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

ITEM No. 1,2 and 3 Court No. 1 SECTIONS PIL, XVIA,
X& IIA

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. for directions, exemption from filing O.T., intervention,
and office report)

[With Crl. M.P. Nos. 3740-42 of 2004 For directions]

[With note dated 27.2.2004 submitted by learned Amicus Curiae
with regard to entrusting the Union of India with the responsibility
of providing appropriate protection to all the witnesses involved in
the major trials in the State of Gujarat (including the Bilki's case)
in the manner in which they consider appropriate including wherever
necessary by resort to the central forces]

With

T.P.(Crl.) Nos. 194-202 of 2003 and 326-329 of 2003

(With appln. for stay, exem. from filing copies of F.I.R., permission
to submit additional documents, impleading party and office report)

S.L.P.(Crl.) No. 3770 of 2003

(With application for filing additional facts, documents, directions,
permission to place additional facts, documents on record and office
report)

[Alongwith letter of Mr. Harish N. Salve, Sr.Adv.(A.C.)]

[Crl. M.P. Nos. 8165 and 8198 of 2003]

W.P.(Crl.) Nos. 11-15 of 2003

(With appln. for permission to submit additional document(s),
directions and office report)

[Alongwith the records of W.P.(C) Nos. 530 of 2002 and 221 of 2002]

S.L.P.(Crl.) No. 4409 of 2003

(With appln. for stay and office report)

W.P.(Crl.) No. 216 of 2003

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T.P.(Crl.) Nos. 66-72 of 2004

(With appln. for permission to file T.P., ex-parte stay, directions,
taking additional document on record and amendment of the petition)

W.P.(C) No. 221 of 2002

(With appln. for interim relief and amendment of the petition)

W.P.(Crl.) Nos. 37-52 of 2002

(With appln. for amendment of the petition, permission to submit

additional document(s), exemption from filing O.T., interim directions and office report)

W.P.(Crl.) No. 284 of 2003

T.P.(Crl.) No. 43 of 2004
(With appln. for ex-parte stay, exemption from filing O.T. and office report)

Date : 21/04/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE S.H. KAPADIA

Amicus Curiae Mr. H.N. Salve, Sr.Adv.
Mr. B.V. Desai, Adv.

For Petitioner (s) Mr. Ram Jethmalani, Sr.Adv.
Mr. Mihir Desai, Adv.
Ms. Aparna Bhat, Adv.
Mr. P. Ramesh Kumar, Adv.

Mr. P.P. Rao, Sr.Adv.
Mr. S. Muralidhar, Adv.
Mr. Rajat Khosla, Adv.
Mr. Somiran Sharma, Adv.
Mr. Amit Sharma, Adv.

Mr. Huzefa Ahmadi, Adv.
Mr. Ejaz Maqbool, Adv.
Mr. Nakul Dewan, Adv.
Mr. Abhimeet Sinha, Adv.
Ms. Minakshi Nag, Adv.

Ms. Indira Jaising, Sr.Adv.
Mr. Farheen Syeed Kapia, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawal, Adv.

Mr. Naveen R. Nath, Adv.
...3/-

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For Respondent (s) Mr. K.N. Raval, SG
Mr. L.N. Rao, ASG
Mr. A. Mariarputham, Adv.
Mr. Prateek Jalan, Adv.
Ms. Sushma Suri, Adv.
Mr. Rajeev Sharma, Adv.
Mr. Amit Mahajan, Adv.
Mr. Saurabh Kirpal, Adv.

Mr. Mukul Rohtagi, ASG
Mr. Kamal Trivedi, Addl. Adv. General, Gujarat
Ms. H. Wahi, Adv.

Mr. C.D. Singh, Adv.

Dr. Nafis A. Siddiqui, Av.

Mr. Imtiaz Ahmed, Adv.
Ms. Nagma Imtiaz, Adv.
Mr. Kamran Malik, Adv.
Mr. V.N. Raghupathy, Adv.

Mr. Niya Ramakrishna, Adv.
Ms. Anitha Shenoy, Adv.
Ms. Shilditya, Adv.

Mr. S.N. Bhat, Adv.

