

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO.310 OF 2005

BHIM SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for c/delay in filing detailed affidavit in pursuance to the direction of this Hon'ble Court Order dated 20.4.2007 and office report)

Date: 08/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

In-person

Mr. P.V. Yogeswaran,Adv.
Dr. Beem Pratap Singh,Adv.
Mr. B.S. Billowaria,Adv.
Mr. Manjur Alam,Adv.

For Respondent(s)

Ms. Jayashree Anand,AAG.

Mr. Karunakar Mahalik,Adv.
Mr. K.K. Mahalik,Adv.
for Mr. Arun Kumar Sinha,Adv.

Mr. Anil K. Jha,Adv.

Mr. A. Sharan,ASG.
Ms. Binu Tamta,Adv.
Ms. Sushma Suri,Adv.

Mr. A. Sharan,Sr.Adv.
Ms. Abha R. Sharma,Adv.
Mr. D.S. Mahra,Adv.

for Ms. Anil Katiyar,Adv.

Mr. Anis Suhrawardy,Adv.

Ms. Shamama Anis,Adv.
Mr. S. Mehdi Imam,Adv.
Mr. Amit Anand,Adv.

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Mr. Praveen Swarup,Adv.

Mr. Ankur Mittal,Adv.

Mr. Javed Mahmud Rao,Adv.

Mr. Shahid Ali Rao,Adv.
Mr. Sandeep Singh,Adv.

Mr. Ratan Kumar Choudhuri,Adv.

Mr. Binod K. Upadhyay,Adv.

Mr. Raj Kumar Gupta,Adv.

Mr. C.P. Pandey,Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

It has been stated that Detenue No.32, Mohd. Nawaz Code Abu Hazrat, was convicted and has already undergone the sentence awarded. This has been accepted by the respondent. In view of this, we direct the Chief Secretary, State of Jammu and Kashmir to make recommendation to the Central Government for deportation of this detenue. The recommendation must be received by the Home Secretary, Government of India by 15th November, 2007. The Union of India is directed to take final decision upon the recommendation made by the State Government in relation to this detenue by 31st December, 2007.

It has been submitted that the trials in relation to the following detenues are pending in different Courts within the State of Jammu and Kashmir since last several years, details of which are given hereunder:

S. No.	Detenue No.	Name of the Detenue	Designation and Station of the Court	and	Name and Station and State of the Jail
			where the case is pending		where the detenue has been lodged
1.	23.	Hamid Bhat	Nomain Saddar Court, State of J&K		Central Jail, Sangroor, State of Punjab
2.	6.	Mohd. Mughal @ Ahmed	Aslam Additional Judge, Jammu, J&K		Sessions Central Jail, Jodhpur, State of Rajasthan
3.	19.	Mohd. Code Abu Talaha	Abdullah Additional Judge, Jammu, J&K		Sessions Central Jail, Sangroor, State of Punjab
4.	24.	Zarar Code Ibrahim	Balouch Additional Judge, Jammu, J&K		Sessions Central Jail, Sangroor, State of Punjab
5.	35.	Sona Ullah @ Bansi Lal	Ranjay Additional Judge, Jammu, J&K		Sessions Central Jail, Kotbhalwal, State of J&K
6.	4.	Shahnawaz @ Fouji	Malik Sessions Judge, Kupwara, State of J&K		Central Jail, Jodhpur, State of Rajasthan
7.	13.	Mohd. Khaja	Yousuf Sessions Judge, Kupwara, State of J&K		Central Jail, Hazaribagh, State of Bihar
8.	37.	Buland Khan	Sessions Judge, Kupwara, State of J&K		Central Jail, Kotbhalwal, State of J&K
9.	2.	Dilawar Sain	Chief Magistrate, Kupwara, State of J&K		Central Jail, Jodhpur, State of Rajasthan
10.	26.	Mohd. Amir	Suhail @ Sessions Judge, Kathua, State of J&K		Central Jail, New Delhi, Tihar,
11.	28.	Waseem Ahmed @ Abu Mohammad	@ Sessions Judge, Kathua, State of J&K		Central Jail, New Delhi, Tihar,
12.	39.	Mohd. Foki	Farooq @ Sessions Court, Rajouri, State of J&K		Central Jail, Kotbhalwal, State of J&K
13.	38.	Mohd. Code Iqbal	Imran Khan Sessions Judge, Srinagar, State of J&K		Central Jail, Kotbhalwal, State of J&K
14.	21.	Qamar Ayoub	Sessions Court, Jammu, State of J&K		Central Jail, Sangroor, State of Punjab
15.	22.	Zulfikar Ali @ Abu Jhand	Rana Sessions Court, Jammu, State of J&K		Central Jail, Sangroor, State of Punjab
S.	Detenue	Name of the	Designation	and	Name and Station

