

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 182 OF 2012

MOHAMMED KHALIL AHMED BHAMLA

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA AND ORS

Respondent(s)

(With appln(s) for permission to appear and argue in person, exemption from filing O.T., directions, permission to file lengthy list of dates and office report)

WITH T.P.(CRL) NO. 61-65 of 2013

(With appln.(s) for permission to appear and argue in person and exemption from filing O.T. and ad-interim ex-parte stay)

T.P.(CRL) NO. 67-69 of 2013

(With appln.s) for permission to appear and argue in person and exemption from filing O.T. and ad-interim orders and permission to file lengthy list of dates)

Date: 22/02/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Petitioner-In-Person.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Application for permission to appear and argue in-person is allowed.

In the Writ Petition, filed under Article 32 of the Constitution of India, following prayers are made by the petitioner :

"Issue Writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo Warranto and/or Certiorari, as deemed fit & proper in the given scenario for the enforcement of Fundamental Rights.

(a) direct respondent nos.1, 2 & 3 to establish the whereabouts of the Petitioner's accused in-laws, accused wife & his son since 19th July, 2000, 12th April, 2002 & 11th September, 2003 respectively & submit a detailed report in this Hon'ble Court.

(b) direct stringent action in compliance to the provisions of law against imposter titled property at "Flat No.8/203 Satguru Complex, Saudagar Bldg., Kanakiya Nagar, Mira Road, Thane Dist.Maharashtra procured by the Petitioner's accused wife in proceeds of crimes,

(c) direct stringent process of law against all govt. officials responsible for issuance of an imposter titled [Ms.Nargis Mohammed Khan] divorcee identity passport No.E-5313061 dated 22nd July, 2003 at Dubai to the Petitioner's accused wife in accordance to the provisions of laws,

(d) direct stringent process of law against all four Investigation Officers, viz. Mr. Deepak Pawar, Mr. P. J. Salunkhe, Mr. J. K. Ramane & the then Dy. Comm. A. R. Dongre, Mumbai, Zone III in C.C.135/PW/2004 pending trial before the Id. MM Court at Mumbai in compliance to the provisions of the Bombay Police Act & law the land,

(e) a Writ in the nature of Mandamus directing respondent no.4 to take initiatives in compliance to its institutional capacity & provisional laws thereof,

(f) Set out guidelines to & for the respondent no.4 & 5 to constitutionally institute Special Courts in the State of Maharashtra & others with qualified & certified religious Jurists (Muffti) judges (kazi) mandatorily within a time frame, in compliance to basic Fundamental Rights guaranteed by Part III of the Constitution of India read with Personal Laws, especially for the Minority Communities.

(g) direct all the respondents to consistently submit detailed progress report in terms of the respective Writs issued by this Hon'ble Court.

(h) pass such other order or orders as may deem fit & proper."

Whereas, in the Transfer Petitions (Crl.) Nos. 61-65 of 2013, filed under Article 139 (A) of the Constitution of India, the following prayers are made by the petitioner :

"Transfer the following petitions pending before the Hon'ble Bombay High Court at Mumbai to this Hon'ble Court :

"(a) application (Crl.)No.8050 of 2005 titled Smt.Nargis Mohammed Khan Vs. the State of Maharashtra & Anr.;

(b) application (Crl.)No.663 of 2006 titled Smt.Farzana Mohammed Ali Hazi Abdul Karim & Ors. Vs. the State of Maharashtra & Anr.

(c) application (Crl.)No.664 of 2006 titled Shri Mohammed Sikkandar Khan & Anr. Vs. the State of Maharashtra & Anr.

(d) application (Crl.)No.567 of 2006 titled Mr.Mohammed Khalil Ahmed Bhamla Vs. Smt.Nargis Mohammed Khan & Ors.

(e) Writ Petition (Crl.)No.3954 of 2010 titled Mohammed Khalil Ahmed Bhamla Vs. the State of Maharashtra & Ors."

And in the Transfer Petitions(Crl.)Nos.67-69 of 2013, filed under Article 139 (A) of the Constitution of India, the following prayer(s) is/are made by the petitioner :

"1. Transfer Criminal Case No. I&R/CC 6/04 (135/PW/2004) titled Shri Mohammed Khalil Ahmed Bhamla Vs.Smt. Nargis - Mohammed Khan & Anr., Criminal Case No. I&R/CC 7/04 (136/PW/2004) titled Shri Mohammed Khalil Ahmed Bhamla Vs. Smt.Farzana Mohammed Ali Hajji Abdul Karim & Ors., and Criminal Case No.I&R/CC 8/04 (137/PW/2004) titled Shri Mohammed Khalil Ahmed Bhamla Vs. Shri Mohammed Sikkandar Khan & Ors., all pending trial before the Ld. Metropolitan Magistrate 17th Court at Mazgaon Mumbai to subordinate Superior CBI Court (Mumbai) along with reinvestigation & speedy trial within a mandatory time frame."

We have heard petitioner in-person and gone through the prayers made in the writ petition as well as in the transfer petitions. We find no merit in the aforesaid prayers and therefore deserves to be rejected. Accordingly, we reject the prayers in the Writ Petition as well as in the Transfer Petitions.

The Writ Petition and Transfer Petitions are dismissed accordingly.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Court Master