

**SUPREME COURT OF INDIA**

Vijay Shekhar

Vs.

Union of India

Writ Petition (C) No. 46 of 2004

(V. N. Khare CJI., S. B. Sinha and H. Kapadia JJ.)

29.01.2004

**JUDGMENT**

1. Issue notice to Respondent 1 Union of India, Respondent 2 Ministry of Law, Respondent 3 Central Bureau of Investigation, Respondent 4 State of Gujarat and Respondent 5 Gujarat High Court.

2. The learned Attorney General accepts notice on behalf of Respondents 1 and 2, Mr. P. Parameswaran, Advocate on behalf of Respondent 3 and Ms. Hemantika Wahi, Advocate on behalf of Respondents 4 and 5.

3. Notice shall go also to : (i) M. S. Brahmabhatt, Metropolitan Magistrate, Court No. 10, Meghaninagar, Ahmedabad; (ii) Suresh Kumar Jethalal Sanghvi, Ambamata Lane, near Ioghwad, Kadianaka, Dariyapur, Ahmedabad; (iii) Harish D. Bhawaniwala, Advocate, 10, "Rudra", Opp. Chadanad Police Chowki, Ambawadi, Ahmedabad 6; (iv) Narendra Chowdhary, Advocate, I.G. Office Compound, Near O-15, Meghaninagar, Ahmedabad; and (v) Iqbal Katia, Advocate, address not known (all to be served through Chief Metropolitan Magistrate, Meghaninagar Court Complex, Meghaninagar, Ahmedabad 16). One set of notices shall be handed over to the Registrar, Gujarat High Court for service through the Chief Metropolitan Magistrate, Meghaninagar, Ahmedabad.

4. In pursuance of our order dated 28-1-2004, the Registrar, Gujarat High Court is present today in court and has handed over the case file in a sealed cover. The papers were taken out from the sealed cover and perused. The same shall be resealed in the presence of the Registrar General of this Court.

5. We direct the Central Bureau of Investigation to make investigation in this matter. The sealed cover containing : (i) original tape of the events, (ii) edited copy of the recording, (iii) original receipt bearing No. A-No. 0708501 issued by Nazir of MM's Court at Meghaninagar, (iv) certified copy of the order dated 15-1-2004 passed by MM Court No. 10, Meghaninagar, Ahmedabad, and (v) all the four warrants in original, and the sealed cover containing the summons and case file, shall be handed over, upon obtaining a due receipt

therefor, to Shri P. Parameswaran, Advocate who has accepted notice on behalf of CBI, for the purpose of investigation by CBI. CBI is directed to make an investigation and submit its report to this Court on or before 6-2-2004.

6. List this matter on 6-2-2004.

7. We make it clear that our order would not preclude the High Court from taking any action against the judicial officers involved in the matter.

8. Let a copy of this order be handed over to Shri P. Parameswaran, Advocate to be handed over to CBI for necessary action.