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W.P.(Crl.)No. 109 OF 2003
ITEM No.301

Court No. 4

SECTION PIL
A/N MATTER

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

NATIONAL HUMAN RIGHTS COMMISSION

Petitioner (s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent (s)

(With appln. For directions and exem. From filing OT and inervention and office report)
WITH

CRLMP 4782/04 and CRLMP 6581/04-for impleadment

(With Note dated 27.2.04 filed by Ld. Amicus Curiae to provide protection to the
witnesses involved in Major Trials in the State of Gujarat)

With

SLP(Crl.)No.3770/2003 and

SLP(Crl.)No. 5309/2003.

Date : 12/07/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE S.B.SINHA
HON'BLE MR. JUSTICE S.H.KAPADIA

For Petitioner (s)Mr. H.N.Salve,Sr.Adv.(A.C.)
in WP 109/03

Mr. S.Muralidhar,Adv.

In 3770&5309:Ms.Aparna Bhat,Adv.

Mr.P.Ramesh Kumar,Adv.

In CRLMP 6581:Mr. Ram Jethmalani,Sr.Adv.

Ms. Aparna Bhat,Adv.

Mr. P.Ramesh Kumar,Adv.

For State of Gujarat Mr. Mukul Rohtagi,ASG.

Ms. Hemantika Wahi,Adv.

Mr. J.S.Attri,Adv.

Mr. Bimal Roy Jad,Adv.

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For UOI:Mr. G.Vahanvati,SG.

Mr. A.Mariarputham,Adv.

Mr. P.Parmeswaran,Adv.

For intervenorMr. C.D.Singh,Adv.

For RR Nos.2-10 inDr. Kailash Chand, Adv.

SLP 5309/03

For Pondicherry:Mr. V.G.Pragasam,Adv.

For HaryanaMr.Vinay Kumar Garg,Adv.
Mr. Anil Kumar Thakur,Adv.

Mr. Manish Mohan,Adv.
Mr. Gopal Prasad,Adv.

In WP 4782Ms. Kamakshi S.Mehlwal,Adv.
Mr.Aditya Bahadur,Adv.

For AssamMs. Krishna Sarma,Adv.
Mr.Sanjay V.S.Chaudhary,Adv.
Mr.Niraj Kumar,Adv.for
Corporate Law Group,Advs.

For SikkimMr. A.Mariarputham,Adv.
Mrs.Aruna Mathur,Adv.for
M/s. Arputham, Aruna & Co.Advs.

For TripuraMr.Gopal Singh,Adv.

For IntervenorDr. N.A.Siddiqui,Adv.

In CRLMP 11668/03Mr. Salman Khurshid,Sr.Adv.
Mr. Imtiaz Ahmed,Adv.
Mrs. Nagma Imtiaz,Adv.
Mr. Kamran Malik,Adv.
Mr. V.N.Raghupathy,Adv.

For Arunachal PradeshMr. Anil Shrivastav,Adv.

For MaharashtraMr. S.S.Shinde,Adv.
Mr. Mukesh K.Giri,Adv.

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For U.P.Mr. Sunil Kumar Gupta,Adv.
Mr. R.P.Mehrotra,Adv.

For KeralaMr.K.R.Sasiprabhu,Adv.

In 3770:Mr. P.H.Parekh,Adv.
Mr. Lalit Chauhan,Adv.
Mr.Sumit Goel,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Registry is directed to complete service on the unserved respondents within three weeks. Service on the Standing Counsel representing the States in this Court will be deemed to be sufficient service.

The matters are adjourned for six weeks at the end of which the learned amicus curiae will submit a proposal as to the

criteria or norms for affording protection to the witnesses as well as the nature of protection that may be afforded. It will be open to the States or any other authority or NGO to forward any suggestions that they may have to the learned amicus curiae within a period of three weeks from today. As far as non appearing States are concerned this order must be communicated to them.

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The Union of India will make available to the learned amicus curiae any information that may have a bearing for the preparation of the proposal by the learned amicus curiae.

As far as the application of impleadment is concerned, since the applicants are petitioners in SLP (Crl.)No. 5309/03 it is not necessary for them to be formally added as parties.

I.A.No...../04 given in Court by learned amicus curiae

A note submitted by the A.C. for directions today is treated as an application. Notice is issued to the State of Gujarat to respond to the allegation that despite specific prayer for furnishing copies of orders of all courts, be it the trial court or the High Court relating to the grant of bail to the accused the State Government had withheld the information relating to the High Court orders. Notice returnable on 26.7.2004.

SLP 3770/03

In view of the subsequent developments including the decision of this Court setting aside the acquittal of the accused, no further order need be passed in this SLP. The SLP is disposed of in terms of the orders already passed.

[SUMAN WADHWA][MADHU SAXENA)
COURT MASTER COURT MASTER