

IN THE CITY SESSIONS COURT AT AHMEDABAD
SESSIONS CASE NO.38 OF 2009

Order below EXH.904 :

Heard learned Spl. P.P. Mr. M.R. Amin and learned Addl. Spl. P.P. Mr. A.M. Patel for the State. Heard learned advocate Mr. L.R. Pathan for the accused, perused the endorsements made on the application.

1. The present application has been moved by the State to consolidate the 35 Sessions Cases mentioned in the application with Sessions Case No.38/2009 on the grounds mentioned in the application.

2. Learned advocate for the accused Mr. L.R. Pathan has no objection for the grant of the present application.

3. Earlier all, the cases were consolidated but, on account of technical reasons and with a view to start the trial of the cases atleast filed in the year 2009, the cases were separated by an order and the trial for the Sessions Cases of the year 2009 has, in fact, been initiated where, so far depositions of about 91 witnesses have been recorded.

4. The cases sought to be consolidated with Sessions Case No.38/2009 are as under which are, in all 35 Sessions Cases :

(1) 26/12, (2) 27/12, (3) 28/12, (4) 29/12, (5) 30/12,
(6) 31/12, (7) 32/12, (8) 33/12, (9) 34/12, (10) 35/12,
(11) 36/12, (12) 37/12, (13) 38/12, (14) 39/12,
(15) 40/12, (16) 41/12, (17) 42/12, (18) 43/12,
(19) 44/12, (20) 45/12, (21) 85/13, (22) 86/13,
(23) 87/13, (24) 88/13, (25) 89/13, (26) 90/13,
(27) 91/13, (28) 92/13, (29) 93/13, (30) 94/13,
(31) 95/13, (32) 96/13, (33) 97/13, (34) 98/13 and
(35) 99/13.

5. This Court is of the opinion that in light of the spirit of Sec.220 of Cr.P.C., in larger interest of justice and to comply the guarantee of speedy justice to the accused, this application needs to be granted.

6. In view of the foregoing situation, following final order is passed :

O R D E R

[1] This application is granted.

[2] All the remaining cases registered as Sessions Case Nos. (1) 26/12, (2) 27/12, (3) 28/12, (4) 29/12, (5) 30/12, (6) 31/12, (7) 32/12, (8) 33/12, (9) 34/12, (10) 35/12, (11) 36/12, (12) 37/12, (13) 38/12, (14) 39/12, (15) 40/12, (16) 41/12, (17) 42/12, (18) 43/12, (19) 44/12, (20) 45/12, (21) 85/13, (22) 86/13, (23) 87/13, (24) 88/13, (25) 89/13, (26) 90/13, (27) 91/13, (28) 92/13, (29) 93/13, (30) 94/13, (31) 95/13, (32) 96/13, (33) 97/13, (34) 98/13 and (35) 99/13 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 part of the papers of the charge-sheets furnished earlier, to the accused.
- [6] The copy of this order be placed in all the mentioned 35 cases.
- [7] The production warrant to Talaja Jail, Mumbai be issued for the mentioned two accused viz. **(1) Mohammad Mobin @ Mubin @ Irfan S/o. Abdul Safurkhan** and **(2) Aamin @ Raja Aiyub Nazir Shaikh** to produce them before this Court on 26/06/2013.
- [8] A copy of this order be sent to Jail

Superintendent at Taloja Jail for the compliance of the order.

[9] A yadi of this order be also sent to learned Brother Judge at Court No.57, Room No.55, Special MCOCA Court, Mumbai, where trial of these accused is ongoing, to request his goodself to see to it that the order may be complied so as to facilitate smooth trial in this case also.

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

Date : 30/05/2013

**[Dr. Smt. Jyotsna Yagnik]
Principal Judge,
City Civil & Session Court
Bhadra, Ahmedabad.**

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