

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

SLP CRL D NO. 34207/2018

IN THE MATTER OF :

ZAKIA AHSAN JAFRI

... PETITIONER

vs.

THE STATE OF GUJARAT

... RESPONDENT

COMPILATION PART II

**ON BEHALF OF SHRI MUKUL ROHATGI
ON BEHALF OF RESPONDENT NO. 2**

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જનસંપર્ક અધિકારીશ્રી દ્વારા
પોલીસ મહાનિદેશક અને મુખ્ય પોલીસ અધિકારીશ્રીની કચેરી,
ગુજરાત સરકાર, ગાંધીનગર.

ફેક્સ નં. ૨૩૨૪૬૩૨૯ (સ્ટેટ કંટ્રોલ રૂમ)

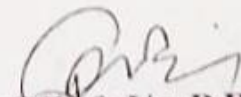
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તારીખ : ૨૮/૪/૨૦૦૮.

Press Note No. – 6.
Gandhinagar, Monday.

The SIT appointed by the Hon. Supreme Court of India to look into Godhra and related cases of 2002 has made progress in its work by constituting nine Investigating teams each headed by a Deputy Superintendent of Police, who will be fresh Investigating Officers. SIT has reopened all the nine cases for further investigation by filing applications in the relevant Courts. SIT Chairman and other members have visited all the scenes of crime, including Godhra, and familiarized themselves with the sequence of events. A few victims and their family members met the team during the visit and made personal representations. The SIT has already received several written representations which are under scrutiny.

The SIT office is located at Dr. Jivraj Mehta Bhavan, Block No. 11, 1st Floor, Old Sachivalaya, Gandhinagar – 382010, Telephone No. 23248974 and Fax No. 23257901 to which representations can be sent. Those members of the public who wish to depose before the SIT can send representation(s) within the next fortnight.


Dy.S.P. & I/c. P.R.O.
State Control Room,
G.S., Gandhinagar.

Before the Special Designated Court at Ahmedabad

Sessions Case No.152 of 2002
with
Sessions Case No.167 of 2003
with
Sessions Case No.279 of 2003
with
Sessions Case No.190 of 2009
with
Sessions Case No.191 of 2009
with
Sessions Case No.193 of 2009
with
Sessions Case No.194 of 2009
with
Sessions Case No.195 of 2009
with
Sessions Case No.279 of 2009

Complainant : State of Gujarat

versus

Accused :

Sessions Case No.152 of 2002

- 1) KAILAS LALCHAND DHOBI (IN JUDICIAL CUSTODY)
- 2) YOGENDRASINH @ LALO MOHANSINH SEKHAWAT
- 3) SURENDRASINH @ VAKIL DIGVIJAYSINH CHAUHAN
- 4) MANGAJI POKARJI MARWADI
- 5) JAYESH RAMUBHAI PATNIN
- 6) KISHORBHAI MANGABHAI PATNI
- 7) SHAILESH KALUBHAI PATNI
- 8) KANAIYA @ BABLU CHAICHAU
- 9) KANTIBHAI POPATBHAI PATNI
- 10) SAKRABHAI SENDHABHAI PATNI
- 11) MANOJKUMAR PREMJBHAI PARMAR
- 12) DEEPAKKUMAR SOMABHAI SOLANKI
- 13) VINODBHAI ARVINDBHAI SOLANKI
- 14) JAYESHKUMAR @ GABBAR MAGANLAL JINGER (MOCHI) - (IN JUDICIAL CUSTODY)
- 15) AJAY SOMABHAI PANCHAL
- 16) DILIP @ KALU CHATURBHAI PARMAR

- 17) RATILAL GANESHJI KUMBHAR (**Abated**)
- 18) SANJAYKUMAR SHANKARBHAI PATNI
- 19) SHAILESH NATWARLAL PATNI
- 20) NARESH @ NARIYO BANSILAL PRAJAPATI

Sessions Case No.167 of 2003

- 21) SANDEEP @ SONU RAMPRAKASH MEHRA PUNJABI (**IN JUDICIAL CUSTODY**)
- 22) BABUBHAI MOHANBHAI PATNI
- 23) BABUBHAI MANJIBHAI PATNI (**Abated**)

Sessions Case No.279 of 2003

- 24) SHANKARJI HAKAJI MALI
- 25) MANGILAL DHUPCHAND JAIN
- 26) PANNALAL @ PRABHU MOCHI PREMCHAND SISODIYA
- 27) GOPALDAS MANDAS VAISHNAV (**Abated**)
- 28) PRAHLADJI RAJUJI ASORI
- 29) MUKESH PUKHRAJ SANKHLA (MOCHI)
- 30) MADANLAL DHANRAJ RAVAL
- 31) MAHENDRA MULCHANDBHAI PARMAR
- 32) AMBESH KANTILAL JINGAR (MOCHI)
- 33) PRAHLAD OMPRAKASH SONGARA
- 34) KRISHNAKUMAR @ KRISHNA (SON OF CHAMPABEN)
- 35) ASOK @ ASLO DHARSINH THAKOR (**Abated**)
- 36) CHIRAG DILIP SHAH
- 37) PRAKASH @ KALI KHENGARJI PADHIYAR

Sessions Case No.190 of 2009

- 38) MANISH PRABHULAL JAIN
- 39) MUKESH ATMARAM THAKOR

Sessions Case No.191 of 2009

- 40) PARBATSINH TARSANSING @ DARSHANSINH DARPANSINH

Sessions Case No.193 of 2009

- 41) JAYESH RAMJIBHAI PARMAR (**IN JUDICIAL CUSTODY**)

Sessions Case No.194 of 2009

- 42) RAJU @ MAMO KANIYO RAMAVTAR TIWARI (**IN JUDICIAL CUSTODY**)
- 43) NARAYAN SITARAM TANK @ NARAN CHENALWALO @ NARAN KODHIYO
(**IN JUDICIAL CUSTODY**)

- 44) NAGIN HASMUKHBHAI PATNI
- 45) DASRATH @ GETTING JIVANBHAI PATNI (**Abated**)
- 46) LAKHANSINH @ LAKHIYO BHURIYO LALUBHA CHUDASAMA
- 47) DHARMESH PRAHLADBHAI SHUKLA
- 48) JITENDRA @ JITU PRATAPJI THAKOR
- 49) MAHESH @ PAPPU PRATAPJI THAKOR
- 50) KAPILDEV NARAYAR @ MUNNABHAI MISHRA
- 51) MAHESH RAMJIBHAI NATH
- 52) SURESH KALI DAHYABHAI DHOBI
- 53) SUSHIL BRIJMOHAN SHARMA
- 54) BHARAT @ BHARAT TELLI SHITLAPRASAD BALODIYA
- 55) BHARAT LAXMANSINH GOD RAJPUT

Sessions Case No.195 of 2009

- 56) PRADIP KHANABHAI PARMAR
- 57) KIRITKUMAR GOVINDJI ERDA
- 58) MEGHSING DHUPSING CHAUDHARI
- 59) ATUL INDRAVADAN VAIDH
- 60) BIPIN AMBALAL PATEL
- 61) CHUNILAL JETHALAL PRAJAPATI (**Abated**)
- 62) DILIP KANTILAL JINGAR
- 63) DINESH PRABHUDAS SHARMA (**IN JUDICIAL CUSTODY**)

Sessions Case No.279 of 2009

- 64) SHIVCHARAN @ JITENDRA @ LALLO RAMJIRAI (**IN JUDICIAL CUSTODY**)
- 65) RAJESH DAYARAM JINGAR
- 66) BABU HASTIMAL MARWADI

Appearances

- 1) Shri R.C.Kodekar, learned Spl.P.P. for the State.
- 2) Shri S.M.Vora, learned advocate for the original complainants/victims.
- 3) Shri Abhay Bhardwaj, Shri Rajendra Trivedi, Shri T.R. Bajpai and Shri H.L.Jani, learned advocates for the concerned accused.

CORAM: **Mr.P.B.Desai**, Principal Judge, City Civil & Sessions Court and **Special Judge**, Designated Court for riot cases (Gulbarg Society Massacre Case)

JUDGMENT

1. All the present proceedings relate to and arise out of what has been recognized as one of the most heinous incidents of a communal riot, where no less than 69 victims of a particular community were done to death by a mob of large number of persons, of whom the present accused are, in terms of the Prosecution case, involved therein and the present proceedings are known and referred to as the "Gulbarg Society Massacre Case". The horrific incident in question took place on 28/02/2002. The subsequent sessions are on account of the subsequent arrest of accused and filing of supplementary chargesheet which gave rise to separate proceedings. However, since all these cases arose out of the same incident, vide order dated 23/07/2009 passed below Exh.97, the proceedings were ordered to stand consolidated and even a consolidated charge has been framed herein.

2. It is required to be noted that there were initially 66 accused facing trial, of whom accused Nos.17, 23, 27, 35, 45 and 61 have passed away during the pendency of the present proceedings and therefore, the trial has stood abated against such six of the accused. The trial has thus continued to proceed against total 60 accused and such trial has ultimately led to the present judgment.

3. For the sake of convenience, the present judgment has been divided into four integral parts as per the following details:-

Part - I	Facts, details with regard to documents, list of witnesses and relevant exhibits.
Part - II	<u>Arguments on behalf of:</u> (a) Prosecution (b) Victims
Part - III	(a) Arguments on behalf of Defence (b) Rejoinder arguments by Prosecution (c) Rejoinder arguments by Defence
Part - IV	Reasons, findings, final order and judgment

PART - I

4. The accused are attributed to have committed offences punishable under Secs.120(B), 143, 147, 148, 153(A)(1)(a),(b), 153(A)(2), 186, 188, 201, 217, 218, 295, 302, 307, 323, 324, 332, 337, 376(2)(g), 396, 397, 398, 435, 436, 447, 449 and 452, read together with Secs.34 and 149 of the Indian Penal Code and under Sec.135(1) of the Bombay Police Act, and of the 60 accused, accused Nos.1, 3, 14, 21, 41, 42, 43, 63 and 64 are denied bail all

throughout the proceedings and are in judicial custody for more than 12 years. Some of the accused have been enlarged on bail pending trial and some of the accused have been arraigned as accused consequent to applications tendered by the victims who have been permitted by the Hon'ble Supreme Court to play a proactive role in the present proceedings and in furtherance thereof, such victims preferred applications under Sec.319 of the Cr.P.C. for arraignment of persons as accused herein, which has resulted incidentally in the original complainant who was a Police Officer holding the rank of Inspector of Police (P.I.) to be arraigned as an accused herein. It is required to be noted that the injured victims and surviving family members of persons who had lost their lives in the present incident, have even moved the Hon'ble Apex Court from time to time which has resulted in a Special Investigation Team (*to be referred to herein after as "the SIT" for short*) being formed, with directions given by the Hon'ble Supreme Court from time to time. The Hon'ble Supreme Court even appointed an Amicus Curiae to oversee the functioning of the Special Investigation Team and in fact the investigation of the SIT into the present offence as also seven other related incidents of communal carnages in Gujarat in the year 2002 were being actively monitored by the Hon'ble Supreme Court from time to time and finally the Hon'ble Supreme Court vide order dated 14/11/2014, came to the conclusion that there was no

further need to monitor the investigation any further and the Hon'ble Supreme Court has issued a direction to the trial Court to conclude the trial in its entirety leading to the present judgment. It is also required to be noted that in such circumstances, the present proceedings can be said to be belonging to a very different class of proceedings where the present incident has admittedly come into scrutiny of the international community at large. It is in the background of such facts and circumstances that the Prosecution case in a nutshell, is required to be narrated briefly as herein after follows.

5. It is the Prosecution case that a horrific incident took place at the Godhra Railway Station on 27/02/2002 when a train carrying 'Karsevaks' returning from Ayodhya, was allegedly attacked by members of the minority community and coaches of the train were set afire and the Karsevaks travelling in such train coaches were not permitted to get out of such burning coaches and were ultimately set afire and burnt alive. It is the case of the Prosecution that in response to such incident, a number of Organizations/Institutions gave a Bandh call and it is also the case of the Prosecution that the charred and burnt bodies of such Karsevaks were being brought to Ahmedabad for being handed over to their relatives after due process for their final rites, on 28/02/2002. Incidentally, according to the Prosecution, the

Bandh call was also given for 28/02/2002. It is the case of the Prosecution that in furtherance of the said Bandh call, various localities came under heavy Police bandobast since there were perceived to be communally sensitive localities of Ahmedabad. On the other hand, the Police Station within whose jurisdiction the Gulbarg Society fell, was Meghaninagar Police Station which was not perceived to be a very communally sensitive locality. It is the case of the Prosecution that in furtherance of and in an effort to rigidly enforce the Bandh call, mobs started gathering in the present locality where the present incident has taken place and incidents of stone throwing, arson, looting and setting afire of vehicles belonging to the minority community as also forcing down the shopkeepers to shut shops, had commenced right since the morning of the fateful day. It is the case of the Prosecution that a number of incidents took place surrounding Gulbarg Society (which would be narrated at length and in great detail in the course of the present judgment) which resulted in heightening of tension in the vicinity of Gulbarg Society and its surrounding neighbourhood. It is the Prosecution case that Gulbarg Society was occupied by members of the minority community, of whom an elected Member of Parliament (ex-MP) Shri Ehsan Jafri was one of the residents of the said Gulbarg Society. It is the case of the Prosecution that the members of the minority community were also residing in houses and chawls which were inhabited by members of both the

communities but on account of the atmosphere so created on the fateful day i.e. on 28/02/2002, the members of the minority community residing in the chawls and nearby houses, took shelter in Gulbarg Society since it was perceived by them that Shri Ehsan Jafri on account of his political stature and status and on account of his being thought to be and accepted to be a leading member of the community, would be in a position to provide shelter and protection to such families. It is the case of the Prosecution that after the incidents took place outside Gulbarg Society, a mob comprising of initially 10 to 15 persons had gathered, and as time progressed, the mob swelled in numbers and surrounded the Society from all sides and started pelting stones at the residents of the Society. It is the case of the Prosecution that such stone pelting by the mob resulted in a response from the residents of Gulbarg Society who admittedly in turn pelted stones at the mob. It is the case of the Prosecution that consequent thereto, the situation spiralled out of control and the mob started making efforts to break open the gates as also the compound wall of the Gulbarg Society which resulted in a large number of residents of Gulbarg Society rushing to the Bungalow of Shri Ehsan Jafri with a view to take shelter. It is the case of the Prosecution that at about 11 o'clock, senior Police Officers visited the site of Gulbarg Society with a view to ensure that due protection was offered to the members of the minority community residing in and/or taking

shelter in Gulbarg Society and the mob was dispersed for a short while. However, no sooner did such Police force go away to other areas and other localities of Ahmedabad which were also similarly being impacted and affected by the Bandh call as also similar incidents of arson and rioting, that the mob gathered in large numbers and some amongst the present accused according to the Prosecution, who were armed with deadly weapons like swords, knives, trishools as also inflammable material, started inciting the mob to commit further and more gruesome atrocities on the members of the minority community who had taken shelter within the residence of Shri Ehsan Jafri. It is the case of the Prosecution that a series of incidents took place, beginning from about 11:00 a.m. and went on till about 04:30 p.m., the details of which would be provided at length herein after, which ultimately resulted in the deceased Shri Ehsan Jafri to open fire on the mob with his licensed shotgun, causing grave and serious injuries to a number of members of the mob and also resulted in the death of one of the persons of the mob. It is the case of the Prosecution that this resulted in the mob being enraged and incited beyond control and despite the efforts of the Police officers posted at the scene of the incident, despite the Police resorting to repeated firing of teargas shells and also firing from their weapons in an effort to control the mob, the enraged mob could not be controlled and it is the case of the Prosecution that the mob comprising

of, as perceived by the witnesses as also the Police Officers and as per the complaint, comprised of 5000 to 10000 persons who broke open gates of Gulbarg Society, demolished the rear wall of Gulbarg Society, entered into the Society and caused mayhem resulting in a carnage which resulted in turn in the death of a large number of innocent persons including men, women and children and in such fashion, no less than 69 persons belonging to the minority community were done away in a most gruesome fashion, properties in Gulbarg Society were set on fire and a number of victims appeared to have been burnt alive by the mob. It is the case of the Prosecution that the Police force finally responded by about 04:30 p.m. in reaching the site of the incident i.e. at Gulbarg Society and were finally successful in dispersing the mob. It is the case of the Prosecution that the Police at that stage were equipped with even enough vehicles whereby the survivors of the massacre could be shifted to safety and thus the survivors were transported in Police vehicles firstly to the Shahibaug Police Station and were thereafter taken away to safety and provided shelters in a refugee shelter immediately set up and which was known as "Dariakhan Ghummat Shelter". It is the case of the Prosecution that even when such survivors were being escorted to safety by the Police, the mob regrouped and attempted to prevent the Police from escorting such survivors to safety. It is the case of the Prosecution that the Police had to yet again resort to firing teargas shells as

also live bullets upon the mob which resulted in injuries being caused and death being caused to number of persons of the mob and finally with great difficulty, the Police could escort the survivors to safety. It is the case of the Prosecution that admittedly, a large number of residents of Gulbarg Society were done to death and their bodies were finally identified by their surviving near and dear ones and a large number of persons including Shri Ehsan Jafri, were and are till date missing and not traceable and are, therefore, required to be presumed dead in light of the statutory provisions since they have been missing for more than seven years. It is the case of the Prosecution that in such circumstances, P.I. Shri K.G.Erda who was in charge of the Meghaninagar Police Station at that point of time and thus was primarily responsible in providing security and protection to members of the minority community within the locality and who incidentally was found to be negligent in discharge of his duties, and was prima facie found criminally negligent, which resulted in his being arraigned as an accused herein, and thus incidentally is accused No.57 herein, however, at that stage, lodged his complaint with regard to the incident and an offence came to be registered at I-C.R.No.67/2002 with the Meghaninagar Police Station. It is the case of the Prosecution that the investigation into the present offence was handed over to said PI Shri K.G.Erda initially who carried out such investigation from 28/02/2002 to 08/03/2002, and thereafter, the

investigation was handed over to various officers from time to time viz. Shri P.N.Barot, Shri S.S.Chudasama, Shri H.P.Agrawat, Shri G.L.Singhal etc., who all in the course of their investigation, arrested some of the accused, recorded statements of the witnesses and the victims. It is the case of the Prosecution that the first chargesheet against 23 of the accused herein came to be filed before Metropolitan Magistrate, Court No.11 on 03/06/2002 which culminated in Criminal Case No.915/2002. The proceedings in terms of the opinion of the learned Metropolitan Magistrate, involved commission of offences which were beyond the jurisdiction of the Metropolitan Magistrate's Court and were triable only by Sessions Court and therefore, vide order dated 08/07/2002, the learned Metropolitan Magistrate committed the proceedings to the Court of Sessions being the City Civil & Sessions Court at Ahmedabad, which culminated in the first Session being Sessions Case No.152/2002. It is the case of the Prosecution that subsequent thereto, number of accused were arrested from time to time and chargesheets were filed against such accused on 26/02/2003, 30/08/2002, 18/10/2004, 14/07/2008, 08/06/2004, 12/12/2008, 16/05/2009 and 27/08/2009. It is the case of the Prosecution that the learned Metropolitan Magistrate dealing with such chargesheets in Criminal Cases Nos.296/2003, 1720/2002, 1902/2004, 190/2008, 1142/2004, 296/2008, 150/2009 and 262/2009 respectively, came to the conclusion that it was only the Sessions Court that

was vested with the jurisdiction to hear and decide the fate of the present proceedings and therefore, vide committal orders dated 02/05/2003, 20/06/2003, 30/05/2009 (05 committal orders) and 28/08/2009, the proceedings were committed to the Court of Sessions and culminated in Sessions Cases Nos.167/2003, 279/2003, 190/2009, 191/2009, 193/2009, 194/2009, 195/2009 and 279/2009 respectively.

6. It is the case of the Prosecution that the victims of the present proceedings and the survivors who were aggrieved by the fact of the State machinery as also the investigating agency not making due and satisfactory efforts to bring the real perpetrators to book, made number of applications through Advocates, NGOs and concerned members of the society, which resulted in ultimately the victims preferring a Special Writ Petition (Criminal) No.109/2003 before the Hon'ble Supreme Court which covered eight separate incidents of riots/massacres, all of which took place in Gujarat State on 28/02/2002 and which resulted in the Hon'ble Supreme Court initially staying the further proceedings in Sessions Cases arising out of all such incidents. As has been stated herein before, the Hon'ble Supreme Court also appointed the SIT to further investigate into the proceedings with regard to the role of senior Police Officers and politicians in the carnage. It is the case of the Prosecution that in the instant proceedings also, there was further investigation by the SIT which

resulted in a large number of arrests of accused taking place nearly six years after the incident i.e. in the year 2008-2009 and it is the case of the Prosecution that subsequently the Hon'ble Supreme Court ordered the vacation of the stay on proceedings and ordered the setting up of specially designated Courts to take the present proceedings to their logical conclusion. It is the case of the Prosecution that initially Additional Sessions Judge, Court No.13, City Civil & Sessions Court, Ahmedabad i.e. Shri B.U.Joshi was appointed as the specially designated Court to try the present offence relating to Gulbarg Society massacre (it is made clear that the present incident would herein after be referred to as either 'the Gulbarg Society case' or 'the present incident' as and where the context requires). It is the case of the Prosecution that the designated Court proceeded to frame charges against 64 of the accused on 11/08/2009. The same designated Court in furtherance of orders passed under Sec.319 of the Cr.P.C., whereby accused Nos.65 and 66 were arraigned, proceeded to frame charge against accused No.65 on 25/01/2010 and against accused No.66 on 10/02/2010. It is required to be noted that the said designated Court Shri B.U.Joshi thereafter proceeded to record the evidence of a large number of witnesses in the trial, but however, was not in a position to complete the trial since the said Presiding Officer was transferred during the pendency of the proceedings. It is an admitted position that Additional Sessions Judge, City Civil

Sessions Court No.8 Shri B.J.Dhandha came to be appointed as the specially designated Court to conduct and conclude the present proceedings and amended charge was framed by the said Presiding Officer Shri B.J.Dhandha on 22/03/2011. It is required to be noted that the initial charge framed was framed at Exh.109, additional charge came to be framed vide Exhs.860, 934 and 1553 respectively.

7. All the charges referred to above, were individually read over and explained to each of the accused and it is required to be noted that the accused pleaded not guilty to the charges framed and claimed to be tried. Even in the course of recording of the further statements of the accused as prescribed under Sec.313 of the Cr.P.C., the accused maintained their innocence and claimed that they were falsely implicated in the present offence and sought for a clean acquittal. It is required to be noted that consequent thereto, the then specially designated Court No.8 Shri B.J.Dhandha proceeded to hear the arguments in the present proceedings in their entirety but was unable to deliver the judgment since he attained superannuation. The proceedings thereafter were placed for the consideration of the Principal Sessions Judge Shri K.K.Bhatt, but no progress could be achieved since the proceedings were stayed by the Hon'ble Supreme Court. The proceedings were thereafter placed for the consideration of the present Principal Judge of the City Civil & Sessions Court, Ahmedabad i.e. the

undersigned, and the Hon'ble Supreme Court has directed the present proceedings to be concluded and disposed of within the time frame stipulated.

8. It is in the background of such facts and circumstances that the following points have arisen for determination by this Court:-

1) Does the Prosecution prove beyond reasonable doubt that the accused, any one or more of them or all of them, had entered into a pre-planned conspiracy to form an unlawful assembly and thereafter perpetrate the carnage at Gulbarg Society on 28/02/2002 which resulted in the deaths of 69 persons and resulted in attempts to murder, cause grave and serious injuries to other residents of Gulbarg Society and also cause damage and destruction of vehicles and property at Gulbarg Society and thereby, the accused or any one or more of them, have committed an offence punishable under Sec.120B, 143, 147, 148, 149, 153(a)(1)(, 153(a)(b), 153(a)(1)(b), 186, 188, 295, 302, 307, 323, 324, 332, 337, 395, 396, 397, 398, 427, 435, 436, 447, 449, 452 of the Indian Penal Code?

2) Does the Prosecution prove beyond reasonable doubt that in furtherance to the carnage and killing of persons, the accused or any one or more of them, had burnt the dead

bodies of the victims in such a fashion so as to destroy any evidence that could be used against them and had thereby committed an offence punishable under Sec.120B read together with Sec.201 of the Indian Penal Code?

3) Does the Prosecution prove beyond reasonable doubt that the accused Nos.2, 46 and 63 had by committing the act of rape upon Sajedabanu and one unknown woman and thereby killing the said two women victims, as also by committing the act of killing of Sadabkhan, had thereby committed an offence punishable under Sec.143, 147, 148, 149, 153(a)(1), 153(a)(b), 153(a)(1)(b), 186, 188, 201, 295, 302, 307, 323, 324, 332, 337, 376(2)(g), 395, 396, 397, 398, 427, 435, 436, 447, 449, 452 of the Indian Penal Code?

4) Does the Prosecution prove beyond reasonable doubt that the accused No.57 by being a part of the conspiracy and in furtherance thereof, was criminally negligent in preventing the co-accused from perpetrating the offence and had further conducted the investigation in such manner as would result in destruction of material evidence and had thereby committed offence punishable under Secs.201, 217, 218 of the Indian Penal Code?

5) Does the Prosecution prove beyond

reasonable doubt that the accused or any one or more of them, on account of they being armed with lethal weapons, had committed offence punishable under Sec.135(1) of the Bombay Police Act?

6) Does the Prosecution prove beyond reasonable doubt that the accused or any one or more of them or all of them had committed any other offence punishable under any law for the time being in force in India?

7) What final order? What judgment?

9. My findings on each of the points for determination, are as follows:-

- 1) Partly in the affirmative.
- 2) Partly in the affirmative.
- 3) Partly in the affirmative.
- 4) In the negative.
- 5) Partly in the affirmative.
- 6) In the negative.
- 7) As per final order and judgment.

10. Before ascribing my reasons for arriving at the findings stated above on the points of determination framed, it is required to be noted that this has been a trial of almost unprecedented proportions, the oral evidence as well as documentary evidence required to be considered for

deciding the fate of the present accused is also on an unprecedented scale and since the trial of the present proceedings was not conducted by the present Presiding Officer, it is required to be noted that the trial could be concluded and judgment was in a position of being dictated only on account of the exceptional efforts of the learned Special P.P., the learned Advocates for the defence as also the cooperation of the learned Advocate appearing on behalf of the victims who have also referred to themselves while filing various applications, as witnesses in the present proceedings. It is required to be noted that even the learned Special P.P. was appointed only at the fag end of the trial proceedings, replacing the earlier Spl.P.P., the learned advocates appearing on behalf of the various accused have appeared only at the fag end of the proceedings and that too during the last six months approximately and all of them are required to be commended and it would be required to make a special note with regard to the spirit of cooperation in which the present trial was conducted and concluded before the present court. It is also required to be noted that in light of the voluminous evidence required to be appreciated and referred to, the present Court with agreement of all the parties concerned, has directly dictated in the Court the submissions made and arguments canvassed by each of the parties, the parties have also provided compilations, tabulations and material as also judicial precedents considered relevant by the

respective parties contesting the present proceedings, all of which has been placed for the consideration of the Court and therefore, it is required to be noted that there are no formal handwritten notes of submissions but only dictated portions of the submissions which are accepted by all the parties to have been dictated in the open Court and in the presence of all parties concerned.

11. It would be necessary at this juncture to state that in an effort to prove the charges against the accused, the Prosecution has relied upon both - oral and documentary evidence which is required to be elaborated and is hereby done so as herein after follows.

