

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 10638 of 2020

With

CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2020

In R/SPECIAL CIVIL APPLICATION NO. 10638 of 2020

With

R/SPECIAL CRIMINAL APPLICATION NO. 287 of 2021

With

R/SPECIAL CRIMINAL APPLICATION NO. 630 of 2021

With

R/SPECIAL CIVIL APPLICATION NO. 2097 of 2021

With

CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2023

In R/SPECIAL CIVIL APPLICATION NO. 2097 of 2021

With

R/SPECIAL CRIMINAL APPLICATION NO. 1394 of 2022

With

R/SPECIAL CRIMINAL APPLICATION NO. 1388 of 2022

With

R/SPECIAL CRIMINAL APPLICATION NO. 2401 of 2021

With

R/SPECIAL CRIMINAL APPLICATION NO. 3137 of 2021

With

R/SPECIAL CRIMINAL APPLICATION NO. 4544 of 2021

With

R/SPECIAL CRIMINAL APPLICATION NO. 5920 of 2021

With

R/SPECIAL CIVIL APPLICATION NO. 14001 of 2023

With

R/SPECIAL CIVIL APPLICATION NO. 14080 of 2023

With

R/SPECIAL CIVIL APPLICATION NO. 14081 of 2020

With

R/SPECIAL CRIMINAL APPLICATION NO. 11668 of 2023

With

R/SPECIAL CRIMINAL APPLICATION NO. 11740 of 2021

With

R/SPECIAL CRIMINAL APPLICATION NO. 13332 of 2022

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MAHMADHUSEN @ MAMU JAHANGIRBHAI MAKRANI (BALOCH)

Versus

STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Petitioner(s) No. 1

TIRTH N BHATT(8487) for the Petitioner(s) No. 1

MR HARDIK DAVE, PUBLIC PROSECUTOR FOR MR VINAY
VISHEN, APP for the Respondent(s) No. 1
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CORAM: **HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**
and
HONOURABLE MR. JUSTICE D.N. RAY

Date : 18/09/2025

**ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

Having heard Mr. Tejas Barot, learned Senior counsel assisted by Ms. Rhea Chokshi, learned advocate appearing for the petitioners, we deem it fit and appropriate, at this stage, to frame the following questions to be answered by the State, in the first instance :-

1. Whether the offence of "Terrorist act" as defined under Section 2(1)(h) is an independent and stand-alone offence in light of the penal provision encompassed in Section 3(1) wherein there is a clear and distinct demarcation between "Organised Crime" and a "Terrorist act" and the two seem to be treated as separate and independent offences and are punished, accordingly?

OR

Whether "Terrorist act" read in conjunction with Section 2(1)(e) which defines "Organised Crime" to mean "Continuing Unlawful Activity" AND "Terrorist act", essentially making Terrorist Act a subset of the offence of Organised Crime, wherein any action that is deemed to be a "Terrorist act" would have to be necessarily undertaken either as a member or on behalf of an "Organised Crime Syndicate", and thus the offence of

"Terrorist act" is not an independent offence but a mere subset of "Organised Crime" that is relatable to an "Organised Crime Syndicate"?

We find that a clear stand of the State on the above noted alternative questions is to be placed firstly before us.

As prayed on behalf of the learned Advocate General, the matter is posted on 23.09.2025 at 3.30 PM.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI