



International Environmental
Law Research Centre

SUPREME COURT OF INDIA

TRANSFER PETITION (CRIMINAL) NO. ___ OF 2003

**NATIONAL HUMAN RIGHTS COMMISSION
(PETITIONER(S))**

versus

**STATE OF GUJARAT & ORS.
(RESPONDENT(S))**

ADVOCATE FOR THE PETITIONER: S. MURALIDHAR

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IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. _____ OF 2003

IN THE MATTER OF

National Human Rights Commission

Petitioner

//Versus//

State of Gujarat and Others

Respondents

WITH

CRL.M.P.NO. _____ OF 2003: APPLICATION FOR AD INTERIM EX-PARTE STAY

WITH

CRL.M.P.NO. _____ OF 2003: APPLICATION FOR EXEMPTION FROM FILING COPIES OF FIRs

SYNOPSIS AND LIST OF DATES

The NHRC is filing these transfer petitions under s.406 of the Code of Criminal Procedure 1973 (Cr.PC) seeking transfer of the following criminal cases pending in different criminal courts in the State of Gujarat to corresponding courts in any other

State:

1. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;
 - i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and
 - ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
2. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
3. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
 - i) Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
 - ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
 - iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad; and
 - iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad
4. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;
 - i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and
 - ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

The petitioner submits that it is a “party interested” in terms of s.406 (2) Cr.PC read with the relevant provisions of the Protection of Human Rights Act, 1993 (PHRA). The petitioner is a statutory body constituted under s.3 PHRA. The preamble states that the PHRA is “An Act to provide for the constitution of a National Human Rights Commission, State Human Right Commissions in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto”. The NHRC has been entrusted with several functions under s.12 PHRA. It is expected, under s.12 (a) to enquire into violation of human rights or the negligence by a public servant in the prevention of such violation. Under s.12 (b) the petitioner can “intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court” and under s.12 (j) it can perform “such other functions as it may consider necessary for the promotion of human rights”.

The petitioner is seeking transfer of the above cases in the following circumstances. Several criminal cases were registered in the wake of the incidents of communal violence that took place in Gujarat following the

burning of a railway bogie of the Sabarmati Express near Godhra railway station on 27th February 2002. These include the aforementioned four cases and one more case, being Sessions Case No.248 of 2002 (State v Rajubhai Dhamirbhai Baria & Ors) (hereinafter referred to as the 'Best Bakery Case') which involved the killing of 14 persons on the intervening night of 125/ 2nd March 2002 in the building of the Best Bakery situated in Hanuman Tekri area of Vadodara in Gujarat. By a judgment dated 27th June 2003, the learned Additional Sessions Judge, Fast Track Court No.1, Vadodara have reputed all the 21 accused in the Best Bakery Case. The reason for the acquittal of all the accused in the said case was that 37 of 73 prosecution witnesses, including eye witnesses, turned hostile and refused to support the case of the prosecution. This has invited adverse comment from the learned Trial Judge in the said case.

The records of the Best Bakery Case are a testimony to the stark reality that witnesses to the crimes of communal violence which form the subject matter of the aforementioned cases are unable to depose freely and fairly before the trial courts. The statement of one of the principal witnesses in the Best Bakery Case made subsequent to the judgment also points to the harassment and threats faced by the witnesses at the instance of the accused and others who are bent on ensuring the failure of the criminal justice system as far as these cases are concerned.

The progress of the trials in the other cases has either been unsatisfactory or non-existent. The details of the other connected cases are set out in a separate annexure to this petition.

The petitioner has reason to believe that the pending trials arising out of the aforementioned four cases, which concerns loss of human life of a grave magnitude, would meet the same fate unless as the Best Bakery Case unless emergent steps are taken to ensure that the right to a fair trial is not abrogated and the credibility of the criminal justice system is not impaired.

27.2.2002 On 27th February 2002, the Sabarmati Express train coming from Faizabad to Ahmedabad was attacked by a large crowd near the Godhra Railway Station and was set on fire. 58 persons were burnt alive and more than 40 passengers received injuries. An FIR arising out of this incident was registered in the Godhra Police Station.

28.2.2002 A call for a Gujarat Bandh was given for 28th February 2002. Meanwhile, incidents of communal violence were reported from several areas in the State of Gujarat on 27th/ 28th February 2002. By March 1st 2002 curfew was clamped in about 35 towns/ cities (night curfew in some of them) and in parts of Ahmedabad, Vadodara and Rajkot cities.

Arising out of the above incidents, in which a large number of persons were either killed or injured and property were several crores of rupees destroyed, several criminal cases came to be registered which included the following:

1. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;
 - (i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and
 - (ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
2. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
3. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
 - (i) Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
 - (ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
 - (iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in

the Metropolitan Magistrate Court No.XI, Ahmedabad; and

(iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad

4. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;

(i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and

(ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

1.3.2002 On 1st March 2002, the NHRC took suo motu action on the basis of media reports, both print and electronic. Notices were issued to the Chief Secretary and Director General of Police, Gujarat for their reply within three days indicating the measures being taken and in contemplation to prevent any other escalation of the situation in the State of Gujarat which is resulting in continued violation of the human rights of the people.

1/2.3.2002 A mob which included 21 accused persons attacked the Best Bakery Building in Hanuman Tekri, Vadodara, threw stones and set it on fire. Throughout the intervening night of 1st/ 2nd March 2002 the said mob laid seige to the building of Best Bakery and confined and detained several persons. A few of the occupants of the Best Bakery building who had climbed on to the terrace remained there throughout the night. Over 14 persons were killed and several others injured.

6.3.2002 By its proceedings dated 6th of March, 2002, while recording its disappointment that even a preliminary report had not been submitted by the Government of Gujarat in a matter of such urgency and significance, the NHRC sought a comprehensive response from the Government of Gujarat at the earliest. These proceedings were followed by a visit of a team of the NHRC including its Chairperson to Gujarat between 19–22 March 2002.

28.3.2002 After receipt of the report from the State of Gujarat on 28th of March, 2002 in response to the NHRC's notice on 1st March, 2002 and discussion held by the Chairperson and others with the officers of the State of Gujarat, the NHRC on 1st April 2002 made certain preliminary comments and recommendations on the situation in Gujarat. These included recommending investigation by the CBI of five critical cases concerning the incidents at Godhra, Chamanpura (Gulbarga Society), Naroda Patiya, Best Bakery and Sardarpura in Mehsana District. The appointment of special prosecutors and adoption of procedures to ensure protection of victims of the crime was also recommended.

31.5.2002 In its proceedings on 31.5.2002, the Commission noted, the basis of the reply sent to the State Government as well as the report of its special representative that the victims of the atrocities were experiencing to great difficulty in having their FIRs recorded. It once again recommended that the critical cases should be entrusted to the CBI and reiterated the need for appointment of special courts and special prosecutors.

24.6.2002 On 24.6.2002, a chargesheet was filed by the State in the 'Best Bakery Case' against the 21 accused persons under ss.147, 148, 149, 188, 504, 342, 427, 436, 395, 307, 302 IPC and s.135 of the Bombay Police Act.

27.6.2003 By judgment and order dated 27th June 2003 passed by the Additional Sessions Judge Fast Track Court No.1, Vadodara in Sessions Case No.248 of 2002 (Best Bakery Case), all the 21 accused persons were acquitted and directed to be released forthwith. The trial court held that "There is not even an iota of evidence produced on record of the case which can be legally accepted and which even remotely connects the accused with the charges leveled against them."

11.7.2003 On 11.7.2003, the Petitioner was approached by Ms. Shaikh Zahira Bibi Habeebullah who was one of the principal prosecution witnesses in the case and who had witnessed some members of her family being burnt alive in front of her eyes by the accused persons in the Best Bakery Case. Ms. Shaikh Zahira Bibi made a statement before the Petitioner explaining the circumstances under which she was made to reside

from the statement earlier made to the police. She named the persons who had threatened her as well as her mother.

28.7.2003 Pursuant to an order dated 6.7.2003, a team deputed by the NHRC visited Vadodara and brought back a copy of the relevant materials relating to the Best Bakery Case. A report was submitted by the team on 28.7.2003. After considering the said report, petitioner decided to approach this Hon'ble Court for reliefs concerning the said case as well as the other pending criminal trials arising out of the four other critical incidents mentioned hereinabove.

31.7.2003 Transfer petitions filed.

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. _____ OF 2003

IN THE MATTER OF

I. TRANSFER PETITION ARISING OUT OF CRIMINAL CASE NOS.1-6/2003 ARISING OUT OF
F.I.R.NO.09/2002

National Human Rights Commission,
Sardar Patel Bhawan,
Sansad Marg, New Delhi
through its Registrar
PETITIONER

AND

1. STATE OF GUJARAT

THROUGH ITS SECRETARY

DEPARTMENT OF HOME

SACHIVALAYA

GANDHINAGAR, GUJARAT

2. MOHMAD RAFUDAN ANSARI,

OPP. SUBHANI HOTEL,

GODHRA.

GUJARAT STATE.

3. BAIDULLA KADAR TELI

Opp. Subhani Hotel,

Near Jakat Naka,

Godhra.

GUJARAT STATE.

4. FIROZKHAN GULABKHAN PATAN

Opp. GEB Hut,
Godhra
Gujarat State.

5. ABDUL REHMAN ISUB DHANTIA

NEAR SIMLA SERVICE STN. HUT,
GODHRA
GUJARAT STATE.

6. ISAQ YUSUF LUHAR

Rajaram Compound,
Godhra
Gujarat State.

7. FIROZKHAN ZAFARKHAN PATAN

OPP. GEB, REHMATNAGAR,
GODHRA
Gujarat State.

8. FFAKRUDDIN YUSUF MUZALMAN

OPP. GEB, GODHRA
Gujarat State.

9. SABBIR ANWAR ANSARI

PLOT NO. 104, REHMATNAGAR,
GODHRA
Gujarat State.

10. INAYAT ABDUL JUJARA

Polan Bazar Wadi Falia,

Godhra

Gujarat State.

11. NASIRKHAN SULTANKHAN PATAN

Rehmatnagar,

Godhra

Gujarat State.

12. SADDIQKHAN SULTAN PATAN

REHMATNAGAR,

GODHRA

Gujarat State.

13. ABDUL SATTAR ISMAIL SITHELI

REHMATNAGAR,

GODHRA

Gujarat State.

14. YASIN HABIB MALEK

REHMATNAGAR,

GODHRA

Gujarat State.

15. ALLAUDDIN ALIMUDDIN ANSARI

REHMATNAGAR,

GODHRA

Gujarat State.

16. Yusubbbhai Abdulbhai Laxubhai Kazi

SUBHANI HOTEL,

GODHRA

Gujarat State.

17. YUSUFBHAI SABBIRBHAI ISMAIL PATAN

Rehmatnagar,

Godhra

Gujarat State.

18. YAHMOHMAD SAFIMOHMAD CHAKATHA

Chakathawad,

Behind Sessions Court,

Godhra

Gujarat State.

19. GULZABALIKHAN ANSARI

Subhani Hotel,

Godhra

Gujarat State.

20. HASAN WAHIDKHAN PATAN

Talav Faia,

Dahod

Gujarat State.

21. ABDUL MISTRY

Behind Noorani Masjid,

Godhra

Gujarat State.

22. RAFIQ MOHMAD JAMNU

Vejalpur Rd.,
Opp. Octroi Naka
Godhra
Gujarat State.

23. AHMED ABDULRAHIM HATHIBHAI

POLANBAZAR,
BEHIND DR. SONI HOSP.,
GODHRA
Gujarat State.

24. SHAMSHERKHAN SULTANKAN PATAN

Rehmatnagar,
Opp. GEB,
Godhra
Gujarat State.

25. IDRIS ABDULLA UMARJI SHETH

MOHMADI MOHALLA,
GODHRA
Gujarat State.

26. HUSSAIN AHMED DOBHI

Kadiawad Masjid,
Opp. Wagjipur Hosp.,
Godhra
Gujarat State.

27. AJGARALI FAKRUDDIN ORAJI

Badi Mohallow,
Opp. Yakub Corporator,
Godhra
Gujarat State.

28. KAMAL BADSHAH MOHAMMADSHARIF MUSLIM

Opp. Noorani Masjid,
Godhra
Gujarat State.

29. TAYYAB ABDUL HAQ KODA

Gogha Mohallo,
Behind Jamapi Masjid,
Godhra
Gujarat State.

30. SULEMAN @ TIGAR AHMED HUSSAIN [PIR]

Idgah Masjid, Opp. Sessions Court,
Godhra
Gujarat State.

31. MOHMAD MUSARKHAN PATAN

Nagda Colony, House No. 181,
Madhya Pradesh

32. HAMIDBHAI KARINBHAI SHAIKH MUSLIM

Lima ya,
Godhra
Gujarat State.

33. AHMEDABAD IBRAHIMBHAI SUKHISHER

Stn. Rd., Opp. Chowki 7,

Godhra

Gujarat State.

34. HUSSAIN ABDUL SATTAR

Stn. Rd., Opp. Chowki 7,

Godhra

Gujarat State.

35. SOWKKATBHAI MOHMADBHAI MUSLIM

Stn. Rd., Opp. Chowki 6

Godhra

Gujarat State.

36. AHMED ABDUL RAHIM KALOTA

Falia, No.3, Chhabil Lane

Godhra

Gujarat State.

37. AASHIQ @ BALOO SIDDIQ KADAR

Singal Falia, Behind Koti Bldg.,

Godhra

Gujarat State.

38. ABDUL RAHIM IBRAHIM KALU MUSALMAN

Behind Jain Derasar,

Panchmahals Transport Lane,

Godhra.

Gujarat State.

39. ANWAR HUSSAIN AHMED MUSLIM

Medha Plot No. 11, Godhra

Gujarat State.

40. MOHMAD ABDUL SALIM SITHELI

Mithi Khana Mohalla, Godhra

Gujarat State.

41. ABDUL REHMAN ABDUL MAJID @ KANKATO

@ JAMBURO MUSLIM

Singal Falia,

Godhra

Gujarat State.

42. SALIM ABDUL

Khadi Falia, Opp. Hussain Masjid

Godhra

Gujarat State.

43. MOHMAD HUSSAIN ABDUL RAHIM KALOTA

Mohammadi Mohalla,

Godhra

Gujarat State.

44. ABDUL GANI AHMED SHAIKH

Muslim Soc., Nr. Rajan Masjid,

Godhra

Gujarat State.

45. JABIR ABDULLA KALA MUSLIM

MITIKHANA MOHALLA,

GODHRA

Gujarat State.

46. Abdulrauf Ahmed Yasmin

Opp. Rajan Masjid, Polan Bazar,

Godhra.

Gujarat State.

47. SIRAJBHAI ABDULLA JAMSA MUSLIM

Maulana Azad Rd.,

Opp. Rani Masjid,

Godhra

Gujarat State.

48. BILAL ISMAIL ABDULMAJID SUJELA

@ BILAL HAJI SUJELA

Hayat wadi,

Godhra

Gujarat State.

49. ABDUL RAZAK ABDUL RAHIM

DHANTIYA @ RAZAKBHAI DUNGARIA

SALAMAT SOCIETY,

GODHRA

Gujarat State.

50. KAZIM ABDULSATTAR @ KAZIM BIRIYANI GAAJI

Medha Plot, Singal Falia,

Godhra

Gujarat State.

51. IRFAN SIRAJKHAN

MEDHA PLOT, SINGAL FALIA,

GODHRA

Gujarat State.

52. HABIB RAZA FIRDAZ RAZA

Milkiyana Mohalla,

Patna,

Bihar

53. ANWAR MOHMAD MEDHA @ BALA SHAIKH

Vachala Odha, Singal Falia,

Godhra

Gujarat State.

54. ABDUL RAZAK YAKUB ISMAILWALA @ MOTO BANDO SHAIKH

Satul Society,

Godhra

Gujarat State.

55. MOHMAD SAYYAD ABDUL SALAM BADAM

Chhaliawadi, Majavar Rd.,

Godhra

Gujarat State.

56. ANWAR RASID ABDUL RASID ANSARI

Bhadoi, Nurkhapur

Tal & Dist. Santar Vidasnagar,

Bhandoi,

U.P.

57. ISAQ MOHMAD AMDU

Jeharpura, Opp. Old Bus Stand,

Godhra

Gujarat State.

58. SIDDIQ @ MATUNGA ABDULLA BADAM

Opp. Rly. Stn., Manhar Chali,

Godhra

Gujarat State.

59. RAMZANI BINIYAMIN BAHERA

Singal Falia, Medha Plot,

Godhra

Gujarat State.

60. MEHBOOK YAKUB MITHA @ PIPA

SINGAL FALIA, GANTI-WALI-GALI,

GODHRA

Gujarat State.

61. HASAN AHMAD CHARKA @ LALOO

SINGAL FALIA, MEDHA PLOT,

GODHRA

Gujarat State.

62. MOHMAD HANIF

@ AUTO AMRO ABDUL RAHIM BHATUK

Goya Mohalla,

Godhra

Gujarat State.

63. MAJFAR ARMAN HAYAT

Kasaiwada,

Godhra

Gujarat State.

64. ILIYAZ SIKANDAR SINELI @ MOTO SIKAL

Mitikhana Mohalla,

Godhra

Gujarat State.

65. SABBIR @ BHUPATNO BHURIYO ABDULRAHIM BADAM

Rehmatnagar, Opp. GEB,

Godhra

Gujarat State.

66. ABDUL RAZAK MOHMAD KURKUR

SINGAL FALIO, MUSLIM SOCIETY

VACHHALA ODHA,

GODHRA

Gujarat State.

67. Nannumiya @ Nikki Chowdhury,

S/O TAMJADALI MUSALMAN

Rampur Vikas Colony,

Gangapur, House No. C/243,

New Civil Lines,
Rampur,
U.P.

68. ALIMOHMAD ANWARMOHMAD MALEK
Anantnag Sadit, Dist. Anantnag
Srinagar
Jammu & Kashmir

69. GULAMNABI ALIMOHMAD DIGGU
NYAY, TA. BATPIRA,
DIST. PULBATANA,
SRINAGAR
Jammu & Kashmir

70. GULAM MAYUDDIN S/O GULAM HASSAN BHATT
VYPARJAN, TA. BRIJ BIHAR,
DIST. ANANTNAG, SRINAGAR
Jammu & Kashmir

71. JAVED BABUBHAI MIRZA
Juhapura, Mehraj Soc.,
Ahmedabad
Gujarat State.

72. GULABNABI AHMED ASANDAS
Waghama, Ta. Brijbihar,
Srinagar
Jammu & Kashmir

73. ABDUL SALIM ABDUL MUNAF SHAIKH

Kubernagar,
Ahmedabad
Gujarat State.

74. IDRIS IBRAHIM CHARKA @ SAKA

Singal Falia,
Godhra
Gujarat State.

75. JABIR BINYAMIN BEHERA

Singal Falia,
Godhra
Gujarat State.

76. MEHBHOOBALI KHALID CHANDA

VACHHALA ODHA,

GODHRA

Gujarat State.

77. MOULVI HUSSAINHAJI IBRAHIM UMMARJI

Vejalpur Road, Ummarji Compound,
Godhra
Gujarat State.

78. IDRIS S/O YUSUF ISMAIL MAFAT @ RAVAN

RANTA PLOT, VEJAPUR RD.,

GODHRA

Gujarat State.

79. SAYEED ABDUL SATTAR KALA

MUMBAI 17 TANDON STREET

3RD FLR., KHADAK GALI,

DANGARI

Gujarat State.

80. SOYAB YUSUF AHMED KALANDAR

Through the Superintendent of Police

Ahmedabad

Gujarat State.

Respondents

(The addresses of respondents 2 to 80 above are as per police records and respondents 2 to 80 may be in addition served through the Superintendent of Police, Ahmedabad, Gujarat)

II. TRANSFER PETITION ARISING OUT OF CRIME NO.09/2002

National Human Rights Commission,

Sardar Patel Bhawan,

Sansad Marg, New Delhi

through its Registrar

PETITIONER

AND

1. STATE OF GUJARAT

THROUGH ITS SECRETARY

DEPARTMENT OF HOME

SACHIVALAYA

GANDHINAGAR,

GUJARAT

2. JUNIA FAROOQ HASAN

Singal Falia, Masjid vali Chali,

Godhra

Gujarat State.

3. FIROZ SIKANDARKHAN PATAN

Hazarpura Road, Nr. Singal Falia,

Godhra

Gujarat State.

4. HAROON @ TAYYAB IQBAL BAKKAR MUSLIM

Singal Falia, Ali's Chali,

Godhra

Gujarat State.

Respondents

(The addresses of respondents 2 to 4 above are as per police records and respondents 2 to 4 may be in addition served through the Superintendent of Police, Ahmedabad, Gujarat)

III. TRANSFER PETITION ARISING OUT OF SESSIONS CASE NO.275/2002 ARISING OUT OF F.I.R.NO.46/2002

National Human Rights Commission,

Sardar Patel Bhawan,

Sansad Marg, New Delhi

through its Registrar.

PETITIONER

AND

1. STATE OF GUJARAT

THROUGH ITS SECRETARY

DEPARTMENT OF HOME

SACHIVALAYA

GANDHINAGAR, GUJARAT

2. Patel Rameshbhai Kanjibhai
3. Patel Chaturbhai alias Bhuriya Vitthalbhai
4. Patel Prahladbhai Somabhai
5. Patel Jagabhai Davabhai
6. Patel Jayantibhai Mangalbhai
7. Patel Mangalbhai Mathurbhai
8. Pakhvara Sindhi Narayanlal Sitmal
9. Patel Karshanbhai Tribhovanbhai
10. Patel Kacharabhai Tribhovanbhai
11. Prajapati Bharatbhai Rameshbahi
12. Prajapati Rajeshkumar Amrutbhai

13. Patel Amrathbhai Somabhai
14. Patel Kanubhai Karshanbhai
15. Patel Babubhai Kantibhai
16. Prajapati Babubhai Lavajibhai
17. Patel Dineshbhai Baldevbhai
18. Patel Raghubhai Revabhai
19. Patel Jayantibhai Jivanbhai
20. Patel Bhikhabhai Joitaram
21. Patel Bhaveshkumar Kanubhai
22. Patel Vishnubhai Gopalbhai
23. Patel Mathurbhai Ramabhai
24. Prajapati Gordhanbhai Revabhai
25. Prajapati RavikumarAmrutbhai
26. Prajapati Dahyabhai Varvabhai
27. Prajapati Rohitkumar Ramanbhai
28. Patel Jayantibhai Baldevbhai

29. Patel Vishnubhai Prahladbhai
30. Patel Baldevbhai Ranchodbhai
31. Patel Dashrathbhai Ambalal
32. Patel Madhabhai Vitthalbhai
33. Patel Surshkumar Baldevbhai
34. Patel Rajeshbhai Karshanbhai
35. Patel Rameshbhai Kantibhai
36. Patel Ramanbhai Jivanbhai
37. Patel Tulsibhai Girdharbhai
38. Patel Chaturbhai Danabhai

39. PATEL SURESHKUMAR RANCHODDBHAI
40. PATEL RAJENDRAKUMAR ALIAS RAJESH PUJABHAI
41. PATEL PRAHLADBHAI JAGABHAI
42. PATEL ASHVINBHAI JAGABHAI
43. PATEL RAMESHBHAI RAMABHAI
44. PATEL PARSOTTAMBHAI ALIAS PASHABHAI MOHANBHAI
45. PATEL AMBALAL MAGANBHAI
46. PATEL KALABHAI ALIAS KANAIYALAL NATHALAL
47. PATEL RAMESHBHAI PRABHABHAI GOPALBHAI
48. PATEL DAHYABHAI KACHARABHAI
49. MARVADI AASUTOSH ALIAS PAVANKUMAR MURLIDHAR
50. PATEL RAMESHBHAI BALDEVBHAI
51. PATEL JIVANBHAI DWARKABHAI
52. PATEL JAYANTIBHAI AMBALAL
53. PATEL MATHURBHAI TRIKAMBHAI
54. PRAJAPATI RAMANBHAI GANESHBHAI
55. PATEL KANUBHAI JOITARAM
56. ASHVINBHAI BALDEVBHAI JOITARAM

ALL RESIDENTS OF

SARDARPUR TA (VILLAGE)

BIJAYPUR

GUJARAT STATE

RESPONDENTS

(The addresses of respondents 2 to 56 above are as per police records and respondents 2 to 56 may be in addition served through the Superintendent of Police, District Mehsana, Gujarat)

IV. TRANSFER PETITION ARISING OUT OF ARISING OUT OF SESSIONS CASE NO.152/2002 IN F.I.R.NO.67/2002 DATED 28.2.2002 OF POLICE STATION MEGHANINAGAR

National Human Rights Commission,

Sardar Patel Bhawan,

Sansad Marg, New Delhi

through its Registrar.

PETITIONER

AND

1. State of Gujarat

Through its Secretary

Department of Home

Sachivalaya

Gandhinagar

Gujarat State

2. Kailash Lalchandbhai Dhobi

Ramchandra Colony,

Chamanpura,

Ahmedabad

Gujarat State.

3. Yogendra Sinh alias Lalo Mohan Sinh Shekhavat

D – Gandhi ni chali,

Chamanpura

Ahmedabad

Gujarat State

4. Surendra Sinh alias Vakil Digvijay Sinh Chauhan

Navi chali,

Chamanpura

Ahmedabad

Gujarat State

5. Mangaji Pokalji Marvadi

Ramchandra Colony,
Jagdishbhai na makanma
Chamanpura
Ahmedabad
Gujarat State

6. Jayeshbhai Ramubhai Patani

Resi :Kalapi nagar, Gu.Hou.
Board. No.31/238 Meghaninagar.
Ahmedabad
Gujarat State

7. Kiran Hirabhai Nadia

Resi : Kalapi nagar, Gu.Hou.Board. No.35/217
Meghaninagar
Ahmedabad
Gujarat State

8. Naranbhai Chanabhai Rathod

Resi : Kalapi nagar, Block No.144/1128

Meghaninagar

Ahmedabad

Gujarat State

9. Kishorbhai Mangabhai Patani

Asarva Kadiya ni Chali,

Chamanpura

Ahmedabad

Gujarat State

10. Shailesh alias Kalu Hirabhai Patani

31/266 Gu.Hou.Board,

Meghaninagar

Ahmedabad

Gujarat State.

11. Kanaiya alias Bablu Maiyau

Hasmukhlal Keshavlal ni chali,
Rameshvar Road,
Ahmedabad
Gujarat State.

12. Kantibhai Popatbhai Patani

Resi : Nr.Gafur miyani Chapara Punjab Soc.,
Meghaninagar
Ahmedabad
Gujarat State.

13. Shakarabhai Seghabhai Patani

Resi :Santokben ni chali,Chamanpura,
Ahmedabad
Gujarat State

14. Manojkumar Premajibhai Parmar

Resi :Jogeshvari nagar, Meghaninagar,
Ahmedabad
Gujarat State.

15. Deepakkumar Somabhai Solanki

Resi : Nr. Om nagar, Railway Crossing Chapara,
Ahmedabad
Gujarat State.

16. Vinodbhai Arvindhbai Solanki

Resi : Ambedkar nagar line No.2, Memco,
Ahmedabad
Gujarat State.

17. Jayeshkumar alias Gabbar Madanlal Zingar

Resi : Opp. Gulburg Soc. Santokben ni chali,
Chamanpura
Ahmedabad
Gujarat State.

18. Ajay Somabhai Panchal

Resi : 61/1450 Guj. Hou.Board,
Meghaninagar
Ahmedabad
Gujarat State

19. Dilip alias Kalu Chaturbhai

Resi: 78/425 Ramchandra Colony,
Chamanpura,
Ahmedabad
Gujarat State.

20. Ratilal Ganeshji Kumbhar

Resi :Tejaji Kaluji ni chali,
Chamanpura,
Ahmedabad
Gujarat State.

21. Maheshkumar Lalchand Nayee.

Resi: Block No.61/141 Guj. Hou.Board,
Meghaninagar
Ahmedabad
Gujarat State

22. Sanjaykumar Shakarabhai Patani.

Resi: MLA Quarters, Block No. 6/137,
Opp. Civil Hospital
Ahmedabad
Gujarat State

23. Shailesh Natvarlal Patani.

Resi: Bapalal Ghanchi ni Chali,
Chamanpura,
Ahmedabad
Gujarat State.

24. Naresh alias Nariyo Bansilal Prajapati.

Resi: Atmaram Popatlal ni Chali,
Chamanpura,
Ahmedabad
Gujarat State.

Respondents

(The addresses of respondents 2 to 24 above are as per police records and respondents 2 to 24 may be in addition served through the Superintendent of Police, Ahmedabad, Gujarat)

V. TRANSFER PETITION ARISING OUT OF CRIMINAL CASE NO.1720/2002 IN F.I.R.NO.67/2002 DATED 28.2.2002 OF POLICE STATION MEGHANINAGAR

National Human Rights Commission,

Sardar Patel Bhawan,

Sansad Marg, New Delhi

through its Registrar.

PETITIONER

AND

1. State of Gujarat

Through its Secretary

Department of Home
Sachivalaya
Gandhinagar
Gujarat State

2. Shankarji Hakaji Mali

Resi: Babusing ni Chali, Chamanpura,
Ahmedabad

Gujarat State

3. Manghilal Dhulchand Jain
127/990 Guj.Hou.Board,
Kalapinagar, Meghaninagar
Gujarat State

4. Prabhu Madanlal alias Pannalal Premchand Mochi
99/765, Kalapinagar
Gujarat State.

5. Gopaldas Mandas Vaishnav

Tejaji Kumbhaji ni chali,
Krishnaji na chhapara,
Meghaninagar

Gujarat State.

6. Mukesh Pukhrajji Shankhala (Mochi)

Nr.Om nagar Ghanti,
Santokben ni chali,
Chamanpura,
Ahmedabad

Gujarat State.

7. Prahladji Rajuji Asori (Maravadi Mochi)

Kantilal Hiralal ni chali,
Chamanpura

Gujarat State.

8. Madanlal Dhanraj Raval

Mohanlal vakil ni chali, Asarva,
Ahmedabad

Gujarat State.

9. Mahendrakumar Mulchandbhai Paramar

C/28 Nr. Rameshvar temple
Meghaninagar
Ahmedabad

Gujarat State.

10. Ambesh Kantilal Mochi

Resi :Dhupnagar Ghanti Chamanpura
Ahmedabad

Gujarat State.

11. Prahlad Omprakash Songara

Bl. No.88/684 Kalapi nagar

Gujarat State.

12. Krushnakumar alias Krishna Munnalal Kalal
Nr. Ganghini chali, Modi Chimanlalni chali

B/H. Civil Hospital

Ahmedabad

Gujarat State.

13. Ashok alias Ashlo Dharsing Thakor

Bl.No.4/91 Slum Quarters Patravali chali

Chamanpura

Gujarat State.

14. Chirag Dilip Shah

Resi :Bl.No.66/523 Kalapinagar

Meghaninagar

Gujarat State.

15. Prakash alias Kali Khengarji Padhiyar

Resi :Bl.No.88/677 Guj.Hou.Board,

Kalapinagar

Meghninagar

Gujarat State.

Respondents

(The addresses of respondents 2 to 15 above are as per police records and respondents 2 to 15 may be in addition served through the Superintendent of Police, Ahmedabad, Gujarat)

VI. TRANSFER PETITION ARISING OUT OF CRIMINAL CASE NO.524/2002 IN F.I.R.NO.67/2002 DATED 28.2.2002 OF POLICE STATION MEGHANINAGAR

National Human Rights Commission,
Sardar Patel Bhawan,
Sansad Marg, New Delhi
through its Registrar.

PETITIONER

AND

1. State of Gujarat

Through its Secretary

Department of Home

Sachivalaya

Gandhinagar

Gujarat State

2. Vishal Badrilal Nayee

Devaji Pomaji ni Chali.

Ahmedabad

Gujarat State

3. Rajeshkumar Chamanlal Patani

Opp. Ashok Mill, Ghanchi ni Chali

Ahmedabad

Gujarat State

4. Vijaybhai Pushkarbhai Prajapati

Ghivali chali Chamanpura

Ahmedabad

Gujarat State.

Respondents

(The addresses of respondents 2 to 4 above are as per police records and respondents 2 to 4 may be in addition served through the Superintendent of Police, Ahmedabad, Gujarat)

VII. TRANSFER PETITION ARISING OUT OF CRIMINAL CASE NO.296/2003 IN F.I.R.NO.67/2002
DATED 28.2.2002 OF POLICE STATION MEGHANINAGAR

National Human Rights Commission,

Sardar Patel Bhawan,

Sansad Marg, New Delhi

through its Registrar.

PETITIONER

AND

1. State of Gujarat

Through its Secretary

Department of Home

Sachivalaya

Gandhinagar

Gujarat State

2. Sandip alias Sonu Ghunghru Val Valo,

Ramprakash Mehara.

66- Parn kunj Soc.Div.-1

Meghaninagar

Ahmedabad

Gujarat State.

3. Babubhai Mohanbhai Patani

Resi :Pataninagar Chhapara,
Ramchand Colony
Ahmedabad
Gujarat State.

4. Babubhai Manjibhai Patani

Resi :Narmadaben's Chhapra,
Chamanpura,
Ahmedabad

Gujarat State.

Respondents

(The addresses of respondents 2 to 4 above are as per police records and respondents 2 to 4 may be in addition served through the Superintendent of Police, Ahmedabad, Gujarat)

VIII. TRANSFER PETITION ARISING OUT OF CRIMINAL CASE NO.982/2002 IN F.I.R. NO.100/2002

National Human Rights Commission,

Sardar Patel Bhawan,

Sansad Marg, New Delhi

through its Registrar.

PETITIONER

AND

1. **STATE OF GUJARAT**

THROUGH ITS SECRETARY

DEPARTMENT OF HOME

SACHIVALAYA

GANDHINAGAR, GUJARAT

2. Naresh Amarsingh Chhara

RESI- OPP. S.T.QUARTERS,

NR.SMASHAN GHAT CHAPRA, NARODA

AHMEDABAD.

GUJARAT STATE.

3. Umesh Surabhai Bharvad

RESI.98/1696 KRUSHNA NAGAR HOUSING BOARD,

SAIJPUR AVENUE PARK,

VASTRAPURGAM.

GUJARAT STATE.

4. Morli Narayan Sindhi

RESI: NEW-G WARD, GHAR No.3,

ITI Rd, KUBERNAGAR

GUJARAT STATE.

5. Ganpat Sanaji Chara

RESI: E/5/6, ANKUR SOCIETY

OPP. PRIYA THEATRE,

AHMEDABAD

GUJARAT STATE.

6. Vikrambhai Maneklal Rathod

RESI: GANGOTRI SOCIETY,

NR. ST WORKSHOP, NARODA

GUJARAT STATE.

7. Dalpat AmeSingh Chhara

RESI: GANGOTRI SOCIETY, BLOCK No.6,

NR ST WORKSHOP, NARODA

GUJARAT STATE.

8. Rajesh alias Pagani Kantilal Chhara

Resi: Mahajaniya Vas, Chhara Vas,

Sejpur Patia, Naroda

Gujarat State.

9. Champaklal Himatbhai Rathod

Resi: Mahajaniya Vas, Chhara Vas,

Sejpur Patia, Naroda

Gujarat State.

10. Ravindra alias Batakio Kantilal Parmar

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

11. Amrut alias Kalu Balubhai Rathod

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

12. Harish alias Hariyo Jeevanlal Rathod

Resi: Sanjay Nagar, Chapra,
Nr ST Workshop, Naroda
Gujarat State.

13. Jaswant alias Lalo Keshavlal Rathod

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

14. Kaptan Singh Jawansingh Parmar

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

15. Kubsingh Chandansingh Jadeja

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

16. Raju Ratilal Chara

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

17. Deepak Kantilal Rathod

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

18. Mohansingh Vrujlal Nepali

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

19. Mahesh Veniram Rathod

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

20. Yogesh Narandas Marathe

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

21. Rajendra Keshri Singh Chhara

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

22. DHANRAJ VAGUMAL MURANI

Resi: Archana Flat, Ghar No.13,
Kubernagar,
Ahmedabad
Gujarat State

23. Nandlal Vishnubhai Chhara

Resi: Mota Charanagar,
Ahmedabad
Gujarat State

24. Ratilal alias JayBhavani Somabhai Rathod

Resi: 20/1, Jawaharnagar, Nr. Gangotri Soc.,
B/h ST Workshop, Naroda Patia
Gujarat State

Respondents

(The addresses of respondents 2 to 24 above are as per police records and respondents 2 to 24 may be in addition served through the Superintendent of Police, Ahmedabad, Gujarat)

IX. TRANSFER PETITION ARISING OUT OF CRIMINAL CASE NO.1662/2002 IN F.I.R. NO.100/2002

National Human Rights Commission,
Sardar Patel Bhawan,
Sansad Marg, New Delhi
through its Registrar.
PETITIONER

AND

1. STATE OF GUJARAT

THROUGH ITS SECRETARY

DEPARTMENT OF HOME

SACHIVALAYA

GANDHINAGAR, GUJARAT

2. Padmendra Singh alias P J Jaswantsingh Rajput
Resi: F/9, Parhavnath Township,
Krishnanagar,
Ahmedabad
Gujarat State

3. Babubhai Rajabhai Patel alias Babu Bajrangi
Resi: B/6, Bhagyoday Soc. Krihsnanagar,
Naroda
Gujarat State

4. Kishan Khubchand Korani
Resi: D/2, Apna par Soc., A-Ward Patia,
Ahmedabad
Gujarat State

5. Prakash Sureshbhai Rathod (Chara)
Resi: Patia, Mahajanya Vas,

Ahmedabad

Gujarat State

6. Suresh alias Richard alias Suresh Langdo Kantibhai Dedavala

Resi: Mahajanya Vas, Charanagar

Opp. ST Workshop, Naroda Patia,

Ahmedabad

Gujarat State

7. Mukesh alias Gudu Jivanlal Chara

Nr. SRP Quarters, Naroda Patia,

Ahmedabad

Gujarat State

8. Ashok Silvrant Parmar (Chara)

Resi: Mahajanya Vas, Charanagar,

Ahmedabad

Gujarat State

9. Rajkumar alias Raju Gopiram Chamal

Resi: 13, Arihan nagar, Nikol Rd. Narod,

Ahmedabad

Gujarat State

10. Premchand Yagna Narayan Tiwari

Resi: Gangotri Soc., Makan No.25,

Nr. SRP Quarters, Krishnanagar Naroda,

Ahmedabad

Gujarat State

11. Suresh alias Sahejad Dabubhai Netalekar (Marathi Chara)

Hussein nagar, Naroda Patia,

Ahmedabad
Gujarat State

12. Nawab alias Kalu Harisingh Rathod
Resi: Sejpur, Fadeli sikotar Chowk,
Amin Patel ni Chali, Ghar No. 1660, Naroda,
Ahmedabad
Gujarat State

13. Manubhai Keshabhai Marutha (Bhangi)
Resi: Thakkar nagar, Vasntnagar na chapre,
Nr Chamak Chuna Factroy, Naroda,
Narol Highway Road,
Ahmedabad
Gujarat State

14. Prabha Shankar alias Prabha Pandit Shiv Shankar Mishra
Resi: Pandit Ni Chali , Sejpur,, Naroda Patia,
Ahmedabad
Gujarat State

15. Shashikant alias Tinyo Marathi Yuvraj Patil
Resi: Gopinath Soc, Mekan No. 49,
Naroda Patia
Nr. ST Workhsop,
Ahmedabad
Gujarat State

16. Ashok Hrudaldas Sindhi
Resi: Kubernagar, G-Ward,
Ghar No.23/3, Radha Krishna Apt.,
Narod,

Ahmedabad
Gujarat State

17. Harshad alias Mungada Gilagovind Parmar Chara
Resi: D-Colony, Nareshbhai gorenge na makanma,
Opp.water tank, kubernagar Charanagar
Ahmedabad
Gujarat State

18. Mukesh Ratilal Rathod
Resi: 820/1, Gangotri Soc.,
Nr. SRP Head Quarters, Krishna nagar
Ahmedabad
Gujarat State

Respondents

(The addresses of respondents 2 to 18 above are as per police records and respondents 2 to 18 may be in addition served through the Superintendent of Police, Ahmedabad, Gujarat)

To

**A PETITION UNDER S.406 OF THE CODE OF CRIMINAL PROCEDURE
FOR TRANSFER OF THE ABOVE CASES**

To

The Hon'ble the Chief Justice of India and His Companion Justices of the Hon'ble Supreme Court of India

The humble petition of the

petitioner abovenamed -

MOST RESPECTFULLY SHOWETH:

1. The NHRC is filing these transfer petitions under s.406 of the Code of Criminal Procedure 1973 (Cr.PC) seeking transfer of the following criminal cases pending in different criminal courts in the State of Gujarat to corresponding courts in any other State:

- A. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;
- (i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and
- (ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
- B. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
- C. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
- (i) Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
- (ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
- (iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad; and
- (iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad
- D. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;
- (i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and
- (ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

2. FACTS OF THE CASE:

2.1 On 27th February 2002, the Sabarmati Express train coming from Faizabad to Ahmedabad was attacked by a large crowd near the Godhra Railway Station and was set on fire. 58 persons were burnt alive and more than 40 passengers received injuries. Arising out of this incident, an FIR No.09/2002 dated 27.2.2002 was registered in the Godhra Police Station against the accused.

2.2 A call for a Gujarat Bandh was given for 28th February 2002. Meanwhile, incidents of communal violence were reported from several areas in the State of Gujarat on 27th/ 28th February 2002. By March 1st 2002 curfew was clamped in about 35 towns/ cities (night curfew in some of them) and in parts of Ahmedabad, Vadodara and Rajkot cities.

2.3 Arising out of the above incidents, in which a large number of persons were either killed or injured and property were several crores of rupees destroyed, several criminal cases came to be registered which included the following:

- A. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;
- (i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and
- (ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
- B. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
- C. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
- (i) Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
- (ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
- (iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad; and
- (iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad
- D. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;
- (i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and
- (ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

2.2 Meanwhile, on 1st March 2002, the NHRC took suo motu action on the basis of media reports, both print and electronic. The media reports demonstrated a communal flare up in the State of Gujarat and suggested inaction by the police force and other functionaries in the State. The NHRC stayed its hands till the veracity of the media reports were established, but assuming the reports to be prima-facie correct, proceeded to step-in to prevent any negligence in the protection of human rights of the people in the State of Gujarat, irrespective of their religion. Notices were issued to the Chief Secretary and Director General of Police, Gujarat for their reply within three days indicating the measures being taken and in contemplation to prevent any other escalation of the situation in the State of Gujarat which is resulting in continued violation of the human rights of the people. A true copy of the order dated 1.3.2002 made by the petitioner is annexed herewith and marked as Annexure-P/1.

2.3 This was followed by the NHRC passing a series of orders expressing concern about the progress of the criminal cases and the absence of an atmosphere in which the trials to take place in a free and fair manner. In its proceedings on 1st April 2002, the NHRC took note of the report of the State Government and made certain recommendations for immediate consideration of the Central and State Government, some of which are extracted hereinbelow:

“Law & Order

- (i) In view of the widespread allegations that FIRs have been

poorly or wrongly recorded and that investigations are being 'influenced' by extraneous considerations or players, the Commission is of the view that the integrity of the process has to be restored. It therefore recommends the entrusting of certain critical cases to the CBI. These includes the cases relating to the

- Godhra incident, which is at present being investigated by the GRP;
 - . Chamanpura (Gulbarga Society) incident;
 - . Naroda Patiya incident;
 - . Best Bakery case in Vadodara; and the
 - . Sadarpura case in Mehsana district.
- (ii) The Commission recommends that Special Courts should try these cases on a day-to-day basis, the Judges being handpicked by the Chief Justice of the High Court of Gujarat. Special Prosecutors should be appointed as needed. Procedures should be adopted for the conduct of the proceedings in such a manner that the traumatized condition of many of the victims, particularly women and children, is not aggravated and they are protected from further trauma or threat. A particular effort should be made to depute sensitive officers, particularly officers who are women, to assist in the handling of such cases.
- (iii) Special Cells should be constituted under the concerned District Magistrates to follow the progress of the investigation of cases not entrusted to the CBI; these should be monitored by the Additional Director-General (Crime).
- (iv) Specific time-frames should be fixed for the thorough and expeditious completion of investigations
- (v) Police desks should be set-up in the relief camps to receive complaints, record FIRs and forward them to Police Stations having jurisdiction.
- (vi) Material collected by NGOs such as Citizen's Initiative, PUCL and others should also be used."

2.6 Following this, after considering the response of the State of Gujarat, the NHRC in its proceedings dated 31.5.2002, observed in paras 19 and 20 as under:

Para 19

"The Commission had reported in its Proceedings of 1 April 2002 that there were numerous allegations made both in the media and to its team that FIRs in various instances were being distorted or poorly recorded, and that senior political personalities were seeking to

influence the working of police stations by their presence within them. The Commission has thus been constrained to observe that there was a widespread lack of faith in the integrity of the investigating process and the ability of those conducting investigations. The Commission had also observed that according to the State Government itself, “in Ahmedabad, looting was reported in well-to-do localities by relatively rich people.” Yet the State Government had not identified who these persons were.

Para 20

a. The report of the State Government of 12 April, 2002 once again fails to make the necessary identification of these persons. It also fails to rebut the repeatedly made allegation that senior political personalities – who have been named – were seeking to influence the working of police stations by their presence within them. It states that the Government “fully accepts the view that there should be transparency and integrity in investigating instances of death and destruction” and adds that “this is being taken care of”. The Commission’s Special Representative, Shri Nampoothiri, however, has reported to the Commission on 24 April 2002 in a totally opposite vein. He has stated that, in respect of most of the “sensational cases,” the FIRs registered on behalf of the State by the police officer concerned, the accused persons are shown as “unknown”. His report adds that “this is the general pattern seen all over the State. Even when complaints of the aggrieved parties have been recorded, it has been alleged that the names of the offenders are not included. In almost all the cases, copies of the FIRs which the complainant is entitled to, has not been given.” There has been widespread public outrage, in particular, in respect of atrocities against women, including acts of rape, in respect of which FIRs were neither promptly nor accurately recorded, and the victims harassed and intimidated. The Commission must conclude, therefore, that until the time of Shri Nampoothiri’s 24 April, 2002 report, the victims of the atrocities were experiencing great difficulty in having FIRs recorded, in naming those whom they had identified and in securing copies of their FIRs. Further – for far too long – politically – connected persons, named by the victims of the crimes committed, remained at large, many defying arrest. These are grave matters indeed that must not be allowed to be forgiven or forgotten. Based on Shri Nampoothiri’s reports the Commission would therefore like to warn that the danger persists of a large-scale and unconscionable miscarriage of justice if the effort to investigate and prosecute the crimes that have been committed is not directed with greater skill and determination, and marked by a higher sense of integrity and freedom from ‘extraneous political and other influences’ than has hitherto been in evidence. Of particular concern to the Commission have been the heart-rending instances identified in its Proceedings of 1 April, 2002, in respect of which it had called for investigations by the CBO: those cases relate to some of the very worst incidents of murder, arson, rape and other atrocities, including many committed against women and children whose tragic and inconsolable circumstances have profoundly shocked and pained the nation.”

2.4 However, these recommendations of the NHRC were not heeded and state government did not entrust the investigation of even the five test cases mentioned by the NHRC to the CBI.

2.5 The incident involving the burning of the building of Best Bakery in Vadodara, which resulted in the killing of 14 persons and injuries to several others apart from loss of property, featured

in Sessions Case No.248 of 2002 in the Court of the Additional Sessions Judge, Fast Track Court No.1, Vadodara. The trial of this case commenced on 20th February 2003. Although many witnesses were cited in the calendar of witnesses, only 73 witnesses were examined and the remaining witnesses including 12 eyewitnesses, were given up. Out of the examined witnesses, 37 turned hostile which included the victim's close relatives. Subsequently, some of those witnesses disclosed the reasons for their turning hostile – threat and fear to their lives, if they deposed truly.

- 2.6 It now transpires that even as one witness after the other, including the principal eyewitnesses, turned hostile, the learned Trial Judge made no effort to ascertain why this was happening. Further, the record reveals that the cross-examination of the hostile witnesses by the public prosecutor was most perfunctory. For instance, Sheikh Zahira Habeebullah Khan, was not confronted with her signatures on the initial complaint dated 2nd March 2002 wherein she had named 10 of the accused persons and was not asked to explain under what circumstances she had made that statement. Further, although it was plain that Lal Mohammad, by making the supplementary statement dated 16th June 2002, was not going to support of the prosecution, he was examined as a prosecution witness instead of being dropped from the list. Thus, instead of making efforts to strengthen the prosecution case, it appears that the steps to the contrary were being taken.
- 2.7 By judgment and order dated 27th June 2003 passed by the Additional Sessions Judge Fast Track Court No.1, Vadodara in Sessions Case No.248 of 2002 (Best Bakery Case), all the 21 accused persons were acquitted and directed to be released forthwith.
- 2.8 The record of the Best Bakery Case is testimony to the complete break down of the criminal justice system resulting in a gross miscarriage of justice. It is also exposed the hollowness of the claims of the State of Gujarat that the conduct of the above criminal trials in a fair manner would be ensured by the state machinery.
- 2.9 After the judgment in the Best Bakery Case, one of the principal witnesses. Ms Shaikh Zahira Bibi Habeebullah, made a statement before the NHRC on 11th July 2003 stating that she and her mother had been threatened and forced to resile from their earlier statements and she also named the persons who had so threatened her.
- 2.10 The debacle in the Best Bakery Case, which has witnessed the acquittal of all the 21 accused

as given cause for grave concern about the fate of the other cases in the State of Gujarat. The track record of progress of the major cases of communal violence also does not inspire much confidence. In an article titled "Cases of injustice" by Dionne Bunsha which appeared in the in Frontline, August 1 2003, p.25, an analysis of some of the cases has been set out. The extracts of two tables appended to the said article titled "Status of communal violence cases" and "Progress of some of the major cases in Gujarat communal violence" dated nil are annexed herewith and marked as **Annexure-P/2** and **Annexure-P/3** respectively.