12. The Prosecution has examined no less than 338 witnesses as per the following details:-

PW NO.	Status	Name of Witness	Exh. No.
1	Panch	Anup Mangatram Sukhwani	259
2	Police	Nathusinh Naharsinh Chauhan	263
3	Police	Babuji Chhaguji Dabhi	266
4	Police	Rajendrasinh Kallusinh Rajput	269
5	Police	Indrasinh Himmatsinh Gohil	270
6	Police	Lalitkumar Ramanbhai Patni	271
7	Police	Arvindsinh Shankersinh Vaghela	273
8	Doctor	Harshadkumar Kantilal Rathod	274
9	Panch	Jagdish Vanaji Mali	277
10	Panch	Popatbhai Shantibhai Thakor	296
11	Police	Rameshbhai Nagjibhai Pandor	314

PW NO.	Status	Name of Witness	Exh. No.
12	Police	Sajjansinh Jorubha Jhala	315
13	Police	Dhanesinh Becharsinh Kumpawat	316
14	Panch	Dipakbhai Somnath Panchal	318
15	Panch	Mohanji Piraji Vanzara	319
16	Panch	Ishwerlal Devilal Solanki	327
17	Panch	Velaji Mafaji Thakor	329
18	Panch	Ramanbhai Bhikhabhai Prajapati	330
19	Panch	Sohanji Vaghaji Thakor	332
20	Police	Indrasinh Mansinh Solanki	334
21	Police	Motibhai Dahyabhai Vaghela	335
22	Police	Shailendrasinh Kalusinh Jadeja	336
23	Panch	Trilochansinh Dayalsinh Saluja	340
24	Panch	Maheshkumar Rameshchandra Makwana	341
25	Panch	Dharmeshkumar Bhikhabhai Bharwad	343
26	Panch	Ratilal Ladhabhai Sumera	345
27	Panch	Sendhabhai Lalabhai Dholawala	347
28	Police	Pradipsinh Shetansinh Rathod	349
29	Police	Dhananjay Bhaskerrao Bhagwat	351
30	Police	Dharmabhai Ramjibhai Bodat	352
31	Panch	Maheshbhai Ratnabhai Patel	354
32	Panch	Premaram Umedji Vanjara	356
33	Panch	Indrapalsinh Nawabsinh Rathod	358
34	Doctor	Upendrabhai M. Jadhav	359
35	Doctor	Jayendra R. Modi	363
36	Panch	Prabhatbhai Sankabhai Desai	380
37	Police	Kavaji Rupaji Asari	385
38	Police	Dolatsinh Padamsinh Rathod	386
39	Police	Chandubhai Vashrambhai Rami	387
40	Police	Pasabhai Galabhai Solanki	388

PW NO.	Status	Name of Witness	Exh. No.
41	Police	Rameshbhai Somabhai Solanki	391
42	Panch	Kamleshbhai Ambalal Thakker	393
43	Panch	Kantibhai Shankerbhai Patni	395
44	Panch	Ramprakash Gulabsinh Bhadoria	397
45	Police	Rajeshbhai Kuberbhai Parmar	399
46	Police	Mavjibhai Hakshibhai Bodar	400
47	Police	Ranchhodbhai Ramjibhai Malavia	401
48	Police	Jagatsinh Mulsinh Bhati	402
49	Doctor	Kiritbhai R.Shah	403
50	Doctor	Bhavin S.Shah	408
51	Panch	Girishbhai Jayantilal Patel	411
52	Panch	Bharat Chimanlal Thakor	413
53	Panch	Bharat Sohanlal Prajapati	414
54	Panch	Mahendrasinh Baburam Rathod	416
55	Police	Balubhai Nathabhai Ninama	418
56	Doctor	Gitanjali L. Fukan	419
57	Doctor	Mitesh B.Patel	422
58	Doctor	Rakesh S.Bhavsar	425
59	Doctor	Govindbhai D. Patel	427
60	Panch	Ghanshyam Bhavanifer Tiwari	431
61	Police	Kanjibhai Veljibhai Damor	433
62	Doctor	Jayeshkumar M.Joshi	434
63	Doctor	Kalpesh H.parikh	448
64	Doctor	Pravinbhai L. Desai	451
65	Panch	Santosh Ramachal Pathak	454
66	Panch	Hitendrasinh Manubha Jadeja	455
67	Panch	Sanjaybhai Kantibhai Patni	458
68	Panch	Ramtirath Sahdevsinh Patel	459
69	Doctor	Madansinh D. Jhala	464
70	Doctor	Jayesh B. Rupal	467

PW NO.	Status	Name of Witness	Exh. No.
71	Panch	Digpal hariharprasad Dubey	469
72	Panch	Rambhai Ukabhai Patel	470
73	Panch	Suresh Lalchand Dhobi	471
74	Panch	Pavankumar Hiralal Samodia	472
75	Police	Puransinh Ramsinh Tomar	473
76	Panch	Kishanbhai Jorjibhai Purohit	479
77	Panch	Dineshbhai Mohanbhai Vora	481
78	Panch	Champaklal Mohanlal Darji	486
79	Panch	Dinesh Jayantilal Od	487
80	Police	Laxmanbhai Ramabhai Solanki	489
81	Police	Babubhai Harjibhai Pandor	490
82	Police	Manubhai Karsanbhai Desai	491
83	Panch	Bhupendra Kantilal patel	494
84	Panch	Himanshu Jayantilal Vyas	496
85	Panch	Divyesh Ramanlal Shah	497
86	Panch	Jitusinh Kalusinh chauhan	498
87	Panch	Chimanbhai Gamjibhai patni	500
88	Panch	Pankajbhai Manishbhai Khatri	501
89	Police	Ganpatsinh Bhawansinh Solanki	502
90	Police	Hemubhai Somabhai Parmar	503
91	Police	Gautambhai Amrutlal Shrimali	504
92	Police	Baldevbhai Jivabhai Chavda	505
93	Doctor	Dharitri B. Jadhav	511
94	Doctor	Hemant D. Patel	518
95	Panch	Rameshbhai Jayantilal Doshi	522
96	Panch	Narendrasinh Rajbahadursinh Chauhan	523
97	Panch	Jivanbhai Tribhovandas Solanki	525
98	Panch	Omkarbhai Shafuaji Diya	526
99	Panch	Ghanshyambhai Shankerlal Rana	528

PW NO.	Status	Name of Witness	Exh. No.
100	Panch	Munawarali Mohammadismail Shaikh	529
101	Panch	Narendra Becharbhai Kahar	531
102	Panch	Jignesh Rajubhai Shah	534
103	Panch	Salimuddin Mohammadmiya Saiyed	536
104	Panch	Aliyarkhan Afsarkhan Pathan	538
105	Panch	Halubhai Ramjibhai Patni	539
106	Victim	Imtiyazkhan Saeedkhan Pathan	542
107	Victim	Roopa @ Tanaz Daraminu Modi	548
108	Doctor	Chandrakantbhai K. Tanna	549
109	Doctor	Dharmesh A. Silajiya	554
110	Doctor	Kishanlal R. Solanki	570
111	Panch	Shantilal Govindbhai Parmar	575
112	Panch	Yakubbhai Musabhai Qureshi	577
113	Panch	Suresh Punamchand Raypure	579
114	Panch	Keshabhai Bhikhabhai Thakor	580
115	Police	Shridharan Narayan Nair	582
116	Victim	Saeedkhan Ahmedkhan Pathan	584
117	Victim	Ayubkhan Habibkhan Pathan	588
118	Doctor	Gautam V. Nayak	593
119	Doctor	Narendra gunvantrai Joshi	595
120	Doctor	Kuldeep J. Joshi	597
121	Doctor	Rajesh D.Patel	599
122	Doctor	Vikram K. Pardhi	610
123	Doctor	Jayantbhai s. Kanoria	612
124	Witness having suffered damage	Hafizrehman Islamuddin Ansari	629
125	Witness having suffered damage	Zahirahmed Yousufbhai Ansari	630
126	Witness having suffered damage	Rasidbaksh Gulabkhan Shaikh	631
127	Witness having suffered damage	Abdulbhai Gulfarozkhan Pathan	632
128	Victim	Mohammadrafiq Abubakar Pathan	633

PW NO.	Status	Name of Witness	Exh. No.
129	Victim	Firozmohammad Gulzarmohammad Pathan	635
130	Witness having suffered damage	Kabirkhan Nasirkhan Pathan	639
131	Panch	Jayeshbhai Vasantlal Shah	640
132	Panch	Amarsinh Sundersinh Bhadoria	641
133	Panch	Abdulaziz Abdul Khalid Shaikh	643
134	Witness having suffered damage	Zulfikar Mohammadkhan Pathan	645
135	Witness having suffered damage	Shabbirkhan Nasirkhan Pathan	646
136	Witness having suffered damage	Kafilahmed Ajgarhussain Ansari	647
137	Witness having suffered damage	Aslamkhan nasirkhan Pathan	648
138	Witness having suffered damage	Aminkhan Fozdarkhan Pathan	649
139	Witness having suffered damage	Riyazkhan Yakubkhan Pathan	650
140	Witness having suffered damage	Shamsulhaq Ahdulhaq pathan	651
141	Witness having suffered damage	Akhilahmed Ajgarhussain Ansari	652
142	Victim	Ashraf Sikanderbhai Sandhi	654
143	Victim	Altafkhan Gulabkhan Pathan	655
144	Doctor	Himmatbhai F. Patel	664
145	Panch	Salimkhan Achhankhan Pathan	670
146	Panch	Jeparam Devaji Mali	672
147	Panch	Mayurkumar Govindbhai parmar	674
148	Witness having suffered damage	Fakirmohammad Ismailbhai Pathan	677
149	Witness having suffered damage	Asif Jehangirbhai Sandhi	678
150	Witness having suffered damage	Bhurabhai Banddealibhai Shaikh	679
151	Witness having suffered damage	Nadirkhan Bashirkhan Pathan	680

PW NO.	Status	Name of Witness	Exh. No.
152	Victim	Yousufbhai Badarbhai Pathan	681
153	Witness having suffered damage	Azizkhan Yasinkhan Pathan	682
154	Witness having suffered damage	Hamidkhan Nasirkhan Pathan	683
155	Witness having suffered damage	Mohammadbhai Kheratibhai Kazi	684
156	Witness having suffered damage	Haroon Shakurbhai Ghanchi	685
157	Witness having suffered damage	Mohammadazad Nanhekhan Shaikh	686
158	Witness having suffered damage	Pirmohammad Ganibhai Momin	687
159	Victim	Gulubhai Sulemanbhai Sandhi	690
160	Witness having suffered damage	Abdulbhai gafurbhai Mansuri	691
161	Witness having suffered damage	Amjadkhan Abdulkadar Pathan	692
162	Witness having suffered damage	Firoz Sattarbhai Shaikh	693
163	Witness having suffered damage	Azimuddin Majidkhan Pathan	694
164	Panch	Jitendra Chandubhai Makwana	695
165	Witness having suffered damage	Iqbalbhai Alibhai Shaikh	696
166	Victim	Sharifkhan Sikanderkhan Pathan	697
167	Witness having suffered damage	Mohammadjanif Sidiqbhai Sandhi	698
168	Police	Kishorkumar Sanjabhai Baleria	700
169	Witness having suffered damage	Ramzanbhai Inayatrasul Silawat	701
170	Police	Govaji Kanjibhai Chavda	702
171	Witness having suffered damage	Ismailbhai Ibrahimbhai Pathan	703
172	Witness having suffered damage	Samsuddin Ibrahimbhai Shaikh	704
173	Panch	Jagdishbhai Sakharam Habale	705
174	Panch	Amin Usmangani Shaikh	706
175	Witness having suffered damage	Mohammadumer Abdulhamid Pathan	707

PW NO.	Status	Name of Witness	Exh. No.
176	Witness having suffered damage	Rafiqkhan Yasinkhan Pathan	709
177	Victim	Sairaben Salimbhai Sandhi	711
178	Doctor	Dipak Champaklal Jagani	713
179	Victim	Ezajali Fakirmohammad Shaikh	720
180	Witness having suffered damage	Mariamben Noormohammad Sandhi	721
181	Witness having suffered damage	Riyazuddin Siyazuddin Saiyed	722
182	Witness having suffered damage	Noorjehanben Mehmudkhan Pathan	724
183	Witness having suffered damage	Hussainabibi Gulabbhai Malek	725
184	Witness having suffered damage	Afsana Rafiqbhai Malek	726
185	Victim	Rasidabanu Rafiqbhai Shaikh	727
186	Victim	Mohammadiliyas Usmanbhai Shaikh	728
187	Witness having suffered damage	Yunus Valibhai Patel	729
188	Witness having suffered damage	Rafiqahmed Usmanbhai Malek	730
189	Witness having suffered damage	Yousufbhai Malekbhai Patel	731
190	Witness having suffered damage	Kabiralam Ramzanali Mansuri	732
191	Victim	Salimbhai Noormohammad Sandhi	734
192	Victim	Mohammadali Shahjadali Saiyed	736
193	Witness having suffered damage	Sikander Noormohammad Sandhi	737
194	Witness having suffered damage	Habibkhan Bhurekhan Pathan	739
195	Witness having suffered damage	Gulabkhan Mankhan Pathan	740
196	Witness having suffered damage	Ibrahim Nazirbhai Chandel	741
197	Witness having suffered damage	Balvirkhan Allauddinkhan Pathan	742
198	Witness having suffered damage	Ibrahim Noormohammad Sandhi	743
199	Witness having suffered damage	Mohammadbhai Aslambhai Mansuri	744

PW NO.	Status	Name of Witness	Exh. No.
200	Panch	Rafiqkhan Gulabkhan Pathan	745
201	Victim	Rafiqbhai Usmanbhai Shilavat	748
202	Witness having suffered damage	Kalim Abdulbhai Mansuri	750
203	Witness having suffered damage	Farid Abubakar pathan	751
204	Witness having suffered damage	Wahidkhan Gafurkhan Pathan	752
205	Witness having suffered damage	Kasambhai Allanoor Mansuri	753
206	Witness having suffered damage	Salmuddin Bashiruddin Shaikh	754
207	Witness having suffered damage	Mahebubkhan Noorkhan Chandel	755
208	Witness having suffered damage	Akbarhussain Abdulbhai Mansuri	756
209	Witness having suffered damage	Kamruddin Gulabbhai Ansari	757
210	Witness having suffered damage	Mubarak Nazirkhan Chandel	758
211	Witness having suffered damage	Mohammad Shabbir Abdulsattar Shaikh	759
212	Witness having suffered damage	Abbasbhai Ayubkhan kadir	760
213	Victim	Tasadduk Hussain Mulla Tahir Surohi	763
214	Witness having suffered damage	Mohsin Aslam Pathan	766
215	Witness having suffered damage	Majid Nathhubhai Saiyed	767
216	Victim	Ismailbhai Yasinkhan Pathan	772
217	Witness having suffered damage	Nooriben Abdulbhai Mansuri	773
218	Panch	Kanubhai Kalabhai Bharwad	774
219	Witness having suffered damage	Banobibi Hussainkhan Maniyar	776
220	Witness having suffered damage	Yunusbhai Fakirbhai Mansuri	777
221	Witness having suffered damage	Mukhtarbhai Abdulrahim Ansari	778

PW NO.	Status	Name of Witness	Exh. No.
222	Victim	Sarfaraz Abdulkadir Munshi	779
223	Victim	Alihussain Ibrahimhai Shaikh	780
224	Doctor	Mukund M. Prabhakar	784
225	Doctor	Sumanlal B. Shrimali	786
226	Doctor	Jaymish P. Gajjar	790
227	Panch	Sureshbhai Ambalal Parmar	793
228	Doctor	Rajnish R. Patel	795
229	Witness having suffered damage	Razakbhai Abdulbhai Shaikh	800
230	Witness having suffered damage	Ayeshabibi Shakurbhai Ghanchi	801
231	Witness having suffered damage	Sultankhan Amitkhan Pathan	802
232	Doctor	Jayantilal V. Satapara	803
233	Other Witness	Pradyumansinh Dharmendrasinh Chudasama	810
234	Witness having suffered damage	Anis Fatima Tasadduk Hussain Surohi	813
235	Witness having suffered damage	Abedabanu Munnakhan Pathan	814
236	Witness having suffered damage	Safdarhussain Fazlehussain Ankleswaria	815
237	Doctor	Parul R. Waghela	818
238	Witness having suffered damage	Mobina Yousuf Rangwala	827
239	Witness having suffered damage	Khatija Yousufbhai Khambhati	828
240	Witness having suffered damage	Aslam Kasambhai Mansuri	829
241	Witness having suffered damage	Firoz Dilawer Shaikh	831
242	Witness having suffered damage	Salim Abdulbhai Mansuri	834
243	Police	Pratapji Siraji Waghela	838
244	Police	Chinusinh Kesrisinh Jhala	839
245	Police	Udesinh Pratapsinh Baraiya	840

PW NO.	Status	Name of Witness	Exh. No.
246	Other witness	Jayeshkumar A. Yadav	842
247	Police	Laljibhai Kalaji Asari	843
248	Police	Takaji Takhuji Chavda	845
249	Police	Motisinh Habisinh Bariya	849
250	Police	Vijaysinh Vikramsinh Rajput	853
251	Police	Prataprai Chhaganlal Joshi	854
252	Police	Karansinh Bhawansinh Vaghela	867
253	Other witness	Mohammadnizir Chhote Ansari	869
254	Police	Prahladji Mangalji Barot	876
255	Panch	Manzir Ahmed Abdulaziz Shaikh	877
256	Panch	Rameshkumar Madanlal Jinger	883
257	Panch	Haroonbhai Shakhurbhai Ghanchi	885
258	Other witness	Tejpalsinh J. Bist	897
259	Other witness	Mahavirsinh S. Shekhawat	899
260	Other witness	Rajeshbhai V. Bhagat	902
261	Other witness	Purshottambhai N. Patel	906
262	Witness having suffered damage	Maulana Yakub Akbar Vijapura	909
263	Victim	Mohammad Salim Ahmedbhai Shaikh	910
264	Victim	Firozbhai Bandeali Shaikh	918
265	Witness having suffered damage	Karimabanu Mohammadbhai Shaikh	919
266	Victim	Noormohammad Valisha Tiwari	920
267	Police	Varvaji Ishwerji Waghela	921
268	Police	Tarunkumar Amrutlal Barot	926
269	Police	Natwarji Jawanji Bhati	927
270	Other witness	Anwermiya Y. Shaikh	938
271	Other witness	Himmatsinh B. Sisodiya	940
272	Other witness	Shevabhai K. Rathod	943

PW NO.	Status	Name of Witness	Exh. No.
273	Doctor	Mansukh M. Mawani	944
274	Police	Ramaji Gangaji Katara	946
275	Other witness	Balwantsinh Rampraveshsinh	952
276	Other witness	Pravinkumar N. Barot	954
277	Other witness	Sharadkumar B. Trivedi	962
278	Other witness	Ratansinh B. Chavda	963
279	Other witness	Maharaj K. Tandon	965
280	Other witness	Rameshkumar B. Joshi	969
281	Other witness	Pravin B. Gondiya	952
282	Victim	Dilawerbhai Sikanderbhai Shaikh	978
283	Victim	Aslamkhan Anwarkhan Pathan	981
284	Victim	Mohammadsharif Nasiruddin Shaikh	987
285	Police	Bhanjibhai Jivanbhai Sadawrati	988
286	Police	Jagdishsinh Temubha Chudasama	991
287	Police	Dhananjaisinh Surendrasinh Waghela	992
288	Police	Kishorsinh Motisinh Waghela	994
289	Victim	Nadim Tasaddukhussain Surohi	995
290	Witness having suffered damage	Mohammadarif Kamaluddin Ansari	1023
291	Witness having suffered damage	Kamaruddin Jalaluddin Saiyed	1024
292	Witness having suffered damage	Jamalbhai Fakirbhai Mansuri	1025
293	Witness having suffered damage	Abdulbhai Allanoorbhai Mansuri	1029
294	Witness having suffered damage	Rajubhai Bandeali Rajasaheb Shaikh	1030
295	Witness having suffered damage	Sabidkhan Gulabkhan Pathan	1031
296	Witness having suffered damage	Rafiqmohammad Nekmohammad Saiyed	1033
297	Witness having suffered damage	Ayubkhan Ishaqkhan pathan	1034

PW NO.	Status	Name of Witness	Exh. No.
298	Witness having suffered damage	Shanazbanu Mohammadumerkhan Pathan	1038
299	Witness having suffered damage	Khatunbibbi Abdulkadir	1039
300	Witness having suffered damage	Yousuf Taiyebbhai Khambhati	1040
301	Victim	Rasidabanu Dilawar Shaikh	1046
302	Witness having suffered damage	Roshanbibbi Usmanbhai Silawat	1047
303	Witness having suffered damage	Saberabibi Ismailbhai Shaikh	1048
304	Victim	Noorjehan Lalsha Shaikh	1049
305	Police	Bhupendrasinh Karansinh Sisodiya	1052
306	Police	Ramvilas Ramlakhan Pathak	1059
307	Panch	Altafkhan Shahjadjkhan Pathan	1061
308	Police	Kiranpuri Gangapuri Goswami	1062
309	Other witness	Laxman K. Pardhi	1064
310	I.O.	Hareshkumar P. Agrawat	1069
311	Police	Jagatsinh Ramsinh Parmar	1075
312	Police	Babubhai Mohanbhai Parmar	1077
313	Other witness	Ashish Sureshchandra Khetan	1091
314	Victim	Faqirmohammad Nasirali Saiyed	1098
315	Police	Anantsinh Kalyansinh Rathod	1133
316	Police	Ramkubhai Nagbhai Vala	1134
317	Police	Navalsinh Ramsinh Bariya	1135
318	Other witness	Dhiren Jayantilal Lariya	1137
319	Police	Kumarrai Jagdishrai Chandna	1139
320	Police	Jogdas Suryanarayanprasad Gedam	1140
321	Police	Harisinh Chhatrasinh Gohil	1141
322	Police	Raiskhan Mohammadkhan Pathan	1144
323	Panch	Nitinkumar Narandas Sheth	1147
324	Police	Nisarmohammad Sultankhan Malek	1149

PW NO.	Status	Name of Witness	Exh. No.
325	Police	Bhikhusinh Khatusinh Rathod	1158
326	Police	Shailesh Anilkumar Vyas	1161
327	Police	Sanjaykumar Ramjibhai Patni	1162
328	I.O.	Narottam D. Parmar	1164
329	I.O.	Harish R. Muliya	1211
330	I.O.	Rahul Nanheshwar Sharma	1213
331	I.O.	Girishkumar L. Singhal	1217
332	I.O.	Sukhdevsinh S. Chudasama	1226
333	Doctor	Mukeshbhai V. Kapadiya	1281
334	Doctor	Chandrakant K. Goswami	1284
335	I.O.	Jayantilal M. Suthar	1289
336	I.O.	Nirmalsinh S. Raju	1377
337	Victim	Zakianasim Ahsan Jafri	1463
338	Other witness	Dr.Shailendra Ramkishor Jha	1492

13. The Prosecution has also relied upon documentary evidence which is extremely voluminous and detailed hereto as herein after follows:-

Sr. No.	Particulars	Exh. No.
1	Forwarding letter regarding muddamal having been sent to F.S.L.	176
2	Three acknowledgment receipts regarding FSL having received the muddamal	177
3	Opinion of FSL	178
4	Opinion of FSL	179
5	Forwarding letter regarding muddamal having been sent to F.S.L.	180
6	Acknowledgment receipts regarding FSL having received the muddamal	181
7	Opinion of FSL	182

Sr. No.	Particulars	Exh. No.
8	Forwarding letter regarding muddamal having been sent to F.S.L.	183
9	Acknowledgment receipts regarding FSL having received the muddamal	184
10	Opinion of FSL	185
11	Forwarding letter regarding muddamal having been sent to F.S.L.	186
12	04 acknowledgment receipts regarding FSL having received the muddamal	187
13	Opinion of FSL	188
14	Panchnama of Gulbarg Society	260
15	Panchnama of Gulbarg Society	261
16	Panchnama regarding recovery of gun	262
17	Complaint of Mr.K.G.Erda	267
18	Report made by Mr.K.G.Erda to P.S.O.	268
19	04 papers produced with PM report No.409	275
20	PM Report - Dineshbhai Kalabhai	276
21	Inquest Panchnama of dead body of Zarinaben Sandhi	278
22	Inquest Panchnama - Asmin Rafiqbhai	279
23	Inquest Panchnama - unidentified	280
24	Inquest Panchnama - Faridaben Shakilbhai Mansuri	281
25	Inquest Panchnama - Kherunbibi Sikanderkhan Pathan	282
26	Inquest Panchnama - Nazmaben Kasambhai Mansuri	283
27	Inquest Panchnama - Mumtaz Sikanderbhai Sandhi	284
28	Inquest Panchnama - unidentified	285
29	Inquest Panchnama - Nasim @ Zebun Aslambhai Shaikh	286
30	Inquest Panchnama - Asmatben Abdulbhai Mansuri	287

Sr. No.	Particulars	Exh. No.
31	Inquest Panchnama - Mehmuda Aslam Kasambhai	288
32	Inquest Panchnama - Sharifaben Munirsha	289
33	Inquest Panchnama - Ahmedali Faqirmohammad Saiyed	290
34	Inquest Panchnama - Anwarkhan Ahmedkhan pathan	291
35	Inquest Panchnama - Salimkhan Sikanderkhan Pathan	292
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Sr. No.	Particulars	Exh. No.
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446	Arrest memo of Naran Sitaram Channelwala and letter informing relatives	1316
447	Arrest memo of Naginbhai Hasmukhbhai Patni and letter informing relatives	1317
448	Arrest memo of Dashrath Gatting Jivanbhai Patni and letter informing relatives	1318
449	Arrest memo of Lakhansinh @ Lakhiyo @ Bhuriyo and letter informing relatives	1319
450	Arrest memo of Dharmesh Prahladbhai and letter informing relatives	1320
451	Arrest memo of Jitendra @ Jitu Pratapji and letter informing relatives	1321
452	Arrest memo of Mahesh Pappu Pratapji Thakor and letter informing relatives	1322
453	Arrest memo of Kapil Munnabhai Devnarayan and letter informing relatives	1323
454	Arrest memo of Mahesh Ramjilal Nath and letter informing relatives	1324
455	Arrest memo of Suresh @ Kali and letter informing relatives	1325
456	Arrest memo of Sushil Brijmohan Sharma and letter informing relatives	1326
457	Arrest memo of Bharatbhai @ Bharat Teli and letter informing relatives	1327
458	Arrest memo of Bharatsinh Laxmansinh Gaud and letter informing relatives	1328
459	Panchnama of physical condition of Pradip Khanabhai Parmar	1329
460	Arrest memo of Kiritkumar Govindji Erda and letter informing relatives	1330
461	Arrest memo of Atul Indravadan Vaidya and letter informing relatives	1331

Sr. No.	Particulars	Exh. No.
462	Arrest memo of Meghsinh Dhupsinh Chaudhary and letter informing relatives	1332
463	Arrest memo of Chunilal Jethaji Prajapati and letter informing relatives	1333
464	Arrest memo of Bipinbhai Ambalal Patel and letter informing relatives	1334
465	Arrest memo of Dilip Kantilal Jinger and letter informing relatives	1335
466	Arrest memo of Dinesh Dahyabhai Sharma and letter informing relatives	1336
467	Arrest memo of Shivcharan @ Jitendra Lallo and letter informing relatives	1337
468	Panchnama of physical condition of Raju @ Mamo Kaniyo	1338
469	Panchnama of physical condition of Bharat Teli	1339
470	Panchnamas of physical condition of Kailash Dhobi, Yogendrasinh @ Lalo and Surendra @ Vakil	1340
471	Arrest Memo of Kailash Dhobi, Yogendrasinh @ Lalo and Surendra @ Vakil	1341
472	Arrest memo of Mangaji Pokhraj Prajapati	1342
473	Arrest memo of Jayesh Ramubhai Patni	1343
474	Arrest memo of Kishorbhai mangaji Patni	1344
475	Arrest memo of Shailesh @ Kalu Patni	1345
476	Arrest memo of Kanaiya @ Bablu Chaichau	1346
477	Arrest memo of Kantibhai Popatbhai Patni	1347
478	Arrest memo of Shakrabhai Sendhabhai Patni	1348
479	Arrest memo of Manojkumar Premjibhai Parmar	1349
480	Panchnama of physical condition of Dipakkumar Somabhai Solanki	1350
481	Arrest memo of Dipakkumar Somabhai Solanki	1351

Sr. No.	Particulars	Exh. No.
482	Arrest memo of Vinodkumar Arvindbhai Solanki	1352
483	Arrest memo of Jayeshkumar @ Gabbar Madanlal and letter informing relatives	1353
484	Arrest memo of Ajay Somabhai Panchal	1354
485	Arrest memo of Ratilal Ganeshji Kumbhar and letter informing relatives, and yaadi written to District Magistrate	1355
486	Arrest memo of Parbatsinh @ Darpansinh Tarsansinh and letter informing relatives	1356
487	Arrest memo of Jayesh Ramjibhai Parmar and letter informing relatives	1357
488	Riot scheme pages No.1 to 49	1358
489	Form-F of Rajasthan FSL	1364
490	Letter written by SIT to Rajasthan FSL	1365
491	Acknowledgment receipt of Jaipur FSL regarding muddamal having received	1366
492	Report of the Investigating officer of SIT	1367
493	Letter of FSL, Jaipur	1368
494	Letter written to Akashwani	1369
495	Letter received by Akashwani	1370
496	Letter written to FSL, Jaipur	1371
497	Letter written by SIT to CBI	1372
498	Panchnama of house of Mohammadali Shaikh	1373
499	Panchnama of damage caused to Ismailbhai Ibrahim Pathan	1374
500	Panchnama of damage	1375
501	Panchnama of damage	1376
502	Letter written by CBI to National Human Rights	1378
503	Letter of CBI	1379
504	Report under Sec.293 of Cr.P.C. of FSL, Jaipur	1380

Sr. No.	Particulars	Exh. No.
505	Forwarding letter of CBI	1381
506	Copy of taking over memo	1382
507	Letter regarding CBI, Mumbai having produced sealed parcel	1383
508	Letter to IO regarding CD	1384
509	Xerox copy of Slip page No.173 received by Police Control	1386
510	Xerox copy of message of page No.145 received by Police Control	1387
511	Xerox copy of Message Slip of page No.147 of Police Control, Ahmedabad city	1388
512	Xerox copy of Message Slip of Ahmedabad City Police Control	1391
513	Message Slip of Ahmedabad City Police Control	1393
514	Message Slip of Ahmedabad City Police Control	1394
515	Message Slip of Ahmedabad City Police Control	1395
516	Message Slip of Ahmedabad City Police Control	1396
517	Message Slip of Ahmedabad City Police Control	1397
518	Message Slip of Ahmedabad City Police Control	1398
519	Message Slip of Ahmedabad City Police Control	1399
520	Message Slip of Ahmedabad City Police Control	1400
521	Message Slip of Ahmedabad City Police Control	1401
522	Message Slip of Ahmedabad City Police Control	1402
523	Message Slip of Ahmedabad City Police Control	1403

