

# **SUPREME COURT OF INDIA**

National Human Rights Commission

Vs.

State of Gujarat

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

02.12.2010

## **JUDGMENT**

Crl. M.P. No. 23785/2010 in Special Leave Petition (Criminal) No. 1088 of 2008

1. The application is allowed subject to just exceptions.

Crl. M.P. No. 23784/2010 in Special Leave Petition (Criminal) No. 1088 of 2008

2. Learned Counsel for the applicants seeks leave to withdraw the application, stating that the applicants would like to pursue some other remedy, as may be available to them, in accordance with law. The application is dismissed accordingly.

3. We may, however, clarify that we have not expressed any opinion on the merits of the impugned order. As and when the same is challenged, the Court concerned will examine it on its own merits.

Crl. M.P. Nos. 24837-39/2010 in Special Leave Petition (Criminal) No. 1088 of 2008

4. The applications are dismissed as withdrawn.

Special Leave Petition (Criminal) No. 1088 of 2008

5. Mr. Gaurav Agarwal, learned Counsel, assisting Mr. Raju Ramachandran, the Amicus Curiae in the matter, states that he has received copies of the reports submitted by the Special Investigation Team (SIT). He prays for some time to go through the same in order to assist the Court.

6. List on 20th January, 2011 at 3.00 p.m. Crl. M.P. No. 23783/2010 in Special Leave Petition (Criminal) No. 7046 of 2010

7. The application is allowed subject to just exceptions.

Crl. M.P. No. 23782/2010 in Special Leave Petition (Criminal) No. 7046 of 2010

8. Learned Counsel for the applicants seeks leave to withdraw the application, stating that the applicants would like to pursue some other remedy, as may be available to them, in accordance with law. The application is dismissed accordingly.

9. We may, however, clarify that we have not expressed any opinion on the merits of the impugned order. As and when the same is challenged, the Court concerned will examine it on its own merits.

Special Leave Petition (Criminal) No. 7046 of 2010

10. A copy of order dated 29th November, 2010 passed by the trial Court has been shown to us. Let it be taken on record.

11. List the main petition (Special Leave Petition (Criminal) No. 7046 of 2010) for preliminary hearing on 15th December, 2010 at 3.00 p.m.

12. The comments received from the Chairman, Special Investigation Team (SIT) shall be kept in a sealed cover.

Writ Petition (Criminal) No. 109 of 2003

13. A progress report, dated 26th November, 2010, with regard to the current position of the trial in each of the cases, has been submitted by the Chairman, Special Investigation Team, in a tabulated form. In the report, it is stated that further investigations in respect of suspect individuals on the allegations leveled by Smt. Zakia Nasim Jaffri have been completed and further steps in accordance with law are being taken.

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

15. Learned Amicus Curiae has brought to our notice the comments of the Supervisory Officer contained in Progress Report dated 20th October, 2010, in particular, to Para 7 of the comments, in trial pertaining to the Meghaninagar Police Station 1, CR No. 67 of 2002, wherein it is reported that copies of some letters, the last one being dated 7th October, 2010, have been forwarded by the N.G.O., Citizens for Justice & Peace, to an International Body outside India.

16. We have asked Ms. Jaiswal, learned Counsel appearing for the said N.G.O. to seek instructions on this aspect of the matter.

17. List on 20th January, 2011 at 3.00 p.m.

18. The reports filed by the Chairman, Special Investigation Team, shall be kept in a sealed cover.