

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 intervention, c/delay, modification of Court's order, clarification, c/delay in filing counter affidavit and office report)

Date: 27/01/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) In-person

Mr. P.V. Yogeswaran,Adv.
Dr. Beem Pratap Singh,Adv.

For Respondent(s) Ms. Jayashree Anand,AAG.

Mr. K.K. Mahalik,Adv.
Mr. Kuldip Singh,Adv.
for Mr. Arun Kumar Sinha,Adv.

Mr. Anil K. Jha,Adv.

Mr. A. Sharan,ASG.
Mr. S. Wasim A. Qadri,Adv.
Ms. Binu Tamta,Adv.
Ms. Anil Katiyar, Adv.
Mr. S.N. Terdol,Adv.
Ms. Sushma Suri,Adv.

Mr. Vikas Sharma,Adv.
Mr. D.S. Mahra,Adv.

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Mr. Anis Suhrawardy,Adv.

Ms. Shamama Anis,Adv.
Mr. Syed Mehdi Imam,Adv.
Mr. Tabrez Ahmad,Adv.

Mr. Pramod Swarup,Adv.
Ms. Pareena Swarup,Adv.
Mr. Harvendra Singh,Adv.
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. Manoj Kumar Dwivedi,Adv.

Mr. C.P. Pandey,Adv.

Mr. D.K. Garg,Adv.

Mr. B.S. Billowria,Adv.

Mr. M.N. Krishnamani,Sr.Adv.

Mr. Sajjad Sultan,Adv.

Mr. Gowahar Gani,Adv.

Mr. Arun Kumar Beriwal,Adv.

Mr. Vipin Jai,Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

By order dated 10th November, 2008, we directed to transfer sessions case arising out of F.I.R. No.174/2003 P.S. Ram Munshibagh, to the Sessions Judge, Jodhpur, within the State of Rajasthan, as it was stated that one Mohd. Imran Khan code Iqbal, who was lodged in Central Jail, Jodhpur, was also accused in that case. In Criminal Miscellaneous Petition No.556 of 2009 filed by accused Mohd. Imran Khan and Nazir Ahmed

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Jan, it has been stated that, in the said case, they are the only accused persons. So far as Mohd. Imran Khan is concerned, who is detained in Central Jail, Srinagar, he is a Pakistani national and another accused Nazir Ahmed Jan, who belongs to Srinagar, has been granted bail. It is stated that, apart from these two persons, there is no other accused person. It has been stated that there is no such person Mohd. Imran Khan code Iqbal. In view of this, we modify our order passed on 10 th November, 2008, to this extent that sessions case arising out of F.I.R. No.174/2003 P.S. Ram Munshibagh shall not be transferred to the court of Sessions Judge, Jodhpur, within the State of Rajasthan, and the trial pending in the court of Sessions Judge, Srinagar, shall continue to proceed in that very court and the same shall be concluded within a period of one year from today.

On 23rd January, 2009, an affidavit filed on behalf of Union of India was placed before this court in which statement was made that, in compliance of orders dated 10th November, 2008, and 15th December, 2008, accused Shahid Jan, Fazal Din and Mohd. Farooq Janbaz had been already deported to Afghanistan on 21st May, 2008. On this question, Prof. Bhim Singh, who had appeared in-person, had taken time for obtaining instructions. Today, he has stated that he is not in a position to say anything about the said affidavit. It is, therefore, not necessary to pass any further orders in relation to these three persons.

[Alka Dudeja]
Court Master

[Savita Sainani]
Court Master