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No.	No.	Detenue	Station of the Court	and State of the Jail
			where the case is pending	where the detenue has been lodged
16.	50.	Wali Mohd. Code Uncle Babar	Sessions Court, Jammu, District State of J&K	Jammu, State of J&K
17.	46.	Zia Mustafa Abdullah	@ Sessions Court, District Pulwama, State of J&K	Kathua, State of J&K
18.	48.	Mohd. Zuhair Shokerkhan	Sessions Court, District Pulwama, State of J&K	Kathua, State of J&K
19.	31.	Amjid Qurashi	Designated Court, Central Jammu, State of J&K	Jodhpur, State of Rajasthan
20.	49.	Ghulam Abbass @ Jassar @ Hamza	Designated Court, District Jammu, State of J&K	Jammu, State of J&K
21.	43.	Mohd. Dulla Maiya	Sessions Court, District Baramullah, State of J&K	Udhampur, State of J&K
22.	42.	Mohd. Shahzad Code Abu Abida	Sessions Court, Central Ramban, State of J&K	Kotbhalwal, State of J&K
23.	16.	Suhail Ahmed Kotena	Additional Sessions Court, Srinagar, State of J&K	Hazaribagh, State of Bihar
24.	29.	Syed Sajad Bukhari	Ali Additional Sessions Court, Srinagar, State of J&K	Varanasi, State of U.P.
25.	7.	Mazoor Ahmed Sheikh & Umer	Additional District and Sessions Judge, State of J&K	Jammu, Jodhpur, State of Rajasthan
26.	17.	Dawood Ahmed Mughal	Chief Magistrate, State of J&K	Judicial Central Poonch, Sangroor, State of Punjab
27.	3.	Mohd. Mubasir Code Ali Badar	Police Station Harinagar	Central Jail, Jodhpur, State of Rajasthan
28.	28.	Assadullah Qadri	Police Station Anantnag, State of J&K	Central Jail, Naini, State of Uttar Pradesh

In our view, as the trials are pending since last several years, it would be just and expedient to give a direction to the trial courts to conclude the same within a time fixed by this Court. It appears that detenues are in different jails, some within the State of Jammu and Kashmir and some outside the State. The Inspector General of Prisons, State of Jammu and Kashmir is directed to see that if the detenue is in jail within the State at any other station, he will be shifted to the jail where the Court is situated within a period of one month from the date of receipt of copy of this order and in cases where the detenue is in jail outside the State, the Inspector General of Prisons, Jammu and Kashmir, shall write a letter which shall be sent by fax as well to the Inspector Generals of Prisons of the concerned States to shift the detenue at the required station in the State of Jammu and Kashmir, which must be done within a period of one month from the date of receipt of copy of this order from the Inspector General of Prisons, State of Jammu and Kashmir. The Inspector Generals, Prisons, of the concerned

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State shall see that the request made by Inspector General, Prisons, State of Jammu and Kashmir, is complied with within a period of one month from the date of receipt of the request by them. The Trial Courts are directed to conclude the trial within a period of nine months from the

date of receipt of copy of this order.

It appears no order has been passed in relation to the following seven detainees:

Detenue No.9	Sher Khan @ Shairoo
Detenue No.34	Murtaza Aquib Code Abu Zahid
Detenue No.36	Rahil Ahmed Hashmi
Detenue No.40	Khurshid Ahmad Mughal
Detenue No.41	Zaffarul Haq
Detenue No.51	Mohd. Tariq Gujjar Code Usman
Detenue No.52	Sarfaraz Ali Rajpur

Place the petition on 29th October, 2007, for considering cases in relation to the said detainees.

Let a copies of this order be made over to the petitioner, learned Additional Solicitor General, learned counsel appearing on behalf of the Union of India as well as the State of Jammu and Kashmir. Copy of this order may be sent by fax as well to the Inspector General of Prisons, the State of Jammu and Kashmir. Another copy of the order may be sent by fax as well to the Registrar General, High Court of Jammu and Kashmir, who will forward its copies by fax as well to the concerned court within a period of two weeks from the date of its receipt.

[Alka Dudeja]
Court Master

[Om Prakash]
Court Master