Mr. Sushil Kumar Jain, Sr.Adv.
Mr. Nikhil Goel, Adv.
Mr. V.N. Patel, Adv.
Dr. Kailash Chand, Adv.

Mr. Sushil Kumar, Sr.Adv.
Mr. Adolf Mathew, Adv.
Mr. Sanjay Jain, Adv.

Mr. Sharad Vakil, Adv.
Mr. Nikhil Goel, Adv.
Mr. Rashmikumar Manilal Vithalani, Adv.

Mr. K.T.S. Tulsi, Sr.Adv.
Mr. Sumit Goel, Adv.
Mr. P.H. Parekh, Adv.
Mr. Sanad Ramakrishnan, Adv.
for M/s. P.H. Parekh, Advs.

Mr. R.K. Adsure, Adv.

Ms. Neeru Vaid, Adv.

Mr. Rajan Narain, Adv.

Ms. Sheela Goel, Adv.

Mr. A.D.N. Rao, Adv.
...4/-

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UPON hearing counsel the Court made the following

O R D E R

T.P.(Crl.) Nos. 326-329 of 2003:

Issue notice on these amended petitions.

In addition to normal mode of service, the accused-respondents shall also be served by dasti through the office of the Director General of Police, Gujarat.

Alongwith the notice, a copy of the transfer petitions shall also be served on all the accused and the acknowledgment of receipt of such notice shall be filed alongwith the affidavit of service in this Court.

T.P.(Crl.) Nos. 66-72 of 2004:

The application for amendment is allowed.

Issue notice on the amended petition.

Let the unserved respondents be served dasti in addition to the normal mode service through the office of the Director General of Police, Gujarat within a period of six weeks. The notice shall indicate that the accused who intend to file counter affidavit, may do so within a period of four weeks from the date of receipt of such notice.

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T.P.(Crl.) 43 of 2004:

Issue notice.

The petitioner is permitted to amend the transfer petition. In case any such application is filed, notice shall also go to the accused-respondents.

Tag with Transfer Petition (Crl.) Nos. 194-202 of 2003.

In addition to the aforesaid, notice in all the above matters, shall also be published in two

daily newspapers consecutively for two days; one 'Sandesh' (in Gujarati) and the other 'The Times of India' (in English). This exercise may also be completed by the State of Gujarat within a period of six weeks.

List these matters on 3rd August, 2004, alongwith T.P.(Crl.) Nos. 194-202 of 2003, before a Bench of Hon'ble Ms. Justice Ruma Pal, Hon'ble Mr. Justice S.B. Sinha and Hon'ble Mr. Justice S. H. Kapadia.

W.P. (Crl.) No. 109 of 2003:

Issue notice of all the States and Union Territories confined only to the question of protection to the witnesses in the criminal cases.

List this petition on 12th July, 2004, for directions.

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Crl.M.P. Nos. 8198 and 8165 of 2003 in S.L.P.(Crl.) No. 3770 of 2003:

Shri K.N. Raval, learned Solicitor General, stated that the Government of India has already passed an order providing security to Ms. Teesta Setalvad. So far Suhel Tirmizi and Raees Khan Azeekhan Pathan are concerned, we direct the Director General of Police, Gujarat to provide adequate personal security. Let this order be complied with forthwith.

The criminal miscellaneous petitions are disposed of.

Let a note dated 27th February, 2004, filed in W.P.(Crl.) No. 109 of 2003, of learned Amicus Curiae be treated as Criminal Miscellaneous Petition.

Issue notice.

Notice has been accepted by Ms. Sushma Suri, learned counsel.

List this petition on 5th May, 2004.

Criminal Miscellaneous Petition Nos. 3740-3742 of 2004, Writ Petition(C) No. 221 of 2002, Writ Petition (Criminal) Nos. 284 of 2003, 37-52 of 2002 and 11-15 of 2003:

List on 6th August, 2004.

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S.L.P.(Crl.) No. 4409 of 2003 and Writ Petition (Crl.) No. 216 of 2003:

List on 3rd August, 2004.

S.L.P.(Crl.) No. 3770 of 2003:

List on 12th July, 2004.

[Alka Dudeja] [Janki Bhatia]
Court Master Court Master