

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL CONFIRMATION CASE NO. 2 of 2022

With

R/CRIMINAL APPEAL NO. 727 of 2024

With

CRIMINAL MISC.APPLICATION (TEMPORARY BAIL) NO. 1 of 2025

In R/CRIMINAL APPEAL NO. 727 of 2024

With

R/CRIMINAL APPEAL NO. 1710 of 2023

With

CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)

NO. 2 of 2023

In R/CRIMINAL APPEAL NO. 1710 of 2023

With

CRIMINAL MISC.APPLICATION (FOR TEMPORARY BAIL) NO. 2 of

2024

In R/CRIMINAL APPEAL NO. 1710 of 2023

With

R/CRIMINAL APPEAL NO. 2106 of 2023

With

R/CRIMINAL APPEAL NO. 1710 of 2022

With

CRIMINAL MISC.APPLICATION (FOR DIRECTION) NO. 3 of 2025

In R/CRIMINAL APPEAL NO. 1710 of 2022

With

CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)

NO. 4 of 2023

In R/CRIMINAL APPEAL NO. 1710 of 2022

With

CRIMINAL MISC.APPLICATION (DIRECTION) NO. 12 of 2024

In R/CRIMINAL APPEAL NO. 1710 of 2022

With
R/CRIMINAL APPEAL NO. 1917 of 2022
 With
CRIMINAL MISC.APPLICATION (DIRECTION) NO. 1 of 2025
In R/CRIMINAL APPEAL NO. 1917 of 2022
 With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)
NO. 2 of 2024
In R/CRIMINAL APPEAL NO. 1917 of 2022
 With
CRIMINAL MISC.APPLICATION (TEMPORARY BAIL) NO. 8 of 2024
In R/CRIMINAL APPEAL NO. 1917 of 2022

=====

STATE OF GUJARAT
 Versus
JAHID @ JAVED KUTUBUDDIN SHAIKH & ORS.

=====

Appearance:
 MR MITESH AMIN, Additional Advocate General with MS. M. H. BHATT, APP for the Appellant(s) No. 1
 HCLS COMMITTEE(4998) for the Respondent(s) No. 1,14,19
 MR ARJUN M JOSHI(11247) for the Respondent(s) No. 2,21,3,34,36,7
 MR KHALID G SHAIKH(3233) for the Respondent(s) No. 10,11,12,13,14,24,28,30,31,32,33,37,38,9
 MR MHM SHAIKH(2007) for the Respondent(s) No. 15,16,17,18,20,22,23,25,26,27,29,35,4,5,6,8
 MR S M VATSA(6000) for the Respondent(s) No. 2,21,3,34,36,7
 MR. YOGENDRA THAKORE(3975) for the Respondent(s) No. 19

=====

CORAM:HONOURABLE MR. JUSTICE A.Y. KOGJE
 and
HONOURABLE MR. JUSTICE SAMIR J. DAVE

Date : 04/03/2025
ORAL ORDER
(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

1. This batch of cases arising out of a common judgment and order dated 18.02.2022 under Sessions Case No.38 of

2009 and allied Sessions Cases, which arose from an incident of serial bomb blast, which occurred in major cities of Gujarat resulting into mass killing of 56 citizens on 26.07.2008. Pursuant to the investigation, it appears that the convicts have continued in custody since then.

2. This batch consists of a confirmation case, five criminal appeals against convictions and ten other Misc. petitions already ordered to be tagged with the confirmation case.
3. The Court may in tabular form state bear statistics in connections with the present batch of cases:

Sr. No.	Particulars	Details
1.	Injured persons	246
2.	Deceased persons	56
3.	FIRs	35
4.	Charge-sheets	548
5.	Accused persons	78
6.	Charge-sheeted accused	78
7.	Accused undergone trial	78
8.	Convicted accused	49
9.	Acquitted accused	29
10.	Convicts awarded death sentence	38
11.	Convicts warded life sentence	11
12.	Exhibited documentary evidence	6000 approx
13.	Pages of paper-book	7,88,690 approx
14.	Prosecution examined witnesses	1163
15.	Pages of judgment	7015

4. By order dated 09.03.2022, this Court (Coram: Hon'ble Ms. Justice Sonia Gokani and Hon'ble Ms. Justice Mauna M. Bhatt) had issued notice by a detailed order including directions to the Jail Superintendent to ensure respondents- convicts are made to understand the facility of free legal aid. Thereafter, by an order dated 28.07.2022, this Court (Coram: Hon'ble Mr. Justice Vipul M. Pancholi and Hon'ble Mr. Justice Sandeep N. Bhatt) admitted the confirmation case and connected appeals/ applications at various point of time were ordered to be tagged with the confirmation case.
5. On 17.01.2024, this batch of cases were placed before this Court, wherein, this Court passed an order directing the Trial Court while preparing the paper-book and record and proceedings to prepare the same in digital form also considering the voluminous record. The Court also recorded that the learned advocates appearing for the respondents were willing to accept record and proceedings in digital form. It appears that in the interregnum period requests were received from the City Civil and Sessions Court, Ahmedabad seeking extension of time to prepare the paper-book in soft copy in an organized manner so as to assist the Court. This Court had monitored the preparation of the soft copy of the record and the format in which the same was prepared with the help of the IT Cell of this Court.

6. Thereafter, by order dated 18.12.2024, once the Court was ensured of the availability of record and proceedings and paper-book, was ordered to be transmitted to this Court. This aspect is also recorded in successive orders 07.01.2025, 30.01.2025, 10.02.2025, 13.02.2025 and 14.02.2025 and thereafter, the matter is being heard on day to day basis.
7. The Court has recorded appearance on behalf of respondents and handing over of paper-book in required numbers in hard copy as well as in the form of pen-drive. The Court has also ascertained the fact that the pen-drive assigned to each of the learned advocates representing the respondents is functional and specifically asked the IT Officer attached to the Court to ensure that the record contained in the pen-drive given to the respective advocates exactly matches with the pen-drive of this Court.
8. Considering the statistics as is mentioned in the tabular form hereinabove, undoubtedly the hearing of this batch of cases is going to consume a substantial period and therefore, to maintain continuity in the proceedings, the Court deems it fit to treat this confirmation case alongwith tagged appeals and applications arising of impugned judgment and order dated 18.02.2022 in sessions case No.38 of 2009 and other allied Sessions cases, as part heard.

9. As the Court is to refer to the record available in the digital form, necessary system with the display devices is already installed in this Court. Moreover, for the purpose of seamless excess to such record in digital form, the Court may continuously need presence of IT person from the IT Cell of this Court, which may be provided by the High Court Registry.
10. The Registry may make necessary submission before the Hon'ble the Chief Justice to bring to her kind notice for necessary directions.

Stand over to **05.03.2025**.

(A.Y. KOGJE, J)

(SAMIR J. DAVE, J)

MEHUL B. TUVAR