2.11 In brief, the position, as set out in the aforementioned article, as regards the pending cases is as under:

Total cases registered:	4,252
Cases pending trial:	2,037
True cases closed:	2,032
False cases closed:	76
No. of those acquitted:	36
Cases pending investigation:	46
Cases pending sanction for prosecution:	19

2.12 Thus, it is apparent that nearly half the cases originally registered have been closed and the remaining are pending trial. These figures also point to the despondent situation in the State of Gujarat and in the circumstances outlined above, it is not reasonable to expect that the trials in the criminal cases will take place in a free and fair manner and with expedition.

2.13 The petitioner is seeking the transfer of five test cases since these involved crimes of a serious nature and on a large scale that has shocked the public conscious. It would be a travesty of justice if these cases also go the Best Bakery way for that would seriously impair the credibility of the justice delivery system and the rule of law.

2.14 The NHRC, in the wake of the judgment in the Best Bakery Case, deputed a team to obtain the relevant materials pertaining to the said case. The report submitted by the team was considered by the NHRC on 23rd July 2003 and a decision was taken to approach this Hon'ble Court to seek appropriate reliefs by way of transfer of the aforementioned pending criminal

cases.

2.15 That the petitioner has not filed any other transfer petition before this Hon'ble Court or any other court for the transfer of the following cases, i.e.,

- A. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;
- (i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and
- (ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
- B. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
- C. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
- (i) (Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
- (ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
- (iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad; and
- (iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad
- D. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;
- (i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and
- (ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

and is preferring these transfer petitions on the following grounds which are taken without prejudice to one another.

GROUND

- I. The petitioner has every reason to believe that the trials of the cases arising out of the incidence of communal violence in Gujarat as mentioned hereinabove are not likely to take place in a free and fair atmosphere. This impression of the petitioner is based not only from the judgment dated 27.6.2003 of the Trial Court in the Best Bakery Case, but also the statement made before the petitioner on 11.7.2003 by one of the principal prosecution witnesses in the

said case. The said witness has explained in detail how she was subjected to undue pressure and threats and was compelled to resile from the statement earlier made by her to the police.

- II. It is reasonable to expect that the other prosecution witnesses in the pending trials would also be facing similar situation of being unable to depose fairly and fearlessly before the Court. The petitioner has, on the basis of its enquiries and investigations into the ground situation in Gujarat, expressed its concern in a series of orders made between March 1st, 2002 and July, 2003, that the atmosphere in the State of Gujarat was not conducive for the conduct of criminal trials in a free and fair manner. The petitioner has been of the view that certain extra safeguards and protective measures have to be put in place in order to rectify the situation. In particular, the petitioner had, anticipating the inability of the state administration to ensure an atmosphere for the conduct of free and fair trials, recommended that the investigation of five test cases be entrusted to the CBI and that special prosecutors be appointed. On the contrary, not only have the petitioner's recommendations not been heeded but the conduct of the investigations and the trials thus far has left much to be desired.
- III. It is submitted that given the result of the trial in the Best Bakery case, it appears unlikely that the other trials would be able to take place in free and fair manner and justice done to victims of the crime, witnesses in the trial as well as the accused. In the circumstances, it is submitted that it is imperative that the trials are conducted in a place outside the State of Gujarat.
- IV. The Petitioner submits that the Cr. PC itself envisages that the trial could be held in place other than one in which it is required to be held. S.462 Cr. PC states that, "no finding, sentence or order of any Court shall be set aside

merely on the ground that the enquiry, trial or other proceedings in the course of which it was arrived at or passed, took place in a wrong Sessions Division, District, Sub-Division or other local area, unless it appears that such error has in fact occasioned a failure of justice". As a corollary, a failure of justice could arise by the non-transfer of a case from one court to the other when the situation so warrants it.

- V. It is submitted that the record of the Best Bakery Case further points to the need for transfer of the other pending trials to courts outside the State of Gujarat. The judgment of the trial court in the Best Bakery Case shows that as many as 41 of the 73 prosecution witnesses including the key eye witnesses during their deposition at the trial resiled from their earlier statements made to the police during investigation. This inevitably led to the collapse of the prosecution case and the acquittal of all the 21 accused. The trial court has itself noted in its impugned judgment that "it is very difficult for a common man to understand that in judicial proceedings involving crime of such a large magnitude, nobody has been convicted and punished." However, the court felt constrained by its inability to find out who the real offender was or to award compensation to the victims of the crime. The court further summed up the pathetic state of affairs thus: "there is not even an iota of evidence produced on the record of the case which can be legally accepted and which even remotely connects the accused with the charges levelled against them."
- VI. The trial judge in the Best Bakery Case has further observed: "From the case papers of the police investigation, there appears to be clear circumstances to believe that the police officers have abruptly and arbitrarily recorded the so called statements of the witnesses subsequently and have falsely incorporated the names of the accused persons" (para 42).

- VII. Further, the trial court has concluded: “In short, there is no cogent, reliable and legal evidence produced on record before this court so as to establish guilt against the accused who are produced before this court. Looking to the circumstances of the case, it clearly transpires from the judicial scrutiny of the evidence produced on record of the case that totally false evidence has been created against wrong accused” (para 45).
- VIII. That the failure of the trial court, after making the observations referred to above, to order further investigations before concluding the trial has put the credibility of the justice delivery system under a serious challenge. In this context, the petitioner submits that:
- (i) That a criminal trial is not a mere formality. When an offence is committed and the Court is seized of the case either through complaint or police report, it becomes the duty of the Court to ascertain the truth and render justice. Failure to do so results in miscarriage of justice.
 - (ii) Whenever a criminal goes unpunished, it is the society at large which suffers because the victims become demoralized and criminals encouraged. It therefore, becomes duty of the Court to use all its powers to unearth the truth and render justice so that the crime is punished”.
- IX. It is submitted that if the trials in the other pending cases are to take place in a manner where even the presiding judges will not feel constrained in the same manner as the learned Judge who tried the Best Bakery Case, it is imperative that the pending trials be transferred to corresponding courts in any other State.
- X. It is submitted that the petitioner is a “party interested” for the purpose of s.406 (2) of the Cr.PC and is entitled to seek transfer of the criminal cases pending in the State of Gujarat which form the subject matter of the present petition.
- XI. It is submitted that it would be in the interests of justice that the trials take place in a free and fair manner in order to avoid erroneous verdicts arising out of mis-trials which would be vulnerable to be being set aside and subject to

re-trial. This would only prolong the agony of the accused and the victims.

PRAYER

In the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

a) direct that the following cases be transferred to corresponding courts in any other State in India:

1. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;
 - (i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and
 - (ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
2. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
3. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
 - (i) Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
 - (ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
 - (iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
 - (iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad
4. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;
 - (i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and
 - (ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

b) pass such other order or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND

SHALL EVER PRAY.

Settled by:

Drawn And Filed By

Mr.T.R. Andhyarujina
Senior Advocate

(S. Muralidhar)
Advocate for the Petitioner

New Delhi
Filed on:
IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. _____ OF 2003

IN THE MATTER OF

National Human Rights Commission

Petitioner

//Versus//

STATE OF GUJARAT AND OTHERS

RESPONDENTS

AFFIDAVIT

I, Ajit Bharioke, S/o Late Shri Inderjit Bharioke, aged about 53 years, Registrar (Law), National Human Rights Commission, Sardar Patel Bhavan, Sansad Marg, New Delhi, do hereby solemnly affirm and state as follows:

1. I am the Registrar (Law) of the Petitioner in the above matter and as such acquainted with the facts of the case.
2. That I have read and understood the contents of Synopsis and List of Dates at Pages B to _____ and contents of Transfer Petition as contained at pages ___ to _____ and state that the facts stated therein are true and correct to my knowledge and those of submissions of law made in facts of the case, grounds and prayer are true and correct as per the legal advice received and believed by me. That the contents of Application for ad-interim ex parte stay at pages ___ to ___ are true and correct to the best of my knowledge.
3. That the annexures P/1 to P/3 being enclosed with the Transfer Petition are true copies of their respective originals.
4. I say that the contents of my above affidavit are true and correct, no part of it is false nor anything material has been concealed therefrom.

Verified at New Delhi on this ___th day of July, 2003.

DEPONENT

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

CRL.M.P.NO. _____ OF 2003

IN

TRANSFER PETITION (CRIMINAL) NO. _____ OF 2003

IN THE MATTER OF

National Human Rights Commission

Petitioner

//Versus//

State of Gujarat and Others

Respondents

AND IN THE MATTER OF:

APPLICATION FOR AD INTERIM EX-PARTE STAY

To

The Hon'ble the Chief Justice of India and His Companion Justices of the Hon'ble Supreme Court of India

The humble application of the

petitioner abovenamed -

MOST RESPECTFULLY SHOWETH:

1. That the petitioner has today filed the accompanying transfer petitions under s.406

of the Criminal Procedure Code for Transfer of the following cases, i.e.,

A. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;

(i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and

- (ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
- B. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
- C. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
 - (i) Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
 - (ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
 - (iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad; and
 - (iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad
- D. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;
 - (i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and
 - (ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

2. That the facts and circumstances have been set out in considerable detail in the accompanying transfer petition and the petitioner craves leave of this Hon'ble Court to treat the same as forming part of the present application for stay of further proceedings in the above cases.

3. That the petitioner had a strong prima facie case on merits and will in all probability succeed before this Hon'ble Court.

4. The petitioner submits that if the aforementioned pending criminal cases were to proceed in the courts in Gujarat were they are pending. There is every likelihood of denial of the right of the victims, witnesses and accused to a fair trial. There is every reason to believe that the conduct of the trials will not proceed with a view to finding the truth and for justice to be done. In the circumstances, it is submitted that severe prejudice would be caused if the further proceedings in the aforementioned cases are not stayed pending the decision in the accompanying transfer petition.

5. For the aforementioned reasons, it is further submitted that the balance of

convenience lies in granting stay of the pending trials. Otherwise, sever prejudice and hardship would be caused.

PRAYER

In the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

a) grant ad-interim ex parte stay of the proceedings in the the following:

1. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;
 - (i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and
 - (ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
2. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
3. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
 - (i) Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
 - (ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
 - (iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad; and
 - (iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad
4. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;
 - (i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and
 - (ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

b) pass such other order or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND

SHALL EVER PRAY.

Settled by:

Drawn And Filed By

Mr.T.R.Andhyarujina

(S. Muralidhar)

Senior Advocate
New Delhi

Advocate for the Petitioner

Filed on:

NATIONAL HUMAN RIGHTS COMMISSION

SARDAR PATEL BHAWAN

NEW DELHI

Name of the complainant : Suo motu
Case No. : 1150/6/2001-2002
Date : 1 March, 2002

CORAM

Justice Shri J.S.Verma, Chairperson
Dr. Justice K.Ramaswamy, Member
Justice Mrs. Sujata V. Manohar, Member

Shri Virendra Dayal, Member

PROCEEDINGS

This matter is registered for suo motu action on the basis of media reports, both print and electronic. In addition, a request on e-mail has also been received requesting this Commission to intervene.

This matter relates to the existing serious situation in the State of Gujarat. The news items report a communal flare-up in the State of Gujarat and what is more disturbing, they suggest inaction by the police force and the highest functionaries in the State to deal with this situation. In view of the urgency of the matter, it would not be appropriate for this Commission to stay its hand till the veracity of these reports has been established; and it is necessary to proceed immediately assuming them to be prima facie correct. The situation, therefore, demands that this Commission take note of these facts and steps-in to prevent any negligence in the protection of human rights of the people in the State of Gujarat irrespective of their religion.

Issue notice by FAX today to the Chief Secretary and Director General of Police, Gujarat for their reply within three days indicating the measures being taken and in contemplation to prevent any further escalation of the situation in the State of Gujarat which is resulting in continued violation of human rights of the people.

