No.1, Ahmedabad.