

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). 109 OF 2003

NATIONAL HUMAN RIGHTS COMMISSION

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

Date: 10/05/2013 This Petition was taken up in Chamber today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI  
HON'BLE MR. JUSTICE M.Y. EQBAL

The Court made the following  
O R D E R

In the letter dated 07.05.2013, Dr. R.K. Raghavan, Chairman, Special Investigation Team (SIT), Gandhinagar, Gujarat, apprised us that pursuant to the order dated 12th September, 2011 in Special Leave Petition (Crl.) No. 1088 of 2008, Smt. Zakia Jaffri filed a protest petition against the report filed by the SIT in Crime No. 67 of 2002, registered at Meghani Nagar Police Station, in the Court of XIth Metropolitan Magistrate, Ahmedabad. It is stated that the learned Presiding Metropolitan Magistrate had already commenced hearing arguments in the said protest petition which continued for a number of days since the record is voluminous.

It is pointed out that when substantial hearing of the said petition was over, on 02.05.2013, the Presiding Judge, Shri B.J. Ganatra, the learned XIth Metropolitan Magistrate, Ahmedabad was transferred in the general reshuffle of the Judicial Officers in the State of Gujarat. In view of the

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same, the Chairman, SIT, requested this Court that in the interest of all the parties concerned, necessary direction may be issued to stay the transfer of the Presiding Officer, namely, Shri B.J. Ganatra, the learned XIth Metropolitan Magistrate, Ahmedabad till the protest petition filed by Smt. Zakia Jaffri is finally decided.

In view of the said circumstance, we are of the opinion that it is desirable to continue with the same Presiding Officer to dispose of the protest petition. Accordingly, we feel that it would be proper and expedient if this request is made by the Chairman, SIT before the Chief Justice of the Gujarat High Court on the administrative side. We are confident that having regard to the fact situation, the learned Chief Justice will pass appropriate orders on the request of the Chairman, SIT.

Sr. Personal Assistant

Court Master

Note:

1. Registry is directed to communicate the above direction forthwith to the Chairman, SIT, Gandhinagar at Ahmedabad, Gujarat.
2. Registrar General, High Court of Gujarat.