

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

CrI.M.P. No. 13912 IN W.P.(CrI.) No. 109 of 2003
(For permission of modification of Courts' order dated 14.5.2010
on behalf of citizen for peace and justice & Ors.)

W.P(CRL.) NO. 37-52 of 2002
(With appln. for permission to submit additional documents 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)

CrI.M.P. No. 19816 of 2009 In W.P.(CrI.) Nos. 37-52 of 2002
(For Directions)

CrI.M.P. No. 9238 & 9239 of 2010 In W.P.(CrI.) Nos.37-52 of 2002
(For c/d in filing rejoinder affidavit & exemption from filing
O.T)

CrI.M.P. Nos. 8187-8188 of 2010 In W.P.(CrI.) Nos. 37-52 of 2002
(For impleadment and intervention)

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

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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

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 from filing c/c of the impugned judgment and permission to place addl. documents on record and directions and office report)

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Date: 19/08/2010 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.

Ms. Anita Shenoy, Adv.

SLP 1088/08

Mr. Prashant Bhushan, Adv. (A.C.)

WP D17953/03

In person

Mr. S Udaya Kuamr Sagar, Adv.
Ms. Bina Madhavan, Adv.
for M/s Lawyers Knit & Co., Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Naveen R. Nath, Adv.

Ms. Shobha, Adv.

Ms. Kamini Jaiswal, Adv.

Ms. Aparna Bhat, Adv.

Mr. Sanjay Parikh, Adv.

Mr. P. Ramesh Kumar, Adv.

Mr. David A., Adv.

For Respondent(s)

Mr. Ranjit Kumar, Sr. adv.

Mr. Tushar Mehta, AAG

Ms. Hemantika Wahi, Adv.

Ms. Jeral, Adv.

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:5:

Ms. Sadhana Sandhu, Adv.

Mr. D.S. Mahra, Adv.

Mr. C.D. Singh, Adv.

Dr. Nafis A. Siddiqui, Adv.

Aparna Bhat, Adv.

UOI
Mr. H.P. Raval, ASG
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.

State of Bihar/
Tripura
Mr. Gopal Singh, Adv.
Mr. Rituran Biswas, Adv.
Mr. Manish Kumar, Adv.

Pondicherry
Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Rama Subramanian, Adv.

Mr. Naresh Kr. Sharma, Adv.

Mr. Gopal Prasad, Adv.

Mr. Bimal Roy Jad, Adv.

M/s. Corporate Law Group, Advs.

Mr. Ravindra Kr. Adsure, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. T.V. George, Adv.

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Orissa
Mr. Radha Shyam Jena, Adv.
Mr. T.K. J. Samanta, Adv.

Mr. A Mariarputham, Sr. Adv.
Mrs. Aruna Mathur, Adv.
Mr. Amarjit Singh Girsra, Adv.
for M/s. Arputham, Aruna & Co., Advs.

Mr. Vikas Singh, Sr. Adv.
Mr. Braj Mishra, Adv.
Mr. Abhishek Yadav, Adv.
Mr. Vikram, Adv.

Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.

Mr. K.R. Sasiprabhu, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Ranjan Mukherjee, Adv.

WP 109/03
State of Arun.P.
Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Mr. D.K. Sinha, Adv.

Mr. Naveen R Nath, Adv.

Ms. Anita Shenoy, Adv.
Mr. Sanjay R Hegde, Adv.
Mr. KH. Nobin Singh, Adv.
Mr. R Satish, Adv.
Mr. P.V. Dinesh, Adv.
Ms. Jyoti Mehndiratta, Adv.
Mr. S.N. Bhat, Adv.
Dr. Kailash Chand, Adv.

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Mr. Sanjay Jain, Adv.
Mr. Rashmikumar Manilal Vithlani, Adv.
M/s Parekh & Co, Adv.
Dr. Meera Agarwal, Adv.
Mr. Annam D.N. Rao, Adv.
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 Mr. D.N. Ray, Adv.
(applicants) Mr. Lokesh K. Choudhary, Adv.
Ms. Sumita Ray, Adv.
Mr. K.N. Madhusoodhanan, Adv.
Mr. R. Sathish, Adv.

U.P. Mr. Shail Kr. Dwivedi, AAG
Mr. Manoj Kr. Dwivedi, Adv.
Mr. S.K. Dwivedi, Adv.
Mr. G. Venkateswara Rao, Adv.
Mr. R.P. Mehrotra, Adv.

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

W.P. (CRL.) NO. 109/2003

Order dated 14th May, 2010, on the
communication dated 11th May, 2010 received from
the office of the Chairman, Special Investigation
Team, was passed in the Chambers, when learned
counsel for the parties were not present.

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However, inadvertently, in the said proceedings for that date presence of the counsel has been recorded. We order that in the proceedings dated 14th May, 2010, names of the counsel shall be treated as deleted and the proceedings shall stand corrected to that extent.

