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

ITEM No.301

Court No. 1

SECTION PIL

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(For Preliminary Hearing)

NATIONAL HUMAN RIGHTS COMMISSION

Petitioner (s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent (s)

(With Appln(s). for intervention. and exemption from filing O.T. and intervention and office report)

With

T.P.(Crl.) No.194-202/2003 (for prel. hearing) (National Human Rights Commission vs. State of Gujarat & ors.) (with appln.(s) for stay and exemption from filing copies of FIR and impleading party and office report),
W.P(Crl.)No.D17953/2003 (for prel. hearing) (Umed Singh Gulia vs. Union of India & Anr.) (with office report),
SLP(Crl.)No.3770/2003 (for prel. hearing) (Citizens for Justice & Peace & Ors. vs. State of Gujarat & Ors.) (with appln.(s) for filing addl. facts and documents and directions and permission to place addl. documents on record),
SLP(C) No. 7951/2002 (for prel. hearing) (Viraj Tra Desai vs. State of Gujarat & Ors.) (with a ppln.(s) for exemption from filing c/cof the impugned judgment and permission to place addl.on record) and
WP(Crl.) Nos. 11-15 (Aleque Padamsee & Ors. vs. Union of India & Ors.) (with appln.(s) for permission to submit additional documents and directions and office report)

Date : 17/10/2003 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 CuriaeMr. Harish N Salve, Sr. Adv.
Mr. Bhargava V Desai, Adv.
Ms. Aparjita Singh, Adv.

For Petitioner (s)
in WP 109 &Mr. P P Rao, Sr. Adv.
TP 194-202 Mr. T R Andhyarujina, Sr. Adv.
Mr. S. Muralidhar, Adv.
Mr. Somiran Sharma, Adv.
Mr. Rajat Khosla, Adv.
Mr. Amit Sharma, Adv.

in WPD17953In person.

in SLP 3770Mr. Shanti Bhushan, Sr. Adv.
Mr. Mihir Desai, Adv.
Ms. Aparna Bhat, Adv.

Mr. P Ramesh Kumar, Adv.

in SLP 7951M/s. J S Wad & Co., Advs.(NP)

in WP(Crl.) 11-15Ms. Aparna Bhat, Adv.

Mr. Mihir Desai, Adv.

Mr. P Ramesh Kumar, Adv.

For Respondent (s)

Union of IndiaMr. Soli J Sorabjee, Attorney General

Mr. Raju Ramachandran, ASG

Mr. A Mariarputham, Adv.

Mr. Prateek Jalan, Adv.

Ms. Sushma Suri, Adv.

State of GujaratMr. Mukul Rohtagi, ASG

Mr. P S Mishra, Sr. Adv.

Ms. Hemantika Wahi, Adv.

Mr. Tathagat H Vardhan, Adv.

Ms. Swarupa Reddy, Adv.

Mr. Vishnu Sharma, Adv.

Mr. Amitesh C Mishra, Adv.

Mr. Dhruv Kumar Jha, Adv.

R.Nos.2-22 in Mr. K T S Tulasi, Sr. Adv.

SLP 3770Mr. Lalit Chauhan, Adv.

Mr. Sameer Parekh, Adv.

for M/s. P H Parekh & Co., Advs.

in WP(Crl.)11-15Mr. Ravindra K Adsure, Adv.

Mr. V N Raghupathy, Adv. (NP)

For Petitioner (s)

in intervention/

impleadment petns

in WP 109.Mr. P S Mishra, Sr. Adv.

Mr. C D Singh, Adv.

Mr. Tathagat H Vardhan, Adv.

Dr. Nafis A Siddiqui, Adv.

in TP 194-202Mr. Mihir Desai, Adv.

Ms. Aparna Bhat, Adv.

Mr. P Ramesh Kumar, Adv.

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

In SLP(Crl.) No. 3770/2003, the petitioners have annexed an affidavit dated 15.10.2003 of petitioner No. 2 Teesta Atul Setalvad with Crl.M.P. No. 9351/2003 (page 196 of the paperbook) and have also filed in Court today another affidavit dated 17.10.2003 of petitioner No. 2. The affidavit dated 17.10.2003 be taken on record. Learned Additional Solicitor General appearing for the State of Gujarat prays for and is allowed time till 31st October, 2003 to file a response to the said affidavit dated 15.10.2003 and to para 7 of the affidavit dated 17.10.2003. Rejoinder thereto may be filed by the next date of hearing.

From the record, we find that the criminal appeal filed before the High Court has been amended and the amended appeal has been admitted and is posted for hearing on 1st December, 2003. We also find that the notices issued have also been served and the paperbooks as directed by the Court will be made ready. We hope that the hearing of the appeal will commence on 1st December, 2003 and the matter will be decided expeditiously. The State of Gujarat shall continue to inform this Court as also the learned Amicus Curiae about the development of the prosecution of the appeal. At present, no further order is required to be passed.

However, we may clarify that we have not expressed any opinion or made any observation as regards the merits of the criminal appeal pending in the High Court. In case any observation has

been made by this Court, that will not come in the way of the High Court in deciding the appeal on merits.

Learned Amicus Curiae has submitted today a Note before this Court. The State of Gujarat shall also file a response to the said Note by 31st October, 2003.

The State of Gujarat shall submit a Status Report and the list of witnesses in the other nine cases, a copy of which shall also be given to the learned Amicus Curiae, in a sealed cover.

List all these matters on 7th November, 2003.

(D.P. WALIA) (JANKI BHATIA)
COURT MASTERCOURT MASTER