Sr. No.	Particulars	Exh. No.
524	Message Slip of Ahmedabad City Police Control	1404
525	Message Slip of Ahmedabad City Police Control	1405
526	Message Slip of Ahmedabad City Police Control	1406
527	Message Slip of Ahmedabad City Police Control	1407
528	Message Slip of Ahmedabad City Police Control	1408
529	Message Slip of Ahmedabad City Police Control	1409
530	Message Slip of Ahmedabad City Police Control	1410
531	Message Slip of Ahmedabad City Police Control	1411
532	Message Slip of Ahmedabad City Police Control	1412
533	Message Slip of Ahmedabad City Police Control	1413
534	Message Slip of Ahmedabad City Police Control	1414
535	Fax Message Slip of Ahmedabad City Police Control	1415
536	Message Slip of Ahmedabad City Police Control	1416
537	Message Slip of Ahmedabad City Police Control	1417
538	Message Slip of Ahmedabad City Police Control	1418
539	Message Slip of Ahmedabad City Police Control	1419
540	Message Slip of Ahmedabad City Police Control	1420
541	Message Slip of Ahmedabad City Police Control	1421

Sr. No.	Particulars	Exh. No.
542	Message Slip of Ahmedabad City Police Control	1422
543	Message Slip of Ahmedabad City Police Control	1423
544	Message Slip of Ahmedabad City Police Control	1424
545	Message Slip of Ahmedabad City Police Control	1425
546	Message Slip of Ahmedabad City Police Control	1426
547	Message Slip of Ahmedabad City Police Control	1427
548	Message Slip of Ahmedabad City Police Control	1428
549	Message Slip of Ahmedabad City Police Control	1429
550	Message Slip of Ahmedabad City Police Control	1430
551	Message Slip of Ahmedabad City Police Control	1431
552	Message Slip of Ahmedabad City Police Control	1432
553	Message Slip of Ahmedabad City Police Control	1433
554	Message Slip of Ahmedabad City Police Control	1434
555	Message Slip of Ahmedabad City Police Control	1435
556	Message Slip of Ahmedabad City Police Control	1436
557	Letter informing witnesses to remain present at Crime Branch to give further statement - Sandhi Salimbhai Noor Mohammad	1437
558	Sandhi Sairaben Salimbhai - letter	1438
559	Ashraf Sikanderbhai Sandhi - letter	1439

Sr. No.	Particulars	Exh. No.
560	Taiyabali Faqir Mohammad Saiyed - letter	1440
561	Faqir Mohammad nasirali Asiyed - letter	1441
562	Mohammadali Sehjadali Saiyed - letter	1442
563	Imtiyaz Sayeedkhan Pathan - letter	1443
564	Sayeedkhan Ahmedkhan Pathan - letter	1444
565	Rupa @ tanaz Daraminu Modi - letter	1445
566	Firoz Mohammad Gulzar Mohammad Pathan - letter	1446
567	Rashidkhan Ahmedkhan Pathan - letter	1447
568	Mohammad Rafiq Abubakkar Pathan - letter	1448
569	Letter written by witnesses for postponing the procedure of recording reply	1449
570	Letter of Deputy Commissioner of Police, Crime Branch	1450
571	Letter written by Faqir Mohammad Nasirali to City Crime	1451
572	Acknowledgment of Faqir Mohammad's letter having been faxed	1452
573	Certified photocopy of message book reduced in writing of Meghaninagar Police Station one Gaadi of date 28/02/2002	1470
574	Photocopy of vardhi book for the period period from 27/02/2002 to 04/03/2002 of Meghaninagar Police Station	1471
575	Photocopy of log book reduced in writing of the DCP, Zone-IV	1472
576	Photocopy of vardhi book from 27/02/2002 to 01/03/2002 of ACP, 'G' Division	1473
577	Letter regarding vehicle message and vardhi book of ACP, 'G' Division having been destroyed	1474
578	Letter regarding mobile No.9426001148 of BSNL and letter of mobile connection holder	1475

Sr. No.	Particulars	Exh. No.
579	Letter of Airtel with respect to mobile No.9898596355	1476
580	Letter of BSNL with respect to mobile No.23134445	1477
581	Photocopy of letter of JCP, Sector-2 regarding message books kept in Control Room having been destroyed	1478
582	Photocopy of letter of JCP, Control Room regarding message slips, vardhi messages, location register having been destroyed	1479
583	Photocopy of letter of JCP, Control Room regarding destruction of original message book of the vehicle of JCP, Sector-2	1480
584	Report of FSL, Jaipur	1493
585	Forwarding letter of FSL, Jaipur (Rajasthan)	1494
586	Original transcript produced by PW-338 in his deposition	1495
587	Report of SIT, Gandhinagar in compliance of order dated 03/11/2010 passed by the Court on the application of Raiskhan Pathan	1496
588	Letter of the Sub-divisional office	1609
589	Report of the I.O. regarding muddamal pavti	1610
590	Report of the I.O. regarding panchnama muddamal pavti	1611
591	Panchnama of scene of offence	1612
592	Panchnama of scene of offence	1613
593	Forwarding letter regarding muddamal having been sent to FSL	1614
594	Panchnama regarding muddamal having been opened in presence of the FSL officer	1615
595	Letter of I.O. regarding examination by FSL	1616

Sr. No.	Particulars	Exh. No.
596	Forwarding letter regarding muddamal having been sent to FSL	1617
597	Forwarding letter regarding muddamal having been sent to FSL	1618
598	Report of FSL regarding central inve-van	1619
599	Acknowledgment regarding muddamal received in FSL	1620
600	Acknowledgment regarding muddamal received in FSL	1621
601	Acknowledgment regarding muddamal received in FSL	1622
602	Acknowledgment regarding muddamal received in FSL	1623
603	Acknowledgment regarding muddamal received in FSL	1624
604	Acknowledgment regarding muddamal received in FSL	1625
605	Acknowledgment regarding muddamal received in FSL	1626
606	Acknowledgment regarding muddamal received in FSL	1627
607	Forwarding letter of FSL	1628
608	Report of Physiology Department of FSL	1629
609	Forwarding letter and report of FSL	1630
610	Forwarding letter of FSL	1631
611	Report of FSL	1632
612	Forwarding letter of FSL	1633
613	Report of FSL	1634
614	Forwarding letter of FSL regarding DNA	1635
615	Report of FSL	1636
616	Forwarding letter of FSL	1637
617	Report of FSL	1638
618	Forwarding letter of FSL	1639

Sr. No.	Particulars	Exh. No.
619	Report of FSL	1640
620	Forwarding letter of FSL	1641
621	Report of FSL	1642
622	Report of FSL	1643
623	Report of Serology Department of FSL	1644
624	Letter of FSL regarding opinion in respect of examination	1645

Points for determination Nos.1 to 6

14. Since the points for determination are interconnected and interwoven and since the evidence – both oral as well as documentary, is common and germane to all such points for determination, they are being dealt with simultaneously herein after for the sake of convenience. The submissions/arguments advanced by the State are followed by the submissions made by the concerned Advocates appearing for the concerned accused in defence, submissions made by the learned Advocate appearing for the victims who has been permitted under these exceptional circumstances to make submissions *dehors* and separate from those made by the learned Spl.P.P. and rejoinder of the learned Spl.P.P., are the order of arguments advanced before this Court which in turn are required to be duly considered to decide the fate of the present proceedings.

Judgment continued in Part-II.....

and events both would necessarily require an inference to be drawn that the conspiracy existed and that such senior police officers were members of such conspiracy and that any inaction on their part was on account of execution or prosecution of such conspiracy.

589. The third aspect which the Prosecution has attempted to use as corroborative material, flittingly is the alleged sting operation by a journalist Ashish Khaitan who has been examined as PW-313 herein and who according to Shri Kodekar, has in the course of his testimony, established as to how he (PW-313) was able to successfully carry out a sting operation which establishes and points to a conspiracy arrived at between the three accused i.e. accused No.25 Mangilal Jain, accused No.28 Prahaladji Asori and accused No.30 Madanlal Dhanraj Raval, who were a part of the sting operation carried out by PW-313 which corroborated and established the role of accused No.59 Atul Vaidya, accused No.54 Bharat Teli, accused No.58 Meghsing Roopsing and accused No.57 P.I. Shri K.G.Erda in the offence. It is pointed out that the testimony of such witness is reliable and has withstood the test of cross examination and cannot be discarded and therefore, is an added corroboration to other evidence which points at the conspiracy being hatched which resulted in the present incident. I cannot agree with such aspects

since it is clearly emerging from the arguments of the defence which are reproduced at paragraph Nos.506 onwards herein before in this judgment, which need not be reproduced herein, that the entire transcript of the recordings carried out by PW-313 has not been tendered either to the investigating agency nor has been placed for the benefit and consideration of the Court, but only those aspects deemed relevant by the witness have been placed for the consideration of the Court. The testimony of PW-313 at Exh.1091 is very clear that the witness has clearly admitted that what he has presently deposed in the Court as part of his oral evidence, was never narrated to any of the Investigating Officers who were officers of the S.I.T. appointed by the Hon'ble Supreme Court of India and who (the Officers) have recorded the statement of PW-313 on two occasions. It is submitted that since no such material at length was provided to the IOs, the S.I.T. has not made a thorough investigation into the sting operations and in fact the voice samples and relevant material was handed over to the officers of the CBI who have no role herein and who had played no role in the investigation related to the present offence. In my opinion, therefore, as has been rightly pointed out by Shri Bhardwaj, the witness PW-313 has clearly admitted that the transcript is not a complete transcript of the entire recording produced either before the Court or before the investigating

agencies and I am required to reproduce paragraph No.62 on page No.92 of the cross examination of PW-313, wherein it clearly emerges *inter alia* to the effect that there are a number of dots i.e. "....." in the transcript where material parts of the recordings have not been reproduced in the transcript.

“દર. એ વાત ખરી છે કે, સામાન્ય રીતે કોઈપણ લખાણમાં વાક્ય પુરું થાય ત્યાં પુર્ણ વિરામ મુકવામાં આવે છે અને એક થી વધુ ટપકા કરવામાં આવતા નથી જેથી મેં તૈયાર કરેલ ટ્રાન્સક્રીપ્ટમાં દરેક જવાબમાં બે વાક્ય વચ્ચે જે એક થી વધુ ટપકા કરેલ છે તેનો અર્થ સામાન્ય સંજોગોમાં તે જગ્યાએ બીજું કોઈ વાતચીત હશે તેવો થાય. સાહેબ સ્વેચ્છાએ જણાવે છે કે, મીડીયા માંના લીટરેચરમાં આ પ્રકારે લખાણ થાય છે અને તેથી બે વાક્ય વચ્ચે એક કરતા વધુ ટપકા મેં ટ્રાન્સક્રીપ્ટમાં બતાવેલ છે. એ વાત ખરી છે કે, મેં સીટ સમક્ષ રજૂ કરેલ ટ્રાન્સક્રીપ્ટના લખાણમાં બે વાક્ય વચ્ચે જે એક કરતા વધુ મીડા કરેલા છે તે જણાવેલ નથી અને તેથી વાંચનારને ડોટ ડોટનો અર્થ ખબર પડે નહીં. એ વાત ખરી નથી કે, એક કરતા વધુ મીડી અંગેની મેં જે વાત જણાવી તે મેં ખોટી જણાવી છે. એ વાત ખરી નથી કે, ડોટ ડોટ વાળી જગ્યાએ મેં ચેડા કરેલા છે.”

590. No doubt, the PW-313 has carried out the sting operation upon three of the accused herein, but the material emerging therefrom does not inspire much confidence and it is settled law emerging from the judgments of the Hon'ble Supreme Court delivered in the case of **R.K.Anand v. Registrar, Delhi High Court** as reported in **2009 LawSuit(SC)1191** and **Rajat Prasad v. C.B.I.** as reported in **2014 LawSuit(SC) 337**, that a sting

operation can at the best be good corroborative material against the accused who are "stung" by the operation. It cannot be used against the accused other than such persons who feature in the sting operation, since in my opinion, any material emerging from such sting operation against accused who are not a part of the operation, would constitute to be a statement simplicitor of a co-accused which has no evidentiary value. Again, if we look at the real intention and purpose of the sting operation, the same is clearly to implicate and establish the role of more accused in the alleged greater conspiracy which has been very zealously pursued by some of the victims more particularly Mrs.Zakia Jafri, widow of late Shri Ehsan Jafri. However, all this material in my opinion, was always available with the S.I.T. which was an independent team of investigators set up by the Hon'ble Supreme Court of India and whose investigation was being closely monitored by the Hon'ble Supreme Court of India with utmost regularity. Even such S.I.T. has, as is a matter of record, not made much headway in such investigation, nor is any material brought for consideration of this Court which would establish a larger conspiracy and therefore, the sting operation in my opinion, has no much role to play nor has, in my opinion, any material value in deciding the guilt or otherwise of the accused herein.

591. In my opinion, therefore, such transcript and such recordings cannot be relied upon as trustworthy or substantial evidence to establish any conspiracy herein. In such circumstances, the evidence on the record of the proceedings with regard to the elements of criminal conspiracy is extremely flimsy and cannot be relied upon and I cannot under such circumstances, come to the conclusion that the only inference that can be drawn from such evidence is with regard to the fact of a pre-planned conspiracy being hatched between the accused and it was in execution of such conspiracy that the Gulbarg Society incident has taken place.

592. Having dealt with the aspect as to whether the entire incident at Gulbarg Society was on account of a pre-planned conspiracy on the part of the accused or persons who are not accused in the present proceedings as is claimed by the victims and having answered such question in the negative, I am required to point out as to what was in my opinion, the catalyst which converted an incident where a mob of persons had surrounded a residential locality where largely members of the minority community were residing and were having shops and also their vehicles were being parked in such locality, from merely indulging in acts of stone-throwing, arson and largely speaking attempts to enforce the Bandh

accused No.44.

722. No doubt, accused No.51 is attributed in terms of the testimony of PW-106 more particularly on page No.12 in paragraph No.11 of the testimony to have indulged in firing upon Gulbarg Society together with his brother Lallu (accused No.64 herein) and a bare reading of the said portion of the testimony leaves no room for any doubt that both accused No.51 and his brother Lallu i.e. accused No.64 were indulging in firing. Now other than this aspect emerging from the testimony of PW-106, no other witness examined on the record of the present proceedings has attributed private firing by accused No.51 or his brother Lallu i.e. accused No.64 in the entire gamut of 338 witnesses examined herein. No other witness has positively identified accused Nos.51 and 64 as having indulged in firing upon Gulbarg Society. In fact a closer scrutiny of paragraph No.11 on page No.12 of the testimony of PW-106, clearly establishes that he along with his paternal cousin Sharif, had seen accused No.51 and his brother Lallu i.e. accused No.64 doing the firing. Now the word "firing" is required, in my opinion, to be presumed as "a use of a firearm". It is however, required to be noted that the said Sharif who is sought to be treated as an eye-witness to establish firing and use of firearms by accused Nos.51 and 64, has not been examined as a witness

herein. I am, therefore, of the clear opinion that there is no corroboration to the testimony of PW-106 with regard to the presence and overt act on the part of accused Nos.51 and 64. Again, there is absolutely no material in the shape of oral evidence or documentary evidence which would even remotely establish any inmate, victim, resident or person who had taken shelter in Gulbarg Society, having sustained bullet injuries in private firing. Again, there is no recovery of any bullet casing or any such private firing by any member of the mob. The only casings and material that have been recovered, at the cost of repetition, are empty cartridge shells and bullet casings, ballistically established to have been fired from the licensed weapon further established to be of the ownership of late Shri Ehsan Jafri. Other than such aspect, no evidence is available to this Court for due consideration. Further damaging the Prosecution version and the testimony of PW-106 with regard to the relative merits of and the accuracy of his overall deposition to establish the guilt of accused Nos.51 and 64, is an admission/contradiction emerging from the testimony of the IO Shri J.M.Suthar i.e. PW-335 at Exh.1289, which damages and shatters in my opinion, the Prosecution case and the accuracy of the testimony of PW-106 inasmuch as, it relates to accused Nos.51 and 64. I am required to point out the contradiction emerging from paragraph No.124 of the

deposition of PW-335, more particularly the portion emerging in the concluding part of paragraph No.124 on page No.79 of the deposition where the witness has clearly admitted inter alia to the effect that PW-106 had in his statement before the IO recorded on 14/09/2008, clearly conceded to the fact that he had merely seen accused No.51 and his brother Lallu i.e. accused No.64 as being a part of the mob from the terrace and since the firing was also taking place from that general direction, the witness believed that both accused No.51 and his brother Lallu i.e. accused No.64 were indulging in the firing and it is specifically conceded by the witness PW-106 that he really did not see any weapon in the hand of either accused No.51 or his brother Lallu. In such circumstances, therefore, I cannot, in absence of any cogent corroborative material, find the accused Nos.51 and 64 guilty of such grave charges and hold that the Prosecution has established beyond reasonable doubt the charges against accused Nos.51 and 64 especially when the evidence against accused Nos.51 and 64 also is so flimsy and rests solely on the shaky testimony of PW-106 alone. Again, there is no recovery of any firearm by or at the behest of accused Nos.51 and 64. There is no forensic material or evidence to show that there was such private firing as is claimed which took place upon Gulbarg Society. The circumstance that no inmate or victim or resident of Gulbarg Society has sustained any bullet injury,

clearly establishes that the entire version against accused Nos.51 and 64 is bogus and got-up and is accepted to be raised on a presumption in terms of the statement dated 14/09/2008 admittedly narrated by PW-106 to PW-335 who was the IO appointed post-S.I.T. and in the circumstances, there are grave doubts, the benefit of which must go to the accused Nos.51 and 64, more so when not a single witness other than PW-106 has even remotely mentioned the names of accused Nos.51 and 64 as being the perpetrators herein. There was, even in terms of the testimony of PW-106, another eye-witness who has conveniently not been examined as a witness and in such circumstances also, adverse inference is required to be drawn against the Prosecution which I have done so.

723. Again, I am constrained to note that despite such lengthy and strong defence raised, Shri Kodekar has chosen not to deal with the relative merits of the Prosecution case as against accused Nos.44, 51 and 64 and therefore also, it is required to be inferred that the Prosecution is not able to explain the flaws in the Prosecution version as against these three accused. I am also constrained to note and I am pained to note that it is extremely unfortunate that accused No.64 has been denied bail all throughout and he has remained in custody for seven long years. However, at the cost of repetition, it is required to be noted that

mandatory and in such circumstances, looking to the complexity of the proceedings herein, I am of the clear opinion that it would be difficult to quantify compensation and specify as to which of the accused is required to pay compensation to which of the victims and therefore, in such circumstances, I negate the submission seeking an order directing the accused to pay compensation to the victims.

130. In the circumstances and keeping in mind the law of the land laid down by the Hon'ble Supreme Court in its numerous judgments which have been discussed herein before, and also looking to the fact that the accused, at the cost of repetition, have faced a trauma of this trial for which they have been incarcerated in some cases for more than 10 years and since all the accused have been facing the trauma of this trial for an incident that took place in the year 2002, and also looking to the fact that post enlargement on bail/temporary bail, there has been no complaint of any offence being committed by the accused and also looking to the various factors like age and other mitigating circumstances, I impose the quantum of punishment upon the convicted accused as per following details:-

Order

The **accused No.1 Kailash Lalchand Dhobi** is hereby ordered to undergo imprisonment as specified herein below:-

- 1) **Rigorous imprisonment for life** for the

offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 04 (four) years** for the offence punishable under Sec.307 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

10) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

11) **Rigorous imprisonment for 01 (one)**

year for the offence punishable under Sec.147 of the I.P.C.

12) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.148 of the I.P.C.

13) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.295 of the I.P.C.

14) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

15) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.427 of the I.P.C.

16) **Rigorous imprisonment** for 06 (six) **months** for the offence punishable under Sec.332 of the I.P.C.

17) **Rigorous imprisonment** for 03 (three) **months** for the offence punishable under Sec.337 of the I.P.C.

18) **Rigorous imprisonment** for 03 (three) **months** for the offence punishable under Sec.143 of the I.P.C.

19) **Rigorous imprisonment** for 02 (two) **months** for the offence punishable under Sec.186 of the I.P.C.

20) **Rigorous imprisonment** for 02 (two) **months** for the offence punishable under Sec.447 of the I.P.C.

21) **Simple imprisonment** for 15 (fifteen)

days for the offence punishable under Sec.188 of the I.P.C.

22) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.1 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.2 Yogendrasinh @ Lalo Mohansinh Shekhawat** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.397 of the I.P.C.

4) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.398 of the I.P.C.

5) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment** for **05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six) months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment for 03 (three) months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment for 03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

19) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

20) **Simple imprisonment for 15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

21) **Imprisonment for 06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.2 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.14 Jayeshkumar @ Gabbar Madanlal Jinger** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for life** for the offence punishable under Sec.302 read together with

Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment** for **07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment** for **07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment** for **05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment** for **05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.148 of the

I.P.C.

12) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.295 of the I.P.C.

13) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

14) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.427 of the I.P.C.

15) Rigorous imprisonment for 06 (six) months for the offence punishable under Sec.332 of the I.P.C.

16) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.337 of the I.P.C.

17) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

18) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the

Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.14 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.34 Krishnakumar @ Krishna (son of Champaben)** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for life** for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two)**

years for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment** for 02 (two) **years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment** for 02 (two) **years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

14) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for 06 (six) **months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for 03 (three) **months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for 03 (three)

months for the offence punishable under Sec.143 of the I.P.C.

18) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.34 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.41 Jayesh Ramjibhai Parmar** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six) months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

19) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

20) **Simple imprisonment** for **15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

21) **Imprisonment** for **06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently.

The time spent by the accused No.41 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The accused No.42 Raju @ Mamo Ramavtar Tiwari is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for life** for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of

the I.P.C.

9) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six) months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.186 of

the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.42 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.43 Naran Sitaram Tank @ Naran Channelwalo @ Naran Kodhiyo** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.397 of the I.P.C.

4) Rigorous imprisonment for 07 (seven)

years for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)**

year for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six) months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

19) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

20) **Simple imprisonment** for **15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

21) **Imprisonment** for **06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.43 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.46 Lakhansing @ Lakhiyo Lalubhai Chudasama** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for life** for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

14) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six)** **months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

19) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.46 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.54 Bharat @ Bharat Taili Shitlaprasad** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.397 of the I.P.C.

4) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.398 of the I.P.C.

5) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.201 of

the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.153(A)(1)(a)(b) of the I.P.C.

14) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment for 06 (six) months** for the offence punishable under Sec.332 of

the I.P.C.

16) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.337 of the I.P.C.

17) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

18) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

19) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

20) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

21) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.54 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.55 Bharat Laxmansinh Goud Rajput** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the

offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 10 (ten) years** for the offence punishable under Sec.396 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.324 of the I.P.C.

11) **Rigorous imprisonment for 01 (one)**

year for the offence punishable under Sec.323 of the I.P.C.

12) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.147 of the I.P.C.

13) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.148 of the I.P.C.

14) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.295 of the I.P.C.

15) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

16) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.427 of the I.P.C.

17) **Rigorous imprisonment** for 06 (six) **months** for the offence punishable under Sec.332 of the I.P.C.

18) **Rigorous imprisonment** for 03 (three) **months** for the offence punishable under Sec.337 of the I.P.C.

19) **Rigorous imprisonment** for 03 (three) **months** for the offence punishable under Sec.143 of the I.P.C.

20) **Rigorous imprisonment** for 02 (two) **months** for the offence punishable under Sec.186 of the I.P.C.

21) **Rigorous imprisonment** for 02 (two)

months for the offence punishable under Sec.447 of the I.P.C.

22) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

23) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.55 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.63 Dinesh Prabhudas Sharma** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for life for the offence punishable under Sec.302 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 10 (ten) years for the offence punishable under Sec.396 of the I.P.C.

3) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.397 of the I.P.C.

4) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.398 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.201 of the I.P.C.

6) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

8) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

10) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

11) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

12) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.295 of the I.P.C.

13) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

14) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

15) **Rigorous imprisonment** for **06 (six) months** for the offence punishable under Sec.332 of the I.P.C.

16) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.337 of the I.P.C.

17) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

18) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

19) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

20) **Simple imprisonment** for **15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

21) **Imprisonment** for **06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.63 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.25 Mangilal Dhupchand Jain** is hereby ordered to undergo imprisonment as

specified herein below:-

1) **Rigorous imprisonment** for **10 (ten) years** for the offence punishable under Sec.307 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

3) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.436 of the I.P.C.

5) **Rigorous imprisonment** for **02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.153(A)(1)(a)(b) of the I.P.C.

9) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

12) **Simple imprisonment** for **15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

13) **Imprisonment** for **06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.25 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.3 Surendrasinh @ Vakil Digvijaysinh Chauhan** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment** for **07 (seven) years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **03 (three) years** for the offence punishable under Sec.452 of the I.P.C.

3) **Rigorous imprisonment** for **03 (three)**

years for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

7) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

9) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.3 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.16 Dilip @ Kalu Chaturbhai Parmar** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.435 of the I.P.C.

3) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.452 of the I.P.C.

4) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

5) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

6) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

7) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

8) **Rigorous imprisonment for 03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

10) **Rigorous imprisonment for 02 (two)**

months for the offence punishable under Sec.447 of the I.P.C.

11) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

12) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.16 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.21 Sandip @ Sonu Ghunghruwaalwalo Ramprakash Mehra (Punjabi)** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.435 of the I.P.C.

3) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.147 of the I.P.C.

4) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.148 of the

I.P.C.

5) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

6) **Rigorous imprisonment** for **06 (six) months** for the offence punishable under Sec.332 of the I.P.C.

7) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

8) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

9) **Simple imprisonment** for **15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

10) **Imprisonment** for **06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.21 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.29 Mukesh Pukhraj Sankhla** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment** for **07 (seven) years** for the offence punishable under Sec.396 read

together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.397 of the I.P.C.

3) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.398 of the I.P.C.

4) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.436 of the I.P.C.

5) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

6) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.435 of the I.P.C.

7) **Rigorous imprisonment for 02 (two) years** for the offence punishable under Sec.452 of the I.P.C.

8) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

9) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

10) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

11) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.153(A)(1)

(a)(b) of the I.P.C.

12) Rigorous imprisonment for 03 (three) months for the offence punishable under Sec.143 of the I.P.C.

13) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.186 of the I.P.C.

14) Rigorous imprisonment for 02 (two) months for the offence punishable under Sec.447 of the I.P.C.

15) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.29 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.32 Ambesh Kantilal Jinger** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.449 of the I.P.C.

3) Rigorous imprisonment for 03 (three)

years for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment** for **02 (two)** **years** for the offence punishable under Sec.452 of the I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

12) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

13) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

14) **Imprisonment** for **06 (six)** **months** for

the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.32 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.37 Prakash @ Kali Khengarji Padhiyar** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.147 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

3) **Rigorous imprisonment** for **01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

4) **Rigorous imprisonment** for **06 (six) months** for the offence punishable under Sec.332 of the I.P.C.

5) **Rigorous imprisonment** for **03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

6) **Rigorous imprisonment** for **02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

7) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.37 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.38 Manish Prabhulal Jain** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.435 of the I.P.C.

3) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.452 of the I.P.C.

4) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.427 of the I.P.C.

5) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.147 of the I.P.C.

6) Rigorous imprisonment for 01 (one)

year for the offence punishable under Sec.148 of the I.P.C.

7) **Rigorous imprisonment** for 01 (one) **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

8) **Rigorous imprisonment** for 03 (three) **months** for the offence punishable under Sec.143 of the I.P.C.

9) **Rigorous imprisonment** for 02 (two) **months** for the offence punishable under Sec.447 of the I.P.C.

10) **Rigorous imprisonment** for 02 (two) **months** for the offence punishable under Sec.186 of the I.P.C.

11) **Simple imprisonment** for 15 (fifteen) **days** for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.38 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.47 Dharmesh Prahladbhai Shukla** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment** for 07 (seven) **years** for the offence punishable under Sec.436 read

together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment** for **05 (five)** **years** for the offence punishable under Sec.449 of the I.P.C.

3) **Rigorous imprisonment** for **03 (three)** **years** for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment** for **03 (three)** **years** for the offence punishable under Sec.452 of the I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)**

months for the offence punishable under Sec.186 of the I.P.C.

12) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.47 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.50 Kapil Devnarayan @ Munnabhai Mishra** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.449 of the I.P.C.

3) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.435 of the I.P.C.

4) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.452 of the I.P.C.

5) Rigorous imprisonment for 01 (one) year for the offence punishable under Sec.427 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

12) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.50 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.52 Suresh @ Kali Dahyabhai Dhobi** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.435 of the I.P.C.

3) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.452 of the I.P.C.

4) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

5) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

6) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

7) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

8) **Rigorous imprisonment for 03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

9) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

10) **Rigorous imprisonment for 02 (two)**

months for the offence punishable under Sec.186 of the I.P.C.

11) Simple imprisonment for 15 (fifteen) days for the offence punishable under Sec.188 of the I.P.C.

12) Imprisonment for 06 (six) months for the offence punishable under Sec.135(1) of the Bombay Police Act

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.52 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.59 Atul Indravadan Vaid** is hereby ordered to undergo imprisonment as specified herein below:-

1) Rigorous imprisonment for 07 (seven) years for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) Rigorous imprisonment for 05 (five) years for the offence punishable under Sec.449 of the I.P.C.

3) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.435 of the I.P.C.

4) Rigorous imprisonment for 03 (three) years for the offence punishable under Sec.452 of the I.P.C.

5) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.427 of the I.P.C.

6) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment** for **01 (one)** **year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

9) **Rigorous imprisonment** for **03 (three)** **months** for the offence punishable under Sec.143 of the I.P.C.

10) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.447 of the I.P.C.

11) **Rigorous imprisonment** for **02 (two)** **months** for the offence punishable under Sec.186 of the I.P.C.

12) **Simple imprisonment** for **15 (fifteen)** **days** for the offence punishable under Sec.188 of the I.P.C.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.59 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The **accused No.66 Babu Hastimal Marwadi** is hereby ordered to undergo imprisonment as specified herein below:-

1) **Rigorous imprisonment for 07 (seven) years** for the offence punishable under Sec.436 read together with Sec.149 of the I.P.C.

2) **Rigorous imprisonment for 05 (five) years** for the offence punishable under Sec.449 of the I.P.C.

3) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.435 of the I.P.C.

4) **Rigorous imprisonment for 03 (three) years** for the offence punishable under Sec.452 of the I.P.C.

5) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.427 of the I.P.C.

6) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.147 of the I.P.C.

7) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.148 of the I.P.C.

8) **Rigorous imprisonment for 01 (one) year** for the offence punishable under Sec.153(A)(1) (a)(b) of the I.P.C.

9) **Rigorous imprisonment for 03 (three) months** for the offence punishable under Sec.143 of the I.P.C.

10) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.447 of the I.P.C.

11) **Rigorous imprisonment for 02 (two) months** for the offence punishable under Sec.186 of the I.P.C.

12) **Simple imprisonment for 15 (fifteen) days** for the offence punishable under Sec.188 of the I.P.C.

13) **Imprisonment for 06 (six) months** for the offence punishable under Sec.135(1) of the Bombay Police Act.

It is hereby specifically ordered that all the sentences imposed above shall run concurrently. The time spent by the accused No.66 in judicial custody is ordered to be set off while computing the total quantum of sentences.

The muddamal articles are ordered to be appropriately disposed of after expiry of the appeal period.

Certified copies of this judgment be supplied immediately to all the convicted accused.

A copy of this judgment be also placed

with the record and proceedings of each of the connected Sessions Cases.

Dictated and pronounced in the open Court on this 17th day of June, 2016.

City Sessions Court,
Ahmedabad.

Date: 17/06/2016

(Pranav Bhadramukh Desai)
Special Judge, Designated Court
for speedy trial of riot cases
(Gulbarg Society), Ahmedabad.
Unique ID Code No.GJ00004

*ashwin

.....End of Judgment.

*ashwin

ID	CallType	MobileNo	Dialed or Received No	Duration	CallDateTime	POI	CellLocation	Dialed or Received Name
1	Incoming	9825020333	2009	1	27-feb-2002 12:51:22	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
2	Incoming	9825020333	24201990	27	27-feb-2002 13:03:24	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	Mr. BHARATKUMAR VYAS
3	Incoming	9825020333	9825011668	35	27-feb-2002 13:10:25	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	SUNIL PRAHLADBHAI SEVANI
4	Outgoing	9825020333	792874127	62	27-feb-2002 13:22:11	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	VAIDYA JAYANTILAL HARJIVANDAS
5	Incoming	9825020333	797438277	61	27-feb-2002 13:27:27	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	RAPID TELE SYSTEM
6	Incoming	9825020333	24201990	27	27-feb-2002 13:35:21	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-1	Mr. BHARATKUMAR VYAS
7	Incoming	9825020333	792121202	33	27-feb-2002 13:44:14	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	MAFATLAL INDUSTRIES LTD ; CLOTH SALES OFFICE
8	Incoming	9825020333	7928458830	23	27-feb-2002 13:44:56	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	
9	Incoming	9825020333	7928651590	69	27-feb-2002 13:51:08	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
10	Outgoing	9825020333	792901398	21	27-feb-2002 14:01:38	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	PRAJAPATI CHUNILAL GHISAJI

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11	Outgoing	9825020333	792900320	4	27-feb-2002 14:02:41	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
12	Outgoing	9825020333	792132178	28	27-feb-2002 14:03:08	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	VYAS SURENDRA LAXMISHANKAR
13	Outgoing	9825020333	792840368	38	27-feb-2002 14:04:08	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
14	Outgoing	9825020333	792132178	82	27-feb-2002 14:05:31	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	VYAS SURENDRA LAXMISHANKAR
15	Outgoing	9825020333	792840368	16	27-feb-2002 14:10:06	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
16	Outgoing	9825020333	267242800	50	27-feb-2002 14:11:48	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	COLLECTOR & DIST MAGISTRATEPMS
17	Outgoing	9825020333	792845883	17	27-feb-2002 14:20:30	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
18	Incoming	9825020333	7928458830	44	27-feb-2002 14:32:21	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
19	Incoming	9825020333		29	27-feb-2002 14:38:27	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
20	Incoming	9825020333	2775206430	169	27-feb-2002 14:42:24	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	

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22	Incoming	9825020333	2775206430	62	27-feb-2002 14:51:40	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
23	Incoming	9825020333	9825011668	132	27-feb-2002 14:53:36	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	SUNIL PRAHLADBHAI SEVANI
24	Outgoing	9825020333	796766688	11	27-feb-2002 14:57:43	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	SEVANI BHARATI PRAHLADBHAI
25	Outgoing	9825020333	792172219	42	27-feb-2002 15:00:02	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	PATEL MAHESH M
26	Outgoing	9825020333	792845883	25	27-feb-2002 15:01:36	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
27	Outgoing	9825020333	24222636	54	27-feb-2002 15:03:07	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	
28	Incoming	9825020333	2779202300	72	27-feb-2002 15:08:56	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	
29	Incoming	9825020333	2772438450	124	27-feb-2002 15:11:23	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
30	Incoming	9825020333	2779202300	135	27-feb-2002 15:13:51	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	

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32	Incoming	9825020333	2209400000	78	27-feb-2002 15:24:23	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
33	Incoming	9825020333	9825018625	37	27-feb-2002 15:26:19	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
34	Incoming	9825020333	24201990	18	27-feb-2002 15:28:51	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	Mr. BHARATKUMAR VYAS
35	Incoming	9825020333	792686090	57	27-feb-2002 15:29:56	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
36	Incoming	9825020333	2779226190	31	27-feb-2002 15:31:10	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
37	Incoming	9825020333	2775206430	0	27-feb-2002 15:31:46	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	
38	Incoming	9825020333	2775206430	31	27-feb-2002 15:32:12	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
39	Incoming	9825020333	9825011668	70	27-feb-2002 15:33:28	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	SUNIL PRAHLADBHAI SEVANI
40	Incoming	9825020333	793632368	68	27-feb-2002 15:34:43	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	

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42	Incoming	9825020333	792686090	1	27-feb-2002 15:42:32	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	
43	Incoming	9825020333	2779226190	7	27-feb-2002 15:43:41	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
44	Incoming	9825020333	792686016	30	27-feb-2002 15:44:47	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
45	Incoming	9825020333	796406178	25	27-feb-2002 15:45:21	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	PRESIDENT JANPATH
46	Incoming	9825020333	275861791	34	27-feb-2002 15:48:08	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	
47	Incoming	9825020333	792704485	51	27-feb-2002 16:01:06	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-3	
48	Incoming	9825020333	2775206330	54	27-feb-2002 16:02:00	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	
49	Incoming	9825020333	792819823	17	27-feb-2002 16:17:30	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
50	Incoming	9825020333	2778551900	18	27-feb-2002 16:17:56	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	

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52	Incoming	9825020333	277836834	51	27-feb-2002 16:23:54	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
53	Incoming	9825020333	7928458830	43	27-feb-2002 16:25:04	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
54	Incoming	9825020333	9825165823	39	27-feb-2002 16:26:49	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
55	Incoming	9825020333	9825064795	22	27-feb-2002 16:27:46	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	HASMUKHBHAI THAKERSHIBHAI PATEL
56	Incoming	9825020333	796766688	24	27-feb-2002 16:30:11	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	SEVANI BHARATI PRAHLADBHAI
57	Incoming	9825020333	277836834	14	27-feb-2002 16:32:36	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
58	Incoming	9825020333	2775206470	5	27-feb-2002 16:38:01	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	
59	Incoming	9825020333	9825020234	13	27-feb-2002 17:05:12	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-2	DR. HITESHKUMAR SHAMBHUBHAI RAMANUJ
60	Incoming	9825020333	2775210090	7	27-feb-2002 18:00:19	GODHRA	B.N.Chamber,Nr.Lala Baugh Bus Stand,GODHRA-4	

Commission of Inquiry

(Godhra and post Godhra riots in Gujarat)

Consisting of

Mr. Justice G.T. Nanavati (Chairman)

And

Mr. Justice Akshay H. Mehta (Member)

Report

(PART – II)

Communal Riots in Gujarat after
the Godhra Incident

VOLUME-9

Findings & Recommendations

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State : Gujarat

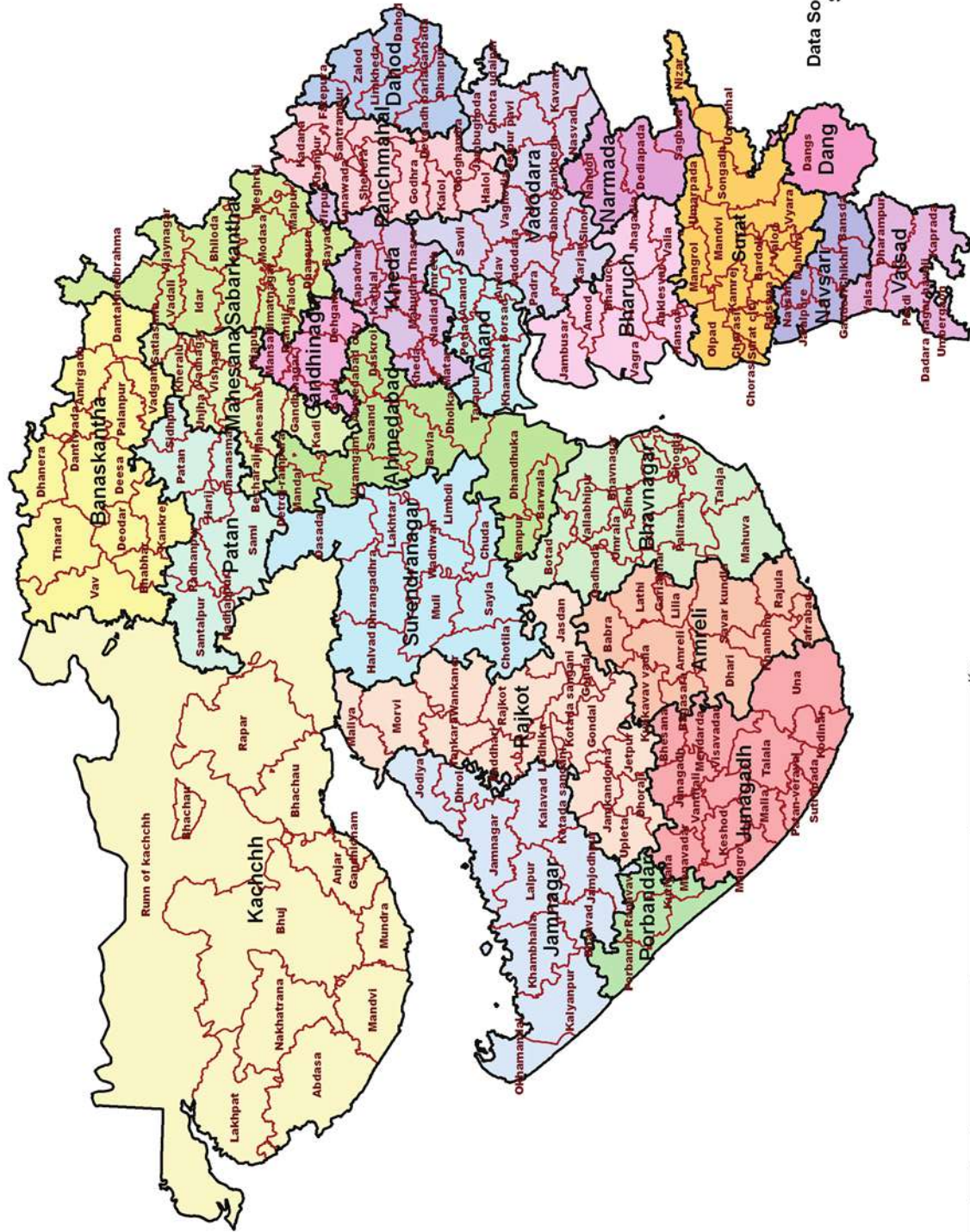
Draft Copy

For official use only



Legend

- District Boundary
 Taluka Boundary



Data Source :
Settlement Commissionerate

Prepared By :-



VOLUME No. 9**Findings/Conclusions**

1. In earlier Volumes (Nos. 2 to 7) of this report, we have referred to and considered district-wise the material relating to the incidents which happened in those districts of the State and recorded findings about how many incidents happened in each district, when where and how they happened and certain other aspects like pattern etc. The Commission has already observed earlier and would like to state again that, in respect of some incidents, no more details are available and therefore it is not possible to ascertain exactly when and under what circumstances those incidents happened. Some incidents were not reported on the days on which they happened because of curfew in those areas or because they happened in villages and police came to know about them only when they visited those villages or because the persons affected had temporarily moved to a different place. The offences in relation to those incidents were registered on the days on which they were reported at the concerned police stations. However, in the statements relating to the incidents/offences and while narrating those incidents, the Commission has shown them, where ever it was possible, as having happened on the days on which according to the available material they appear to have happened to clearly indicate the extent of violence on that day. While recording the findings, we have also considered other evidence consisting of statements and depositions of witnesses, who have spoken generally about the incidents which happened within their districts. In volume No.8 we have referred to the other material relevant for determination of adequacy or otherwise of the steps taken by the Government and its officers, defaults if any committed by them and involvement of other persons or organizations in the riots. We now proceed to record in this volume, our findings on the points of reference made to this Commission, on overall consideration of the entire evidence.
2. One more fact which requires some clarification at this stage, is about the exact number of incidents which happened in the State between 27.2.2002 and 31.5.2002. In all 4147 offences relating to the post Godhra violence were registered at different police stations of the State. This figure however, does not correctly show the actual number of incidents, as in some cases a common complaint was recorded in respect of

more than one incident. It mostly happened in respect of the incidents which happened in villages. Those incidents came to the notice of the police when they visited those villages. They lodged complaints after returning to their police stations in some cases. It also happened in towns and cities, as the police had to run from one place of the incident to another, on coming to know about gathering of mobs or happening of incidents there and had to remain at those places for quite some time. On some days the incidents happened in quick succession and that made it almost impossible for the concerned policemen to go back to their police stations and lodge a separate complaint for each incident soon after it happened. Therefore, a common complaint was filed in respect of all the incidents which happened during a certain period of time i.e. between certain hours, the time taken by the police to go back to the police station and lodge a report about those incidents. There were some incidents which were really not incidents of communal violence. They happened because of the '*Gujarat bandh*' call for 28.2.2002. Seeing vehicles plying on roads or shops and hotels remaining open inspite of the '*bandh*' call, mobs interested in enforcing the '*bandh*' attacked them irrespective of the community to which they belonged. In some cases, properties of Hindus including their vehicles were attacked and damaged or looted by Hindu mobs. Some Government vehicles were also damaged. They were thus not communal incidents. As all that happened because of the Godhra incident they were regarded by the police as post Godhra communal incidents. On the whole, it can be stated that about 4200 to 4300 incidents of communal violence happened in the State as an aftermath of the Godhra incident.

3. For understanding why and to what extent different areas of the State were affected by the communal violence because of the Godhra incident, it is also relevant to note that out of 59 persons who died in the Godhra incident, 33 persons belonged to Ahmedabad and 6 persons belonged to Anand district. One person belonged to Vadodara district, one person belonged to Panchmahals district and one person belonged to Dahod district. Thus, 42 persons out of 59 persons belonged to Central Gujarat districts. The Godhra incident happened in Central Gujarat. Amongst the other dead, there were 5 persons of North Gujarat (3 of Mehsana and 2 of Sabarkantha), 2 persons of Surat (originally of U.P.) and 1 person of Rajkot district. There were two persons of Uttar Pradesh. Dead bodies of 7 persons could not be identified. Almost

60% of the incidents (2486 out of total of 4147) happened in Central Gujarat and resulted into deaths of 850 persons out of the total of 1025 dead. Amongst them 691 persons died in the incidents of violence and 159 persons died in police firing.

Datewise consideration of the incidents and conclusions.

4. It is evident from the material on record, that on 27.2.2002, news about the Godhra incident spread throughout Gujarat in view of repeated telecast of news and pictures of the Godhra incident by the electronic media and also the print media which had published additional issues of their newspapers showing pictures of the Godhra incident and stating details about the incident. Wide publicity of the Godhra incident led to development of tense atmosphere throughout the State. The nature of the Godhra incident, wide publicity given to it, and rumours relating to that incident created a very tense atmosphere in many parts of the State and it was feared that they might lead to communal riots in the State. So the district authorities took the usual precautionary steps to prevent such incidents. Yet, such incidents did take place on that day. On 27.2.2002, there were incidents in 10 out of 25 districts of the State. There was no incident in South Gujarat districts except in Surat city, where 3 stray incidents happened. There was no such incident in Kachchha and other districts of Saurashtra region. In North Gujarat, there were some incidents in the districts of Gandhinagar, Mehsana and Sabarkantha. In Gandhinagar and Mehsana districts only one incident happened in each of those districts. There was no incident in the districts of Patan and Banaskantha. In Sabarkantha district there were 8 incidents. In Central Gujarat there were 41 incidents. In the districts of Ahmedabad, Kheda, Panchmahals, Dahod and Vadodara there were 29, 3, 4, 3 and 2 incidents respectively. In all 54 incidents happened on that day. Out of 41 incidents in Central Gujarat, 29 incidents happened in Ahmedabad district (28 in Ahmedabad city and 1 in Ahmedabad rural area). In Ahmedabad city, they were in the areas of 14 out of 30 police stations. No incident happened in Naranpura, Ghatlodiya, Shahpur, Karanj, Madhupura, Kalupur, Shaher Kotda, Khadia, Gayekwad Haveli, Dariapur, Sardarnagar, Gomtipur, Vatva, Vatva GIDC, Maninagar and Kagdapith police station areas. In the areas where the incidents happened, they were stray and few. There were 4 incidents in Ellis-bridge area. Each of Satellite, Bapunagar and Odhav police stations recorded 3 offences. In other areas, the number of incidents were 2 or 1 only. In the incidents which happened

on 27.2.2002, 3 persons were killed. All those 3 deaths were in Ahmedabad city. The incidents were few and sporadic. Agitated persons formed the mobs and those mobs acted on their own. The police dealt with the situation and the rioting mobs quite effectively.

5. There was more publicity of the Godhra incident on 28.2.2002 by the electronic and print media. The newspapers published pictures of the burning coach and the dead bodies and also gave details, including versions of the passengers, regarding the Godhra incident. The material clearly discloses that the Hindus at various places in the State became highly agitated and formed mobs which thereafter indulged in rioting and arson. On that day there were about 1008 incidents of communal violence. As a result of these incidents, 297 persons, including those who died in police firing, lost their lives.
6. In spite of the tense atmosphere in the State and huge increase in violence in other parts of the State, the districts of South Gujarat, except Surat and Bharuch cities, remained comparatively peaceful. No incident happened on that day in the district of Dang. In Valsad district there were two incidents and they happened within the area of Vapi GIDC Police Station only. Both those incidents actually happened because of the '*bandh*' call. In one incident, the bus belonging to the State Transport and another bus belonging to a Hindu were attacked as they were seen plying on the road. In the second incident, a truck was attacked for the same reason. In Navsari district, there were six incidents. Out of them 4 incidents happened in Navsari town. One incident happened in the area falling under Navsari Rural Police Station and one incident happened in the area falling under Jalalpore Police Station. There was no incident on that day in the areas falling under 4 other police stations. Amongst the incidents, in Navsari town, one was by way of an attack on a Muslim by some Hindus. Another was an attack by some Muslims on two Hindus. The third incident was an attack by 3 persons on 2 police constables and the fourth incident was an attack on a slum colony with stones in which one Punabhai of the colony was injured. In the incident which happened in Navsari Rural area, closed house of a Muslim was set on fire by some persons. In the incident which happened in village Vijalpur of Jalalpore taluka, a mob of Hindus caused damage to 8 shops and 1 house of Muslims. They were small and isolated incidents.

7. In Surat city, there were 22 incidents in the areas falling under 11 police stations. The areas falling under 3 police stations remained quiet. Number of incidents in each police station area was 1, 2 or 3. Two persons were killed in the incidents which happened in Salabatpura and Rander. The incidents happened at different times. They started from the morning and continued till mid-night. Except in 2 incidents, number of persons involved was small. In one incident, a mob of about 500 Muslims attacked the police and in one case, a mob of about 100 Hindus attacked properties of Muslims. On the whole the violence in this district was sporadic and on a small scale. In Narmada district, there were 5 incidents on that day. Two incidents happened in the area falling under Rajpipla police station, 2 in the area falling under Kevadia police station and 1 in the area falling under Garudeshwar police station. They were small and stray incidents. There was no incident in the areas falling under 3 other police stations. The violence was confined to only one taluka viz. Nandod (Rajpipla) out of 4 talukas of the district. In those incidents, there was no loss of life nor anyone was injured.
8. In Bharuch district, 17 incidents happened on that day. The communal riots were confined to Bharuch and Ankleshwar talukas only, out of its 8 talukas. There were 6 incidents in Bharuch city and 11 incidents in Ankleshwar GIDC area. Police station wise the violence was confined to the areas of 3 police stations only out of its 18 police stations. In one incident in Bharuch city one Muslim was killed. In another incident, a mob of Muslims assaulted one Hindu and caused injuries to him. In Ankleshwar GIDC area, violence started from afternoon and properties belonging to Muslims were attacked. One incident which happened in the morning at about 10.00 a.m. was probably because of the '*bandh*' call. As the '*bandh*' was not observed, a Hindu mob damaged a showroom of a Hindu.
9. In South Gujarat, in all there were 52 incidents on 28.2.2002 and because of those incidents, 3 persons lost their lives, (2 in Surat city and 1 in Bharuch city). Thus the South Gujarat area was not much affected by communal violence on that day and the police appears to have maintained the '*bandobast*' reasonably well. There is no evidence indicating any instigation or participation by any political party or religious organization.

10. On 28.2.2002, the Central Gujarat was affected more by communal violence than any other part of the State. In all 560 incidents happened in this area. Maximum number of incidents (388) happened in Ahmedabad District followed by Vadodara District where 88 incidents took place. The lowest number of incidents (12) were in Anand District. Number of incidents in Kheda, Dahod and Panchmahals districts were 22, 24 and 26 respectively.
11. In Vadodara district, as a reaction to the Godhra incident, though 88 incidents are stated to have happened on 28.2.2002, it is probable that there were more incidents particularly in Vadodara City. In respect of 53 incidents which happened in Vadodara City sometime between 28.2.2002 and 9.3.2002, no definite evidence is available to show on which days they happened. Some of them very probably happened on 28.2.2002. Highest number of incidents (18) happened within the area of Panigate police station. There were 9 incidents in Fatehganj and 8 incidents in City police station areas. In Karelibag, J.P.Road and Makarpura police stations, 7 offences were registered at each of these police stations. There were 5 incidents in Vadi police station area and 5 incidents in Chhani police station area. In the area falling under Gorva police station, only 3 incidents happened and there were 2 incidents each in the areas of Navapura, Raopura and Sayajiganj police stations. Thus there were 76 incidents in the city area of Vadodara. In 2 incidents which happened in Panigate area, 2 Muslims were killed. In 2 incidents, the Muslim mobs had indulged in rioting and in one incident, Hindu and Muslim mobs had indulged in rioting by attacking each other. Five incidents happened in Vadi area but they were stray incidents. Most of these incidents happened at night. In the City police station area, in one incident which happened at night, one Muslim was killed. In one incident, Hindu and Muslim mobs threw stones at each other and indulged in rioting. In Karelibag area, one Muslim was killed on that day. In one incident which happened at night, mobs of Hindus and Muslims indulged in rioting by throwing stones at each other. In Navapura area, a Muslim mob attempted to indulge in rioting and attacked the police with stones. The incidents which happened in J.P.Road police station area were stray and small. In Makarpura police station area in one incident which happened at night, 3 Muslims died because of suffocation as the godown in which they were present was set on fire. In another incident which happened at night, one Muslim was killed by a small group

of 3 persons. In Raopura area there were only 2 small incidents of damaging shops of Muslims. In Jawaharnagar police station area also there were only small incidents. Out of 9 incidents which happened in Fatehganj area, in one case S.T.bus and in 3 other cases, luxury buses were damaged probably because of the '*bandh*' call. In one case, a Muslim mob wanted to indulge in rioting and arson but it was prevented by the police. In other incidents some shops of Muslims were attacked. In Chhani area, Hindu mobs attacked shops and houses of Muslims and caused some damage to them. In Gorva area also in 3 incidents, shops and hand-carts of the Muslims were attacked and damaged. The way the incidents happened in the city indicates that the violence erupted as a reaction to the Godhra incident and not because they were instigated by any political leader or organization. The evidence discloses that the police force in the city was on duty for almost twenty four hours and had to run from one place to another to disperse the mobs.

12. In other parts of Vadodara district i.e. Vadodara rural district, there were 12 incidents. They happened in Vadodara, Padara, Savali, Vaghodia and Chhota Udepur talukas. In other 7 talukas viz. Karjan, Sinor, Dabhoi, Sankheda, Nasvadi, Kwant and Jetpur-pavi, no incident of communal violence took place on that day. The areas of 10 out of 18 police stations were not affected. There were 2 incidents in Vadodara taluka, 2 incidents in Padra taluka, 4 incidents in Savli taluka, 2 incidents in Vaghodia taluka and one incident in Chhota Udepur taluka. Most of the offences happened in villages. There was no death because of the incidents on that day.
13. Communal violence started in Anand District with an incident in village Bhadraniya falling under Bhadrans Police Station of Borsad Taluka, on the night between 27.2.2002 and 28.2.2002. Though six Kar Sevikas of village Roon of Sojitra Taluka of the District, had died in the Godhra incident, this District remained comparatively peaceful on that day. There were 12 incidents in this District - 7 in Anand Taluka, 1 in Petlad Taluka, 1 in Anklav Taluka and 3 in Sojitra Taluka. There was no incident in Umreth, Khambhat and Tarapur Talukas. No incident happened in the areas falling under 9 out of its 18 Police Stations. No serious incident happened on that day in this District.

14. In Kheda District there were 22 incidents on that day. The communal violence spread to 7 out of its 10 Talukas. It was in the areas of 11 out of 17 Police Stations. Maximum number of incidents (7) happened in Nadiad Taluka. There were 4 incidents in Mehmadaavad Taluka. Mahudha and Balasinor Talukas had 3 incidents each. There were 2 incidents in each of Matar and Thasra Talukas. There was no incident in 3 Talukas (Kheda, Kathlal and Virpur). In Nadiad town one Salimbhai was killed on that day. Two Muslims were killed in police firing. One Mustufa Miya died in the incident which happened in Mahudha town.
15. In Dahod District there were 24 incidents of communal violence on that day. The area most affected in this District was Limkheda Taluka where 12 incidents happened. There were 6 incidents in Dahod Taluka and 2 incidents in each of the remaining 3 Talukas (Devgadh Bariya, Zalod and Fatehpura). There was no incident in Garbada and Ghangur Talukas. In Zalod Taluka no incident happened in the area falling under Zalod Police Station but 2 incidents happened in the area falling under Limbdi Police Station. In respect of some incidents which happened between 27.2.2002 and 5.3.2002 no definite material is available to show exactly on which day they happened. One Pujaben Deshpande of this District was burnt alive in the Godhra incident. Soon after the funeral in Dahod Town, a big mob collected and then caused damage to some shops and vehicles of Muslims. In village Jekot falling under Dahod Rural Police Station 2 Muslims were killed on that day. In village Bondibar of Limkheda Taluka 2 Muslims were killed. In incidents which probably happened on 28.2.2002 but in respect of which complaints were filed later, 3 more Muslims lost their lives.
16. In Panchmahals District there were 26 incidents. They happened in 9 out of its 11 Talukas. They were spread over the areas of 11 out of 13 Police Stations. The Talukas which were not affected were Jambughoda and Kadana. There were 5 incidents in Kalol taluka and 5 in Lunawada Taluka. There were 3 incidents in Halol Taluka and 3 in Ghoghamba taluka. Khanpur and Santram Talukas had 2 incidents each. There were 4 incidents in Godhra Taluka. There was one incident in Sehra Taluka and one incident in Morva Taluka. Out of 4 incidents which happened in Godhra Taluka, in one incident a Muslim mob attacked shops of Hindus. One serious incident which happened in Kalol Taluka, about 3 kmts. away from Derol Railway Station. Some Muslims who wanted to go to village Pandu after getting down at Derol Railway

Station were about to be attacked by a Hindu mob. One Bhailalbhai Chandubhai was however able to stop the mob from attacking them. Thereupon the Muslim men and women started running towards Narmada Canal. There another mob of about 1000 to 1500 persons of nearby villages assaulted the Muslims. In that incident 10 persons were killed including 4 women who were raped. In another incident of that taluka 3 Muslims were killed. In one incident in Ghoghamba taluka one Muslim was killed. In Khanpur Taluka one Adivasi was killed by a Muslim mob.

