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ITEM NO.43 and 55

COURT NO.6

SECTION IX

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

Petition(s) for Special Leave to Appeal (Civil) No(s).24358/2009

(From the judgement and order dated 06/04/2009 in SCA  
No.14540/2008,LPA No.6/2009 of The HIGH COURT OF GUJARAT AT  
AHMEDABAD)

BHURSING DIPAKBHAI RATHVA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for exemption from filing  
O.T.,directions,intervention,correction of typographical  
error.,permission to file additional documents and office report ))  
WITH

S.L.P.(CRL.) NO.3556 OF 2011

(with appln(s) for c/delay in filing SLP and exemption from filing  
OT and directions and permission tofile SLP and permission to place  
addl. documents on record and exemption from filing c/c of the  
impugned order and office report)

Date: 17/02/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Dr. Shyamla Pappu, Sr. Adv.  
Mr. Anil Kr. Pandey, Adv.  
Mr. R.Krishnaamorthi, Adv.  
Mr.K.K. Singh, Adv.  
Mr. K.L. Janjani,AOR  
Mr. Shiv Sagar Tiwari, AOR

For Respondent(s)

Mr. C.A. Sundaram, Sr. Adv.  
Mr. Gaurav Goel, Adv.  
Mr. E.C. Agrawala,AOR

Mr. Tushar Mehta, AAG  
Ms. Hemantika Wahi ,Adv  
Mr. S. Panda, adv.

Mr. Mohan Pandey ,AOR

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Mr. R.K. Rathore, Adv.  
Mr. D.S. Mahra, Adv.(Not present)

Mr. I.J. Pathan, in person  
Mr. A.H.Goswami, in person

Mr. T. Mahipal, Adv.(Not present)

Mr. Devashish Bharuka, Adv.(Not present)

UPON hearing counsel the Court made the following

O R D E R

On being pointed out by learned counsel appearing for the State of Gujarat, we direct insertion of the word 'not' between the words 'is and the' in the second paragraph of order dated 20.01.2012.

We have heard Smt. Shyamla Pappu, learned senior counsel for the petitioners, Shri Tushar Mehta, learned Additional Advocate General, Gujarat, Shri C.A. Sundaram, learned senior counsel appearing for the applicant Rajendra Chandulal Raval, Shri Anand Goswami, who had filed complaints in the Court of Chief Judicial Magistrate, Ahmedabad (Rural) and other courts and perused the record.

In response to the Court's query, learned Additional Advocate General gave out that an officer of the rank of Superintendent of Police who was directed by the High Court to make preliminary enquiry and submit report has done the needful and the matter is now pending with the CID (Crime and Railways), Gujarat. In response to another query of the Court, Shri Tushar Mehta, learned Additional Advocate General gave out that CID (Crime and Railways) has so far

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not submitted report to the High Court and the matter is still pending investigation.

In the facts and circumstances of the case, we feel that ends of justice will be adequately served if an officer of the rank of Superintendent of Police in CID (Crime and Railways) is directed to conduct a comprehensive enquiry into the matter and submit a report to the High Court within a period of six weeks from today. Ordered accordingly.

After submission of the report, the Bench hearing Special Criminal Application No.36 of 2009 shall take up the matter, hear the applicant, the complainant, the State and the special leave petitions' who may make an appropriate application in that regard and pass a detailed order dealing with all the issues raised by the applicant before the High

Court, the complainant, the special leave petitions' petitioners and the State counsel.

We would request the High Court to take up the matter as early as possible immediately after receipt of the report of the Superintendent of Police, CID (Crime and Railways).

The Court Master shall make available this order to the learned Additional Advocate General today itself.

Either party shall file an application enclosing therewith the order which may be passed by the High Court.

Thereafter, the matter be listed before the Court.

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(Parveen Kr.Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master