(Justice J.S.Verma)

Chairperson

(Justice K.Ramaswamy)

Member

(Justice Sujata V.Manohar)

Member

(Virendra Dayal)

ANNEXURE-P/2**Progress of some of the major cases in Gujarat communal violence**

Case	Killings	Details
Naroda Patiya Ahmedabad	83	Trial yet to begin. Some accused absconding. Two still in jail, Two witnesses were also jailed.
Naroda Gaarn, Ahmedabad	12	Trial yet to begin witnesses who named politicians jailed in connection with a murder case.
Charnanpura, Ahmedabad	67	Witnesses asking for their statements to be recorded properly and for a thorough investigation.
Sardarpura, Mehsena	33	Witnesses asking for a special public prosecutor. District public prosecutor is a VHP leader.
Randhikpur, Dahoo	18	Case closed as untrue but undetected (owing to lack of evidence). Main witness named the accused. But police have not arrested them. Instead police have declared witness
Pandawarda, Panchmahal	21	'unstable'. All accused acquitted.

Khanpur, Panchmahal	73	All accused acquitted. During trial, the witnesses identified the culprits. They said that they did not name these accused to the police and that the real accused were different people. The witnesses named the real accused before the court. The court while acquitting the accused had passed some observations against the police for not investigating the case properly.
Anjanwa, Panchmahal	11	20 absconding. Five accused not named in the chargesheet. Witnesses have asked for the arrest of the accused or their property to be attached as was done against the absconding in the Godhra case.
Ambika Society, Kalol, Panchmahal	13	FIR clubbed with three other cases that occurred in three separate places; Kalol, Boru and Vajalpur.
Eral, Panchmahal	9	Trial has not yet be done. Witness is a woman whose daughter was raped and killed. She has asked for the 'absconding' to be arrested and for names to be included in the chargesheet. Judge will not proceed until all 32 witnesses are present at the same time in court.

Source: "Cases of injustice" by Dionne Bunsha in Frontline, August 1 2003, p.25.

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

CRL.M.P.NO. _____ OF 2003

IN

TRANSFER PETITION (CRIMINAL) NO. _____ OF 2003

IN THE MATTER OF

National Human Rights Commission

Petitioner

//Versus//

State of Gujarat and Others

Respondents

AND IN THE MATTER OF:

APPLICATION FOR EXEMPTION FROM FILING COPIES OF FIR

To

The Hon'ble the Chief Justice of India and His Companion Justices of the Hon'ble Supreme Court of India

The humble application of the

petitioner abovenamed -

MOST RESPECTFULLY SHOWETH:

1. That the petitioner has today filed the accompanying transfer petitions under s.406 of the Criminal Procedure Code for Transfer of the following cases, i.e.,
 - A. Arising out of F.I.R.No.09/2002 dated 27.2.2002 of Police Station Godhra;
 - (i) Criminal Case Nos.1-6/2003 pending in the Court of Special Judge, POTA, Ahmedabad (titled State v Mohmad Rafudan Ansari & Ors); and

- (ii) Crime No.09/2002 pending in the Juvenile Court, Godhra (State v Junia Farooq Hassan and Ors)
- B. Criminal Case No.275/2002 arising out of F.I.R.No.46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)
- C. Arising out of F.I.R.No.67/2002 dated 28.2.2002 of Police Station Meghaninagar;
- (i) Sessions Case No.152/2002 (titled State v Kailash Lalchand Bhai Dhobi & Ors) pending in the Court of Sessions Judge, Bhadra (Ahmedabad);
- (ii) Criminal Case No.1720/2002 (titled State v Shankarji Hakaji Mali & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad;
- (iii) Criminal Case No.296/2003 (titled State v Sandeep alias Sonu Ghunghru Val valo & Ors) pending in the Metropolitan Magistrate Court No.XI, Ahmedabad; and
- (iv) Criminal Case No.524/2002 (titled State v Vishal Badrilal Nayee & Ors) pending in the Juvenile Court No.IV, Ahmedabad
4. Arising out of F.I.R.No.100/2002 dated 28.2.2002 of Police Station Naroda, Ahmedabad;
- (i) Criminal Case No.982/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Naresh Amarsingh Chhara & Ors); and
- (ii) Criminal Case No.1662/2002 pending in the Metropolitan Magistrate Court No.XI, Ahmedabad (titled State v Padmendra Singh & Ors)

2. The copies of the above FIRs, the originals of which are in Gujarati are in the process of being obtained and thereafter translated. This is likely to take some time and given the urgency of the matter, the petitioner does not wish to delay the processing of the transfer petition and its listing for hearing. It is accordingly submitted that the petitioners may be exempted from producing copies of the above FIRs at this stage and they undertake to produce the same as soon as the translated copies are available.

3. It is submitted that it would be in the interests of justice if the relief as prayed for in this application is granted.

PRAYER

In the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- a) exempt the petitioner from producing copies of the FIRs mentioned in para 1 hereinabove;

b) pass such other order or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Drawn And Filed By

(S. Muralidhar)

Advocate for the Petitioner

New Delhi

Filed on: 5.8.2003

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. _____ OF 2003

IN THE MATTER OF:

National Human Rights Commission

Petitioner

Versus

State of Gujarat and others

Respondents

AFFIDAVIT

I, Ajit Bharihoke, S/o Late Shri Inderjit Bharihoke, aged about 53 years, Registrar (Law), National Human Rights Commission, Sardar Patel Bhavan, Sansad Marg, New Delhi, do hereby solemnly affirm and state as follows:

1. I am the Registrar (Law) of the Petitioner in the above matter and as such acquainted with the facts of the case.

2. That the contents of Application for exemption from filing copies of FIRs at pages ___ to ___ are true to my knowledge.

3. I say that the contents of my above affidavit are true and correct, no part of it is false nor anything material has been concealed therefrom.

Verified at New Delhi on this 5th day of August 2003.

DEPONENT

**IN THE COURT OF THE SPECIAL JUDGE, POTA, AHMEDABAD
CRIMINAL CASE NOS.1-6/2003 ARISING OUT OF F.I.R.NO.09/2002**

MEMO OF PARTIES

STATE OF GUJARAT

THROUGH ITS SECRETARY

DEPARTMENT OF HOME

SACHIVALAYA

GANDHINAGAR, GUJARAT

PETITIONER

VERSUS

1. MOHMAD RAFUDAN ANSARI,

OPP. SUBHANI HOTEL,

GODHRA.

GUJARAT STATE.

2. BAI DULLA KADAR TELI

Opp. Subhani Hotel,

Near Jakat Naka,
Godhra.

GUJARAT STATE.

3. FIROZKHAN GULABKHAN PATAN
Opp. GEB Hut,
Godhra
Gujarat State.

4. ABDUL REHMAN ISUB DHANTIA
NEAR SIMLA SERVICE STN. HUT,
GODHRA
GUJARAT STATE.

5. ISAQ YUSUF LUHAR
Rajaram Compound,
Godhra
Gujarat State.

6. FIROZKHAN ZAFARKHAN PATAN
OPP. GEB, REHMATNAGAR,
GODHRA
Gujarat State.

7. FFAKRUDDIN YUSUF MUZALMAN
OPP. GEB, GODHRA
Gujarat State.

8. SABBIR ANWAR ANSARI

PLOT No. 104, REHMATNAGAR,

GODHRA

Gujarat State.

9. INAYAT ABDUL JUJARA

Polan Bazar Wadi Falia,

Godhra

Gujarat State.

10. NASIRKHAN SULTANKHAN PATAN

Rehmatnagar,

Godhra

Gujarat State.

11. SADDIQQHAN SULTAN PATAN

REHMATNAGAR,

GODHRA

Gujarat State.

12. ABDUL SATTAR ISMAIL SITHELI

REHMATNAGAR,

GODHRA

Gujarat State.

13. YASIN HABIB MALEK

REHMATNAGAR,

GODHRA

Gujarat State.

14. ALLAUDDIN ALIMUDDIN ANSARI

REHMATNAGAR,

GODHRA

Gujarat State.

15. Yusubhai Abdulbhai Laxubhai Kazi

SUBHANI HOTEL,

GODHRA

Gujarat State.

16. YUSUFBHAI SABBIRBHAI ISMAIL PATAN

Rehmatnagar,

Godhra

Gujarat State.

17. YAHMOHMAD SAFIMOHMAD CHAKATHA

Chakathawad,

Behind Sessions Court,

Godhra

Gujarat State.

18. GULZABALIKHAN ANSARI

Subhani Hotel,

Godhra

Gujarat State.

19. HASAN WAHIDKHAN PATAN

Talav Faia,

Dahod

Gujarat State.

20. ABDUL MISTRY

Behind Noorani Masjid,

Godhra

Gujarat State.

21. RAFIQ MOHMAD JAMNU

Vejalpur Rd.,

Opp. Octroi Naka

Godhra

Gujarat State.

22. AHMED ABDULRAHIM HATHIBHAI

POLANBAZAR,

BEHIND DR. SONI HOSP.,

GODHRA

Gujarat State.

23. SHAMSHERKHAN SULTANKAN PATAN

Rehmatnagar,

Opp. GEB,

Godhra

Gujarat State.

24. IDRIS ABDULLA UMARJI SHETH

MOHMADI MOHALLA,

GODHRA

Gujarat State.

25. HUSSAIN AHMED DOBHI

Kadiawad Masjid,
Opp. Wagjipur Hosp.,
Godhra
Gujarat State.

26. AJGARALI FAKRUDDIN ORAJI

Badi Mohallow,
Opp. Yakub Corporator,
Godhra
Gujarat State.

27. KAMAL BADSHAH MOHAMMADSHARIF MUSLIM

Opp. Noorani Masjid,
Godhra
Gujarat State.

28. TAYYAB ABDUL HAQ KODA

Gogha Mohallo,
Behind Jamapi Masjid,
Godhra
Gujarat State.

29. SULEMAN @ TIGAR AHMED HUSSAIN [PIR]

Idgah Masjid, Opp. Sessions Court,
Godhra
Gujarat State.

30. MOHMAD MUSARKHAN PATAN

Nagda Colony, House No. 181,
Madhya Pradesh

31. HAMIDBHAI KARINBHAI SHAIKH MUSLIM

Lima ya,

Godhra

Gujarat State.

32. AHMEDABAD IBRAHIMBHAI SUKHISHER

Stn. Rd., Opp. Chowki 7,

Godhra

Gujarat State.

33. HUSSAIN ABDUL SATTAR

Stn. Rd., Opp. Chowki 7,

Godhra

Gujarat State.

34. SOWKKATBHAI MOHMADBHAH MUSLIM

Stn. Rd., Opp. Chowki 6

Godhra

Gujarat State.

35. AHMED ABDUL RAHIM KALOTA

Falia, No.3, Chhabil Lane

Godhra

Gujarat State.

36. AASHIQ @ BALOO SIDDIQ KADAR

Singal Falia, Behind Koti Bldg.,

Godhra

Gujarat State.

37. ABDUL RAHIM IBRAHIM KALU MUSALMAN

Behind Jain Derasar,
Panchmahals Transport Lane,
Godhra.
Gujarat State.

38. ANWAR HUSSAIN AHMED MUSLIM

Medha Plot No. 11, Godhra
Gujarat State.

39. MOHMAD ABDUL SALIM SITHELI

Mithi Khana Mohalla, Godhra
Gujarat State.

40. ABDUL REHMAN ABDUL MAJID @ KANKATO

@ JAMBURO MUSLIM

Singal Falia,
Godhra
Gujarat State.

41. SALIM ABDUL

Khadi Falia, Opp. Hussain Masjid
Godhra
Gujarat State.

42. MOHMAD HUSSAIN ABDUL RAHIM KALOTA

Mohammadi Mohalla,
Godhra
Gujarat State.

43. ABDUL GANI AHMED SHAIKH

Muslim Soc., Nr. Rajan Masjid,

Godhra

Gujarat State.

44. JABIR ABDULLA KALA MUSLIM

MITIKHANA MOHALLA,

GODHRA

Gujarat State.

45. Abdulrauf Ahmed Yasmin

Opp. Rajan Masjid, Polan Bazar,

Godhra.

Gujarat State.

46. SIRAJBHAI ABDULLA JAMSA MUSLIM

Maulana Azad Rd.,

Opp. Rani Masjid,

Godhra

Gujarat State.

47. BILAL ISMAIL ABDULMAJID SUJELA

@ BILAL HAJI SUJELA

Hayat wadi,

Godhra

Gujarat State.

48. ABDUL RAZAK ABDUL RAHIM

DHANTIYA @ RAZAKBHAI DUNGARIA

SALAMAT SOCIETY,

GODHRA

Gujarat State.

49. KAZIM ABDULSATTAR @ KAZIM BIRIYANI GAAJI

Medha Plot, Singal Falia,

Godhra

Gujarat State.

