

ITEM NO.1

COURT NO.1

SECTION PIL-W

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(s) (Criminal) No(s). 109/2003

NATIONAL HUMAN RIGHTS COMMISSION

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(NAME OF MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) AND MR. BHARGAVA V. DESAI (A.C.) MAY BE TREATED TO HAVE BEEN SHOWN IN LIST.)

WITH

T.P.(Cr1.) No. 66-72/2004 (XVI -A)

T.P.(Cr1.) No. 43/2004 (XVI -A)

SLP(C) No. 7951/2002 (III)

W.P.(Cr1.) No. 37-52/2002 (PIL-W)

SLP(Cr1) No. 2833/2015 (II-B)

T.P.(Cr1.) No. 194-202/2003 (XVI -A)

W.P.(Cr1.) No. 118/2003 (X)

W.P.(Cr1.) D 17953/2003 (PIL-W)

SLP(Cr1) No. 4409/2003 (II-B)

(FOR STAY APPLICATION ON IA 11537/2003)

W.P.(Cr1.) No. 216/2003 (X)

W.P.(Cr1.) No. 284/2003 (X)

Date : 22-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Amicus Curiae

Mr. Harish N. Salve, Sr. Adv.

Mr. Bhargava V. Desai, Adv.

For the appearing parties :

UOI

Ms. Pinky Anand, ASG

Mr. K. Radhakrishnan, Sr. Adv.

Ms. Ranjana Narayan, Adv.

Mr. R. Bala, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. S.W.A. Qadri, Adv.

Ms. Saudamini Sharma, Adv.

State of AP

Mr. Guntur Prabhakar, Adv.

Ms. Prerna Singh, Adv.

State of Arunachal Pradesh	Mr. Anil Shrivastav,Adv. Mr. Rituraj Biswas,Adv.
State of Assam	Ms. Diksha Rai,Adv.
State of Bihar	Mr. Gopal Singh,Adv. Mr. Manish Kumar, Adv.
State of Chhattisgarh	Mr. C.D. Singh,AAG Ms. Sakshi Kakkar,Adv.
State of Gujarat	Mr. Tushar Mehta, ASG Ms. Hemantika Wahi,Adv. Mr. Devang Vyas,Adv.
State of Haryana	Mr. Anil Grover, AAG Mr. Satish Kapoor, Adv. Mr. B.S. Gautam, Adv. Mr. Sanjay Kumar Visen,Adv.
State of HP	Mr. D.K. Thakur,Adv. Mr. Varinder Kumar Sharma,Adv. Ms. Parul Sharma,Adv.
State of Jharkhand	Mr. Jayesh Gaurav, Adv. Mr. Gopal Prasad,Adv.
State of Karnataka	Mr. V.N. Raghupathy,Adv. Mr. Parikshit P. Angadi,Adv. Mr. Lagnesh Mishra,Adv. Mr. Prakash Jadhav,Adv.
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State of Maharashtra	Mr. Nishant R. Katneshwarkar,Adv.
State of Manipur	Mr. Sapam Biswajit Meitei,Adv. Mr. Ashok Kumar Singh,Adv.
State of Meghalaya	Mr. Ranjan Mukherjee,Adv. Mr. Subhro Sanyal,Adv.
State of Orissa	Mr. Sibho Sankar Mishra,Adv. Mr. Uma Kant Mishra,Adv. Mr. Nirranjan Sahu,Adv.
State of Punjab	Mr. Kuldip Singh,Adv. Ms. Jaspreet Gogia, Adv.
State of Rajasthan	Ms. Ruchi Kohli,Adv.

State of Sikkim Ms. Aruna Mathur, Adv.
 Mr. Avneesh Arputham, Adv.
 Ms. Anuradha Arputham, Adv.
 Mr. Amit Arora, Adv.
 Ms. Simran Jeet, Adv.
 For M/s. Arputham, Aruna & Co.

State of Telangana Mr. S.U.K. Sagar, Adv.
 Mr. Mrityunjai Singh, Adv.

State of Tripura Mr. Gopal Singh, Adv.
 Mr. Rituraj Biswas, Adv.