17. In all these four districts - Anand, Kheda, Panchmahals and Dahod, people reacted on their own. Angry persons constituting the mobs, indulged in rioting, most of the time when the police was not present. When the police was present or reached those places, they did take steps that were possible under the circumstances, to prevent the mobs from doing violence.
18. On 28.2.2002 there were 370 incidents in the city of Ahmedabad and there were 18 incidents in the rural part of Ahmedabad district. The incidents happened in all the areas of Ahmedabad city but different parts of Ahmedabad were affected by communal violence differently. Whereas the number of incidents in the areas like Karanj, Sabarmati, Kalupur, Shaher Kotda, Khadia, Gayekwad Haveli, Dariyapur, Sardarnagar, Gomtipur, Amraiwadi and Vatva GIDC were 5 or less than 5. In areas of Navrangpura, Madhupura and Naroda, the incidents were 35, 69 and 83 respectively. In other areas the number of incidents were between 6 and 16. On 28.2.2002 the communal violence spread to all the areas of Ahmedabad city. The intensity of violence was more in Naranpura, Madhupura, Vatva and Naroda areas. There was one incident in Karanj area. There were 2 incidents in Kalupur area, 2 incidents in Khadia and 2 in Sardarnagar area. There were 3 incidents in Sabarmati area and 3 in Amraivadi area. In Vejalpur, Ellis-bridge, Ghatlodiya, Sola, Shahpur, Shaher Kotda, Gayekwad Haveli, Dariapur, Shahibag, Rakhial, Odhav, Vatva GIDC, Maninagar, Dani Limda and Meghaninagar areas, the number of incidents were between 4 and 10. There were 11 incidents in Bapunagar area. Satellite, Naranpura and Kagdapith areas had 13 incidents each. The number of offences registered at Navrangpura, Madhupura, Vatva and Naroda police stations, in respect of incidents which happened on 28.2.2002 were 35, 69, 16 and 83. However, the number of incidents which happened in Naroda area were actually less as number of FIRs were registered in respect of the

same incident. As regards the incident which happened near Nurani Masjid and which lasted for some hours, as many as 48 FIRs were registered. For the incidents which happened at Dipnagar on Kathwada road of Nava Naroda area, 8 separate FIRs were registered. In respect of the incident which happened in Naroda Gam area, there were 5 FIRs. Small mobs started collecting on the roads from morning. Some incidents happened in the morning because of the '*Gujarat bandh call*' given by VHP. Later on Muslims and their properties came to be attacked. At some places, Muslim mobs also indulged in rioting. There was however less violence in the areas which were earlier considered communally sensitive. Three serious incidents happened on that day. One was in Meghaninagar and other 2 were in Naroda area. In Meghaninagar the mobs had started collecting since the morning and some shops of Muslims were attacked. By about 10 o'clock mobs started gathering near Gulberg Society which was mainly inhabited by Muslims. Some time between 2.30 and 2.45 p.m., the said society was attacked firstly from behind and then from the front. In that incident, 39 Muslims were killed. In Naroda area, one Bholiben was killed by a Muslim mob by about 10 o'clock. At about 10.30 a.m. one Ranjitsing was also killed by a Muslim mob. Hindu and Muslim mobs were collected near Nurani Masjid in Naroda Patia area. Thereafter, one Hindu was killed by a Muslim driver who drove his truck through the Hindu mob. One Hindu boy was dragged and taken in Muslim area behind Nurani Masjid. He was killed and his body was thrown near the place where the Hindu mob was standing. Thereafter, the Hindu mob became more violent and started attacking the properties of Muslims. The incident went on till evening and in that incident 82 Muslims were killed. In the incident which happened in Naroda Gam area, some houses of Muslims were set ablaze and because of the fire, 8 Muslims lost their lives. That incident happened between 12.00 hours and 14.00 hours. On 28.2.2002, 182 persons lost their lives, 3 persons (Hindus) died in Satellite area, 3 persons (Hindus) died in Ellis-bridge area, 1 person (Muslim) died in Sola area, 2 persons (1 Hindu 1 Muslim) died in Madhupura area, 1 person (Muslim) died in Shahpur area, 4 persons (Hindus) died in Shaher Kotda area, 2 persons (1 Hindu 1 Muslim) died in Dariapur area, 1 person (Muslim) died in Shahibag area, 97 persons (7 Hindus 90 Muslims) died in Naroda area, 44 persons (5 Hindus 39 Muslims) died in Meghaninagar area, 2 persons (Muslims) died in Gomtipur area, 8 persons (2 Hindus 6 Muslims) died in Rakhial area, 5 persons (3 Hindus 2 Muslims) died in Bapunagar area, 4 persons (1 Hindu 3

Muslims) died in Kagdapith area, 3 persons (1 Hindu 2 Muslims) died in Dani Limda area, 1 person (Muslim) died in Maninagar area and 1 person (Muslim) died in Vatva area. In police firing, 1 Muslim died in Shahpur area, 2 Hindus died in Shaher Kotda area, 1 Hindu and 1 Muslim died in Dariapur area, 1 Hindu and 1 Muslim died in Naroda area, 4 Hindus died in Meghaninagar area, 2 Muslims died in Gomtipur area, 1 Muslim died in Rakhial area and 1 Hindu died in Bapunagar area.

19. As stated earlier large mobs of both the communities indulged in rioting and arson aggressively and for a long time. The outnumbered policemen had to face attacks with stones and other missiles from mobs of both the communities. Small mobs started collecting on roads from the morning of 28.2.2002. Some incidents happened in the morning because of the '*Gujarat bandh call*' given by VHP. Later on Muslims and their properties came to be attacked. At some places, Muslim mobs also indulged in retaliatory rioting. There was however less violence in the areas which were earlier considered communally sensitive. Three serious incidents happened on that day. One was in Meghaninagar and other 2 were in Naroda area. In Meghaninagar the mobs had started collecting since the morning and some shops of Muslims were attacked. By about 10 o'clock mobs started gathering near Gulberg Society which was mainly inhabited by Muslims. Sometime between 2.30 and 2.45 p.m., the said society was attacked firstly from behind and then from the front. In that incident, 39 Muslims were killed and 5 (4 Hindus and 1 Muslim) died in police firing. In Naroda area, one Bholiben was killed by a Muslim mob by about 10 o'clock. At about 10.30 a.m. one Ranjitsing was dragged and taken in Muslim area behind Nurani Masjid. He was killed and his body was thrown near the place where the Hindu mob was standing. Hindu and Muslim mobs collected near Nurani Masjid in Naroda Patia area. Then, one Hindu (Naresh Patel) was killed and a scooter driver was knocked down by a Muslim who drove his truck through the Hindu mob. Thereafter, the Hindu mob became more violent and started attacking Muslims and their properties. The incident went on till evening and in that incident 84 Muslims were killed. In the incident which happened in Naroda Gam area, some houses of Muslims were set ablaze and because of the fire, 8 Muslims lost their lives. That incident happened between 12.00 hours and 14.00 hours.

20. As a result of the incidents which happened on 28.2.2002, in Ahmedabad city, 209 persons lost their lives including those who died in police firing. Area wise 3 persons (Hindus) died in Satellite area, 3 persons (Hindus) died in Ellis-bridge area, 1 person (Muslim) in Sola, 2 persons (1 Hindu and 1 Muslim) in Madhupura, 1 person (Muslim) in Shahpur, 5 persons (Hindus) in Shaher Kotda, 2 persons (1 Hindu and 1 Muslim) in Dariapur, 1 person (Muslim) in Shahibag, 97 persons (7 Hindus and 90 Muslims) in Naroda, 44 persons (5 Hindus and 39 Muslims) in Meghaninagar, 2 persons (Muslims) in Gomtipur, 24 persons (3 Hindus and 21 Muslims) in Rakhial, 10 persons (7 Hindus and 3 Muslims) in Bapunagar, 5 persons (1 Hindu and 4 Muslims) in Kagdapith, 3 persons (1 Hindu 2 Muslims) in Dani Limda, 1 person (Muslim) in Maninagar and 5 persons (Muslims) in Vatva area.
21. In police firing, 1 Muslim died in Shahpur area, 2 Hindus died in Shaher Kotda, 1 Hindu and 1 Muslim died in Dariapur, 1 Hindu and 1 Muslim died in Naroda, 4 Hindus died in Meghaninagar, 2 Muslims died in Gomtipur, 1 Muslim died in Rakhial and 1 Hindu died in Bapunagar.
22. On 28.2.2002 there were 18 incidents in the rural area of Ahmedabad district. There were 7 incidents in Sarkhej and 4 incidents in Sanand. There were 2 incidents in Kanbha area. Aslali, Viramgam, Mandal, Detroj and Bavla areas had one incident each. There was no incident in Dholka and Dholera areas. The number of deaths were 11. One serious incident happened on that day in the area of Sarkhej police station. In that incident (CR No. 58/2002), 5 Muslims were killed. In Viramgam town, a Muslim mob attacked the police and in police firing made in self defense, 1 Muslim died. As a result of rioting by Hindu and Muslim mobs, 4 Muslims lost their lives.
23. The extent of violence and the manner in which it happened on 28.2.2002, clearly indicates that large number of Hindus became very angry because of what happened at Godhra on that day. The anger together with hatred and resentment towards Muslims developed as a result of past events drove those sections of Hindus to attack Muslims and their properties. They do not appear to have acted in that manner because of any inducement or instigation by others or because of any assurance or belief that police or the Government will not take any action against them for their violent acts. The mobs were defiant. They were prepared to defy law and the policemen. They were out to

punish the Muslims for what happened to Hindus at Godhra on the previous day. Unfortunately and unjustifiably they punished innocent Muslims who had nothing to do with the Godhra incident. At some places the mobs behaved in a shameful and brutal manner. The police force was inadequate to deal effectively with the situation and the mobs could not be prevented from committing violent acts, sometimes even in their presence. Mobs were large and more aggressive and violent and policemen were not enough in number.

24. In 560 incidents which happened in Central Gujarat districts, on 28.2.2002, 255 persons lost their lives, 209 deaths took place in Ahmedabad city and 11 deaths took place in Ahmedabad rural area. The deaths in Vadodara district were 6, in Kheda district 4, in Panchmahals district 15, in Anand district 1 and in Dahod district 9. In all 1008 incidents happened in the State on that day and as a result of those incidents, 297 persons lost their lives.
25. In North Gujarat, in Gandhinagar district there were incidents in 3 out of its 4 talukas. There was no incident in Mansa taluka on that day. There were 10 incidents in Gandhinagar taluka, 8 incidents in Kalol taluka and 5 incidents in Dehgam taluka. These incidents were spread over areas of 9 out of its 10 police stations. In one incident, a Hindu mob attacked a truck of a Hindu as it was seen moving on the highway inspite of the '*bandh*' call. In another incident which happened on the night of 28th, a mob of Hindus stopped the truck, set it on fire and threw the Muslim driver and his assistant in the burning truck. A Hindu who had hired that truck and was travelling in the truck was also thrown into the burning truck. The driver died, but the assistant and the Hindu hirer were able to save themselves by running away from there.
26. In Mehsana district, there were 41 incidents spread over the areas of 10 out of its 14 police stations. The communal riots were in 7 out of its 9 talukas. There was no incident in Vadnagar and Satalasan talukas. In Visnagar taluka, there were 16 incidents and in Mehsana taluka there were 10 incidents. There was only one incident in Becharaji taluka and 2 incidents in Vijapur taluka. There were 4 incidents in Unjha taluka and 6 incidents in Kadi taluka. In village Umta of Visnagar taluka, a mob of 50 Muslims attacked one Pralhadbhai and his family members and that incident thereafter

led to a serious incident in which 3 Muslims were killed and 50 houses of Muslims were burnt. In another serious incident in Visnagar town, 4 Muslims and 1 Hindu were killed. In one more incident in Visnagar town which happened near Dipda Darwaja, 12 to 13 houses of Muslims were burnt and 11 Muslims were killed. One Muslim was killed on that day in the area falling under Unjha police station. In all there were 19 deaths in this district on 28.2.2002.

27. In Patan district, on 28.2.2002, there were 11 incidents. They happened in Patan, Harij, Sami and Chanasma talukas. There was no incident in Sidhpur, Radhanpur and Santalpur talukas. The incidents happened in the areas of 5 out of its 11 police stations. Five incidents happened in Chanasma taluka and 4 incidents happened in Patan taluka. There was only one incident in Harij taluka and one in Sami taluka. In one incident which happened in Patan town, a Muslim was killed by a mob of about 50 persons. In one incident, a small mob of Muslims attacked one Hindu in Chanasma town.
28. In Banaskantha district 18 incidents happened on that day. They were in Palanpur, Danta, Disa, Dhanera, Kankrej and Bhabhar talukas. There was no communal violence in Vadgam, Tharad, Vav, Dantivada, Diyodar and Amirgadh talukas. The incidents were in the areas falling under 9 out of its 22 police stations. Maximum number of incidents (5) were in the area falling under Dhanera police station. There was only one incident in each of the other 5 police stations. In one incident which happened in Disa one S.T. bus was set on fire as it was found lying on the road inspite of the '*bandh*' call. There were 2 deaths in this district because of the incidents.
29. All the 10 Talukas and areas of all the 19 Police Stations of Sabarkantha district were affected by communal riots. There were 157 incidents in the District on that day. The highest number of incidents (43) happened in Bhiloda Taluka. There were 26 incidents in Idar Taluka. In Himatnagar, Prantij, Khedbrahma, Modasa and Vijaynagar Talukas the incidents were 16, 15, 14, 14 and 11 respectively. Communal violence was less in Meghraj, Malpur and Bayad Talukas with 4, 5 and 9 incidents respectively. Large number of incidents were of looting and damaging shops of Muslims. In an incident which happened in village Vadvasa of Prantij Taluka one Muslim was killed and 2 Muslims were injured who died later on because of the injuries. In village Salal of that

Taluka one Muslim woman was killed as she could not leave her house alongwith other members who ran away and took shelter in the house of one Hindu. One Muslim was killed in Prantij Town at about 23.00 hours. In village Medh of Ider Taluka one Muslim was killed by a Hindu mob. In Khedbrahma Town, husband of Hamidaben was killed and some injuries were caused to her. After the funeral procession of Kar Sevak Khimjibhai who had died in the Godhra incident, some persons forming a mob caused injuries to 3 Muslims and killed Yakub. In Aantarsumba Town of Vijaynagar Taluka shop of Abdul Rehman was set on fire. Abdul Rehman and Nizamuddin who were inside the shop died. As stated earlier, Bhiloda Taluka was the worst affected Taluka of the District. There were 36 incidents in the area of Bhiloda Police Station and 7 incidents within the area of Shamlaji Police Station. However, there was no loss of life nor any one was injured. One Muslim was injured in Dhansura Town of Modasa taluka and he subsequently died because of the injuries caused to him. In Bayad Taluka at village Sathamba 4 trucks were set on fire and later on, 2 dead bodies of Muslims were found in them. In all 13 persons lost their lives.

30. Thus the violence in North Gujarat, on 28.2.2002 was comparatively more and widespread. The 250 incidents resulted in loss of lives of 36 persons. Out of them 13 persons died in Sabarkantha district, 19 in Mehsana district, 2 in Banaskantha district, 1 in Patan district and 1 in Gandhinagar district. Five persons including Pralhadbhai, who was the leader of the Karsevaks, had died in the Godhra incident and that appears to be the reason for more violent reaction in this area. Anger of the people and inadequate police force appear as the cause for large number of incidents. They do not appear to have happened because of any outside influence or any default on the part of the police or the administration in arranging '*bandobast*'.
31. On 28.2.2002, in Kachchha & Saurashtra region constituting Western part of Gujarat, impact of the Godhra incident was more in Rajkot city than in any other part of the region. In Bhavnagar and Jamnagar districts, it did not lead to any incident of communal violence. In Kachchha, Porbandar and Amreli districts, there was only one incident in each district. There were 9 incidents in Surendranagar district. Out of them, 7 incidents were in Wadhvan taluka. Five incidents happened in Surendranagar town and two incidents happened in Wadhvan town. There was one incident in Lakhtar taluka and one incident in Patdi taluka. Thus, out of 10 talukas of Surendranagar

district, the incidents of violence happened in 3 talukas only. They happened within the areas of 4 out of 17 police stations. In one incident, a mob of Muslims set on fire 6 shops of Hindus in Surendranagar town. In other incidents Hindu mobs were the attackers. There was no serious incident resulting in loss of life or injuries. In Junagadh district, there were 15 incidents. They happened in the areas of 3 out of 14 talukas and in the areas falling under 4 out of its 14 police stations. There were 12 incidents in Janagadh town and only 3 incidents in other parts of the district. In 4 out of 12 incidents, Muslim mobs had attacked Hindus or their properties. In Rajkot district, communal violence was confined to Rajkot city only where 119 incidents happened on that day. Out of them 65 incidents happened in the area of 'B' Division police station only. The remaining incidents happened in the areas falling under other 6 police stations. In 5 incidents, Muslim mobs were involved. In one incident, 3 Muslims were killed by a Hindu mob. In 74 incidents shops and in 17 incidents houses were attacked. There were about 10 incidents in which persons were attacked. Though the number of incidents was quite high, the communal violence was not wide spread. It happened in some areas only. The violence was mainly in Rajkot city and there also in a locality which had mixed population. There is no evidence to show that even there they happened because of any instigation.

32. On 28.2.2002, all the 5 districts of North Gujarat were affected by communal riots. In all 250 incidents happened in this region. Highest number of incidents (157) happened in Sabarkantha district and the lowest number of incidents (11) were in Patan district. There were 18 incidents in Banaskantha district, 23 incidents in Gandhinagar district and 41 incidents in Mehsana district.
33. On 1.3.2002, incidents of communal violence decreased from 1008 on 28.2.2002 to 835. They were 173 less than on the previous day. The Central Gujarat and North Gujarat districts continued to remain disturbed by wide spread communal riots but number of incidents even in those regions decreased. In Central Gujarat they decreased from 560 to 439 and in North Gujarat they went down from 250 to 212. In Kachchha and Saurashtra region, the law and order position remained almost the same, as number of incidents were 144 as compared to 146 on 28.2.2002. In South

Gujarat districts, the incidents decreased from 52 to 40. There was violence in all the districts of Central Gujarat and North Gujarat. In Kachchha and Saurashtra region, the violence continued in 6 out of its 8 districts. In South Gujarat it was in 5 out of its 6 districts.

34. In South Gujarat, the communal riots decreased in Surat, Bharuch and Navsari districts but they increased in the districts of Valsad and Narmada. In Kachchha and Saurashtra region the violence decreased in Rajkot, Surendranagar, Kachchha and Amreli region. There was 1 incident in Jamnagar district which did not have any incident earlier. In Porbandar district, the position remained the same. In North Gujarat there was more violence in Gandhinagar, Mehsana and Patan districts but it decreased in the districts of Banaskantha and Sabarkantha. There were 38 incidents less in this region than on the previous day. In Central Gujarat, there was more violence in Vadodara, Anand, Kheda and Panchmahals districts than on the previous day. In Dahod district the position remained almost the same on 1.3.2002. In Ahmedabad district the communal violence decreased considerably. Number of incidents in Ahmedabad city went down from 370 on 28.2.2002 to 108 on 1.3.2002 and in Ahmedabad rural area it decreased from 18 to 15.
35. Within the districts, the extent of communal violence was as stated hereafter. In Valsad district there were in all 4 incidents. They happened in 2 talukas of the district viz. Valsad taluka and Umargam taluka. The violence was confined to 2 out of its 9 police stations. There was no violence in Pardi, Dharampur and Kaprada talukas. Out of 4 incidents, one incident was because of the '*bandh*' call. In Navsari district, there were only 2 incidents and they happened in Navsari town. There was no violence in 6 other talukas of the district on that day. In Surat city, the number of incidents were 9 and they were in the areas of 5 police stations. There was no incident in the areas falling under other 9 police stations. There were 3 incidents in the area falling under Athva Lines police station and 6 in the Rander area. There was 1 incident in each of the other 3 affected areas. One person was killed in Surat City. In Narmada district, the incidents went up unexpectedly from 5 on 28.2.2002 to 16 incidents on 1.3.2002. There was more violence in Nandod (Rajpipla) taluka as 15 out of 16 incidents happened there. There was 1 incident in Tilakvada taluka. There was no incident in Dediypada and Sagbara talukas. In Bharuch district the communal riots remained

confined to 2 talukas only. They were in Bharuch taluka and Ankleshwar taluka. In Bharuch taluka, the number of incidents dropped from 6 to 5 and in Ankleshwar taluka, it dropped from 11 to 4. On 1.3.2002 there were 9 incidents in this district as against 17 on 28.2.2002.

36. In Central Gujarat region, on 1.3.2002, number of incidents decreased from 560 to 439. There were 121 incidents less than on the previous day. On that day highest number of incidents (128) happened in Vadodara district. Communal violence increased in Anand, Kheda and Panchmahals districts. The number in those districts increased from 12 to 52, 22 to 54 and 26 to 57 respectively. In Dahod district position of communal violence remained almost the same (25) as on the previous day (24). There was a sharp fall in number of incidents in Ahmedabad district. From 388 incidents on 28.2.2002 they went down to 123.
37. In Vadodara city the incidents went up from 76 to 102. Areas of all the police stations continued to be affected by the communal violence. There was increase in violence in Panigate, Vadi, Makarpura and Jawaharnagar areas. The extent of violence remained the same in Karelibag, Navapura and Sayajiganj areas. While there was small decrease in number of incidents in the areas of J.P.Road police station and City police station, it decreased considerably in the areas of Fatehganj and Chhani police stations. One serious incident happened on that day in the area of Panigate police station. It came to be known as the Best Bakery incident wherein 11 persons were killed. In Vadodara Rural area the incidents increased from 12 to 26. They were spread over 7 out of its 12 talukas and the areas of 11 out of 18 police stations. On 1.3.2002, the communal violence spread to the areas of Karjan, Sankheda and Jetpur. There were 7 incidents in those areas. There was small increase in number of incidents in other areas. The areas which remained quiet even on 1.3.2002 were Sinor, Dabhoi, Sankheda, Nasvadi, Rangpur, Kwant and Karali. In 102 incidents which happened in Vadodara city, 26 persons lost their lives and in 26 incidents in Vadodara rural area, 2 persons died.
38. In Anand district number of incidents increased from 12 to 52. All the Talukas except Umreth and Tarapur were affected by communal violence. The new areas affected were Anand Rural, Petlad Town, Mehlav, Borsad, Khambhat City and Virsad. There was only one incident in Petlad Taluka on 28.2.2002 but on 1.3.2002 there were 16

incidents. In Anand Taluka there were 7 incidents on 28.2.2002 but on 1.3.2002 they were 23. In the areas falling under Sojitra Police Station the number increased from 3 to 5. Amongst the new areas which were affected on that day, there were 7 incidents in Mehlaav area and in other areas there were either one or two incidents. On 1.3.2002 the areas of 13 out of its 17 Police Stations were affected by communal riots. One serious incident happened in village Ode falling under Khambholaj Police Station. In that incident 24 Muslims died as their houses were set on fire. In all 36 persons lost their lives in 52 incidents which happened on that day.

39. In Kheda District also the communal violence increased on that day. The incidents increased from 22 to 54. All the talukas except Virpur were affected by the communal violence. Incidents happened in the areas falling under 14 out of its 17 Police Stations. In the area falling under Matar Police Station there were 9 incidents. The area of Thasra Police Station was quiet on 28.2.2002 but 7 incidents took place on 1.3.2002. In the area falling under Dakor Police Station of the same taluka incidents increased from 2 to 7. In Kapadvanj rural area which was not affected earlier 3 incidents took place. The areas which remained unaffected by the communal violence, were the areas of Limbasi, Antarsumba and Virpur Police Stations. In other areas extent of violence remained almost the same. In 54 incidents which happened in this district, 6 persons lost their lives.
40. There was escalation of violence in Panchmahals District on 1.3.2002. Number of incidents went up from 26 on 28.2.2002 to 57 on 1.3.2002. All the talukas except Jambughoda were affected by the communal violence. In Kadana taluka which was not affected earlier, 11 incidents took place. In Santrampur taluka incidents increased from 2 to 9. There were more incidents in Godhra, Halol, Kalol, Ghoghamba, Lunawada, Shehra and Morva talukas. In one serious incident which happened in Khanpur taluka, 22 Muslims were killed. In another serious incident which happened in Kalol Taluka, 13 Muslims were killed. In all 48 persons lost their lives on that day. The deaths were in Santrampur, Khanpur, Halol, Kalol and Rajgadhd talukas of the District.
41. In Dahod District communal violence continued even on 1.3.2002. The incidents were 25. It spread to all the talukas of the District. In Garbada and Ghangur talukas where

no incident had happened on 28.2.2002, there were three incidents and one incident respectively. However, the areas falling under Dahod Town Police Station remained free from communal violence. In Limkheda Taluka violence decreased considerably as 5 incidents happened on that day as against 12 incidents on the previous day. There was decrease in violence in the areas falling under Dahod Rural and Limbadi Police Stations also but in Fatehpura Police Station area the incidents went up from 2 on 28.2.2002 to 5. In Zalod town in one incident one Hindu was killed and in another incident 4 Muslims were killed. Thus, in all 5 persons lost their lives.

42. In Ahmedabad city, on 1.3.2002, the communal violence decreased considerably. The incidents went down from 370 to 108. In Navrangpura area there was only 1 incident as against 35 on the previous day. In Madhupura area number of incidents were 3 as against 69 on the previous day. Maximum number of incidents (19) were in Naroda area. There were 8 incidents in Vejalpur area, 8 incidents in Naranpura area and 8 incidents in Vatva area. In all other areas, the incidents were less than 6. Navrangpura, Kalupur, Sardarnagar, Odhav, Amraiwadi, Kagdapith and Meghaninagar areas had 1 incident each. The number of deaths also decreased from 209 to 79.
43. In Ahmedabad rural area also the incidents decreased from 18 to 15. There were only 2 deaths on that day as against 11 on the previous day. One Muslim was killed in the area falling under Sarkhej police station and another Muslim was killed in the incident which happened in Dholka taluka. The area which was largely affected was the Sarkhej area. There was no incident at all in Viramgam, Detroj and Dholera.
44. On 1.3.2002 in the districts of North Gujarat, the number of incidents were 212. They were 38 less than on the previous day. However, the communal violence continued in all the 5 districts. There was small increase in the number of incidents in Gandhinagar, Mehsana and Patan districts. In Banaskantha district, they decreased from 18 to 11. In Sabarkantha district also they decreased from 157 to 113. There were 44 incidents less in this district than on the previous day.
45. In Gandhinagar district, the violence continued in 4 out of 5 talukas. There were 26 incidents. On 28.2.2002 there was no incident in Mansa taluka, on 1.3.2002 there was no incident in Dehgam taluka. In Gandhinagar taluka, there were 12 incidents, in

Mansa taluka there were 7 incidents, in Rakhiyal police station area there were 2 incidents and in Kalol taluka, there were 5 incidents.

46. In Mehsana district, the number of incidents went up from 41 to 45. Santhalpur taluka which was quiet on 28.2.2002 remained quiet on 1.3.2002 also. Vadnagar taluka was quiet on 28.2.2002 but on 1.3.2002, two incidents happened in that taluka. No incident happened in Bechraji taluka. Thus, on 1.3.2002, there was no communal violence in 2 talukas viz. Satlasan and Bechraji. The area of 10 out of 14 police stations remained affected by the communal violence. The communal violence decreased in Mehsana and Visnagar talukas, but it increased in Vijapur and Kadi talukas. In Kheralu and Unjha talukas, the intensity of violence remained almost the same.
47. In Patan district the incidents increased from 11 to 17. Even on 1.3.2002, there was no incident in Sidhpur, Sami and Santalpur talukas. The areas which remained affected were 4 talukas out of 7 and 5 police stations out of 11. In Patan taluka, the incidents decreased from 4 to 2. In Radhanpur taluka, there were 3 incidents on 1.3.2002. Communal violence increased in Harij and Chanasma talukas. In Harij incidents increased from 1 to 4 and in Chanasma taluka from 5 to 8.
48. In Banaskantha district, the communal violence was less on 1.3.2002. Number of incidents decreased from 18 to 11. There was no communal violence in 4 talukas viz. Palanpur, Tharad, Vav and Amirgadh. (There was no violence in Vav, Tharad and Amirgadh talukas on 28.2.2002 also). The incidents which happened on that day were in the areas of 9 police stations out of 22 police stations of the district. Maximum number of incidents (3) happened in the area of Dhanera police station. In each of the areas of all other affected police stations, there was only one incident.
49. In Sabarkantha district, the communal violence decreased. There were 157 incidents on 28.2.2002 and 113 on 1.3.2002. However, the violence was in all the talukas and in the areas of 18 out of its 19 police stations. There was no incident in the area of Poshina police station. In all the talukas except Meghraj the communal violence decreased. There the incidents increased from 4 to 11. In Bhiloda taluka, which was very badly affected on the previous day with 43 incidents, there were 12 incidents on 1.3.2002. In Modasa town, the incidents increased from 4 to 6 while in Modasa rural

area, they decreased from 6 to 4. In other areas the position remained almost the same as on the previous day.