50. IRFAN SIRAJKHAN

MEDHA PLOT, SINGAL FALIA,

GODHRA

Gujarat State.

51. HABIB RAZA FIRDAZ RAZA

Milkiyana Mohalla,

Patna,

Bihar

52. ANWAR MOHMAD MEDHA @ BALA SHAIKH

Vachala Odha, Singal Falia,

Godhra

Gujarat State.

53. ABDUL RAZAK YAKUB ISMAILWALA @ MOTO BANDO SHAIKH

Satul Society,

Godhra

Gujarat State.

54. MOHMAD SAYYAD ABDUL SALAM BADAM

Chhaliawadi, Majavar Rd.,

Godhra

Gujarat State.

55. ANWAR RASID ABDUL RASID ANSARI

Bhadoi, Nurkhapur

Tal & Dist. Santar Vidasnagar,

Bhandoi,

U.P.

56. ISAQ MOHMAD AMDU

Jeharpura, Opp. Old Bus Stand,

Godhra

Gujarat State.

57. SIDDIQ @ MATUNGA ABDULLA BADAM

Opp. Rly. Stn., Manhar Chali,

Godhra

Gujarat State.

58. RAMZANI BINIYAMIN BAHERA

Singal Falia, Medha Plot,

Godhra

Gujarat State.

59. MEHBOOK YAKUB MITHA @ PIPA

SINGAL FALIA, GANTI-WALI-GALI,

GODHRA

Gujarat State.

60. HASAN AHMAD CHARKA @ LALOO

SINGAL FALIA, MEDHA PLOT,

GODHRA

Gujarat State.

61. MOHMAD HANIF

@ AUTO AMRO ABDUL RAHIM BHATUK

Goya Mohalla,

Godhra

Gujarat State.

62. MAJFAR ARMAN HAYAT

Kasaiwada,

Godhra

Gujarat State.

63. ILIYAZ SIKANDAR SINELI @ MOTO SIKAL

Mitikhana Mohalla,

Godhra

Gujarat State.

64. SABBIR @ BHUPATNO BHURIYO ABDULRAHIM BADAM

Rehmatnagar, Opp. GEB,

Godhra

Gujarat State.

65. ABDUL RAZAK MOHMAD KURKUR

SINGAL FALIO, MUSLIM SOCIETY

VACHHALA ODHA,

GODHRA

Gujarat State.

66. Nannumiya @ Nikki Chowdhury,

S/O TAMJADALI MUSALMAN

Rampur Vikas Colony,

Gangapur, House No. C/243,

New Civil Lines,

Rampur,

U.P.

67. ALIMOHMAD ANWARMOHMAD MALEK

Anantnag Sadit, Dist. Anantnag

Srinagar

Jammu & Kashmir

68. GULAMNABI ALIMOHMAD DIGGU

NYAY, TA. BATPIRA,

DIST. PULBATANA,

SRINAGAR

Jammu & Kashmir

69. GULAM MAYUDDIN S/O GULAM HASSAN BHATT

VYPARJAN, TA. BRIJ BIHAR,

DIST. ANANTNAG, SRINAGAR

Jammu & Kashmir

70. JAVED BABUBHAI MIRZA

Juhapura, Mehraj Soc.,

Ahmedabad

Gujarat State.

71. GULABNABI AHMED ASANDAS

Waghama, Ta. Brijbihar,

Srinagar

Jammu & Kashmir

72. ABDUL SALIM ABDUL MUNAF SHAIKH

Kubernagar,

Ahmedabad

Gujarat State.

73. IDRIS IBRAHIM CHARKA @ SAKA

Singal Falia,

Godhra

Gujarat State.

74. JABIR BINYAMIN BEHERA

Singal Falia,

Godhra

Gujarat State.

75. MEHBHOOBALI KHALID CHANDA

VACHHALA ODHA,

GODHRA

Gujarat State.

76. MOULVI HUSSAINHAJI IBRAHIM UMMARJI

Vejalpur Road, Ummarji Compound,

Godhra

Gujarat State.

77. IDRIS S/O YUSUF ISMAIL MAFAT @ RAVAN

RANTA PLOT, VEJAPUR RD.,

GODHRA

Gujarat State.

78. SAYEED ABDUL SATTAR KALA

MUMBAI 17 TANDON STREET

3RD FLR., KHADAK GALI,

DANGARI

Gujarat State.

79. SOYAB YUSUF AHMED KALANDAR

Through the Superintendent of Police

Ahmedabad

Gujarat State.

Respondents

(S Muralidhar)

Advocate for the Petitioner (NHRC)

NEW DELHI

Dated: 6.8.2003

IN THE COURT OF THE JUVENILE COURT, AHMEDABAD

CRIME NO.09/2002

MEMO OF PARTIES

STATE OF GUJARAT

THROUGH ITS SECRETARY

DEPARTMENT OF HOME

SACHIVALAYA

GANDHINAGAR, GUJARAT

PETITIONER

VERSUS

1. JUNIA FAROOQ HASAN

Singal Falia, Masjid vali Chali,

Godhra

Gujarat State.

2. FIROZ SIKANDARKHAN PATAN

Hazarpura Road, Nr. Singal Falia,

Godhra

Gujarat State.

3. HAROON @ TAYYAB IQBAL BAKKAR MUSLIM

Singal Falia, Ali's Chali,

Godhra

Gujarat State.

Respondents

(S Muralidhar)

Advocate for the Petitioner (NHRC)

NEW DELHI

Dated: 6.8.2003

IN THE COURT OF THE SESSIONS JUDGE, MEHSANA,

SESSIONS CASE NO.275 of 2002

MEMO OF PARTIES

STATE OF GUJARAT

THROUGH ITS SECRETARY

DEPARTMENT OF HOME

SACHIVALAYA

GANDHINAGAR, GUJARAT

PETITIONER

VERSUS

- 1. PATEL RAMESHBHAI KANJIBHAI**
- 2. PATEL CHATURBHAI ALIAS BHURIYA VITTHALBHAI**
- 3. PATEL PRAHLADBHAI SOMABHAI**
- 4. PATEL JAGABHAI DAVABHAI**
- 5. PATEL JAYANTIBHAI MANGALBHAI**
- 6. PATEL MANGALBHAI MATHURBHAI**
- 7. PAKHVARA SINDHI NARAYANLAL SITMAL**
- 8. PATEL KARSHANBHAI TRIBHOVANBHAI**
- 9. PATEL KACHARABHAI TRIBHOVANBHAI**
- 10. PRAJAPATI BHARATBHAI RAMESHBAHI**
- 11. PRAJAPATI RAJESHKUMAR AMRUTBHAI**
- 12. PATEL AMRATHBHAI SOMABHAI**
- 13. PATEL KANUBHAI KARSHANBHAI**

14. PATEL BABUBHAI KANTIBHAI
15. PRAJAPATI BABUBHAI LAVAJIBHAI
16. PATEL DINESHBHAI BALDEVBHAI
17. PATEL RAGHUBHAI REVABHAI
18. PATEL JAYANTIBHAI JIVANBHAI
19. PATEL BHIKHABHAI JOITARAM
20. PATEL BHAVESHKUMAR KANUBHAI
21. PATEL VISHNUBHAI GOPALBHAI
22. PATEL MATHURBHAI RAMABHAI
23. PRAJAPATI GORDHANBHAI REVABHAI
24. PRAJAPATI RAVIKUMAR AMRUTBHAI
25. PRAJAPATI DAHYABHAI VARVABHAI
26. PRAJAPATI ROHITKUMAR RAMANBHAI
27. PATEL JAYANTIBHAI BALDEVBHAI
28. PATEL VISHNUBHAI PRAHLADBHAI
29. PATEL BALDEVBHAI RANCHODBHAI
30. PATEL DASHRATHBHAI AMBALAL
31. PATEL MADHABHAI VITTHALBHAI
32. PATEL SURSHKUMAR BALDEVBHAI
33. PATEL RAJESHBHAI KARSHANBHAI
34. PATEL RAMESHBHAI KANTIBHAI
35. PATEL RAMANBHAI JIVANBHAI
36. PATEL TULSIBHAI GIRDHARBHAI
37. PATEL CHATURBHAI DANABHAI
38. PATEL SURESHKUMAR RANCHODBHAI
39. PATEL RAJENDRAKUMAR ALIAS RAJESH PUJABHAI
40. PATEL PRAHLADBHAI JAGABHAI
41. PATEL ASHVINBHAI JAGABHAI

42. PATEL RAMESHBHAI RAMABHAI
43. PATEL PARSOTTAMBHAI ALIAS PASHABHAI MOHANBHAI
44. PATEL AMBALAL MAGANBHAI
45. PATEL KALABHAI ALIAS KANAIYALAL NATHALAL
46. PATEL RAMESHBHAI PRABHABHAI GOPALBHAI
47. PATEL DAHYABHAI KACHARABHAI
48. MARVADI AASUTOSH ALIAS PAVANKUMAR MURLIDHAR
49. PATEL RAMESHBHAI BALDEVBHAI
50. PATEL JIVANBHAI DWARKABHAI
51. PATEL JAYANTIBHAI AMBALAL
52. PATEL MATHURBHAI TRIKAMBHAI
53. PRAJAPATI RAMANBHAI GANESHBHAI
54. PATEL KANUBHAI JOITARAM
55. ASHVINBHAI BALDEVBHAI JOITARAM

ALL RESIDENTS OF SARDARPUR TA (VILLAGE)

BIJAYPUR, GUJARAT STATE

RESPONDENTS

(S Muralidhar)

Advocate for the Petitioner (NHRC)

NEW DELHI

Dated: 6.8.2003

**IN THE COURT OF SESSIONS JUDGE,
BHADRA, AHMEDABAD**

**SESSIONS CASE NO.152/2002 ARISING
OUT OF F.I.R.NO.67/2002 DATED
28.2.2002**

MEMO OF PARTIES

State of Gujarat

Through its Secretary

Department of Home

Sachivalaya

Gandhinagar

GUJARAT STATE

PETITIONER

Versus

1. Kailash Lalchandbhai Dhobi

Ramchandra Colony,

Chamanpura,

Ahmedabad

Gujarat State.

2. Yogendra Sinh alias Lalo Mohan Sinh Shekhavat

D – Gandhi ni chali,

Chamanpura

Ahmedabad

Gujarat State

3. Surendra Sinh alias Vakil Digvijay Sinh Chauhan

Navi chali,

Chamanpura

Ahmedabad
Gujarat State

4. Mangaji Pokalji Marvadi

Ramchandra Colony,
Jagdishbhai na makanma
Chamanpura
Ahmedabad
Gujarat State

5. Jayeshbhai Ramubhai Patani

Resi :Kalapi nagar, Gu.Hou.
Board. No.31/238 Meghaninagar.
Ahmedabad
Gujarat State

6. Kiran Hirabhai Nadia

Resi : Kalapi nagar, Gu.Hou.Board. No.35/217

Meghaninagar

Ahmedabad

Gujarat State

7. Naranbhai Chanabhai Rathod

Resi : Kalapi nagar, Block No.144/1128

Meghaninagar

Ahmedabad

Gujarat State

8. Kishorbhai Mangabhai Patani

Asarva Kadiya ni Chali,
Chamanpura
Ahmedabad
Gujarat State

9. Shailesh alias Kalu Hirabhai Patani

31/266 Gu.Hou.Board,
Meghaninagar
Ahmedabad
Gujarat State.

10. Kanaiya alias Bablu Maiyau

Hasmukhlal Keshavlal ni chali,
Rameshvar Road,
Ahmedabad
Gujarat State.

11. Kantibhai Popatbhai Patani

Resi : Nr.Gafur miyani Chapara Punjab Soc.,
Meghaninagar
Ahmedabad
Gujarat State.

12. Shakarabhai Seghabhai Patani

Resi :Santokben ni chali,Chamanpura,
Ahmedabad
Gujarat State

13. Manojkumar Premajibhai Parmar

Resi :Jogeshvari nagar, Meghaninagar,
Ahmedabad
Gujarat State.

14. Deepakkumar Somabhai Solanki

Resi : Nr. Om nagar, Railway Crossing Chapara,
Ahmedabad
Gujarat State.

15. Vinodbhai Arvindbhai Solanki

Resi : Ambedkar nagar line No.2, Memco,
Ahmedabad
Gujarat State.

16. Jayeshkumar alias Gabbar Madanlal Zingar

Resi : Opp. Gulburg Soc. Santokben ni chali,
Chamanpura
Ahmedabad
Gujarat State.

