

SUPREME COURT OF INDIA

National Human Rights Commission

Vs.

State of Gujarat

(D. K. Jain, P. Sathasivam and Aftab Alam JJ.)

26.10.2010

JUDGMENT

SLP (Crl.) No. 1088/2008

1. At the outset, Mr. Prashant Bhushan has expressed unwillingness to continue as the Amicus Curiae and requested that he may be relieved from the case. We accede to the request and appoint Mr. Rohinton Fali Nariman as an Amicus Curiae to assist the Court in this case.

2. Mr. Bhushan states that he will return the papers of the case received from the office in a sealed cover. On receipt of the record, the office shall forward the same to Mr. Nariman. Report dated 20th October, 2010 on further investigation against Shri M.K. Tandan Etc. has been filed by the Chairman and one of the Members of the Special Investigation Team. According to the report, the investigation is likely to be concluded within a fortnight. The report is taken on record.

3. Let the final report be filed before the next date List on 2nd December, 2010, at 3.00 p.m. for consideration of the reports.

Crl. M.P. No. 22117 and 22115 of 2010 in SLP(Crl.) No. 1088/2008

4. In view of the fact that Mr. Prashant Bhushan has been discharged from the case as Amicus Curiae, both these applications are rendered infructuous and are disposed of accordingly.

Crl. M.P. No. 19816 of 2009 in WP(Crl.) Nos. 37-52/2002

5. In view of the subsequent developments, no further orders are called for in this application and the same is dismissed accordingly.

Crl. M.P. Nos. 22161-22162 of 2010 in WP(Crl.) Nos. 37-52 of 2002

6. Adjourned sine die.

CrI. M.P. No. 22325/2010 in WP (CrI.) Nos. 37-52 of 2002

7. At this stage, no orders are called for in the application. The application stands disposed of accordingly.

CrI. M.P. Nos. 22326-22327/2010 in WP (CrI.) No. 109/2003

8. In the light of the report of Mr. A.K. Malhotra dated 13th August, 2010 and the submissions of learned Amicus Curiae, we lift the restraint order passed on 6th May, 2010, in all the cases, except in Cr. No. 67 of 2002 (Meghani Nagar Gulbery Society case), in which case the trial may proceed but the final judgment shall not be pronounced. The trial Courts are now free to pronounce the final judgments.

9. The applications are disposed of accordingly.

WP (CrI.) No. 109/2003

10. A report dated 20th October, 2010 has been filed by the Chairman, SIT, indicating the progress in trials in all the cases. The Chairman has stated that the trials are being closely monitored by him and other members of his team. According to the report, the trials in all the cases, on the whole, are proceeding quite satisfactorily.

11. Let a copy of the report be supplied to the learned Amicus Curiae.

12. The report will be taken up for consideration on 2nd December, 2010, at 3.00 p.m.

13. We direct that in future the office shall list only those applications in which specific orders for listing are made. All the disposed of applications shall be detached from the record and shall not be shown in the cause list. The office shall also prepare a complete list of all the pending applications and place before the Court for appropriate orders on the next date.

14. The aforesaid two reports filed by the SIT shall be kept in the sealed covers.

SLP(CrI.) No. 7046/2010

15. In the first instance, issue notice to Respondent No. 1. Ms. Hemantika Wahi waives service of notice on behalf of the said Respondent and seeks time to file reply affidavit. Let the needful be done within two weeks with advance/copy to the learned Counsel for the Petitioners and to learned Amicus Curiae. Rejoinder affidavit, if necessary, shall be filed by the next date. Copies of the petition shall also be supplied to Mr. Harish N Salve, the learned Amicus Curiae and the Chairman, SIT for their comments.

16. List on 2nd December, 2010 at 3.00 pm