50. In 212 incidents which happened in North Gujarat districts on 1.3.2002, 57 persons lost their lives.
51. In Kachchha and Saurashtra region though the number of incidents of communal riots remained almost the same on 1.3.2002 the position in each taluka did not remain the same. There was no incident in Kachchha and Amreli districts. There was 1 incident in Jamnagar district and 1 incident in Porbandar district. In Surendranagar district there were less incidents. They decreased from 9 to 5. In Junagadh district there were 15 incidents. There was a sharp decline in number of incidents in Rajkot district as they dropped from 119 to 51. In Rajkot rural area which was not affected on 28.2.2002, there were 4 incidents. Bhavnagar district which was free from communal violence on 28.2.2002 became the most troubled area of the region. On that day 71 incidents took place there.
52. The incident which happened in Jamnagar district on 1.3.2002 was in Jamnagar city. No other part of Jamnagar district was affected. The incident in Porbandar district, was in Kutiyana taluka. All other talukas remained quiet. In Surendranagar district the affected areas were Surendranagar taluka and Limbdi taluka. The violence was confined to 2 out of its 10 talukas. The incidents happened in the areas falling under 3 police stations viz. Surendranagar city, Wadhvan and Limbdi. There was no violence in the areas of other 14 police stations. There was no incident of communal violence related to the Godhra incident in 6 talukas on that day. Throughout the relevant period i.e. from 27.2.2002 to 31.5.2002, 5 talukas of this district remained unaffected by communal violence. In Junagadh district, on 28.2.2002, the violence was confined to 3 talukas only but on 1.3.2002 it spread to 6 talukas. Those three newly affected talukas were Bhesan, Veraval and Una where 1, 1 and 4 incidents happened respectively. Thus 8 out of its 14 talukas remained free from communal violence. In Junagadh town, the number of incidents decreased from 12 on 28.2.2002 to 7 on 1.3.2002. The areas falling under 8 police stations, out of its 23 police stations, were affected on that day. In Rajkot district, there was substantial decrease in communal violence as the number of incidents fell from 119 to 52 but the affected areas were more. While on

28.2.2002 only the city of Rajkot was affected, on 1.3.2002 there was violence in 4 other talukas also, though only one incident happened in each of those talukas. The affected talukas were Kotda Sanghani, Lodhika, Dhoraji and Upleta. In Rajkot city there was no communal violence in the areas falling under 'A' Division police station where on the previous day 10 incidents had happened. In the area falling under 'B' Division police station the number of incidents were 24 as against 65 on 28.2.2002. The incidents were less in Bhaktinagar, Pradyumannagar, Gandhigram and Rajkot Taluka police stations. In Malviyanagar, the violence remained almost the same. Taluka wise only 5 out of 14 talukas were affected by the communal violence. Bhavnagar district was quiet on 28.2.2002 and it remained so till the evening of 1.3.2002. Thereafter in Bhavnagar city 71 incidents happened in the areas of 3 of its 4 police stations. No such incident happened in any other taluka of the district. Out of the district's 22 police stations, the communal violence took place in the areas of 3 police stations only.

53. In 144 incidents which happened in Kachchha and districts of Saurashtra, only 2 persons lost their lives. Both the deaths took place in the district of Junagadh.
54. Though, the violence decreased on 1.3.2002, many parts of the State remained affected by it. The number of incidents decreased in South Gujarat, Central Gujarat and North Gujarat but it remained almost the same in Kachchha and Saurashtra region. Though the violence was thus less than on 28.2.2002, it remained wide spread as they happened in many parts of the State. While in small towns and villages attacks on Muslims and their properties were made when policemen were not present, in big towns and cities the mobs even defied and attacked the policemen when they tried to prevent the mobs from doing so. On 1.3.2002 also, people joined together and formed mobs which then went on doing what occurred to them at that time. There were some retaliatory attacks by Muslims also. They also like Hindu mobs attacked policemen with stones when they found policemen coming in their way. The material relating to the incidents and other incidence discloses that the mobs did not have any specific or particular person or property in mind before they were formed. As on 27.2.2002 and 28.2.2002, on 1.3.2002 also they appear to have acted on their own and with a general desire or object to harm the Muslims because of the Godhra incident. (In smaller towns and villages, in many cases, Muslims were told to leave their houses and

villages before their houses were attacked. Mobs did not want to kill them.) Absence or small number of policemen emboldened the mobs to commit violence. Some incidents appear to have happened because of the anti social elements mixing with the mobs. Most of the incidents happened for the same reason viz. communal hatred entertained against each other by some sections of Hindu and Muslim communities and the anger raised by the Godhra incident. It is however significant to note that in the incidents which happened on 28.2.2002 and 1.3.2002, no leaders were involved. In most of the complaints it is stated that the attacks were by unknown persons. Most of the incidents were stray and spontaneous incidents as there is no evidence to show that they were planned in advance. The pattern of the incidents which happened on these two days do not indicate any complicity or even any indirect instigation by the Government or police administration or by any political or religious organization. Almost all the incidents were spontaneous and committed by angry mobs which just gathered on the roads in an angry mood and with a desire to punish the Muslims for what they had done at Godhra. Policemen did try to prevent the mobs from committing violence when they were sufficient in number to do so. Where they were few and mobs were big they called for additional help and thereafter effective steps were taken to disperse the mobs. Policemen provided protection and rendered help to Muslims at many places. The material also indicates that with more force becoming available, police was able to control violence and improve the law and order situation.

55. The communal violence decreased further on 2.3.2002. There were 520 incidents on that day. There was no violence on that day in 6 districts. No incident took place in the districts of Kachchha, Porbandar, Amreli, Jamnagar, Valsad and Dang. As a result of the communal violence, 175 persons lost their lives including those who died in police firing.
56. In the districts of South Gujarat the communal violence was confined to 4 out of its 6 districts. In all 54 incidents took place wherein 4 persons lost their lives. Maximum number of incidents were in Surat district and all the four deaths took place in this district. Thirty-eight incidents happened in Surat city and 2 incidents happened in Surat rural area. There was sudden increase in number of incidents in Surat city on that day. In the incidents 4 persons were killed – 3 Hindus and 1 Muslim. In other districts the violence decreased. In Bharuch district, number of incidents decreased

from 8 to 4, in Narmada district, from 16 to 8 and in Navsari district, from 2 to 1. In Surat city highest number of incidents (13) happened in the area falling under Athva Lines police station. The areas which continued to be affected by communal violence were the areas of Kapodara, Udhna, Chowk Bazar, Katargam, Athva Lines, Umra, Pandesara and Rander police stations. In Narmada district, in Nandod (Rajpipla) taluka, there were only 5 incidents as against 15 on the previous day. There was slight increase in violence in the area falling under Tilakvada police station. In Bharuch district, there was only 1 incident in the Bharuch taluka. In Ankleshwar taluka, there were 3 incidents in Ankleshwar town. In Ankleshwar GIDC area which was badly affected earlier there was no incident of communal violence on that day. There was 1 incident in Jhagdia taluka. All other talukas remained quiet.

57. In Central Gujarat also, the violence decreased considerably on 2.3.2002. As against 439 incidents on 1.3.2002, there were 224 incidents on 2.3.2002. They led to the deaths of 141 persons. In Vadodara city, number of incidents went down from 102 to 50. Except in the area of Vadodara rural, there was decrease in violence. Amongst the Central Gujarat districts, highest number of incidents on that day were in Vadodara district. There were 50 incidents in Vadodara city and 27 in Vadodara rural area. Though all the parts of Vadodara city were affected by violence, number of incidents decreased in the areas of all the police stations except Navapura police station. In other parts of Vadodara district, violence remained almost the same but it was confined to 10 out of its 18 police stations. In Vaghodia and Jetpur police station areas, there were more incidents on that day.
58. In North Gujarat, the violence decreased considerably in all the districts except Banaskantha on 2.3.2002. The number of incidents decreased from 212 on the previous day to 99 on that day. The deaths on that day were 25. The number of incidents in Patan, Gandhinagar, Mehsana and Sabarkantha districts were less than half. In Banaskantha district it remained almost the same. There were 10 incidents, one incident less than on the previous day. In Gandhinagar district, the violence was confined to only one police station of Gandhinagar taluka and one police station of Kalol taluka. The other area which remained affected was the Dehgam taluka. There was no violence in the areas falling under 7 out of 10 police stations. There were 8

incidents, eighteen incidents less than on the previous day. There was no death. In Mehsana district there was no violence in Mehsana city area, Visnagar taluka, Kheralu taluka, Vijapur taluka and Becharaji taluka. In the area of 6 police stations out of its 14 police stations, there was no violence on that day. Violence remained almost the same in the areas of Mehsana taluka police station and Unjha police station. Incidents decreased from 45 on the previous day to 22 on that day. There was no death. In Patan taluka, the number of incidents decreased from 17 to 4 and they were confined to the areas of 3 police stations only out of its 11 police stations. There was no violence in Harij, Sami, Radhanpur and Santalpur talukas. Thus, 4 out of 7 talukas had remained peaceful on that day. There was only one incident in Sidhpur taluka and one incident in Chanasma taluka. The incidents led to death of 1 person. In Banaskantha district the number of incidents remained almost the same (10) as on the previous day but claimed lives of 17 persons. There was no violence in 5 out of its 12 talukas. It was confined to the areas of 8 out of 22 police stations. The number of incidents were also one or two only. In Sabarkantha district though the violence decreased by half, all the talukas remained affected by the communal violence. It stopped only in the areas of 2 out of its 19 police stations. In the areas falling under all other police stations, the number of incidents either decreased or remained the same except in the area of Malpur police station where the incidents increased from 3 to 7. There were 7 deaths.

59. In the areas of Kachchha & Saurashtra districts, number of incidents remained almost the same (143). There were 5 deaths and they happened in Bhavnagar. No incident took place in Kachchha, Porbandar, Amreli and Jamnagar districts and number of incidents decreased in Rajkot and Junagadh districts. The extent of communal violence remained the same in Surendranagar district. It increased considerably in Bhavnagar district. From 71 incidents on 1.3.2002, the incidents jumped to 113 on 2.3.2002. Highest number of incidents in the State happened in Bhavnagar district on that day. The violence in Bhavnagar district was mainly confined to Bhavnagar city. Outside Bhavnagar city, only 1 incident happened in Ghogha taluka and 1 incident happened in Shihor taluka. Even in Bhavnagar city, the area which was more affected was the area of 'B' Division police station where 66 incidents happened. The extent of violence remained the same in the area of 'A' Division police station. It decreased from 22 incidents to 19 incidents in the area of 'C' Division police station. In

Junagadh district, the number of incidents decreased from 15 to 7 and the areas which were affected were Junagadh and Kodinar talukas only. There was no communal violence in 6 other talukas. There were 5 incidents in Kodinar taluka. In Rajkot city, there was no violence in the areas falling under 'A' Division police station and Rajkot Taluka police station. The area of 'B' Division police station which was severely affected with 65 incidents on 28.2.2002 and 24 incidents on 1.3.2002, was affected moderately on 2.3.2002 with 5 incidents. The number of incidents decreased in the areas of Bhaktinagar, Malviyanagar and Gandhigram police stations. Total number of incidents in the city were 17, thirty less than on the previous day. In other parts of Rajkot district, there was only 1 incident and that was in Gondal taluka.

60. In Anand district there was less violence on 2.3.2002. The incidents decreased from 52 to 35. Anand town and the area falling under Khambholaj police station became free from violence. In all other areas except the area falling under Borsad police station there was decrease in the number of incidents.
61. In Kheda district also the incidents were less. They decreased from 54 to 31. There was no violence in the area falling under Chaklasi, Limbasi, Kathlal and Antarsumba police stations.
62. In Panchmahals district the incidents decreased from 57 to 35 though all the talukas remained affected on that day. There was no incident in Godhra town on that day. In the area falling under Dintvas police station of Kadana taluka, there was only 1 incident as against 11 incidents on the previous day. The violence decreased considerably in the area falling under Santrampur taluka also. In Dahod district, there was no incident in the area falling under Limdi police station.
63. In Ahmedabad district the law and order situation improved considerably. Whereas there were 123 incidents on 1.3.2002 and there were only 29 incidents on 2.3.2002. Deaths also decreased from 81 on 1.3.2002 to 10 on 2.3.2002.
64. In Ahmedabad city, the number of incidents fell from 108 to 20. In Ahmedabad rural area, there were 9 incidents, six less than on the previous day. Because of the injuries received during the incidents of that day, 10 persons died in Ahmedabad district, 8 in the city and 2 in the rural area. Ahmedabad district had the highest number of

incidents on 27.2.2002, 28.2.2002 and 1.3.2002 but on 2.3.2002 number of incidents were more in 7 other districts. There were two deaths in Vadodara district, 1 person died in Anand district, 11 persons died in Kheda district, 99 persons died in Panchmahals district, 18 persons died in Dahod district and 10 persons died in Ahmedabad district.

65. On 3.3.2002 there was less violence in the State than on the previous day. There were 285 incidents, 135 incidents less than on 2.3.2002. The highest number of incidents (54) were in Bhavnagar district. There were 53 incidents in Vadodara district. In other districts number of incidents were much less. Those incidents (285) claimed lives of 50 persons.
66. In South Gujarat there was no incident on that day in the districts of Dang, Valsad and Navsari. No incident happened even in the area of Surat Rural district. The violence was confined to Bharuch and Narmada districts and Surat city only. Even in Bharuch and Narmada districts, the incidents were less. There were 5 incidents in Bharuch district and 6 incidents in Narmada district. Only in Surat city, there were 23 incidents. Thus there were 34 incidents in all. There was no loss of life.
67. In the districts of Central Gujarat also violence decreased considerably on that day as the number of incidents dropped from 224 to 133. Out of them, 53 incidents happened in Vadodara district. There were 25 incidents in Vadodara city and 28 incidents in Vadodara rural area. There were 14 incidents in Dahod district, 15 incidents in Panchmahals district and 15 incidents in Ahmedabad district. In Anand and Kheda districts, there were 18 incidents in each of those districts. In Kheda district, one serious incident happened near village Jinjar. In that incident (CR No. 57/2002 of Mehmedabad Police Station), 14 Muslims were killed. In another serious incident (CR No.59/2002 of Limkheda Police Station) which happened in Dahod district, 7 Muslims were killed including 3 women who were raped during that incident. Total number of deaths, as a result of the incidents in this region was 34.
68. In North Gujarat, though the violence continued in all the districts, the number of incidents dropped to 51 from 99 on the previous day. Sabarkantha district continued to have the highest number of incidents as there were 29 incidents in that district. In

Sabarkantha district in one serious incident (CR No. 11/2002) in village Ankhol of Bayad taluka, 5 Muslims were killed. There was only 1 incident in Patan district and there were 2 incidents in Gandhinagar district. There were 9 incidents in Banaskantha district and 10 incidents in Mehsana district. In Mehsana district there were 2 incidents in Mehsana taluka, 1 incident in Visnagar taluka, 1 incident in Vijapur taluka and 6 incidents in Kadi taluka. There was no incident in Kheralu, Vadnagar, Satlasan, Unjha and Bechraji talukas. In Banaskantha district, the violence was confined to Palanpur, Danta, Disa and Tharad talukas. There was no incident in other 6 talukas of that district. Out of 9 incidents, 5 incidents were in Danta taluka. There was 1 incident in Palanpur taluka, 2 incidents in Disa taluka and 1 incident in Tharad taluka. As a result of the incidents in this region 14 persons died.

69. In Kachchha & Saurashtra area there was no violence on that day in the districts of Amreli and Jamnagar. The districts of Porbandar, Kachchha and Surendranagar had only one incident each on that day. There were 2 incidents in Junagadh district and 2 incidents in Rajkot rural district. Rajkot city also became comparatively quiet as there were 6 incidents. Only in Bhavnagar district, 54 incidents happened and they were all within Bhavnagar taluka. There were no incident in any other taluka of that district. In Bhavnagar city the violence was confined to the area of only one police station where 39 incidents happened. Thus in all 67 incidents happened in this region and 2 persons (1 in Bhavnagar and 1 in Rajkot city) lost their lives.
70. The communal violence in the State decreased further on 4.3.2002 and 5.3.2002. The number of incidents went down from 285 to 130 on 4.3.2002 and 73 on 5.3.2002. On 4.3.2002 there were 16 incidents in South Gujarat, 16 incidents in North Gujarat, 66 incidents in Central Gujarat and 32 incidents in Kachchha and Saurashtra region. On 4.3.2002 highest number of incidents (34) were in Vadodara district, followed (21) were in Bhavnagar district. In all other districts the number of incidents were less than 10. There was no incident of violence in 8 districts and also in the areas of Surat and Rajkot rural districts. Only in Vadodara and Bhavnagar districts, the incidents were more than 10 on 4.3.2002. In Vadodara district, there were 34 incidents and in Bhavnagar district, there were 21 incidents. In other districts, the number of incidents were 1 or 2. In all 5 persons died as a result of the incidents which happened on that day. Those incidents took place in Vadodara, Panchmahals and Dahod.

71. On 5.3.2002 also there was no violence in 8 districts and in the areas of Surat and Rajkot rural districts. There were 6 incidents in South Gujarat, 46 incidents in Central Gujarat, 10 incidents in North Gujarat and 11 incidents in Kachchha and Saurashtra region. The violence was mainly in Vadodara district where 27 incidents happened. In all other districts, the incidents were 6 or less than 6. In 9 districts the number of incidents was 1 or 2 only. There were 3 incidents each in 3 districts. There was one serious incident (CR No. 43/2002 of Santrampur Police Station) on that day in village Aanjalva of Santrampur taluka in Panchmahals district. Large number of Muslims had taken shelter in a village school and Sarpanch of the village had called the police. On hearing sound of police vehicle, the Muslims who were inside the school started going towards that vehicle. All of a sudden a mob of about 150 persons came there from nearby hills and attacked those Muslims. In that incident, 11 Muslims lost their lives. In all, 16 persons lost their lives because of the incidents of that day (1 in Ahmedabad city, 1 in Vadodara rural, 2 in Kheda, 11 in Panchmahals and 1 in Dahod).

72. In the first week of incidents of communal violence i.e. from 27.2.2002 to 5.3.2002, number of incidents were about 2958 i.e. 70% of the total incidents which happened between 27.2.2002 and 31.5.2002. As a result thereof 812 persons lost their lives. Thus about 80% deaths took place because of the incidents in the first week. During the first 3 days after 27.2.2002, i.e. on 28.2.2002, 1.3.2002 and 2.3.2002 because of the intense violence about 2416 incidents (57%) took place. The deaths as a result of the incidents were 738 (72%). The pattern of violence during this period was the same.

73. On 6.3.2002, the violence decreased further. There were 52 incidents in the State including 23 incidents in Vadodara district. There were 3 incidents in Vadodara city and 20 incidents in the Vadodara rural area. In all other districts, number of incidents were less than 4 except in Kheda district where there were 6 incidents. On 6.3.2002 the violence was confined to Ahmedabad, Vadodara, Anand, Kheda, Panchmahals, Mehsana, Surat, Narmada, Bharuch, Sabarkantha, Banaskantha, Bhavnagar and Junagadh districts. There was no communal violence in 12 other districts. Even in Ahmedabad district, Ahmedabad rural area had remained peaceful on 6.3.2002. The area of Surat rural district was also quiet on 6.3.2002. In South Gujarat, there were 4 incidents, in North Gujarat there were 7 incidents, in Central Gujarat there were 37

incidents and in Kachchha and Saurashtra region there were 4 incidents. As a result of the incidents which happened on that day, 3 persons lost their lives. On 7.3.2002 number of incidents in the State went down further to 20. On that day also the highest number of incidents (14) were in Vadodara district. There were 2 incidents in Vadodara city and 12 incidents in Vadodara rural area. In other districts incidents was 1 or 2 only. On 7.3.2002 the communal violence was confined to Ahmedabad, Vadodara, Anand, Panchmahals, Bhavnagar and Banaskantha districts only. There was no such violence in 19 other districts. There was no incident in South Gujarat on that day. There was 1 incident in North Gujarat, 18 incidents in Central Gujarat and 1 incident in Kachchha and Saurashtra region (only in Bhavnagar district). As a result of the incidents on that day, there were 2 deaths, 1 in Ahmedabad and 1 in Vadodara.

74. Between 8.3.2002 and 13.3.2002 the communal violence decreased further and there were only 8, 6, 3, 7, 6 and 9 incidents on 8th, 9th, 10th, 11th and 13th respectively. There was no communal incident during those days in the following 14 districts: Bhavnagar, Anand, Dahod, Banaskantha, Junagadh, Narmada, Patan, Surendranagar, Kachchha, Navsari, Porbandar, Amreli, Jamnagar and Dang. There was no incident in the area of Ahmedabad Rural district. The communal violence continued mainly in Ahmedabad city and Vadodara district. In other districts there were only 1 or 2 incidents. During this period (8.3.2002 to 13.3.2002) no communal incident happened in Ahmedabad city on 8.3.2002, 12.3.2002 and 13.3.2002. There was no incident in Vadodara city on 8.3.2002, 9.3.2002 and 10.3.2002. In Sabarkantha district also there was no communal incident on 8.3.2002, 9.3.2002, 10.3.2002 and 11.3.2002. In Rajkot city there was no such incident on 10.3.2002, 11.3.2002, 12.3.2002 and 13.3.2002. In Kheda district there was no incident between 9.3.2002 and 13.3.2002. In Panchmahals district there was no incident on 9.3.2002, 10.3.2002 and 12.3.2002. In Mehsana district there was no incident on 10.3.2002, 11.3.2002 and 12.3.2002. There was no incident in Bharuch district on 8.3.2002, 9.3.2002, 10.3.2002, 11.3.2002 and 13.3.2002. There was no incident in Gandhinagar district between 8.3.2002 and 12.3.2002 and there was no incident in Valsad district on 8.3.2002, 10.3.2002, 12.3.2002 and 13.3.2002. In one of the incidents of 9th, 1 person died. In the incident of 10th, 2 persons died and in one incident of 12th, 1 person lost his life. During this period Hindu mobs remained

aggressive but with passage of time and proper deployment of law enforcing forces incidents became less and less.

75. On 14.3.2002 the violence increased a little in Vadodara district and therefore, the number of incidents in the State on that day were 13. On the next day i.e. on 15.3.2002 there was an abrupt spurt in violence in the State. There were 73 incidents. But the communal violence was mainly confined to Ahmedabad and Vadodara districts. In 9 other districts, the incidents were 1, 2 or 3. Highest number of incidents (38) happened in Vadodara district. There were 20 incidents in Ahmedabad district. The number of incidents in all other districts was 15. Thus, the increase in violence was mainly in the Ahmedabad and Vadodara cities.

76. During second phase of violence starting from 15.3.2002 and continuing up to 6.4.2002 incidents in Ahmedabad district (148) and in Vadodara district (179) were more. No incident happened in 5 out of 25 districts of the State. In 10 districts number of incidents were either 1 or 2. In Dahod district there were 3 incidents. Only in 9 districts, number of incidents were in double digits. During this period except in Ahmedabad and Vadodara districts, highest number of incidents (37) were in Sabarkantha district. There were 24, 20, 18, 9, 15 and 42 incidents in Kheda, Bharuch, Mehsana, Panchmahals, Bhavnagar and Sabarkantha districts respectively. There were 73 incidents on 15.3.2002, 36 incidents on 22.3.2002 and 36 incidents on 29.3.2002. On 2.4.2002 number of incidents in the State were 32. During the period from 1.4.2002 to 6.4.2002, the violence was mainly confined to Ahmedabad, Vadodara, Sabarkantha, Bhavnagar, Anand, Kheda, Panchmahals, Mehsana and Bharuch districts only. There was no incident in the following 14 districts: Junagadh, Jamnagar, Porbandar, Rajkot, Surendranagar, Narmada, Surat, Dahod, Gandhinagar, Patan, Valsad, Navsari, Amreli and Dang districts. There was 1 incident in Banaskantha district and 1 incident in Kachchha district. The total number of incidents which happened from 1.4.2002 to 6.4.2002 were 22, 32, 20, 18, 16 and 14 respectively.

77. The period from 8.4.2002 to 20.4.2002 was comparatively peaceful, except that on 14.4.2002 and 16.4.2002 there were 12 and 10 incidents respectively. During that period also the violence was mainly confined to Ahmedabad district.

78. There was increase in communal violence from 21.4.2002. Whereas there were only 4 incidents on 2 previous days, there were 29 incidents on 21.4.2002. The violence was mainly in Ahmedabad district as 17 incidents took place there on that day. There were 2 incidents in Vadodara, 2 incidents in Kheda, 7 incidents in Mehsana and 1 incident in Dahod districts. On that day 24 persons lost their lives. Out of them 21 died in Ahmedabad district, 2 in Kheda district and 1 in Dahod district. On 28.4.2002, 9 persons died in Ahmedabad city. During the period from 21.4.2002 to 30.4.2002, communal violence was mainly confined to Ahmedabad, Vadodara, Sabarkantha, Kheda, Mehsana and Bhavnagar districts. In Dahod, Anand, Surat, Bharuch, Gandhinagar, Patan, Surendranagar and Amreli, the number of incidents were 1 or 2 only. There was no incident during this period in the following 11 districts: Rajkot, Panchmahals, Banaskantha, Junagadh, Kachchha, Porbandar, Jamnagar, Narmada, Valsad, Navsari and Dang districts.

79. The communal violence remained under control in the month of May. There were 17 incidents on 1.5.2002, 19 incidents on 5.5.2002, 17 incidents on 7.5.2002, 15 incidents on 10.5.2002, 12 incidents on 12.5.2002 and 13 incidents on 28.5.2002. On all other days, number of incidents in the State were 10 or less than 10. In the days between 13.5.2002 and 25.5.2002, there was 1 incident on 4 days, 2 incidents on 5 days, 3 incidents on 1 day and 5 incidents on 1 day. There were 165 incidents in the State in the month of May. Out of them 105 incidents were in Ahmedabad district and 31 incidents in Vadodara district. There were 7 incidents in Sabarkantha, 7 incidents in Panchmahals and 6 incidents in Mehsana districts. In Bhavnagar, Anand, Kheda, Bharuch and Junagadh districts, number of incidents were 2, 1, 1, 4 and 1 respectively. In the incident which happened on 7.5.2002 in Ahmedabad city, 17 persons lost their lives. One person was killed in Ahmedabad rural district and 1 person was killed in Sabarkantha district. On 10.5.2002 there were 7 deaths due to communal incidents. They were all in Ahmedabad city. In Ahmedabad district, the violence was mainly between 5.5.2002 and 15.5.2002. In Vadodara city, the violence was mainly on the last 3 days of the Month. In all other districts only some incidents happened; they were stray and they happened on different days. They were 1 or 2 in number.

District wise consideration of the incidents and conclusions.

80. On consideration of the effect of the Godhra incident district-wise, we find that South Gujarat remained comparatively peaceful throughout the period between 27.2.2002 and 31.5.2002. In all 264 incidents happened in this region. Thus, the total number of incidents in South Gujarat area consisting of 6 districts Valsad, Dang, Navsari, Surat, Narmada and Bharuch out of total 25 districts of the State was about 6% only. There was not a single incident of communal violence related to the Godhra incident in the district of Dang. In Valsad district there were 11 incidents. They happened on 28.2.2002, 1.3.2002, 9.3.2002, 11.3.2002, 14.3.2002, 20.3.2002 and 17.4.2002. There were two incidents on 28.2.2002, four incidents on 1.3.2002 and rest of the incidents were spread over other five days. The two incidents which happened on 28.2.2002, were attacks on vehicles because of the '*bandh*' call. In this district there was no loss of life nor any one was injured. The incidents were small and stray. In Navsari district there were 10 incidents and they happened on 28.2.2002, 1.3.2002, 2.3.2002 and 10.4.2002. On 28.2.2002 there were six incidents and on the other days there was one incident only. In this district also there was no loss of life because of the communal violence. In both these districts the law and order remained under control. Even on 28.2.2002 and 1.3.2002 and thereafter there were only stray incidents on some days. The 11 incidents of Valsad district were spread over the areas of 7 police stations. In Navsari district 10 incidents happened in the areas of 4 police stations. Seven incidents happened in Navsari town alone.
81. In Surat district the communal violence started on 27.2.2002 with three incidents in Surat city. There were 22 incidents on 28.2.2002. They were all in Surat city. The other (rural) part of Surat district had remained quiet even on that day. The law and order situation remained under control on 1.3.2002 and only 9 incidents happened on that day, in the areas of 5 of its 14 police stations. On 2.3.2002, because of murders of 3 Hindus and one Muslim in the morning and rumours which started circulating thereafter, lots of people of both the communities came on roads and those agitated persons formed mobs and indulged in rioting. Hindu mobs and Muslim mobs attacked each other and their properties. The law and order situation went out of control and there were 39 incidents on that day and 22 incidents on 3.3.2002. With more force becoming available, the police was able to control the situation thereafter and there

were only 7 incidents on 4.3.2002, 3 incidents on 5.3.2002 and one incident on 6.3.2002. That was the end of violence in Surat city. In the rural area of Surat district there were 2 incidents on 2.3.2002 and one incident on 22.4.2002. In all, the communal violence was for 7 days in this district. The incidents were at different places and at different times. They happened mostly at places where the police was not present. In all 106 incidents happened in Surat district and therein 7 persons lost their lives; 2 on 28.2.2002, 1 on 1.3.2002 and 4 on 2.3.2002. Majority of the incidents were small and stray. In Surat city the areas which were affected more were Athva Lines, Rander, Limbayat, Umra, Katargam and Udhna. In the areas of other eight police stations, the incidents were few. There was no incident at all in the area of one police station.