State of UP Mr. D.K. Singh, AAG
 Mr. Upendra Mishra, Adv.
 Mr. Vinay Garg, AOR

State of WB Ms. Nandini Sen, Adv.
 Mr. Chanchal Kumar Ganguli, Adv.

UT of Andaman & Nicobar Admn. Mr. K.V. Jagdishvaran, Adv.
 Ms. G. Indira, Adv.

Govt. of Puducherry Mr. V.G. Pragasam, Adv.
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Ms. Aparna Bhat, Adv.
 Ms. Joshita Pai, Adv.

Ms. Shobha, Adv.
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 Mr. K. Luikang Michael, Adv.
 Mr. Z.H. Isaac Haiding, Adv.

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 Mr. Dharmendra Kumar Sinha, AOR
 Mr. Rana Ranjit Singh, AOR
 Mr. G. Prakash, AOR
 Dr. Nafis A. Siddiqui, AOR
 Ms. Liz Mathew, AOR

Mr. R. Sathish,AOR
Mr. P.V. Dinesh,AOR

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

1. Only two of the nine matters in question remain pending for consideration, firstly, Meghani Nagar PS 67/2002 (Gulberg Society). Insofar as the instant matter is concerned, trial in respect of 60 persons has been concluded, out of which 24 have been convicted and 36 have been acquitted. However, the trial is still in progress in connection with four juvenile accused, before the Juvenile Court. It is submitted, that the matter was last considered by the trial Court on 18.07.2017. Since the issue has been pending consideration with reference to an incident, which took place about fifteen years ago, we consider it just and appropriate to require the concerned Juvenile Court, to expedite the disposal of the matter, especially with reference to the recording of evidence, on a day to day basis(if possible), and to conclude the same at the earliest. We therefore request Shri A.K. Malhotra, Member, Special Investigation Team, Gandhinagar (Gujarat), to place this order, before the concerned Juvenile Court seeking expeditious disposal of the above trial.

2. The second matter, wherein trial is still in progress pertains to Naroda PS 98/2002 (Naroda Gaon Case). We are informed, that prosecution evidence in the above case has been completed, and that defence evidence is being recorded. For the same reasons, as have been recorded in the preceding paragraph, we require the trial Court to complete the recording of evidence of the remaining

defence witnesses, within the outer limit of two months. The defence, may be required to produce the remaining witnesses, within one month from today, and in case the remaining witnesses cannot be produced for the reason that one or more of them are not located within the territorial jurisdiction of the concerned Court (we are informed, that one of the witnesses is abroad), their evidence may be recorded by way of video conferencing, by following the parameters laid down by this Court in *Sujoy Mitra versus State of West Bengal* (2015) 16 SCC 615. Under all circumstances, we hope and expect that the trial Court shall render its judgment in the instant second matter, within four months from today. As in the first case, *Shri A.K. Malhotra, Member, Special Investigation Team, Gandhinagar (Gujarat)* is requested to place the instant order before the concerned trial Court.

3. List again after four months.

Subject: Writ Petition(Criminal) No. 118/2003

1. Learned counsel for the petitioner informs us, that this Court had directed the CBI to take over investigation in 9 cases, on 16.12.2003. The CBI completed the investigation and thereafter filed charge sheet against 20 persons including 6 police personnel and 2 doctors on 19.4.2004, in the instant case. It has been pointed out, that the trial Court convicted 13 of the accused, whereupon, appeals were preferred before the High Court, which confirmed the convictions, and also, accepted the appeal preferred by the CBI and additionally convicted accused numbers 13 to 16 and 18 to 20. It is submitted, that the limited prayer that remains in the instant petition, pertains to compensation to the family

members of the deceased and other victims, as also, departmental action against police personnel, who did not carry out the investigation appropriately.

2. In view of the above, we consider it just and appropriate to de-tag the instant petition from the remaining matters. Ordered accordingly.

3. Post for hearing after eight weeks.

(PARVEEN KUMAR)
AR CUM PS

(RENUKA SADANA)
ASST. REGISTRAR