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W.P(Crl.)No. 109 OF 2003

ITEM No.301,302 & 303

Court No. 1

SECTION PIL,IX

XVIA,IIA & X

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. 109/2003

NATIONAL HUMAN RIGHTS COMMISSION

Petitioner (s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent (s)

( With Appln(s). for intervention & exemption from filing O.T.& Office Report )  
With

W.P(Crl.)No.11-15/2003,T.P.(Crl.) No.194-202/2003,SLP(Crl.)No.3770/2003,  
SLP(C)No.7951/2002,W.P(Crl.)No.D...17953/2003

(With applns.for stay,exemption & impleading party, permission to submit  
addl.documents, directions, exemption from filing CC & office report).

&

SLP(Cr) 4409/2003 (With office report)

WP(Cr) D.....No.21993/2003

&

SLP(Crl).....CrMP.10319/2003 (With applns.for permission to file SLP  
& office report)

Date : 21/11/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE DR. JUSTICE AR. LAKSHMANAN

AMICUS CURIAE Mr.Harish N.Salve,Sr.Adv.

M/s Bhargava V.Desai,Pradeep K.Malik,

Sidharth Choudhary,Sanjeev K.Singh,Advs.

For Petitioner (s)Mr.TR Andhyarujina,Sr.Adv.

M/s. S. Muralidhar,Somiran Sharma,

Rajat Khosla,Amit Sharma,Advs.

Mr.Shanti Bhushan,Sr.Adv.

M/s Mihir Desai,Aparna Bhat,P.Ramesh Kumar,Minakshi Sakhardande,Advs.

M/s JS Wad & Co.,Advs.

WP..D.17953/03In person

M/s.Huzefa Ahmadi,Ejaz Maqbool,

Nakul Dewan,Minakshi Nag,Advs.

For Respondent (s)Mr.KN Raval,Solicitor General

Mr.Raju Ramachandran,ASG

M/s A.Mariarputham,Prateek Jalan,

Sushma Suri,Aruna Mathur,Advs.

Mr.Mukul Rohtagi,ASG  
Mr.PS Mishra,Sr.Adv.  
M/s Hemantika Wahi,Tathagat H.Vardhan,  
Swarupa Reddy,Vishnu Sharma,Amitesh C.Mishra,  
Dhruv Kumar Jha,Advs.

Mr.KTS Tulsi,Sr.Adv.  
M/s Lalit Chauhan,Sameer Parekh,Advs.for  
M/s PH Parekh & Co.

Mr.Ravindra K.Adsure,Adv.  
Mr.VN Raghupathy,Adv.

Mr.PS Mishra,Sr.Adv.  
M/s CD Singh,Tathagat H.Vardhan,  
D.Kumar Jha,Swarupa Reddy,Advs.

Dr.Nafis A.Siddiqui,Adv.

M/s Mihir Desai,Aparna Bhat,  
P.Ramesh Kumar,Advs.

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

TP(Cr1) 194-202/203.

Issue notice.

Notice has been accepted by Ms.H.Wahi, learned counsel appearing for respondent no.1 State of Gujarat. She prays for and is allowed two weeks' time to file counter affidavit.

Notice to the remaining respondents shall be served through the State of Gujarat within a period of two weeks.

Until further orders, the trial in the following cases shall remain stayed:-

1.ARISING OUT OF FIR NO.09/2002 DATED 27.2.2002 OF POLICE  
STATION GODHRA:

(i) Criminal Case Nos.1-6/2003 titled State v. Mohmad Rafudan Ansari & Ors. pending in the Court of Special Judge, POTA, Ahmedabad;

(ii) Crime No.09/2002 titled State v. Junia Farooq Hassan & Ors. pending in the Juvenile Court, Godhra;

2. Criminal Case No.275/2002 arising out of FIR No.46/2002 dated 28.2.2002 of Police Station Bijaypur, titled State v. Patel Rameshbhai Kanjibhai & Ors. pending in the Court of Sessions Judge, Mehsana, Gujarat;

3. ARISING OUT OF FIR NO.67/2002 DATED 28.2.2002 OF POLICE  
STATION MEGHANINAGAR:

(i) Sessions Case No.152/2002 titled State v. Kailash Lalchand Bhai Dhobi & Ors. pending in the Court of Sessions Judge, Bhadra, Ahmedabad;

(ii) Criminal Case No.1720/2002 titled State v. Shankarji Hakaji Mali & Ors. pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;

(iii) Criminal Case No.296/2003 titled State v. Sandeep alia Sonu Ghunghru Val Valo & Ors. pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;

(iv) Criminal Case No.524/2002 titled State v. Vishal Badrilal Nayee & Ors. pending in the Juvenile Court No.IV, Ahmedabad;

4.ARISING OUT OF FIR NO.100/2002 DATED 28.2.2002 OF POLICE  
STATION NARODA, AHMEDABAD:

(i) Criminal Case No.982/2002 titled State v. Naresh Amarsingh Chhara & Ors. pending in the Metropolitan Magistrate Court No.XI, Ahmedabad, and

(ii) Criminal Case No.1662/2002 titled State v. Padmendra Singh & Ors. pending in the Metropolitan Magistrate Court No.XI, Ahmedabad.

Learned counsel for the petitioner in TP(Cr) Nos.194-202/2003 prays for and is permitted to amend the petitions for including the Sessions trial arising out of CR No.23/2002 and CR No.27/2002 (ODE Massacre). However, further trial in those cases shall remain stayed. List on 19th December, 2003.

SLP(Cr) 4409/2003.

Issue notice.

Ms.H. Wahi, learned counsel accepts notice. She prays for and is allowed two weeks' time to file reply.

In the meantime, further trial in Sessions Case No.180/2002 shall remain stayed.

List along with WP(Cr) No.109/2003 etc.

WP(Cr)...D.No.21993/2003.

Issue notice.

Ms.H.Wahi, learned counsel for the State of Gujarat, accepts notice. She prays for and is allowed two weeks' time to file reply. List along with WP(Cr) No.109/2003 etc.

SLP(Cr)...Cr.MP 10319/2003.

Permission to file SLP granted.

Issue notice.

Ms.H.Wahi, learned counsel for the State of Gujarat, accepts notice. She prays for and is allowed two weeks' time to file reply.

Notice to other respondents shall be served through State of Gujarat within a period of two weeks.

Mr.Harish N.Salve, learned Amicus Curiae has moved a Cr.M.P.....in W.P.(Cr) No.109/2003 in Court. Let this Cr.M.P. be treated as Interlocutory Application and registered by the Registry. Issue notice.

Ms.H.Wahi, learned counsel for State of Gujarat accepts notice. She prays for and is allowed two weeks' time to file reply.

List altogether on 19th December, 2003.

[Naresh Kumar]

AR-cum-PS

[Janki Bhatia]

Court Master