82. In Narmada district, there was no incident of communal violence on 27.2.2002. On 28.2.2002, there were 5 incidents and they were confined to the areas falling under 3 police stations. The areas falling under other 3 police stations remained peaceful. Maximum number of incidents (16) happened on 1.3.2002. They declined to 8 on 2.3.2002, 6 on 3.3.2002 and 5 on 4.3.2002. Thereafter, there were 6 stray incidents on 5 different dates. The last incident was on 30.3.2002. On 1.3.2002, areas of four police stations were affected. No incident happened in the month of April and May. Out of 46 incidents which happened in this district, 13 incidents happened during late evening or night and 12 incidents happened in villages which were far away from police stations. The areas which were more affected were Kevadia and Garudeshwar. There was no major incident resulting in death or serious injury to anyone. Loss caused to the properties was also small.
83. Bharuch district is a communally sensitive area and yet the impact of the Godhra incident was not much. There were 88 incidents of communal violence. Out of them 17 incidents happened on 28.2.2002. On that day the violence was confined to Bharuch city and Ankleshwar GIDC area only. There was no incident in six other talukas of the district. Thereafter, there were stray incidents in some other areas also. The last incident in this district was on 10.5.2002. They were spread over the areas falling under 10 police stations. Throughout the relevant period, no incident of communal violence happened in the areas falling under other 8 police stations. The communal violence was mainly confined to Bharuch city and Ankleshwar town only.

Out of 88 incidents, 68 incidents took place in those areas. Almost half of them (43) happened in Ankleshwar town. There were 25 incidents in Bharuch. There were 17 incidents on 28.1.2002, 9 on 1.3.2002, 5 on 2.3.2002, 5 on 3.3.2002 and 4 on 4.3.2002 and thereafter there were few and stray incidents except on 18.3.2002 on which day 7 incidents took place. In this district, 7 persons (6 Muslims and 1 Hindu) lost their lives because of the communal violence. Three Muslims and one Hindu died because of attacks on them and 3 Muslims died in police firing. Five persons died in incidents of Bharuch city and 2 persons died in one incident which happened in Ankleshwar town. They died due to injuries received in the incidents of 28.2.2002, 12.3.2002, 18.3.2002, 19.3.2002 and 24.3.2002. In 22 incidents, Muslim mobs were involved and in rest of the incidents, Hindu mobs had attacked Muslim's properties. There were 14 incidents, in which Hindu and Muslim mobs had indulged in rioting by throwing stones and burning rags at each other.

84. In South Gujarat districts, nobody was displaced or required to go to a relief camp or other safe place. In Bharuch district a relief camp was opened but that was for giving shelter to persons from other districts.
85. Reaction to the Godhra incident was stronger in the districts of Central Gujarat. There were 2486 incidents. About 60% of the incidents happened in this region. There were 998 incidents in Ahmedabad district, 839 incidents in Vadodara district, 194 in Anand district, 181 in Kheda district, 179 in Panchmahals district and 95 in Dahod district. The Godhra incident happened in Panchmahals district.
86. Vadodara city has become a communally sensitive place since 1969. In that year a serious communal riot had happened and since then communal hatred has developed between Hindus and Muslims. The loss of harmonious relations between Hindus and Muslims have thereafter led to sporadic incidents of communal violence. Some parts of the city viz. City, Vadi and Panigate areas, having mixed population, have become very sensitive and even a small incident involving persons of the 2 communities or even a rumour can lead to a communal riot in these areas.
87. Vadodara city is spread over a large area and in the year 2002 its population was about 15 lacs. The areas like Panigate, Vadi, City and Raopura police stations are parts of

the old city of Vadodara and are highly congested. They have mixed population of Hindus and Muslims. In these areas Hindu and Muslim localities are at many places situated side by side. Touching the main roads, there are many lanes and by-lanes. Some of them cannot be seen by persons standing on the main roads. The houses are situated adjacent to each other and there are rows of such houses. Many lanes and particularly by-lanes are narrow making it difficult for a bigger vehicle to pass through it. Many reasons have created hatred between Hindus and Muslims and for that reason, persons residing in these areas come out on the road immediately and attack each other, even when a small incident like an exchange of words takes place between persons of the two communities. The media gave wide publicity to the Godhra incident and that made persons belonging to Hindu community very angry. Such angry persons came out on roads, constituted mobs and those mobs then indulged in attacks on the Muslims and their properties. Vadodara city district registered 597 offences and Vadodara rural district registered 242 offences. In all, in this district, there were 839 incidents. As the figures show Vadodara city was more affected than Vadodara rural area.

88. In Vadodara city, the areas covered by Panigate, Vadi, City and Karelilig police stations were more affected than the other areas. The least affected areas were the areas of Sayajiganj, Gorva, Chhani and Fatehganj police stations. Navapura, J.P.Road, Makarpura, Raopura and Jawaharnagar police station areas were moderately affected. There were 141, 79, 62 and 52 incidents in the Panigate, Vadi, City and Karelilig police station areas respectively. In Sayajiganj, Gorva, Chhani and Fatehganj areas, the incidents were 18, 18, 20 and 22 respectively. In Navapura, J.P.Road, Raopura, Makarpura and Jawaharnagar police station areas, the incidents were 41, 37, 36, 35 and 35 respectively. Even in the areas where communal violence was more, it did not happen every day during the relevant period. In Panigate area, there was no incident between 6.3.2002 and 12.3.2002, 12.4.2002 and 20.4.2002 and from 6.5.2002 to 28.5.2002. There were incidents on 28.2.2002 and then there were incidents for 18 days in March, 9 days in April and 5 days in May. In Vadi police station area the days affected by communal riots were 1 in February, 22 in March, 7 in April, and 2 in May. In City police station area they were 1 in February, 13 in March, 5 in April, and 2 in May. Karelilig area was affected for 1 day in February, 13 days in March, 3 days in

April, and 1 day in May. Navapura area was affected for 11 days in March, 4 days in April and 2 days in May. J.P. Road police station area was affected for 11 days in March, and 6 days in April. Makarpura area was affected for 5 days in March and 1 day in April. Raopura area was affected for 8 days in March, 2 days in April, and 4 days in May. Jawaharnagar area was affected for 11 days in March and 1 day in April. Fatehganj area was affected for 3 days in March only. Chhani area was affected for 7 days in March only. Gorva area was affected for 7 days in March and 1 day in April. Sayajiganj area was affected for 12 days in March, 1 day in April and 1 day in May. Most of the areas had remained comparatively quiet between 10.3.2002 and 14.3.2002, 18.3.2002 and 21.3.2002, 27.3.2002 and 26.4.2002 and between 2.5.2002 and 28.5.2002. In Panigate, Vadi, and City police station areas the communal violence continued almost till the end of May. In Raopura area the riots stopped on and from 20.5.2002. In Navapura area they stopped from 5.5.2002. In Sayajiganj area they stopped from 2.5.2002. In Karelibag area the riots stopped from 2.5.2002. In J.P. Road police station area they stopped from 30.4.2002. In Makarpura area they stopped from 13.4.2002. In Jawaharnagar police station area the riots stopped from 3.4.2002. In Fatehganj area the riots stopped from 14.3.2002. In Chhani area they stopped from 1.4.2002. In Gorva area the riot stopped from 7.4.2002. Even though number of incidents was quite high in Vadodara city, the number of persons who died because of communal violence was comparatively less. In all 36 persons died as a result of communal violence and 13 persons died in police firing. Between 27.2.2002 and 31.5.2002, about 197 persons received injuries, out of which, 33 were policemen. Only one serious incident took place in Vadodara city wherein 14 persons lost their lives. The said incident came to be known as Best bakery incident.

89. The pattern of incidents which happened in areas of Vadi, City and Raopura police stations was similar to the incidents which happened in Panigate area. In the newly added and developed areas of the city, the incidents were less in number and also followed a different pattern. In those areas the attacks on persons and properties belonging to the other community were made when the policemen were not around. In the sensitive areas of the city, impact of the Godhra incident was the most. There were 141 incidents in Panigate police station area, 79 incidents in Vadi police station area and 62 incidents in City police station area, between 27.2.2002 and 31.5.2002. In the

Karelibag area which was not earlier considered as communally sensitive, 52 incidents happened. In other areas, the number of incidents were between 18 and 41.

90. In Anand district, criminal riots started on 28.2.2002 and continued upto 12.5.2002. During this period there were 194 incidents. All the 8 talukas of this district were affected by the communal violence. The taluka which was affected the most was Anand taluka where 65 incidents happened. There were 36 incidents in Petlad taluka, 27 incidents in Khambhat taluka and 24 incidents in Borsad taluka. Other four talukas namely Umreth, Anklav, Sojitra and Tarapur had 15, 12, 11 and 4 incidents respectively. In Anand town there were 19 incidents. There were 14, 13 and 11 incidents in the areas of Vasad, Khambholaj and Anand Rural Police Station areas respectively. In Petlad taluka 18 incidents happened within the area of Petlad Rural Police Station, 12 incidents happened in the area of Mehlay Police Station and 6 incidents in the area of Petlad Town Police Station. In Khambhat taluka, there were 13, 10 and 4 incidents in the areas falling under Khambhat Rural Police Station, Khambhat Town Police Station and Virsad Police Station respectively. In Borsad taluka there were 18 incidents in Borsad Police Station area and 6 incidents in the area of Bhadran Police Station. The violence stopped in Khambhat taluka on 29.3.2002, in Umreth and Anklav talukas on 2.4.2002, in Petlad and Sojitra talukas on 4.4.2002, in Borsad taluka on 8.4.2002, in Tarapur taluka on 22.4.2002 and in Anand taluka on 12.5.2002. In Tarapur taluka there were only 4 incidents; 2 incidents happened on 2.3.2002, one incident happened on 5.3.2002 and one incident happened on 22.4.2002. Number of days affected by the communal violence in this district were 19 in March, 10 in April and one in May. There were 20 incidents in April and only one incident in the month of May. The areas which were not affected on 28.2.2002 were Umreth, Khambhat and Tarapur talukas. Even on 1.3.2002 there was no incident in Umreth and Tarapur talukas. It was only 2.3.2002 that all the 8 talukas were affected by communal violence. Umreth, Sojitra and Tarapur talukas were free from communal violence on 3.3.2002. Thereafter there were sporadic incidents in all the talukas of the District. There were 13 incidents on 28.2.2002. On 1.3.2002 there were 52 incidents. Out of them 23 incidents happened in Anand taluka and there were 16 incidents in Petlad taluka. In other talukas number of incidents was much less. In the incidents which happened in the district 50 persons lost their lives; 39 persons died because of

communal violence and 11 persons died in police firing. In police firing 7 Hindus and 4 Muslims lost their lives while in the incidents 38 Muslims and 1 Hindu died. In one incident which happened on 1.3.2002 in village Ode under Khambholaj Police Station of Anand Taluka, 24 persons died and they were all Muslims.

91. In Kheda district also the communal riots started on 27.2.2002. They increased on 28.2.2002 and 1.3.2002 and continued upto 12.5.2002, though number of incidents from 4.3.2002 onwards were few and intermittent. This district was affected by communal violence for 16 days in March, 11 days in April and one day in May, 2002. Dakor town of Thasra taluka was the first place to be affected where 3 incidents happened on 27.2.2002. Out of its 10 talukas, not a single incident took place in Virpur Taluka. Even though there were 22 incidents on 28.2.2002, Virpur taluka, Kheda taluka and Kapadvanj taluka had remained quiet. Maximum violence in this district was on 1.3.2002, on which day 54 incidents took place. Except Virpur all the other talukas were affected. The areas falling under 14 out of 17 Police Stations were affected on that day. Maximum number of incidents (14) on that day happened in Thasra taluka. There were 10 incident in Nadiad taluka, 9 incidents in Matar taluka and 6 incidents in Kapadvanj taluka. The incidents in other talukas were less. The violence thereafter started decreasing and there were only 2 incidents in the whole district on 4.3.2002. Both those incidents happened in Balasinor taluka. The violence completely stopped in the areas of Vaso taluka, Kathlal taluka, Antarsumba taluka and also in the areas of Nadiad Rural and Kapadvanj Police Stations on and from 4.3.2002. Only one incident happened in the area falling under Limbadi Police Station of Matar Taluka and that was on 28.2.2002. After 6.3.2002 incidents in all other talukas were intermittent and few in number. The last incident happened in Mahemdavad taluka and that was on 12.5.2002. The least affected talukas in this district were Kathlal, where only 3 incidents took place, Mahudha were 8 incidents took place and Kheda where 9 incidents took place during the entire period. Maximum number of incidents (45) happened in Nadiad taluka. There were 34 incidents in Thasra taluka, 23 incidents in Mahemdavad taluka, 22 incidents in Matar taluka, 21 incidents in Kapadvanj taluka and 16 incidents in Balasinor taluka. Highest number of incidents (9) on any given date in this district were on 1.3.2002 in the area of Matar Police Station. In the incidents which happened in this district 45 persons died and out of them 34 were

Muslims and 11 were Hindus. Amongst those 45 persons 14 persons died in police firing, 7 were Hindus and 7 were Muslims.

92. In Panchmahals district the first incident of communal violence following the Godhra incident was in Godhra town on 27.2.2002. Thereafter there was one such incident in the area of Godhra taluka Police station, one incident in Kalol taluka and one incident in Lunawada taluka. No incident happened in 8 other talukas. The communal violence increased on 28.2.2002 but even on that day there was no incident in Jambughoda and Kadana talukas. On 1.3.2002, there was no incident in Jumbughoda taluka. In this district there were 30 incidents in February, 135 incidents in March, 7 incidents in April and 7 incidents in May, 2002. Maximum number of incidents (29) happened in Lunawada taluka. In the area falling under Lunawada Police Station there were 20 incidents and in the area falling under Kothamba Police Station there were 9 incidents. In Santrampur taluka there were 23 incidents. There were 21 incidents in Godhra taluka and 21 incidents in Kalol taluka. Number of incidents in other talukas was less. Minimum number of incidents (6) happened in Khanpur taluka. However, in one serious incident which happened in that Taluka (CR 13/02) 75 persons lost their lives and that was on 2.3.2002. The communal violence in this taluka stopped on and from 3.3.2002. In Shehra Taluka there were only 8 incidents during the entire period. The violence which started in that taluka on 28.2.2002 completely stopped on 4.3.2002. There were incidents of riots in Godhra taluka till 31.5.2002. However, the violence was confined to Godhra town. In Kadana taluka there was violence on 1.3.2002, 2.3.2002 and 3.3.2002 and it stopped completely on 4.3.2002. Maximum incidents (11) on 1.3.2002 were in this taluka. The last incident in Ghoghamba taluka was on 4.3.2002, in Santrampur taluka on 5.3.2002, in Halol taluka on 25.3.2002, in Kalol taluka on 31.3.2002, in Morva taluka on 3.4.2002 and in Lunawada taluka on 8.5.2002. In this district days affected by the communal violence were 2 in February, 15 in March, 6 in April and 7 in May, 2002. There were 30 incidents in February, 135 incidents in March, 7 incidents in April and 7 incidents in May, 2002. In communal violence 179 persons lost their lives and 136 persons were injured. In one incident (CR 60/02) which happened on 28.2.2002, in the area of Kalol Police station, 10 persons were killed. In another incident (CR 36-02) which happened in that area on 1.3.2002 13 persons were killed. In one more incident (CR 43/02) which happened on 5.3.2002

in the area of Santrampur Police Station 11 persons were killed. Thus 109 out of 179 persons were killed in those three incidents as well as incident of Khanpur Taluka (CR No. 13/2002). Because of communal violence 15 persons died on 28.2.2002, 48 persons died on 1.3.2002, 99 persons died on 2.3.2002, 3 persons died on 3.3.2002, one person died on 4.3.2002, 11 persons died on 5.3.2002. One person died on 22.5.2002 and one person on 25.5.2002. In police firing 4 Hindus and 4 Muslims were killed. In the incidents 167 Muslims and 4 Hindus were killed.

93. In Dahod district also communal violence started on 27.2.2002 and continued till 5.3.2002. Thereafter there were some incidents on some days. It completely stopped on and from 22.4.2002. There were only 2 incidents in the month of April. Maximum number of incidents (25) happened on 1.3.2002. In all there were 95 incidents. There were 3 incidents on 27.2.2002 and 24 incidents on 28.2.2002. The violence started decreasing from 2.3.2002. On 4.3.2002 there were 4 incidents. The incidents which happened thereafter were less in number. On 27.2.2002 only Limkheda taluka was affected by the communal violence. There were 3 incidents on that day. Limkheda was the most affected taluka. During the relevant period 24 incidents out of total of 95 incidents took place in this taluka. Highest number of incidents on any given day during the entire period in the district was in this taluka and that was on 28.2.2002. There were 12 incidents on that day. The least affected taluka was Dhanpur where only 6 incidents happened. Violence in that taluka started on 1.3.2002 and the last incident was on 5.3.2002. There were 10 incidents in Garbada taluka and 10 incidents in Zalod taluka. In Garbada taluka communal incidents started on 1.3.2002 and continued upto 5.3.2002. Thereafter there was only one incident on 29.3.2002. In Zalod taluka violence started on 28.2.2002 and the last incident happened on 4.3.2002. There were 3 incidents in the area falling under Limbdi Police Station of this taluka. There were 13 incidents in Fatehpura taluka. In that taluka violence started on 28.2.2002 and continued till 3.3.2002. Thereafter there was only one incident on 17.4.2002. In Devgadh Bariya taluka there were 14 incidents and they happened on 7 days. The communal violence started on 28.2.2002 and continued till 3.3.2002. Thereafter there was one incident on 25.3.2002, one incident on 29.3.2002 and one incident on 21.4.2002. In Dahod taluka the communal violence started on 28.2.2002 and continued till 4.3.2002. There were 18 incidents; 4 incidents happened in the area

of Dahod Town Police Station and 14 incidents happened in the area falling under Dahod Rural Police Station. There were 27 incidents during the last 2 days of February, 66 incidents in March and 2 incidents in April, 2002. The days affected by the communal violence were 2 in February, 7 in March and 2 in April, 2002. One serious incident (CR 34/02) happened on 2.3.2002 in the area of Zalod Police Station. In that incident 11 persons were killed. DSP and SDM of the district were also injured by stones thrown at them. In this district 7 persons died on 28.2.2002, 7 persons on 1.3.2002, 18 persons on 2.3.2002, 8 persons on 3.3.2002, 2 persons on 4.3.2002, one person on 5.3.2002 and one person on 21.4.2002 because of the communal violence. In all 44 persons lost their lives and 42 persons were injured. Out of the dead 41 persons were Muslims and 3 were Hindus. Two Hindus died in police firing.

94. In Ahmedabad district the communal violence which started on 27.2.2002 continued more violently on 28.2.2002 and 1.3.2002. Maximum number of incidents (388) happened in this district on 28.2.2002. Even on 1.3.2002 more incidents happened in this district than in other districts of the State. From 2.3.2002 onwards there were sporadic incidents. The details and analysis of the incidents in Ahmedabad city are dealt with in **Volume-5** of this report. The situations in Ahmedabad district rural area remained under control and only few incidents happened on some days. There were no incidents in this area between 6.3.2002 and 14.3.2002, 7.4.2002, 15.4.2002, 24.4.2002, 30.4.2002, 10.5.2002, 15.5.2002 and 17.5.2002 to 28.5.2002. Between 28.2.2002 and 2.3.2002, 15 persons lost their lives. Between 3.3.2002 and 31.5.2002, 18 persons lost their lives. There is no clear evidence to show that any leader of any political or religious organization was behind the incidents which happened in the Ahmedabad rural district area.
95. In the five districts of North Gujarat, there were 793 incidents, amounting to about 19% of the total incidents in Gujarat. Out of these 5 districts, Patan was the least affected district with 36 incidents. In Sabarkantha district the impact was highest with 461 incidents. Sabarkantha district had the third highest number of incidents, after Ahmedabad (998) and Vadodara (839) district.
96. Gandhinagar district as stated earlier is a small district having 4 talukas and 10 police stations. In this district, in all 66 incidents took place between 27.2.2002 and

24.4.2002. No incident happened after 25.4.2002. Though all the talukas of the districts were affected, incidents of violence were more in Gandhinagar taluka. Almost 50% incidents (30) happened in this taluka. There were 16 incidents in Kalol taluka. The impact was more within this district probably because main population of this district consisted of Patels, Thakors, Muslims, Harijans, Adivasis and of other miscellaneous castes and some of its parts are communally sensitive. In this district most of the incidents took place on 28.2.2002 (23) and on 1.3.2002 (26). On other days the incidents were few and stray. They were on 2.3.2002, 3.3.2002, 5.3.2002, 13.3.2002, 28.3.2002, 29.3.2002 and 25.4.2002. Gandhinagar town, Kalol town, Dehgam town and Mansa town were affected more than other places of the talukas. Out of its 10 police stations, in the areas falling under 3 police stations only there were some incidents on 2.3.2002. Out of 66 incidents, 35 incidents happened during day time and 31 incidents happened at night. In this district, 5 persons lost their lives because of communal violence. One person died in police firing. In all 64 persons were injured and 636 shops and houses were damaged and burnt. There was communal violence in this district on 10 days.

97. Mehsana district had 609 villages out of which 236 villages were inhabited by Hindus and Muslims. Three persons from this district had died in the Godhra incident. The leader of the Karsevaks, Prahladbhai who died in the Godhra incident belonged to Mehsana town. Probably for these two reasons impact of the Godhra incident was more in this district. All the talukas of the district were affected and in all 169 incidents happened. The communal violence started on 27.2.2002 and continued till 29.5.2002. It was on 2 days in February, 16 days in March, 9 days in April and 5 days in May. Though there were incidents in areas of all the 14 police stations, intensity of communal violence was more in the areas falling under 5 police stations. There was only one incident on 27.2.2002. On 28.2.2002 there were 40 incidents. Maximum number of incidents (16) happened in the area falling under Visnagar police station. Even on that day, areas under 4 police stations had remained peaceful. On 1.3.2002, the violence was at its peak with 45 incidents. On that day also areas falling under 4 police stations had remained peaceful. While Visnagar was affected the most on 28.2.2002, Vijapur and Kadi were affected more with 9 incidents each on 1.3.2002. On 2.3.2002 and thereafter, there were sporadic and stray incidents. Out of 169

incidents, 85 incidents happened at night and 74 incidents happened during day time. In respect of 10 incidents, no definite time or date was available. About 80 incidents happened in villages and other incidents happened in towns. In about 22 incidents, Muslim mobs were the assailants. In this district, 65 persons died as a result of communal violence. Out of them 3 persons died as a result of police firing. About 143 persons received injuries. About 689 houses, 371 shops, 2 dargahs and 2 masjids were damaged by setting them on fire whereas 383 houses, 200 shops, 12 dargahs and 8 masjids were damaged otherwise or looted. There was no protest rally or a meeting to mourn the deaths of 3 persons who had died in the Godhra incident by any party or organization. Policemen were attacked and their vehicles were damaged by the angry mobs when the policemen had tried to prevent them from indulging in rioting. The material thus discloses that the communal violence was not because of any instigation by any party or organization or its leader but it was because of anger of the people.

98. In Patan district the incidents took place in 6 talukas, and they were confined to the areas of 7 out of 11 police stations. On 28.2.2002, there was no violence in the areas falling under 6 police stations. Out of 11 incidents which happened on that day, 5 incidents happened in the areas falling under Chanasma police station. In other areas, the incidents were 1 or 2 only. On 1.3.2002, there was no violence in the areas falling under 5 police stations. On that day also, the violence was mainly confined to the area of Chanasma police station. On 2.3.2002 there were incidents in the areas falling under 3 police stations only and thereafter, there were stray incidents and the number of incidents in any area was not more than one. The last incident happened on 25.4.2002. In fact, after 3.3.2002 only 3 incidents happened and that too in Patan town only. They were on 15.3.2002, 24.3.2002 and 25.4.2002. Not a single incident happened in Santalpur taluka of this district. There was only 1 incident in Sami taluka and 1 in Sidhapur taluka. There were 3 incidents in Radhanpur taluka. The talukas which were largely affected were Harij, Patan and Chanasma where 6, 11 and 14 incidents happened respectively. Out of 36 incidents, 25 incidents happened during the day and 11 incidents happened at night. Most of the incidents happened in towns. Some incidents happened in villages also. In 4 incidents, Muslim mobs were the attackers. As a result of the incidents, 6 persons died and 98 houses, 74 shops and 3 cabins were either damaged or burnt. Goods were looted from 7 houses, 175 shops and

75 cabins. Some damage was caused to 8 dargahs. In some incidents which happened in Patan, Harij and Chanasma, there were big mobs. This district was affected by communal violence for 5 days in March and 1 day in April.

99. Banaskantha district was moderately affected by the Godhra incident. Out of its 12 talukas, 1 taluka i.e. Vav taluka remained totally free from communal disturbance. The areas falling under 6 police stations out of 22 police stations were not affected at all. Communal violence was more on 28.2.2002 than on any other day. But even on that day, there was no incident in the areas falling under 13 police stations. Except in the areas falling under Dhanera police station where 5 incidents took place on 28.2.2002, number of incidents was 1 or 2 or 3 only. On 1.3.2002 there were 11 incidents in the areas falling under 9 police stations. On 2.3.2002 there were 10 incidents spread over the areas of 8 police stations. On 3.3.2002 there was violence in only 5 out of its 22 police station areas. Thereafter, there were stray incidents. The last incident happened on 6.4.2002 but not more than 1 incident happened on any day after 6.3.2002. There was only 1 serious incident in this district and that happened in village New Sesan. In that incident, 14 Muslims lost their lives and many houses belonging to Muslims were burnt. In this district in all 25 persons lost their lives because of communal violence. Twenty persons died because of the assaults on them and 5 persons died in police firing. All those who died in police firing were Hindus. In about 6 incidents, Muslim mobs indulged in rioting and arson and in the rest of the incidents, Hindu mobs were involved. As a result of the incidents in this district, 147 shops and 361 houses were damaged or burnt and about 15 houses and 30 shops were looted. In most of the cases, the mobs consisted of persons from other villages or localities. In some cases, the mobs consisted of Adivasis who mainly looted shops. They had looted shops of some Hindus also. The material shows that in this district also the mobs were defiant and attacked the police when the police had tried to prevent them from indulging in rioting. In this district also buses were attacked while they were seen plying on the road on 28.2.2002, inspite of the '*bandh*' declared on that day. The number of days affected by the riots were 10 in March and 2 in April.
100. The number of incidents (461) in Sabarkantha district was the third highest in the State. One person from this district viz. Khimjibhai of Khedbrahma was killed in the Godhra incident. Sabarkantha district had 10 talukas and 19 police stations. All the

talukas and all the areas of the police stations were affected by the communal violence following the Godhra incident. The highest number of incidents (78) happened in Idar taluka. There were 73 incidents in Bhiloda taluka. Out of them 60 incidents happened in the area falling under Bhiloda police station. There were 69 incidents in Modasa taluka, 55 incidents in Meghraj taluka and 49 incidents in Himatnagar taluka. The number of incidents in other talukas was less. The least affected taluka of this district was Malpur with only 17 incidents which happened between 28.2.2002 and 20.3.2002. Communal violence because of the Godhra incident started in this district on 27th itself. Eight offences were registered on that day in the areas falling under 6 police stations. The violence was at its height on 28.2.2002 as 157 incidents were reported on that day. The highest number of incidents (36) on that day were in the area falling under Bhiloda police station. In each of the areas falling under Himatnagar town police station, Prantij police station, Vadali police station, Khedbrahma police station and Vijaynagar police station, there were more than 10 incidents. The violence decreased on 1.3.2002 and also on 2.3.2002 though the violence continued in the areas of 17 police stations. More areas became free from violence on 3.3.2002 and number of incidents on that day was only 29. Thereafter, there was sporadic violence at different times and at different places. The last incident happened on 18.5.2002 in Modasa town. There was no incident of communal violence in Bhiloda area after 13.3.2002. The material in respect of the incidents which happened in this district discloses that highest number of incidents happened in Idar taluka (78) followed by Bhiloda (73), Modasa (69), Meghraj (55), Himatnagar (49), Pantij (38), Vijaynagar (29), Khedbrahma (28), Bayad (24) and Malpur (17) talukas. Police stationwise most affected area was the area falling under Bhiloda police station where 60 offences were registered between 27.2.2002 and 7.5.2002. Meghraj police station had registered 55 offences between 27.2.2002 and 28.4.2002. Out of 461 offences, 106 offences were committed at night and 355 offences were committed during day time. In all 46 persons lost their lives. Thirty six persons died in communal incidents and ten persons died in police firing. In the incidents, 35 Muslims and 1 Hindu were killed. In police firing, 4 Hindus and 6 Muslims lost their lives. In all 87 persons were injured during the incidents.

