

ITEM NO.5

COURT NO.2

SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).7677/2011

(From the judgement and order dated 08/11/2006 in CRLA No.1000/1997
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

IBRAHIM ISMAIL BHATTI

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(With appln(s) for c/delay in filing SLP, exemption from filing O.T.,
bail, c/delay in refiling SLP and office report)

Date: 13/02/2012 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Pukhrambam Ramesh Kumar, AOR (SCLSC)

For Respondent(s) Ms. Hemantika Wahi, AOR
Ms. Rojalin Pradhan, Adv.
Ms. Jessal, Adv.

UPON hearing counsel the Court made the following
O R D E R

On 16th January, 2012, while considering the
petitioner's prayer for grant of bail, we had requested
Ms. Hemantika Wahi, learned counsel appearing for the
respondent, State of Gujarat, to take instructions as to how
much of the sentence the petitioner had already undergone
while in custody. Pursuant to the direction given on that
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date, learned counsel for the petitioner was also directed
to bring on record by way of an affidavit, the Certificate
which had been produced by him on that date from the
Superintendent of the Ahmedabad Central Jail, indicating the
number of days that the petitioner had been in custody.

From the said Certificate dated 9th January, 2007,
issued by the Dy. Superintendent, Ahmedabad Central Prison,
it appears that the petitioner has been undergoing sentence
in the said Central Prison, since 28th August, 1997. The
set-off period has also been indicated in the said
Certificate.

Today, when the matter is taken up, another
Certificate has been produced by Ms. Wahi, issued by the

Superintendent of Rajkot District Jail, on 18th January, 2012, which gives a totally different picture. From the said Certificate, it appears that the petitioner had not surrendered after the period of temporary bail had expired and had been re-arrested after 2009 days. According to Ms. Wahi, he did not surrender after having been released on temporary bail in June, 2000, and he was re-arrested only in 2005. If that had been the case, the same would surely have been reflected in the Certificate granted by the Dy. Superintendent of the Ahmedabad Central Prison issued on 9th January, 2007. Not only this, there is no mention of the petitioner having absconded after having been granted temporary bail. On the other hand, the Certificate issued on 9th January, 2007, seems to have indicated that the petitioner has been in continuous custody from 28th August, 1997.

Faced with this situation and having regard to the
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seriousness of the matter, we have no option, but to request the Advocate General of the State of Gujarat to look into the matter, examine both the Certificates dated 9th January, 2007 and 18th January, 2012, issued by the Dy. Superintendent, Ahmedabad Central Prison and the Superintendent, Rajkot District Jail, respectively, and to obtain an explanation as to how two contrary Certificates could have been issued by the Jail authorities.

The Registry is directed to send copies of the two Custody Certificates, along with the copy of this order, to the learned Advocate General of Gujarat, by Friday (17.02.2012), to enable him to provide the necessary explanation, as asked for in terms of this order.

Let this matter stand over till Monday week (27.02.2012) for the aforesaid purpose. Let a copy of the Custody Certificate dated 18th January, 2012, issued by the Superintendent, Rajkot District Jail and produced by Ms. Hemantika Wahi, be kept with the records.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar