

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

DEVENDRABHAI N. PATHAK & ORS. Petitioner(s)
VERSUS
STATE OF GUJARAT & ORS. Respondent(s)

(Appln. for directions and office report)

WITH

CRLMP.NO.5172/2009 IN WP.(Crl)No.37-52 of 2002
(For deletion of petitioner No.1 from the array of parties)

WITH

WRIT PETITION (Crl) No.109/2003

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

(Letter dt.20.2.2010 received from Mr.R.K. Raghavan, Chairman, SIT regarding permission fir vu deigraphy of trial in Meghaninagar Police Station) (CR.No.67/2002 with office report)

Date: 15/03/2010 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.
Ms.Madhulika Mohit, 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.)1088/08Mr.Ram Jethmalani, Sr.Adv.
Mr.Mahesh Agarwal, Adv.
Mr.Rishi Aggarwala, Adv.
Ms. Mala, Adv.
Mr.Pranav Badheka, Adv.
Mr.Saurabh Gupta, Adv.
Mr.E.C. Agrawala, Adv.

..2/-

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

Mr. Naveen R Nath, Adv.

Mr. Naven R. Nath, Adv.

Mr. Prashant Bhushan, Adv.

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

Mr. Shashank Parihar, Adv.

Dr. Nafis A. Siddiqui, Adv.

Mr. Gopal Subramaniam, S.G.

Mr. H.P. Raval, ASG

Mr. P.K. Dey, Adv.

Mr. Raghenth Basant, Adv.

Mr. S.N. Terdol, Adv.

Ms. Sushma Suri, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Gopal Singh, Adv.

Ms. Ramita Guha, Adv.

Mr. Rituraj Biswas, Adv.

Mr. Gopal Singh, Adv.

Mr. Manish Kumar, 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.

..3/-

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Mr. Bimal Roy Jad, Adv.

Mr. Riku Sarma, Adv.

Mr. Ranjan Mazumdar, Adv.

for M/s. Corporate Law Group, Advs.

Mr. Ravindra Kr. Adsure, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. T.V. Gorge, Adv.

Mr. Radha Shyam Jena, Adv.

Mrs. Aruna Mathur, Adv.

Mr. Vimal Dubey, 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.

Ms. Sadhana Sandhu, Adv.

Mr. Rohitash S. Nagar, Adv.

Mr. D.S. Mahara, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. S Bhowmick, Adv.

Mr. Anil Shrivastav, Adv.

Mr.Ritu Raj, Adv.

Mr. D.K. Sinha, Adv.

Mr. Naveen R Nath, Adv.

For NHRC Mr.P.P. Rao, Sr.Adv.

Ms. Anita Shenoy, Adv.

Ms.Rashmi Nandakumar, Adv.

Mr. Sanjay R Hegde, Adv.

...4/-

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Mr. KH. Nobin Singh, Adv.

Mr. R Satish, Adv.

Mr. P.V. Dinesh, Adv.

Mr.P. Rajesh, Adv.

Ms.T.P. Sindhu, Adv.

Mr.S.K. Dwivedi, Adv.

Mr.Ameet Singh, Adv.

Ms.Vandana Mishra, Adv.

Mr.G.V. Rao, Adv.

Mr.Edward Belho, Adv.

Mr.Enatoli Sema, Adv.

Mr.Rituraj Biswas, Adv.

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.Manish Singhvi, AAG

Mr.Devanshu Kr.Devesh, Adv.

Mr.r. Gopalakrishnan, Adv.

Ms.A. Subhashini, Adv.

UPON hearing counsel the Court made the following

O R D E R

In pursuance of our order dated 9th February, 2010, the Chairman, Special Investigating Team (SIT) as also its Members have furnished their comments on the petition. These are taken on record.

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Let copies of both the reports be supplied to the learned Solicitor General of India as also to the learned Amicus Curiae, Mr. Harish N. Salve, in order to enable them to assist us in the matter on the next date of hearing.

A copy of letter dated 25th February, 2010 addressed by Mr. R.K. Shah, Special Public Prosecutor to the Chairman, Special Investigating Team (SIT) has been placed before us. A copy thereof has also been supplied to the learned Amicus Curiae who may discuss the issue with the Chair

man, SIT so that appropriate directions in the matter are issued on the next date. It is also brought to our notice that an application for transfer of trial in I.C.R.No.67/02, S.C.No.152/02 (Gulberg case) in which case Mr. Shah was appearing has also been filed in the High Court and is pending consideration. In the light of these developments, we feel that it would be in the fitness of things if further proceedings in the said case are deferred till further orders. We order accordingly.

The reports received from the Chairman, SIT and its Members shall be kept in a sealed cover.

We further direct that any other status report as may be required by the learned Amicus Curiae, shall be supplied to him by the Registry.

List for arguments on a non-miscellaneous day in the week commencing 5th April, 2010.

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CRL.MP.NOS.4759-4760/2010:

The applications are taken on board.

Before we consider the application, let a copy of Crl.M.P.No.4759 be forwarded to the Chairman, SIT for his comments thereon by 1st April, 2010. The Chairman shall also send a copy of his comments to the learned Amicus Curiae as also to the learned Solicitor General in sealed covers.

CRL.MP.NOS.5127/2010 IN WP (Crl)No.37-52/2002:

The application is allowed subject to just exceptions.

On the next date of hearing I.A.Nos.21849-21850 in SLP(Crl) No.1088/2008 shall also be listed.

[Usha Bhardwaj]
Court Master

[Pushap Lata Bhardwaj]
Court Master