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W.P(C)No. 46 OF 2004

ITEM No. MM-A

Court No. 1

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION ©.....D.NO. 2158 OF 2004

Vijay Shekhar and Anr.Petitioner (s)

VERSUS

Union of India and Ors.Respondent (s)

(With appln(s). for ex-parte interim order and exemption
from filing O.T.)

Date : 28-01-2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)Mr. H.N. Salve, Sr.Adv.
Ms. Aruna Mathur, Adv.
Ms. Pratibha M. Singh, Adv.
Mr. Maninder Singh, Adv.
Mr. Kirtiman Singh, Adv.

For Respondent (s)

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

List this matter tomorrow.

In the mean time, the Registrar General of the High Court of Gujarat is hereby directed to take into custody the records pertaining to case No. 118 of 2004, titled Suresh Kumar Jethala l Sanghvi Vs.

-2-

Rajendra Kumar Jain and Ors., being a complaint case under Sections 406 and 420 IPC, pending before the Metropolitan Magistrate, Court No. 10, Meghani Nagar, Ahmedabad and the same may be placed before this Court under a seal cover tomorrow i.e. 29th January, 2004 at 10.30 a.m. The Registrar General of this Court is directed to inform the Registrar General of the High Court of Gujarat by Telephone/Fax about this order. The original documents and the tape given in Court by Mr. H.N. Salve, learned senior counsel, shall be kept in a seal cover under the custody of the Registrar General of this Court.

[Alka Dudeja] [Janki Bhatia]
Court Master Court Master

ITEM No.1

Court No. 1

SECTION PIL

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

Writ Petition(Civil) No.46/2004

VIJAY SHEKHAR & ANR.

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With Appln(s). for directions and exemption from filing O.T.)
(With Office Report)

Date : 29/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)Mr. Harish N Salve, Sr. Adv.
Mr. A Mariarputham, Adv.
Ms. Aruna Mathur, Adv.
Ms. Pratibha M Singh, Adv.
Mr. Kirthiman Singh, Adv.
for M/s Arputham, Aruna & Co., Adv.

For Respondent (s)
Resp. 1 & 2Mr. Soli J Sorabjee, Attorney General
Mr. K C Kaushik, Adv.
Ms. Sushma Suri, Adv. (NP)

Resp. No.3Mr. P Parmeswaran, Adv.

Resp. 4 & 5Ms. Hemantika Wahi, Adv.

UPON hearing counsel the Court made the following
ORDER

Issue notice to respondent No. 1-Union of India, respondent No. 2-Ministry of Law, respondent No.3-Central Bureau of Investigation, respondent No.4-State of Gujarat and respondent No.5-Gujarat High Court.

The learned Attorney General accepts notice on behalf of respondents Nos. 1 and 2, Mr. P Parmeswaran, Adv. on behalf of respondent No. 3 and Ms. Hemantika Wahi, Adv. on behalf of respondents Nos. 4 and 5.

Notice shall go also to (i) M.S. Brahmabhatt, Metropolitan Magistrate, Court No. 10, Meghaninagar, Ahmedabad; (ii) Suresh Kumar Jethalal Sanghvi, Ambamata Lane, Near Ioghwad, Kadianaka, Daryapur, Ahmedabad; (iii) Harish D. Bhawaniwala, Adv., 10, 'Rudra', Opp. Chadanad Police Chowki, Ambawadi, Ahmedabad-6; (iv) Narendra Chowdhary, Adv., I.G. Office Compound, Nr. O-15, Meghaninagar, Ahmedabad; and (v) Iqbal Katia, Adv., address not known (all to be served through Chief Metropolitan Magistrate, Meghaninagar Court Complex, Meghaninagar, Ahmedabad-16). One set of notices shall be handed over to the Registrar, Gujarat High Court for service through Chief Metropolitan Magistrate, Meghaninagar, Ahmedabad.

In pursuance of our order dated 28.1.2004, Registrar, Gujarat High Court is present today in Court and has handed over the case file in a sealed cover. The papers were taken out from the sealed cover and perused. The same shall be re-sealed in the presence of Registrar General of this Court.

We direct the Central Bureau of Investigation to make investigation in this matter. The sealed cover containing (i) original tape of the events, (ii) edited copy of the recording, (iii) original receipt bearing No. A-No.0708501 issued by Nazir of M.M.'s Court at Meghaninagar, (iv) certified copy of the order dated 15.1.2004 passed by M.M., Court No. 10, Meghaninagar, Ahmedabad and (v) all the four warrants in original, and the sealed cover containing the summons and case file, shall be handed over, upon obtaining a due receipt therefor, to Shri P. Parmeswaran, Adv., who has accepted notice on behalf of C.B.I., for the purpose of investigation by C.B.I. The C.B.I. is directed to make an investigation and submit its report to this Court on or before 6th February, 2004.

List this matter on 6th February, 2004.

We make it clear that our order would not preclude the High Court from taking any action against the Judicial Officers involved in the matter.

Let a copy of this order be handed over to Shri P. Parmeswaran, Adv. to be handed over to C.B.I. for necessary action.

(D.P. WALIA)
COURT MASTER

(JANKI BHATIA)
COURT MASTER