17. Ajay Somabhai Panchal

Resi : 61/1450 Guj. Hou.Board,
Meghaninagar
Ahmedabad
Gujarat State

18. Dilip alias Kalu Chaturbhai

Resi: 78/425 Ramchandra Colony,
Chamanpura,
Ahmedabad
Gujarat State.

19. Ratilal Ganeshji Kumbhar

Resi :Tejaji Kaluji ni chali,
Chamanpura,
Ahmedabad
Gujarat State.

20. Maheshkumar Lalchand Nayee.

Resi: Block No.61/141 Guj. Hou.Board,
Meghaninagar
Ahmedabad
Gujarat State

21. Sanjaykumar Shakarabhai Patani.

Resi: MLA Quarters, Block No. 6/137,
Opp. Civil Hospital
Ahmedabad
Gujarat State

22. Shailesh Natvarlal Patani.

Resi: Bapalal Ghanchi ni Chali,
Chamanpura,
Ahmedabad
Gujarat State.

23. Naresh alias Nariyo Bansilal Prajapati.

Resi: Atmaram Popatlal ni Chali,
Chamanpura,
Ahmedabad
Gujarat State.

Respondents

(S Muralidhar)

Advocate for the Petitioner (NHRC)

NEW DELHI

Dated: 6.8.2003

**IN THE METROPOLITAN MAGISTRATE,
COURT NO.XI, AHMEDABAD**

**CRIMINAL CASE NO.1720 /2002 ARISING
OUT OF F.I.R.NO.67/2002 DATED
28.2.2002**

MEMO OF PARTIES

State of Gujarat
Through its Secretary
Department of Home
Sachivalaya
Gandhinagar

GUJARAT STATE

PETITIONER

Versus

1. Shankarji Hakaji Mali

Resi: Babusing ni Chali, Chamanpura,

Ahmedabad

Gujarat State

2. Manghilal Dhulchand Jain

127/990 Guj.Hou.Board,

Kalapinagar, Meghaninagar

Gujarat State

3. Prabhu Madanlal alias Pannalal Premchand Mochi

99/765, Kalapinagar

Gujarat State.

4. Gopaldas Mandas Vaishnav

Tejaji Kumbhaji ni chali,
Krishnaji na chhapara,
Meghaninagar

Gujarat State.

5. Mukesh Pukhrajji Shankhala (Mochi)

Nr.Om nagar Ghanti,
Santokben ni chali,
Chamanpura,
Ahmedabad

Gujarat State.

6. Prahladji Rajuji Asori (Maravadi Mochi)

Kantilal Hiralal ni chali,
Chamanpura

Gujarat State.

7. Madanlal Dhanraj Raval

Mohanlal vakil ni chali, Asarva,
Ahmedabad

Gujarat State.

8. Mahendrakumar Mulchandbhai Paramar

C/28 Nr. Rameshvar temple
Meghaninagar
Ahmedabad

Gujarat State.

9. Ambesh Kantilal Mochi

Resi :Dhupnagar Ghanti Chamanpura

Ahmedabad

Gujarat State.

10. Prahlad Omprakash Songara

Bl. No.88/684 Kalapi nagar

Gujarat State.

11. Krushnakumar alias Krishna Munnalal Kalal

Nr. Ganghini chali, Modi Chimanlalni chali

B/H. Civil Hospital

Ahmedabad

Gujarat State.

12. Ashok alias Ashlo Dharsing Thakor

Bl.No.4/91 Slum Quarters Patravali chali

Chamanpura

Gujarat State.

13. Chirag Dilip Shah

Resi :Bl.No.66/523 Kalapinagar

Meghaninagar

Gujarat State.

14. Prakash alias Kali Khengarji Padhiyar

Resi :BI.No.88/677 Guj.Hou.Board,

Kalpinagar

Meghninagar

Gujarat State.

Respondents

(S Muralidhar)

Advocate for the Petitioner (NHRC)

NEW DELHI

Dated: 6.8.2003

**IN THE METROPOLITAN MAGISTRATE,
COURT NO.XI, AHMEDABAD**

**CRIMINAL CASE NO.524/2002 ARISING
OUT OF F.I.R.NO.67/2002 DATED
28.2.2002**

MEMO OF PARTIES

State of Gujarat
Through its Secretary
Department of Home
Sachivalaya
Gandhinagar

GUJARAT STATE

PETITIONER

Versus

1. Vishal Badrilal Nayee
Devaji Pomaji ni Chali.
Ahmedabad
Gujarat State

2. Rajeshkumar Chamanlal Patani
Opp. Ashok Mill,Ghanchi ni Chali
Ahmedabad
Gujarat State

3. Vijaybhai Pushkarbhai Prajapati
Ghivali chali Chamanpura

Ahmedabad

Gujarat State.

Respondents

(S Muralidhar)

Advocate for the Petitioner (NHRC)

NEW DELHI

Dated: 6.8.2003

**IN THE METROPOLITAN MAGISTRATE,
COURT NO.XI, AHMEDABAD**

**CRIMINAL CASE NO.296/2003 ARISING
OUT OF F.I.R.NO.67/2002 DATED
28.2.2002**

MEMO OF PARTIES

State of Gujarat

Through its Secretary

Department of Home

Sachivalaya

Gandhinagar

GUJARAT STATE

PETITIONER

Versus

1. Sandip alias Sonu Ghunghru Val Valo,
Ramprakash Mehara.

66- Parnkunj Soc.Div.-1

Meghaninagar

Ahmedabad

Gujarat State.

2. Babubhai Mohanbhai Patani

Resi :Pataninagar Chhapara,
Ramchand Colony
Ahmedabad
Gujarat State.

3. Babubhai Manjibhai Patani

Resi :Narmadaben's Chhapra,
Chamanpura,
Ahmedabad

Gujarat State.

Respondents

(S Muralidhar)

Advocate for the Petitioner (NHRC)

NEW DELHI

Dated: 6.8.2003

**IN THE METROPOLITAN MAGISTRATE,
COURT NO.XI, AHMEDABAD**

**CRIMINAL CASE NO.982/2002 ARISING
OUT OF F.I.R. NO.100/2002**

MEMO OF PARTIES

State of Gujarat

Through its Secretary

Department of Home

Sachivalaya

Gandhinagar

GUJARAT STATE

PETITIONER

Versus

1. Naresh Amarsingh Chhara

RESI- OPP. S.T.QUARTERS,

NR.SMASHAN GHAT CHAPRA, NARODA

AHMEDABAD.

GUJARAT STATE.

2. Umesh Surabhai Bharvad

RESI.98/1696 KRUSHNA NAGAR HOUSING BOARD,

SAIJPUR AVENUE PARK,

VASTRAPURGAM.

GUJARAT STATE.

3. Morli Narayan Sindhi

**RESI: NEW-G WARD, GHAR No.3,
ITI Rd, KUBERNAGAR
GUJARAT STATE.**

4. Ganpat Sanaji Chara

**RESI: E/5/6, ANKUR SOCIETY
OPP. PRIYA THEATRE,
AHMEDABAD
GUJARAT STATE.**

5. Vikrambhai Maneklal Rathod

**RESI: GANGOTRI SOCIETY,
NR. ST WORKSHOP, NARODA
GUJARAT STATE.**

6. Dalpat AmeSingh Chhara

**RESI: GANGOTRI SOCIETY, BLOCK No.6,
NR ST WORKSHOP, NARODA
GUJARAT STATE.**

7. Rajesh alias Pagani Kantilal Chhara

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

8. Champaklal Himatbhai Rathod

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

9. Ravindra alias Batakio Kantilal Parmar

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

10. Amrut alias Kalu Balubhai Rathod

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

11. Harish alias Hariyo Jeevanlal Rathod

Resi: Sanjay Nagar, Chapra,
Nr ST Workshop, Naroda
Gujarat State.

12. Jaswant alias Lalo Keshavlal Rathod

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

13. Kaptan Singh Jawansingh Parmar

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

14. Kubsingh Chandansingh Jadeja

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda

Gujarat State.

15. Raju Ratilal Chara

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

16. Deepak Kantilal Rathod

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

17. Mohansingh Vrujlal Nepali

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

18. Mahesh Veniram Rathod

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

19. Yogesh Narandas Marathe

Resi: Mahajaniya Vas, Chhara Vas,
Sejpur Patia, Naroda
Gujarat State.

20. Rajendra Keshri Singh Chhara

**RESI: MAHAJANIYA VAS, CHHARA VAS,
SEJPUR PATIA, NARODA
GUJARAT STATE.**

21. DHANRAJ VAGUMAL MURANI

Resi: Archana Flat, Ghar No.13,
Kubernagar,
Ahmedabad
Gujarat State

22. Nandlal Vishnubhai Chhara

Resi: Mota Charanagar,
Ahmedabad
Gujarat State

23. Ratilal alias JayBhavani Somabhai Rathod

Resi: 20/1, Jawaharnagar, Nr. Gangotri Soc.,
B/h ST Workshop, Naroda Patia
Gujarat State

Respondents

(S Muralidhar)

Advocate for the Petitioner (NHRC)

NEW DELHI

Dated: 6.8.2003

**IN THE METROPOLITAN MAGISTRATE,
COURT NO.XI, AHMEDABAD**

**CRIMINAL CASE NO.1662/2002 ARISING
OUT OF F.I.R. NO.100/2002**

MEMO OF PARTIES

State of Gujarat

Through its Secretary

Department of Home

Sachivalaya

Gandhinagar

GUJARAT STATE

PETITIONER

Versus

1. Padmendra Singh alias P J Jaswantsingh Rajput

Resi: F/9, Parhavnath Township,

Krishnanagar,

Ahmedabad

Gujarat State

2. Babubhai Rajabhai Patel alias Babu Bajrangi

Resi: B/6, Bhagyoday Soc. Krihsnanagar,

Naroda

Gujarat State

3. Kishan Khubchand Korani

Resi: D/2, Apna par Soc., A-Ward Patia,

Ahmedabad

Gujarat State

4. Prakash Sureshbhai Rathod (Chara)

Resi: Patia, Mahajanya Vas,
Ahmedabad
Gujarat State

5. Suresh alias Richard alias Suresh Langdo Kantibhai Dedavala

Resi: Mahajanya Vas, Charanagar
Opp. ST Workshop, Naroda Patia,
Ahmedabad
Gujarat State

6. Mukesh alias Gudu Jivanlal Chara

Nr. SRP Quarters, Naroda Patia,
Ahmedabad
Gujarat State

7. Ashok Silvrant Parmar (Chara)

Resi: Mahajanya Vas, Charanagar,
Ahmedabad
Gujarat State

8. Rajkumar alias Raju Gopiram Chamal

Resi: 13, Arihan nagar, Nikol Rd. Narod,
Ahmedabad
Gujarat State

9. Premchand Yagna Narayan Tiwari

Resi: Gangotri Soc., Makan No.25,
Nr. SRP Quarters,
Krishnanagar Naroda,
Ahmedabad
Gujarat State

10. Suresh alias Sahejad Dabubhai Netalekar (Marathi Chara)

Hussein nagar,

Naroda Patia,

Ahmedabad

Gujarat State

11. Nawab alias Kalu Harisingh Rathod

Resi: Sejpur, Fadelikot Chowk,

Amin Patel ni Chali,

Ghar No. 1660, Naroda,

Ahmedabad

Gujarat State

12. Manubhai Keshabhai Marutha (Bhangi)

Resi: Thakkar nagar, Vasatnagar na chapre,

Nr Chamak Chuna Factory, Naroda,

Narol Highway Road,

Ahmedabad

Gujarat State

13. Prabha Shankar alias Prabha Pandit Shiv Shankar Mishra

Pandit Ni Chali, Sejpur,

Naroda Patia,

Ahmedabad

Gujarat State

14. Shashikant alias Tinyo Marathi Yuvraj Patil

Gopinath Soc, Makan No. 49,

Naroda Patia

Nr. ST Workshop,

Ahmedabad

Gujarat State

15. Ashok Hrudaldas Sindhi

Kubernagar, G-Ward,

Ghar No.23/3,

Radha Krishna Apt.,

Narod,

Ahmedabad

Gujarat State

16. Harshad alias Mungada Gilagovind Parmar Chara

D-Colony,

Nareshbhai gorenge na makanma,

Opp.water tank,

Kubernagar Charanagar

Ahmedabad

Gujarat State

17. Mukesh Ratilal Rathod

Resi: 820/1, Gangotri Soc.,

Nr. SRP Head Quarters, Krishna nagar

Ahmedabad

Gujarat State

Respondents

(S Muralidhar)

Advocate for the Petitioner (for NHRC)

NEW DELHI

Dated: 6.8.2003

