

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

CRL.M.P. NO. 19816 OF 2009 IN WP (Crl) No.37-52/2002

MR.FR. CEDRIC PRAKASH & ORS. Petitioner(s)
 VERSUS Respondent(s)
 STATE OF GUJARAT & ORS.
 (Appln. for directions and office report)

WITH
 CrlMP.Nos.4657, 4759-4760 in
 WRIT PETITION (Crl) No.109/2003

NATIONAL HUMAN RIGHTS COMMISSION Vs. STATE OF GUJARAT & ORS.

(For impleadment on behalf of Iliyas Hussain Mulla and directions and exemption from filing OT)

with Crl.MP.Nos.21849-21850 in SLP (Crl)No.1088/2008
 (For impleadment and directions)

Date: 06/04/2010 This Petition was 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 Applicant(s) Ms. Kamini Jaiswal, Adv.,
 Ms.Aparna Bhat, Adv.
 Mr.P. Ramesh Kumar, Adv.

For Petitioner(s) Mr. Harish N Salve, Sr. Adv. (A.C.)
 Mr. Bhargava V Desai, Adv. (A.C.)

In SLP(Crl.)1088/08 Mr.Ram Jethmalani, Sr.Adv.
 Mr.Mahesh Agarwal, Adv.
 Mr.Pranav Badheka, Adv.
 Ms. P.R. Mala, Adv.
 Mr.Saurabh Ajay Gupta, Adv.
 Mr.Mazag Andrabi, Adv.
 Mr.Pranav Diesh, Adv.
 Mr.Saurabh Gupta, Adv.
 Mr.E.C. Agrawala, Adv.

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Mr. Huzefa Ahmadi, Adv.
 Mr. Ejaz Maqbool, Adv.

Mr. Naveen R Nath, Adv.

Mr. Prashant Bhushan, Adv.

Mr.Colin Gonsalves, Sr.Adv.
 Mr.Vipin M. Benjamin, Adv.
 Ms.Jyoti Mendiratta, Adv.

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

Mr. C.D. Singh, Adv.

Dr. Nafis A. Siddiqui, Adv.

Ms.Kamini Jaiswal, Adv.

Ms.Aparna Bhat, Adv,.

Mr.P.Ramesh Kumar, Adv.

Mr.David, Adv.

Mr. Gopal Subramaniam, S.G.

Mr. H.P. Raval, ASG

Mr. Raghenth Basant, Adv.

Ms.Sandhya Goswami, Adv.

Mr.S.N. Terdol, Adv.

Ms. Sushma Suri, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

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.

Mr. Navneet Kumar, Adv.

for M/s Corporate Law Group, Advs.

:3:

Mr. Ravindra Kr. Adsure, Adv.

Mr. T.V. Gorge, Adv.

Mr. Radha Shyam Jena, Adv.

Mr.A.Mariarputham, Sr.Adv.

Mrs. Aruna Mathur, Adv.

Mr. Amarjeet Singh Girsra, Adv.for

for M/s. Arputham, Aruna & Co.,

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

Mr. K.R. Sasiprabhu, Adv.

Mr.Krishan Kumar. Adv.

Mr.Shalinder Saini, Adv.

Ms.Sadhana Sandhu, Adv.

Mr.D.S. Mahara, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. S Bhowmick, Adv.

Mr. Anil Shrivastav, Adv.

Mr. D.K. Sinha, Adv.

For NHRC

Ms. Anita Shenoy, Adv.

Ms.Rashmi Nandakumar, Adv.

Mr. Sanjay R Hegde, Adv.

Mr. KH. Nobin Singh, Adv.

Mr. R Satish, Adv.

Mr. Manoj Kumar Dwivedi, Adv.
Mr. Ashutosh Sharma, Adv.
Mr. Ravi Prakash Mehrotra, Adv.
Ms. Vandana Mishra, Adv.
Mr. G.V. Rao, Adv.

Mr. Edward Belho, Adv.
Mr. Enatoli Sema, Adv.
Mr. Rituraj Biswas, Adv.
Mr. CMK Kennedy, Adv.

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Mr. Navneet Kumar for
M/s Corporate Law Group, Adv.

Mr. Abhinav Mukhrji, Adv.
Mr. Kuldeep Singh, Adv.

Ms. Anuradha Rustagi, Adv.
Mrs. D. Bharathi Reddy, Adv.

Ms. Promila, Adv.
Mr. S. Thananjayan, Adv.

Mr. P.V. Dinesh, Adv.
Mr. P. Rajesh, Adv.
Mr. Rangu Krishnan, Adv.
Mr. Hari Barish Manav, Adv.

Mr. A. Mariarputham, Sr. Adv.
Ms. Aruna Mathur, Adv.
Mr. Amarjeet Singh Girsra, Adv.

Dr. Manish Singhvi, AAG
Mr. Devanshu Kumar Devesh, Adv.
Mr. Milind Kumar, Adv.

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

We have heard Mr. Harish Salve, the learned Amicus Curiae and Mr. Gopal Subramaniam learned Solicitor General of India at some length. Learned Amicus Curiae submits that having perused the comments received from the SIT and the members constituting it, he would like to gather some more information from the petitioners, for which purpose he would prepare and supply a questionnaire to the petitioners, through their counsel. According to the learned Amicus Curiae he would be able to complete this exercise within two weeks. In view of the submission, further hearing in the matter is deferred till 28th April, 2010.

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Mr. Mukul Rohtagi, learned senior appearing on behalf of the State of Gujarat prays that a copy of the report of the SIT and its members may be supplied and the State be given an opportunity of being heard before any final order is passed in the case. We accede to the prayer and request the learned Amicus Curiae to supply a copy of the said comments to learned counsel for the State of Gujarat. Response, if any, to the petition/comments may be filed within 3 days. List the matter on 19th April, 2010 at 2.30 p.m. for hearing on the question of interim directions.

However, we request the Chairman, SIT to ensure that till further orders Smt. Geetha Johri and Shri Sivanand Jha are not associated with any ongoing trial/ investigations.

All other applications will be listed on the 28th April, 2010.

The reports shall be kept in a sealed cover.

[Usha Bhardwaj]
Court Master

[Pushap Lata Bhardwaj]
Asst.Registrar