A progress report dated 5th August, 2010 regarding the nine under-trial cases investigated by the SIT, for the quarter ending July, 2010 has been filed by the Chairman, Special Investigation Team. The same is taken on record. A copy of the said report shall be supplied to Mr. Harish N. Salve, the learned Amicus Curiae.

In the progress report, relating to Sessions Cases registered at Meghaninagar, Police Station 1 (CR NO. 67/2002), the Supervisory Officer has commented that Mr. R.C. Kodekar, the Special Public Prosecutor had complained to him that Ms. Teesta Setalvad had spoken with him from her Mobile in connection with some court proceedings in a threatening tone. Ms. Teesta Setalvad is present in Court. While admitting that she did have a talk with Mr. Kodekar, states that it was in connection with the

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complaint of a victim and not on the subject referred to in the report. In view of the explanation furnished, we do not propose to pursue the matter further. Nevertheless, we direct that henceforth nobody, except the Chairman or the Members of the SIT, will be in contact with the Special Public prosecutors appointed under the directions of this Court to conduct trials in

various cases. Similarly, if the Public Prosecutors want some inputs or face any difficulty, they can get in touch only with the Chairman, SIT, for redress of the same.

A letter has been received from one Mr. Jaspal Singh, IPS (retired), seeking certain directions. No such letters can be entertained. Accordingly, we decline to take cognizance of the said letter.

CRL. M.P. NO. /2010 IN W.P. (CRL.) NO. 109/2003

We do not find any ground to modify our order dated 14th May, 2010. The application is dismissed accordingly.

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CrI.M.P. No. 13912 IN W.P.(CrI.) No. 109 of 2003

In view of order in the unnumbered application in W.P. (CrI.) No.109 of 2003, no further orders are called for in this application.

The same stands disposed of accordingly.

SLP (CRL.) NO. 1088 OF 2008

Pursuant to the order passed by this Court on 27th April, 2009, an inquiry report has been submitted by Shri A.K. Malhotra, a member of the Special Investigation Team (SIT). The report is accompanied by the comments of the Chairman, SIT.

Let a copy of the inquiry report as also the comments of the Chairman be supplied to Mr. Prashant Bhushan, the learned Amicus Curiae appointed to assist us in the case, in a sealed cover.

In the meantime, the SIT may proceed with further investigations as suggested in the report.

A letter has been received from Shri Ashish

Bhatia, Inspector General of Police and Convener
and Member of SIT, seeking clarification/
direction as to whether the statement of Shri
Narendra Modi, Chief Minister of Gujarat, recorded

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by the SIT during the course of investigation
ordered by this Court be produced before Justice
Nanavati and Justice Mehta Commission of Inquiry,
pursuant to their communication dated 12th May,
2010.

We order that the said statement shall not
be supplied to the said Commission. We further
direct that the SIT shall not divulge any
information collected by it during the course of
investigations, directed by this Court to anyone,
except to the trial Court and the Public
Prosecutor concerned, if such an occasion arises,
without the leave of this Court.

List for further orders on 30th September,
2010 at 2.00 p.m.

An intimation has been received from Mr.
R.K. Raghavan, Chairman, SIT about the joining of
Shri Y.C. Modi, I.P.S. as member of the SIT
pursuant to our order dated 14th May, 2010.
However, in the said letter, it is pointed out
that another officer, namely, Dr. K. Venkatesam
from the Maharashtra cadre, who has also been
selected to join the SIT, has not yet been

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relieved by the State of Maharashtra. Mr.
Raghavan, who is present in Court, states that as

per his information, the Government of Maharashtra is not willing to relieve the said officer. Under the circumstances, let a notice issue to the State of Maharashtra through Secretary (Home) to show cause as to why a direction be not issued to them to relieve the said officer to join the Special Investigation Team, constituted by this Court. Response to the notice shall be filed within a week. List for further directions after one week at 3.45 p.m.

CRL. M.P. NO.21849 IN SLP (CRL.) NO.1088/2008

List on 30th September, 2010.

CRL. M.P.Nos.17620-17621/2010

Let both the applications stand over for the time being.

CrI.M.P. No. 19816 of 2009 In W.P.(CrI.) Nos. 37-52 of 2002

Pursuant to our order dated 6th May, 2010, Mr. A.K. Malhotra, Member, SIT, has examined the police records in the possession of the SIT and

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has submitted a report about the veracity of the explanation given by the SIT on each of the points raised in the application. Let a copy of the said report along with the conclusions drawn by Mr. A.K. Malhotra, be supplied to Mr. Harish N. Salve, the learned Amicus Curiae.

List on 30th September, 2010.

All the reports shall be kept in sealed covers.

Court Master

Court Master