

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 OF 2003

NATIONAL HUMAN RIGHTS COMMISSION

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(With appln(s) for directions filed by A.C. and stay and intervention and direction and a note dated 27.02.2004 submitted by A.C and office report) (For Final Disposal)

WITH

CrI.M.P. NOs. 18710 & 18712 In WP(CrI.) No. 109 of 2003
(For impleadment and directions on behalf of Bipin Umedbhai Panchal)

CRL.M.P.NOS.4757, 4759-4760 IN W.P. (CRL.) NO.109/2003
(FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF ILIYAS HUSSAIN MULLICK)

W.P(CRL.) NO. 37-52 of 2002
(With appln. for permission to submit additional document(s) and exemption from filing O.T. and interim directions and permission to place addl. documents on record and directions and exemption from filing O/T and office report)

W.P (CrI.) No. D17953 of 2003
(With office report)

T.P(CrI.) Nos. 194-202 & 326-329 of 2003
(With appln. for stay and exemption and impleading party and permission to submit additional documents and permission to place addl. documents on record and office report)

SLP(C) No. 7951 of 2002
(With appln. for exemption from filing c/c of the impugned judgment and permission to place addl. documents on record)

SLP(CrI) NO. 4409 of 2003
(With appln. for stay)

SLP(CrI.) No. 5309 of 2003
(with appln. for c/delay in filing SLP and exemption from filing c/c of the impugned judgment and exemption from filing O.T. and office report)

W.P(CRL.) NO. 216 of 2003

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T.P.(CRL) NO. 66-72 of 2004
(With appln. for permission to file T.P. and stay and directions and taking addl. documents on record and permission to submit addl. document(s))

T.P.(CRL) NO. 43 of 2004
(With appln. for stay and exemption from filing O.T. and office report)

W.P(CRL.) NO. 118 of 2003
(With appln. for directions and interim relief and exemption from
filing O.T. and office report)

T.P. (CRL.) NOs. 233-234 of 2004
(With appln. for stay and office report)

W.P(CRL.) NO. 284 of 2003
(With office report)

CrI.M.P. No. 4485 of 2006 In SLP(CrI.) No. 3770 of 2003
(For directions)

SLP(CrI.) NO. 1088 of 2008
(With appln. for exemption form filing c/c of the impugned
judgment and permission to place addl. documents on record and
directions and modification of Court's Order dated 03.03.2008 and
taking compilation of documents on record office report)

SLP (CrI.) No. 7046 of 2010
(with appln(s) for exemption from filing O.T. and ex parte stay
and exemption from filing c/c of the impugned judgment and
permission and exemption from filing O.T. and office report)

Date: 02/12/2010 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 Petitioner(s)

WP 109/03 Mr. Harish N Salve, Sr. Adv. (A.C.)
Mr. Bhargava V Desai, Adv. (A.C.)
Mr. Rahul Gupta, Adv.
Mr. Nikhil Sharma, Adv.

SLP 1088/08 Ms. Anita Shenoy, Adv.
Mr. Raju Ramachandran, Sr. Adv. (A.C.)(NP)

Mr. Gaurav Agarwal, Adv. (A.C.)

...3/-

:3:

WP D17953/03 In person

SLP(C)7951/02 M/s Lawyers Knit & Co.

SLP(CRL)4409/03
WP(CRL)216/03 Mr. Ejaz Maqbool, Adv.

TP(CRL)43/04 &
WP(CRL)284/03 Mr. Naveen R. Nath, Adv.

TP(CRL) 194-202 &
326-329/03 Ms. Indu Malhotra, Adv.

WP(CRL)118/03 Ms. Shobha, Adv.

SLP(CRL)7046/10 Ms. Kamini Jaiswal, Adv.
Ms. Aparna Bhat, Adv.
Mr. P. Ramesh Kumar, Adv.

Mr. Divyesh Pratap Singh, Adv.
Mr. S.M. Vohra, Adv.

WP (CRL) 37-52/02
& SLP (CRL)5309/03
& TP(CRL)66-72/04
& CRLMP 4485/06 IN
SLP (CRL)3770/03
SLP (CRL) 1088/08
TP(CRL)233-234/04
Applicants in
WP(CRL) 109/03

For Respondent(s) Mr. Tushar Mehta, AAG
Mr. Mukul Rohtagi, Sr. Adv.
Mr. Ranjit Kumar, Sr. adv.
Ms. Hemantika Wahi, Adv.
Mr. Bhupendra Yadav, Adv.
Ms. Jesal, Adv.

Mr. C.D. Singh, Adv.

UOI Dr. Nafis A. Siddiqui, Adv.
MR. P.K. Dey, Adv.
Mr. Raghenth Basant, Adv.
Mr. S.N. Terdal, Adv.
Mr. P Parmeshwaran, Adv.
Ms. Sushma Suri, Adv.

Mr. V.N. Raghupathy, Adv.

....4/-

:4:

State of Bihar/
Tripura Mr. Gopal Singh, Adv.

Puducherry Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Rama Subramanian, Adv.
Mr. L.A.J. Selvam, Adv.

Mr. Naresh Kr. Sharma, Adv.

Mr. Gopal Prasad, Adv.

Mr. Bimal Roy Jad, Adv.

State of Assam M/s. Corporate Law Group

Mr. Ravindra Kr. Adsure, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. T.V. George, Adv.

