

BHIM SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for permission to intervene in the writ petition, c/delay in filing detailed affidavit in pursuance to the direction of this Court dated 20.4.2007, modification of court's order, modification clarification, c/delay in filing counter affidavit and office report)

WITH
W.P(CRL.) NO. 82 of 2010
W.P(CRL.) NO. 94 of 2008
(With appln. for recalling the court's order and office report)

Date: 05/04/2011 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)
Prof. Bhim Singh (In-person)
Mr. P.V. Yogeshwaran, Adv.
Mr. B.S. Bilowria, Adv.
Mr. Gaurav Kumar Bansal, Adv.

Mr. Colin Gonsalves, Sr. Adv.
Ms. Jayshree Satpute, Adv.
Ms. Jyoti Mendiratta, Adv.
Ms. Alim, Adv.

For Respondent(s)
Mr. Parag Tripathi, ASG
Mr. Brijender Chahar, Sr. Adv.
Ms. Binu Tampta, Adv.
Mr. Anand Verma, Adv.
Mr. Shadam Farasat, Adv.
for Mr. S.N. Terdal, Adv. (NP)

Mr. Divyesh Pratap Singh, Adv.
for Ms. Kamini Jaiswal, Adv. (NP)

Mr. Mukesh Verma, Adv.
Mr. C.K. Sharma, Adv.
for Mrs. Anil Katiyar, Adv. (NP)

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Mrs. Jayshree Anand, AAG
Ms. Ekta Singh, Adv.

Mr. Ratnakar Dash, Sr. Adv.
Mr. Shail K. Dwivedi, AAG
Mr. Pradeep Mishra, Adv.

Ms. Archana Pathak Dave, Adv.
for Mr. Milind Kumar, Adv.

Mr. Sunil Fernandes, Adv.
Mr. Suhaas Joshi, Adv.
Ms. Astha Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Crl.M.P. No. 10428/2010

In some of the cases transferred out of the State of Jammu & Kashmir for trial pursuant to this Court's order dated November 10, 2008, a request is made by some of the accused, who are Indian nationals, to transfer back those cases to the respective courts in Jammu & Kashmir in view of the hardship faced by them in effectively defending themselves in courts outside the State. On this issue, affidavits have been filed on behalf of the State of Jammu & Kashmir. In the last affidavit filed on March 12, 2011, it is stated that in compliance with the earlier order passed by the Court, the records of all those cases have already been transferred to the respective courts where this Court directed the trials to be held. Nevertheless, the State expresses its readiness to hold trials of those cases at a suitable place in the State itself in case this Court so directs.

We would like to take a final decision on this matter after examining it on a case-to-case basis and also on getting the views of the State Government, through the Home Secretary.

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We, accordingly, wish the Advocate General and the Home Secretary of the State of Jammu & Kashmir to be personally present when we take up this matter on the next date.

W.P. (Crl.) No. 310/2005

W.P. (Crl.) No. 82/2010

W.P. (Crl.) No. 94/2008

Mr. Parag Tripathi, learned Addl. Solicitor General states that all the foreign-national detainees, whose lists were furnished to this Court in different writ petitions/ Crl.M.Ps., excepting 29, have by now been repatriated. Out of the 29, who continue to be in Indian jails, 21 are under-trials, 3 are undergoing sentences and 5 are awaiting the establishment of their nationality and travel documents from their home country.

On the next date, the learned Addl. Solicitor General will give the detailed breakup in regard to the 29 detainees who continue to remain in Indian prisons.

Put up on May 04, 2011.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master