

SUPREME COURT OF INDIA

National Human Rights Commission

Vs.

State of Gujarat

W.P.(CrI.)No.109/2003

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

20.01.2011

JUDGMENT

1. Mr. Harish N. Salve, the learned amicus curiae, has placed before us a note, pointing out that the Presiding Judge conducting trial in Naroda Police Station1.CR No. 100/2002, has since been transferred by the High Court in routine transfers of the Judicial Officers in the State. Learned amicus suggests that since the trial in the said case is at an advanced stage, the Officer may not be shifted.

2. We feel that it will be proper and expedient if this request is made by the Chairman, Special Investigation Team (SIT) before the Chief Justice of Gujarat High Court on the administrative side. We are confident that having regard to the fact situation, the learned Chief Justice will pass appropriate orders on the request of the Chairman, SIT.

3. A Progress Report, dated 18th January, 2011, regarding nine under trial cases has been filed by the Chairman, SIT. It appears from the said report that except for two Naroda cases, trial in other cases is nearing completion. In the said report, it is also pointed out that Presiding officer looking after the trial of Gulberg Society case (Shri B.U. Joshi) and Naroda Patiya case (Ms. Jyotsnaben Yagnik) have been transferred out of Ahmedabad on 30th December, 2010. The report is taken on record and shall be kept in a sealed cover.
Special Leave Petition (Criminal) No. 7046 of 2010

4. Ms. Kamini Jaiswal, learned Counsel appearing for the Petitioners prays that orders on the petition may be deferred for some time as she has not yet received complete instructions in the matter.

5. Call on 3rd March, 2011 at 3.00 p.m.

6. An additional affidavit has been filed by Ms. Teesta Setalvad, one of the Petitioners, explaining the circumstances under which copies of two letters addressed by her to Shri R.K. Raghavan, Chairman, SIT, were endorsed to the Office of High Commissioner for Human Rights (OHCHR), at Geneva. Ms. Kamini Jaiswal states on instructions from Ms. Teesta

Setalvad, who is present in Court, that in future no such letters shall be sent to the said organization. In light of the statement, we close the issue at that.

7. Delay condoned.

8. No ground is made out for grant of permission to file the Special Leave Petition. The Special Leave Petition is dismissed accordingly.

9. Delay condoned.

10. Issue notice returnable on 3rd March, 2011.

11. A note has been submitted by Mr. Raju Ramachandran, learned amicus curiae, for our perusal. A copy of the said note has also been supplied to the Chairman, SIT, who is present in Court today.

12. List the matter on 3rd March, 2011 at 3.00 p.m.