Orissa Mr. Radha Shyam Jena, Adv.

State of Sikkim M/s. Arputham, Aruna & Co.

State of Punjab Mr. Kuldip Singh, Adv.
Mr. R.K. Pandey, Adv.
Mr. H.S. Sandhu, Adv.

Mr. Tara Chandra Sharma, Adv.
Mr. K.R. Sasiprabhu, Adv.
Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Ranjan Mukherjee, Adv.
Mr. Anil Shrivastav, Adv.

WP 109/03
State of Arun.P.

Mr. D.K. Sinha, Adv.
Mr. Naveen R Nath, Adv.
Ms. Anita Shenoy, Adv.
Mr. Sanjay R Hegde, Adv.

....5/-

:5:

State of Manipur

Mr. KH. Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.
Mr. R Satish, Adv.
Mr. P.V. Dinesh, Adv.
Ms. Jayshree Satpute, Adv.
Ms. Jyoti Mehndiratta, Adv.
Mr. S.N. Bhat, Adv.
Dr. Kailash Chand, Adv.
Mr. Sanjay Jain, Adv.
Mr. Rashmikumar Manilal Vithlani, Adv.
M/s Parekh & Co, Advs.
Dr. Meera Agarwal, Adv.
Mr. Annam D.N. Rao, Adv.

State of Harayana

Mr. Manjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

WP 109/2003

Dr. Manish Singhvi, AAG for Rajasthan
Mr. D.K. Devesh, Adv.
Mr. Milind Kumar, Adv.
Mr. Sahil S. Chauhan, Adv.

CRLMP 18710 &
18712 in WP 109/03
(applicants)

Mr. D.N. Ray, Adv.
Mr. Lokesh K. Choudhary, Adv.
Ms. Sumita Ray, Adv.

UPON hearing counsel the Court made the following

O R D E R

CRL.M.P. NO. 23785/2010 in Special Leave Petition

(Criminal) NO. 1088 OF 2008

The application is allowed subject to just exceptions.

....6/-

:6:

CRL.M.P. NO. 23784/2010 in Special Leave Petition
(Criminal) NO. 1088 OF 2008

Learned counsel for the applicants seeks leave to withdraw the application, stating that the applicants would like to pursue some other remedy, as may be available to them, in accordance with law. The application is dismissed accordingly.

We may, however, clarify that we have not expressed any opinion on the merits of the impugned order. As and when the same is challenged, the Court concerned will examine it on its own merits.

CRL.M.P. NOS. 24837-39/2010 in Special Leave
Petition (Criminal) NO. 1088 OF 2008

The applications are dismissed as withdrawn. Special Leave Petition (Criminal) No. 1088 of 2008

Mr. Gaurav Agarwal, learned counsel, assisting Mr. Raju Ramachandran, the Amicus Curiae in the matter, states that he has received copies of the reports submitted by the Special Investigation Team (SIT). He prays for some time to go through the same in order to assist the Court.

List on 20th January, 2011 at 3.00 p.m.

....7/-

:7:

CRL.M.P. NO. 23783/2010 in Special Leave Petition
(Criminal) NO. 7046 OF 2010

The application is allowed subject to just
exceptions.

CRL.M.P. NO. 23782/2010 in Special Leave Petition
(Criminal) NO. 7046 OF 2010

Learned counsel for the applicants seeks
leave to withdraw the application, stating that
the applicants would like to pursue some other
remedy, as may be available to them, in accordance
with law. The application is dismissed
accordingly.

We may, however, clarify that we have not
expressed any opinion on the merits of the
impugned order. As and when the same is
challenged, the Court concerned will examine it on
its own merits.

Special Leave Petition (Criminal) No. 7046 of
2010

A copy of order dated 29th November, 2010
passed by the trial Court has been shown to us.
Let it be taken on record.

List the main petition (Special Leave
Petition (Criminal) No. 7046 of 2010) for
preliminary hearing on 15th December, 2010 at 3.00
p.m.

....8/-

:8:

The comments received from the Chairman,
Special Investigation Team (SIT) shall be kept in
a sealed cover.

Writ Petition (Criminal) No. 109 of 2003

A progress report, dated 26th November, 2010, with regard to the current position of the trial in each of the cases, has been submitted by the Chairman, Special Investigation Team, in a tabulated form. In the report, it is stated that further investigations in respect of suspect individuals on the allegations leveled by Smt.

Zakia Nasim Jaffri have been completed and further steps in accordance with law are being taken.

Let a copy of the report be supplied to the learned Amicus Curiae.

Learned Amicus Curiae has brought to our notice the comments of the Supervisory Officer contained in Progress Report dated 20th October, 2010, in particular, to Para 7 of the comments, in trial pertaining to the Meghaninagar Police Station 1, CR No. 67 of 2002, wherein it is reported that copies of some letters, the last one being dated 7th October, 2010, have been forwarded by the N.G.O., Citizens for Justice & Peace, to an International Body outside India.

....9/-

:9:

We have asked Ms. Jaiswal, learned counsel appearing for the said N.G.O. to seek instructions on this aspect of the matter.

List on 20th January, 2011 at 3.00 p.m.

The reports filed by the Chairman, Special Investigation Team, shall be kept in a sealed cover.

(CHARANJEET KAUR)
Court Master

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master