

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

CRL.M.P. NO. 19816 OF 2009 IN WP (Crl) Nos.37-52/2002

MR.FR. CEDRIC PRAKASH & ORS. Petitioner(s)
VERSUS
STATE OF GUJARAT & ORS. Respondent(s)
(Appln. for directions and office report)

WITH

Crl.M.P. Nos. 9238 & 9239/2010 In W.P.(Crl.) Nos. 37-52/2002
(For c/delay in filing rejoinder affidavit and exemption from filing O.T.)

Crl.M.P. Nos. 8187 & 8188/2010 In W.P.(Crl.) Nos. 37-52/2002
(For impleadment and directions)

W.P.(CRL.) NO. 109/2003
(Fax letter dt. 14.4.2010 received from Mr. R.K. Raghavan,
Chairman, SIT)

CRL.M.P. NO. 8392 IN W.P.(CRL.) NO. 109/2003)

Crl.M.P. No. 4757,4759-4760 In W.P. (Crl.) NO. 109/2003
(For impleadment on behalf of Iliyas Hussain Mulla and
directions and exemption from filing O.T.)

Crl.M.P. Nos. 21849-21850 In SLP(Crl.) No. 1088/2008
(For impleadment and directions)

Date:06/05/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE AFTAB ALAM

For Applicant(s) Ms. Kamini Jaiswal, Adv.
Ms.Aparna Bhat, Adv.
Mr.P. Ramesh Kumar, Adv.

In Crl.M.P.8392/10 Mr. Vikas Singh, Sr. Adv.
Mr. Braj Mishra, Adv.
Mr. Abhishek Yadav, Adv.
Mr. Vikram, Adv.

..2/-

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Mr. K.V. Mohan, Adv.

For Petitioner(s) Mr. Harish N Salve, Sr. Adv. (A.C.)

Mr. Bhargava V Desai, Adv. (A.C.)
Mr. Rahul Gupta, Adv.
Mr. Nikhil Sharma, Adv.

Crl.MP 21849-50/09 Mr. Ram Jethamalani, Sr. Adv.
In SLP(Crl.) 1088/08 Mr. Mahesh Jethamalani, Sr. Adv.
Mr.Mahesh Agarwal, Adv.
Mr. Gaurav Goel, Adv.
Mr.Saurabh Ajay Gupta, Adv.
Mr.P.R. Mala, Adv.
Mr.Pranav Diesh, Adv.
Mr. Pranav Badheka, Adv.
Mr.E.C. Agrawala, Adv.

Crl.MP 8187-88/10 Mr. Ram Jethamalani, Sr. Adv.

Mr. Mahesh Jethamalani, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. P.R. Mala, Adv.
Mr. Gaurav Goel, Adv.
Mr. Pranav Badheka, Adv.
Mr. Mitesh Amin, Adv.
Mr. E.C. Agrawala, Adv.

Mr. Huzefa Ahmadi, Adv.
Mr. Ejaz Maqbool, Adv.

Mr. Naveen R Nath, Adv.

Mr. Prashant Bhushan, Adv.

Mr. Colin Gonsalves, Sr. Adv.
Mr. Vipin M. Benjamin, Adv.
Ms. Jyoti Mendiratta, Adv.

For Respondent(s)

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Mr. Tushar Mehta, Adv.
Ms. Hemantika Wahi, Adv.
Ms. Renuka Sahu, Adv.
Ms. Jesal, Adv.
Mr. Somanath Padhan, Adv.

Mr. Ramesh Kr. Singh, Adv.
Mr. C.D. Singh, Adv.

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Mr. H.P. Rawal, ASG
Mr. Raghenth Basant, Adv.
Mr. P.K. Dey, Adv.
Ms. Sandhya Goswami, Adv.
Mr. S.N. Terdol, Adv.
Ms. Sushma Suri, Adv.

Mr. V.N. Raghupathy, Adv.

State of Tripura

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

State of Bihar

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.
Mr. Chandan Kumar, Adv.

Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Rama Subramanian, Adv.

Mr. Naresh Kr. Sharma, Adv.

Mr. Gopal Prasad, Adv.

Mr. Keshav Roy Choudhary, Adv.
Mr. Navneet Kumar, Adv.
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Mr. Ravindra Kr. Adsure, Adv.

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Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.
Mr. Kishan Datta, Adv.

Mr. K.R. Sasiprabhu, Adv.

..4/-

: 4 :

Mr. Krishan Kumar, Adv.
Ms.Sadhana Sandhu, Adv.
Mr.D.S. Mahara, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Ranjan Mukherjee, Adv.
Mr. S Bhowmick, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Ritu Raj, Adv.

Mr. Atul Jha, Adv.
Mr. D.K. Sinha, Adv.

For NHRC Ms. Anita Shenoy, Adv.

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Mr. KH. Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

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Mr.Manoj Kumar Dwivedi, Adv.
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Mr.G.V. Rao, Adv.

Mr.Edward Belho, Adv.
Mr.Enatoli Sema, Adv.
Mr.Rituraj Biswas, Adv.

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for M/s Corporate Law Group, Adv.

Mr.Abhinav Mukhrji, Adv.
Mr.Kuldeep Singh, Adv.

Ms.Anuradha Rustagi, Adv.
Mrs. D. Bharathi Reddy, Adv.

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Ms.Promila, Adv.
Mr.S. Thananjayan, Adv.

Mr.P.V. Dinesh, Adv.
Mr. Rajesh P., Adv.
Mr.Hari Barish Manav, Adv.

Mr.A. Mariarputham, Sr.Adv.
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Dr. Manish Singhvi, AAG
Mr. Devanshu Kumar Devesh, Adv.
Mr. Milind Kumar, Adv.

Mr. Manjit Singh, AAG
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Mr. H.K. Puri, Adv.
Ms. Priya Puri, Adv.
Mr. V.M. Chauhan, Adv.
Mr. S.K. Puri, Adv.

Mr. Kuldip Singh, Adv.
Mr. K.K. Pandey, Adv.
Mr. T.P. Mishra, Adv.
Mr. Sanjay Katyal, Adv.
Mr. H.S. Sandhu, Adv.

Mr. A Venayagam Balan, Adv.

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

CrI.MP.No.19816/2009:

Having perused the comments submitted by the learned Amicus Curiae on the allegations in the application (I.A.No.19816 of 2009), and discussed the matter with him and the Chairman SIT at some length, we feel that it would be appropriate and expedient to direct Mr. A.K. Malhotra, D.I.G. (Retd) C.B.I. to examine all police records in the possession of the SIT and submit a report about the veracity of the

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explanation given by the SIT on each of the points raised in the said application. The report shall be submitted within eight weeks.

We further direct that though it seems unlikely that the trials would conclude shortly, but if in any one of the cases the trial is concluded before the next date, the concerned Trial Court(s) shall not pronounce the final judgment till further orders by this Court.

List the application along with other listed applications for directions on 6th August, 2010.

A report has been submitted by the Chairman SIT, on the letter of Shri Nigam R. Shukla, the Special Public Prosecutor, in Naroda Police Station case (Cr.No.98 of 2002). We request the learned Amicus Curiae to assist the Chairman, SIT in finding out suitable replacements for S/Shri R.K. Shah and N.R. Nigam, Special Public Prosecutors. As soon as the names are finalised by the Chairman SIT and communicated to the State Government, appropriate orders in that behalf shall be issued by the authorities concerned and trial in both the cases, which were being handled by them, shall resume subject to the orders, if any, by the Gujarat High Court in transfer petition arising from C.R.No.67 of 2001.

The progress report in Writ Petition (CrI.) No.109 of 2003 filed by the SIT is taken on record.

The same be kept in the sealed covers.

(Usha Bhardwaj)
Court Master

(Pushap Lata Bhardwaj)
Asstt.Registrar