

Order Below EXH.786 :

Heard learned P.P. Mr. S.B. Brahmbhatt for the State. The investigating Officer Mr. R.D. Jadeja of the C.R. No.I-24/2013 filed at the Ranip Police Station is present before the Court.

1. The present application has been moved to take custody of 5 named accused as, the transfer warrant from the learned Metropolitan Magistrate, Court No.11 has been obtained for the same. It is also contended that the 5 mentioned accused are to be arrested in the C.R. No.I-24/2013. The named 5 accused are as under :

- (1) Saduli Abdulkarim
- (2) Shibli Abdulkarim
- (3) Hafizhussain Tajuddin Mulla
- (4) Nasirahmed Liyakatali Patel
- (5) Jahid @ Javed Kutubuddin @ Maji Shaikh

2. Learned P.P. Mr. Brahmbhatt also states that originally Sec.268 of the Code of Criminal Procedure was invoked against the 5 accused. However, as on date, upon request of the investigating agency, the relaxation has been granted by the State Government. Hence, the said accused can also be taken out from the Central Jail premises.

3. Vide EXH.752, an order was passed to interrogate the 14 accused. The present above named 5 accused are

amongst those 14 accused.

4. It has been submitted that since sufficient material has been revealed against the present 5 accused, they need to be arrested in the present case for which, their custody is essential and that the transfer warrant has already been obtained.

5. In the larger interest of justice and with a view to give sufficient opportunity to the Investigating Agency to complete the investigation freely and fairly in the serious matter like tunnel digging in the Central Jail at Sabarmati, it appears just and proper to allow the application. In view of the foregoing discussion, the following order is passed :

O R D E R

[a] The I.O. Shri R.D. Jadeja, P.I. Crime Branch, Ahmedabad City is permitted to take away the custody of the following five accused from the Central Jail, Sabarmati to further interrogate and to arrest and to do necessary formalities with reference to C.R. No.I-24/2013 filed at the Ranip Police Station.

- (1) Saduli Abdulkarim**
- (2) Shibli Abdulkarim**
- (3) Hafizhussain Tajuddin Mulla**
- (4) Nasirahmed Liyakatali Patel**
- (5) Jahid @ Javed Kutubuddin @ Maji Shaikh**

- [b] The Investigating Officer shall take all necessary care for the safety and security of the accused and for the continuance of the smooth trial of Sessions Case No.38/2009.
- [c] During interrogation, the I.O. shall take care of all human rights of the accused and shall act in strict compliance of the different directions given by Hon'ble the Apex Court and Hon'ble the High Court of Gujarat with reference to the rights of the accused being interrogated.
- [d] A copy of this order be sent to the I.O. of C.R. No.I-24/13, I.O. of Sessions Case No.38/09 and to the Superintendent, Central Jail, Sabarmati, Ahmedabad.

With the above directions, this application stands disposed of as allowed.

Date: 27-02-2013

**(Dr. Smt. Jyotsna
Yagnik)
Judge,
Special Court designated
for conducting speedy
trial
of Riot Cases, situated at
Old High Court Building,
Navrangpura, Ahmedabad.**