101. The material further discloses that in this district, there were many incidents of villagers looting shops of Muslims. Most of the houses and shops attacked and damaged were closed at that time. The material also discloses that persons who attacked Muslims and their properties belonged to other villages and that appears to be the reason why in most of the complaints, the offenders were shown as unknown persons. There were some cases in which properties of persons belonging to the same community were also attacked or looted. The complaints and also the other material disclose that at some places, village people or the neighbours had tried to persuade or prevent the riotous mobs from harming Muslims and their properties. In some cases Muslims were given protection by Hindus by giving them shelter in their houses when the houses of those Muslims were attacked. It had also happened that Hindus had alerted Muslims of their village that villagers from other villages were about to attack them and therefore they should move to a safe place. After investigation of the offences, the police also found in most of the cases that persons who attacked Muslims were from other villages. Many incidents happened in villages. About 320 incidents happened in about 250 villages. About 2000 houses and 1600 shops, cabins etc., were damaged either by fire or otherwise. About 340 houses and 420 shops were looted by the rioting mobs. In all 13 vehicles were damaged; 10 by fire and 3 otherwise. Fifteen dargahs were damaged. This district was affected by communal violence for 2 days in February, 18 days in March, 11 days in April and 2 days in May.

102. In Kachchha & Saurashtra region, constituting Western part of Gujarat, reaction to the Godhra incident was strong in Rajkot and Bhavnagar districts only. There were 204 and 304 incidents respectively in those districts. The impact was very little in the districts of Jamnagar, Amreli and Porbandar. The districts of Kachchha, Surendranagar and Junagadh reacted moderately. Number of incidents in those districts were 12, 24 and 50 respectively. In Kachchha and Saurashtra region total number of incidents (offences registered) were 604. It was about 15% of the total incidents of Gujarat.

103. In Jamnagar district, there was some disturbance in two out of its 10 talukas. The incidents happened in the areas of only 2 police stations out of its 17 police stations. Only 3 incidents happened in this district and they were on 1.3.2002, 4.3.2002 and 5.3.2002. The place, time and manner in which the said incidents happened indicate

that they were minor and stray incidents and were done stealthily. Only few persons were involved in those incidents.

104. In Amreli district the incidents happened in 2 out of its 11 talukas. The incidents happened in the areas falling under 2 police stations and there was not a single incident in the areas of other 15 police stations. There were only 3 incidents and they happened on 28.2.2002, 15.3.2002 and 30.4.2002. They were small and stray incidents. In one incident which happened in Lathi town on 15.3.2002, some Muslims had indulged in rioting and burnt 2 shops of Hindus. There was no loss of life and nobody was injured.
105. In Porbandar district, 4 incidents happened and they were in the areas falling under 3 police stations. There was no incident in the areas falling under 4 other police stations. The incidents happened on 28.2.2002, 1.3.2002 and 4.3.2002. All the 4 incidents happened at night and 2 incidents happened in villages. They were small incidents and the damage caused to the properties was also very small. The number of persons involved in the incidents was also small. There was no loss of life or injury to any person.
106. In Kachchha district there were 12 incidents. They happened in the areas falling under 5 out of its 23 police stations. No incident happened in 5 out of its 10 talukas. There was only one incident on 28.2.2002, one incident on 3.3.2002 and one incident on 29.3.2002. There were 7 incidents on 2.4.2002 in Anjar town because of attacks and counter attacks by Hindu and Muslim mobs. Thereafter, there was one incident on 6.4.2002 and one incident on 7.4.2002. No incident took place thereafter. Out of 12 incidents, 4 incidents happened at night. As a result of the incidents, 8 persons were injured, 22 shops, 1 vehicle and 1 house were burnt and 50 shops were damaged. There was no loss of life.
107. In Junagadh district even though there were 50 incidents, no incident happened in 6 out of its 14 talukas. Out of its 23 police stations, incidents happened within the areas falling under 11 police stations. Thus almost half of Junagadh district remained unaffected by the Godhra incident. Violence was more on 28.2.2002 and 1.3.2002 as 30 incidents happened during those 2 days. Thereafter there were stray incidents. They

happened between 2nd to 6th March and on 15.3.2002, 31.3.2002 and 14.5.2002. Half of the incidents (25) happened in Junagadh town. Another place affected in the district was Kodinar where in all 9 incidents took place. Out of 50 incidents, 22 happened during day time and 28 incidents happened at night. In this district 1 Hindu and 1 Muslim died because of the communal violence. Only in 3 incidents large number of persons were involved. In 6 incidents, Muslim mobs attacked Hindus or their properties and in other cases Hindu mobs attacked Muslims or their properties. Most of the attacks were on closed shops and houses. They happened when the policemen were not present. In most of the incidents, persons involved were unknown. As a result of the incidents which happened in this district 2 persons died.

108. The impact was more in Rajkot district. About 204 incidents happened in that district. (Offences registered were 204). Out of its 14 talukas, 7 talukas remained free from communal disturbance. In 5 talukas the incidents were only one or two. The violence was confined to Rajkot city and other parts of Rajkot taluka. Out of 197 incidents which happened in Rajkot taluka, 190 incidents happened in Rajkot city alone. Only 7 incidents happened in other parts of the taluka. There was no incident either on 27.2.2002 or 28.2.2002 in Rajkot district rural area i.e. area other than Rajkot taluka. In that area, there were 4 incidents on 1.3.2002, 1 incident on 2.3.2002 and 2 incidents on 3.3.2002.
109. In Rajkot city 119 incidents happened on 28.2.2002. Most of the violence was confined to the area falling under one police station of Rajkot city as 102 out of 190 incidents of the city happened in that area. The material discloses that the said area had a mixed population of Hindus and Muslims. There was communal violence on 3 days only i.e. on 1.3.2002, 2.3.2002 and 3.3.2002 in Rajkot Rural District. It continued till 17.3.2002 in Rajkot City. The incidents which happened in Rajkot city on 1.3.2002, 2.3.2002, 3.3.2002, 4.3.2002 and 5.3.2002 were 47, 17, 6, 5 and 1 respectively. Thereafter, one incident happened on 9.3.2002 and the last incident happened on 17.3.2002. The days affected by riots were 8. In Rajkot district, Dhoraji town was considered as the only communally sensitive area. Rajkot city did not have communal riots earlier. The violence in Rajkot city to that extent was unexpected. The material discloses that the mobs involved in the incidents consisted of persons who were highly agitated because of the Godhra incident. The mobs consisted of persons

who were not known in the localities where the incidents happened. In Rajkot city, 4 persons (3 Muslims and 1 Hindu) died because of the communal violence and 14 persons received injuries. Three persons died because of the incidents of 28.2.2002 and one in the incident of 3.3.2002. Out of 197 incidents which happened in Rajkot city and taluka area, 81 incidents happened at night and 116 incidents happened during day time. In 74 incidents, shops were attacked and in 17 incidents, houses were attacked. Only in 10 incidents there were assaults on persons. Some properties were burnt and other properties were damaged. In all 259 shops and 24 cabins were damaged or destroyed. About 46 houses, 3 dargahs and 5 vehicles were damaged.

110. Bhavnagar district was the worst affected area of the Saurashtra region. In all 304 offences related to the Godhra incident were registered in this district. Like Rajkot district, communal violence was mainly confined to Bhavnagar city area. In 3 out of 11 talukas of this district, no communal incident related to the Godhra incident happened. In 3 more talukas, there was only one incident in each taluka. In one taluka, there were 2 incidents and in one taluka there were 3 incidents. Police stationwise, the incidents happened in the areas of 11 out of 22 police stations. Thus, no communal violence took place in almost half the area of this district. Out of 304 incidents which took place in the district, 282 incidents happened in Bhavnagar city and in the remaining area of this district, only 22 incidents happened. No incident happened on 27.2.2002 and 28.2.2002. The violence started on 1.3.2002 with 71 incidents and was at its peak on 2.3.2002 with 113 incidents. On 3.3.2002 and 4.3.2002, the incidents were 54 and 21 respectively. Thereafter, there were few and stray incidents. The violence continued upto 13.5.2002. Out of 304 incidents, 110 incidents happened during day time and 194 incidents happened at night. Because of the communal violence, 8 persons lost their lives. Only 2 persons died in the incidents and 6 persons (5 Hindus and 1 Muslim) died in police firing. Those incidents took place on 1st, 2nd and 3rd of March. In all 37 persons were injured including 17 persons who were injured because of force used by the police. Nine persons were injured because of injuries caused to them by weapons and 11 persons received injuries because of pelting of stones. About 681 houses were damaged and 26 shops/houses were looted. In 12 incidents, Hindu and Muslim mobs attacked each other with stones and soda water bottles. In 24 incidents, mobs attacked the police with stones. In one

case, a policeman was attacked with a sharp edged weapon. The material discloses that mainly because of one newspaper report published on 1.3.2002 communal violence started in this district. That report instigated the Hindus in Bhavnagar city and the angry mobs thereafter attacked properties of Muslims. The material also discloses that in about 30 to 35 cases, Muslim mobs attacked properties of Hindus. Another feature disclosed by the material in respect of this district is that in many cases large number of persons were involved. The communal violence was unexpected and sudden. In most of the cases, persons involved in the incidents were unknown. Number of days affected in the district were 16 in March, 8 in April and 2 in May.

111. Thus in six districts of South Gujarat and eight districts of western part of Gujarat (out of 25 districts of Gujarat) total number of incidents were $264 + 604 = 868$ and percentage wise they were $6\% + 15\% = 21\%$ only. These two regions remained comparatively peaceful probably because they are quite away from the place where the Godhra incident took place and also because they, except Surat city and Bharuch town did not suffer from communal hatred and riots in the past. But for the media reports and visuals and false rumours perhaps the number of incidents would have been much less.

Steps/actions taken by the Government

112. As adequacy or otherwise of administrative measures taken by the concerned authorities and also the role and conduct of the Ministers and Police officers, is required to be determined by the Commission, we now proceed to examine what administrative measures were taken by the Government. The Godhra incident happened at about 8.15 a.m. on 27.2.2002. The material discloses that an emergency meeting of the Chief Secretary, ACS (Home) and the Director General of Police was held in the morning to decide the course of action to be taken. The Director General of Police gave directions to some senior police officers in the afternoon to proceed to Godhra and other communally sensitive areas immediately and supervise the law and order situation there. One Additional DGP was also sent to Godhra to supervise the situation there. Shri Vipul Vijay, IG, ATS was also directed to go to Godhra. Vadodara range IGP Shri Dipak Swarup had already proceeded to Godhra as the Godhra incident had happened within his jurisdiction. IGP Shri Meena was directed to

look after Bharuch district as it is a sensitive district within the Vadodara range. As the post of Surat range IGP was vacant, IGP Shri Pande was sent to Surat.

113. On 27.2.2002, the Director General of Police, by a fax message instructed all the Commissioners of Police, Superintendents of Police and Range Heads to take required measures. The message was:-

“IN VIEW OF THE SERIOUS COMMUNAL INCIDENT WHICH HAS BEEN TAKEN PLACE IN GODHRA RAILWAY POLICE STATION LIMIT TODAY MORNING ALL PRECAUTIONERY MEASURES NEED TO BE TAKEN TO AVERT ANY FALL OUT OF THIS INCIDENT IN YOUR JURISDICTION (.) STRICT VIGIL SHOULD THEREFORE BE KEPT AT ALL SENSITIVE POINTS AND ALL THE FORCES UNDER YOUR COMMAND SHOULD BE KEPT ON MAXIMUM ALERT TO PREVENT ANY UNTOWARD INCIDENT (.) THE FORCES SHOULD ALSO BE ON QUICKEST MOBILITY AND IF NEED BE SUFFICIENT VEHICLES BE REQUISITIONED AND PROVIDED TO THE FORCES (.) THERE IS NO NEED TO RE EMPHASISE THE FACT THAT EVEN A MINOR INCIDENT THAT OCCURS SHOULD NOT BE NEGLECTED BUT SHOULD BE ATTENDED TO PROMPTLY AND STRICT ACTION TAKEN TO NIP THE TROUBLE IN THE BUD (.)

(V.V.RABARI)
I/c I.G. of Police (SJ & HR)
GS, Gandhinagar.”

Another fax message was sent by DGPO on that day and it was:-

“IN VIEW OF THE COMMUNAL INCIDENT THAT OCCURRED AT GODHRA RAILWAY STATION TODAY MORNING, ALL POSSIBLE EFFORTS SHOULD IMMEDIATELY BE MADE TO THWART ANY ATTEMPT BY COMMUNAL ELEMENTS TO FOMENT COMMUNAL TROUBLE IN YOUR JURISDICTION(.) YOU SHOULD ALSO TAKE PREVENTIVE ARRESTS ETC. OF SUCH ELEMENTS WHO MAY TAKE UNDUE ADVANTAGE OF THE SITUATION TO SPREAD COMMUNAL CANARD WHICH MAY JEOPARDISE THE LAW AND ORDER IN YOUR AREA(.) THIS OFFICE SHOULD BE APPRAISED OF THE ACTION IN THIS RESPECT IMMEDIATELY (.)

(K.CHAKRAVARTHI)
DIRECTOR GENERAL OF POLICE
GS GANDHINAGAR.”

Late in the evening a crash message was sent by the Home Department to all Commissioners of Police, District Superintendents of Police and Range Heads.

Relevant part is quoted below:-

“It is learnt that Vishva Hindu Parishad has given a call for “Gujarat Bandh” on 28.2.2002 in protest against the incident of attack on/burning the train “Sabarmati Express” today in the morning near Godhra Railway Station resulting into death of passengers(.) In view of the fragile Communal situation it is requested that strict vigil should be maintained especially in communally sensitive areas as well as the places which have witnessed communal violence(.) All precautionary measures including adequate police bandobast and preventing measures including issuance of prohibitory orders depending upon local situation should also be taken(.) Anti-socials and hardcore communal elements bent upon to jeopardize communal harmony must be dealt with firmly(.) When the dead bodies of the passengers arrive at the native places, it is likely that communal tension may perhaps arise(.) Therefore, enhanced bandobast should be arranged including during funeral ceremonies of deceased (.) Peace and communal harmony should be maintained at any cost (.) All C.Ps/DMs/S.Ps should remain present in headquarter

and closely monitor the situation (.). Adverse development, if any, must be reported to Homesec/Addl. Secretary (L&O) on telephone followed on factual report on FAX(.)

(P.S.SHAH)
Addl. Secretary To Government,
Home Department (Spl.)”

114. The regular police force was put on alert. Those who were on leave were directed to report for duty immediately. On 27.2.2002, for deployment of additional police force, only 9 companies and 1.1/2 platoons of SRP, were available in the State, as 59 companies and 1.1/2 platoons were already deployed in different parts of the State before that day. Out of those 9 companies and 1.1/2 platoons, one company was allotted for Ahmedabad city, two for Surat city, one for Anand town and two for Godhra town. Two platoons were allotted to Mehsana town and one platoon to Himatnagar town. Thus, 7 companies were allotted to different districts and only two companies and 1.1/2 platoons had remained available for further deployment. After obtaining permission of the Central Government, 4 companies of Rapid Action Force, which were then available in the State, were also deployed. One company was sent to Ahmedabad city at 15.30 hours, one company to Godhra district at 15.40 hours, one company to Vadodara city at 15.45 hours and one company to Surat city at 16.30 hours.

115. In the afternoon of that day a request was made by the State Government to the Government of India for sending 10 companies of Central Para Military Force and also to make available Central Reserve Police Force. The Central Government informed the State Government that CRPF was not available as it was deployed at other places. At about 18.50 hours, Addl. Chief Secretary, Home Department again requested the Central Government for 10 more Rapid Action Force companies. The Government of India approved deployment of 6 companies of CISF, 17 companies of BSF and 6 companies of Border Wing Home Guards which were already in the State. The first Central Para Military Force to arrive consisted of 3 companies of CIFS. They were made available at Ahmedabad, Vadodara and Godhra.

116. The evidence further discloses that the Chief Minister, who had earlier gone to Godhra, left Godhra by road at about 19.30 hours. After reaching Vadodara, he left for Ahmedabad by air. From Ahmedabad he went to Gandhinagar by road and reached his residence at about 22.30 hours. He then held a law and order meeting with top officials

of the General Administration, Home and Police departments. In that meeting he shared information about his visit to Godhra. The officers then briefed him about the precautionary measures taken by the Administration. According to there who attended the said meeting, the Chief Minister instructed them to take all possible steps for maintaining law and order and peace within the State. He told ACS (Home) to inquire at the local Army Head Quarter about availability of the army. He also told the officers to seek assistance for additional force from the neighbouring States. He instructed the officers of the Home Department and the Police to make necessary 'bandobast' to avoid any untoward incident.

117. The evidence discloses that the said meeting was attended by Incharge Chief Secretary Smt. Swarnakanta Varma, ACS (Home) Shri Ashok Narayan, DGP Shri K. Chakravarthi, CP Shri P.C.Pande, Secretary (Home) Shri K. Nityanandam, Principal Secretary to CM Shri P.K.Mishra and Secretary to CM Shri Anil Mukim. On consideration of the evidence on this point, the Commission is inclined to believe that in the said meeting, the Chief Minister gave instructions to the officers to take all necessary steps to control the riots and to maintain law and order. No decision was taken to call the army but the necessity of calling the army was discussed. Thereafter the Home Secretary or the Dy. Home Secretary had contacted the Local Army Head Quarter for informing it to be on alert.
118. As against the evidence that the Chief Minister had stated in the said meeting that all possible steps should be taken to control the communal riots and to maintain law and order a different version is given by Shri Sanjeev Bhatt, who was then of the rank of DSP and was working as Dy. Commissioner in the State Intelligence Bureau. He has claimed that he was present in that meeting. We have dealt with the evidence and recorded our finding on this point hereafter in this Volume. For the present it is sufficient to state that the claim made by Shri Sanjiv Bhatt and his version are found to be false.
119. On coming to know about the Godhra incident the District Magistrates and Collectors and the district police heads had alerted their subordinates. After receiving fax messages from the authorities at Gandhinagar, the district administration including the police department took usual precautionary and preventive steps on 27.2.2002 itself.

120. The Superintendent of Police of Valsad District came to know about the Godhra incident while inspecting Atul Police Station on 27.2.2002. He immediately returned to the head quarter. After he was informed about the '*Gujarat Bandh*' call for 28.2.2002, he held a meeting with his officers for reviewing security arrangements to be made in the district to prevent any untoward incident. A comprehensive scheme was prepared and accordingly, bandobast was arranged. He has produced a copy of the bandobast scheme. It shows that '*stand to*' was declared and special bandobast was made for Valsad city, Pardi, Vapi town, Vapi GIDC, Umargam and Dharampur Police Station areas, as they were considered to be sensitive areas. The said scheme further discloses that all the police officers were directed to keep a watch over anti social and communal minded persons and to take action against them if that became necessary. It also discloses that police officers were directed to requisition private vehicles and fit them with wireless sets for effective and constant patrolling, to keep watch over VHP office bearers and workers, to take necessary preventive steps and to keep proper bandobast near religious places. All officers in charge of police stations were directed to take action according to the '*Communal Riot Scheme*'. The DSP after consultation with the District Magistrate took the following measures: (1) Police Control Room operations were streamlined and an officer of the rank of PI/PSI was stationed in the Control Room round the clock, (2) the Communal Riot Scheme was put into action in Valsad town and Dharampur Police Station areas and in some other parts of the district, (3) sensitive areas were identified and a list of communal minded persons and anti-social elements was prepared, (4) all police officers and policemen both in police stations and Armed Reserve in the Police Head Quarters were brought to '*stand to*' position, (5) leave of all the police officers and policemen was cancelled and (6) for effective patrolling 15 vehicles were requisitioned and wireless sets were fitted in them and they were put into service for patrolling. Moreover home Guards and members of Gram Rakshak Dal were mobilized and deployed in sensitive areas. Policemen were posted at communally sensitive points like places of worship and minority dominated residential areas. A prohibitory order was issued with regard to use and carrying of arms and organizing meetings and taking out processions. The Collector's office has produced copies of the documents showing what steps were taken by the district administration. These documents and the documents sent by the

Superintendent of Police also show what further steps were taken by the district authorities on subsequent days also.

121. The evidence discloses that on receiving the first fax message at about 11.30 a.m., sent by DGP Gandhinagar, the District Superintendent of Police of Dang had directed, through police wireless grid, all the subordinate police officers to strictly comply with the instructions given in the said message. The police force was put on '*stand to*' and directed to remain present at their respective police stations or head quarters. The Supervisory officers and officers in charge of the police stations were directed to arrange for armed police bandobast at madresas and masjids within the areas of their police stations, to arrange for constant patrolling from 5.00 a.m. on 28.2.2002 in all sensitive areas, to see that Vishva Hindu Parishad, Bajrang Dal and Karsevaks do not create any disturbance, to spare 30 policemen from head quarter for performing duty at the Police Control Room and also to keep some vehicles ready at the Police Control Room, to keep a constant watch over communal minded persons and to take necessary action against them if found to be indulging in illegal activities and to cancel the leave of all the police officers and policemen. Again on the same day, after receiving the second message from Gandhinagar, the DSP Dang had instructed all subordinate police officers to see that the law and order was maintained on 28.2.2002 in view of the '*bandh*' call given by VHP.
122. In Navsari district the District Superintendent of Police had put all the policemen on '*stand to*' and all the subordinate officers were directed to arrange proper bandobast. Policemen were posted at communally sensitive points in the areas of all the police stations. Constant patrolling was also arranged. Directions were given to start Control rooms from the morning of 28.2.2002 and to see that they functioned thereafter round the clock and also to start day and night patrolling in sensitive areas.
123. In Surat District (Rural), the District Superintendent of Police Shri K.L.N.Rao gave instructions to the police force to be on stand to. Subordinate police officers were instructed to take precautionary measures so that no untoward incident happened within their jurisdictions. They were also instructed to take strict measures against persons trying to disturb peace within their areas. All officers incharge of police stations were given instructions to arrange patrolling near religious places and in the

areas where there was mixed population. They were also instructed to make preventive arrests of persons who were likely to disturb communal harmony. As the police force was inadequate, he made a requisition for additional force consisting of SRP. As stated by Shri Rao and also disclosed by the evidence, between 27.2.2002 and 31.5.2002, he and his subordinates had taken all the steps required under The Communal Riot Scheme.

124. In Surat city the Commissioner of Police, declared red alert and informed all the subordinate police officers about declaration of '*stand to*'. He also arranged points in communally sensitive areas. Police Inspectors incharge of police stations were given instructions to keep a watch over communal minded persons and to take action against them if their activities were found suspicious. They were directed to keep proper bandobast. A copy of the instructions issued by the Police Commissioner on 27.2.2002 has been produced before the Commission. The evidence also discloses that on 27.2.2002 preventive arrests of 103 persons were made. Prohibitory orders were given to the organizers of television channels not to show anything which was likely to incite the people. Instructions were also given to deal with the rioters and anti social elements strictly. Orders were also issued prohibiting collection of more than 4 persons and carrying of arms. In view of the '*bandh*' call for 28.2.2002, a bandobast scheme was prepared and circulated to all the subordinate police officers. As the police force was inadequate, the Police Commissioner requested the higher authorities to make available 8 companies of SRP and 2 companies of RAF. He also requested the District Home Guard Commandant to allot 50 Home Guards.
125. In Narmada district, the Superintendent of Police instructed all the police officers within the district to arrange for intensive patrolling and to take strict action against persons trying to disturb communal harmony. Home Guards were also deployed for bandobast duty. In view of the '*bandh*' call given for the next day, all police officers were informed to fix points (i.e. to fix places and post police constables there) at communally sensitive places. Subordinate police officers were also directed to requisition private vehicles for intensive mobile patrolling. A meeting of the Peace Committee was also arranged on 27.2.2002 in the office of the SDM at Rajpipla where the District Magistrate had remained present. On 27.2.2002, a peace march was arranged at Rajpipla and Sagbara as they were communally sensitive areas.

126. In Bharuch district, the District Magistrate in consultation with the police officers prepared a bandobast plan to meet with the situation likely to arise as a result of the Godhra incident and the '*bandh*' call given for 28.2.2002. The material which has come before the Commission discloses that fixed points were arranged and mobile patrolling was also started. Other usual actions were also taken pursuant to the directions received from higher authorities at Gandhinagar through fax messages.
127. In Vadodara district, Shri Bhagyesh Jha who was the District Magistrate and District Collector, had convened a review meeting with the DSP and the Commissioner of Police wherein officials working in the office of the Collectorate were kept present. All of them were informed to be on alert. The Commissioner of Police on receiving message from the State Control Room, Gandhinagar at about 10.20 hours, advising all police heads to take care of any reaction of the Godhra incident, instructed all PIs who were not on bandobast to start patrolling and send mobile vans also for patrolling. They were directed to check communally sensitive pockets. He called all PIs and PSIs for a meeting at about 10.30 hours. He talked to the DGP for providing additional force as many officers and police personnel were on leave and many posts of PSIs and HCs were vacant. At 12.00 hours he directed all ACPs to talk to CP to ensure alert as there was likelihood of some reaction when the train taking Kar Sevaks to Ahmedabad was to pass Vadodara railway station. ACP in charge of control room was asked to get vehicles from head quarters and to strengthen control rooms. At about 12.20 hours instructions were conveyed to the whole police force in the Commissionerate to implement the 'Communal Riot Scheme' and to remain on '*stand to*'. Instructions were given for requisition of vehicles and fit them with 'jalis' and wireless sets. SRP officers were asked to get wireless sets fitted in their vehicles. At about 16.45 hours, he discussed 'Communal Riot Scheme' and law and order situation with his subordinate officers. All PIs were directed to requisition five vehicles each and get them fitted with wireless sets. In view of the call for '*Gujarat Bandh*' on the next day, *bandobast* scheme was prepared and all PIs were conveyed instructions to initiate preventive actions against all communal minded persons. By midnight, 53 additional mobiles were fitted with wireless sets and they were put in service for patrolling. As 100 recruits were allotted for deployment, they were distributed amongst various

police stations. He also held a meeting of Sr. police officers at police Bhavan in view of the bandh call for the next day.

128. Shri Keshavkumar, DSP of the District directed the police force under him to be alert and on '*stand to*'. Instructions were given to keep watch over communal minded persons and to implement 'Communal Riot Scheme'. The subordinate police officers were directed to fix points and arrange patrolling by foot and by mobile vans. For mobile patrolling, 75 vehicles were put in service. Some vehicles which were requisitioned for that purpose were fitted with wireless sets.
129. On 27.2.2002, in Anand district, the police authorities had received 4 messages from Gandhinagar. The DSP in his turn instructed his subordinate officers to mobilize the police force and to remain on '*stand to*'. Bandobast as required during communal tension was arranged and all the officers in charge of police stations and SDPOs were directed to see that no untoward incident happened within their jurisdictions. Six '*Kar Sevikas*' of village Run, falling under the area of Sojitra police station, were burnt alive in the Godhra incident. So adequate bandobast was made in that area to prevent any incident during and after the funeral of those '*Kar Sevikas*'. The material further discloses that as the police force was inadequate, a request was made to higher authorities for sending more police force. Notification under sec. 37 of the Bombay Police Act was issued prohibiting carrying of arms. A meeting of Peace Committee was also arranged at the district level. Arrangements were made for intensive patrolling and policemen were posted in sensitive areas.
130. In Kheda district the police force was alerted and as a precautionary step, '*stand to*' was ordered from 18.00 hours of 27.2.2002, on receiving news about the Godhra incident and fax messages from Gandhinagar. Those policemen who were on leave were asked to report immediately for duty. Home Guards and GRDs were also deployed for bandobast alongwith regular police force. Private vehicles were requisitioned for mobile patrolling and all those vehicles were equipped with tear gas, lathis, helmets and armed police personnel. Strict watch and vigil was kept over persons likely to disturb peace and incite communal violence. Orders were issued prohibiting use of arms and gathering of more than 4 persons and taking out processions. Those officers and policemen who were deployed for bandobast at

Santram temple, Vadtal temple and Dakor temple were immediately relieved and sent to their respective police stations for maintaining law and order. As the Sabarmati Express Train involved in the Godhra incident was to pass through the Kheda area, proper bandobast was kept at Nadiad and Mehmabad railway stations.

131. In Panchmahals district, where the Godhra incident happened, mobs started collecting in Godhra town by 10.00 hours. Apprehending trouble in Godhra town, because of the Godhra incident, the District Superintendent of Police issued orders to his subordinates to take precautionary measures and to disperse the mobs. Curfew was imposed in Godhra town at about 10.55 hours. By 12.00 noon the police had fired 4 rifle rounds and 16 shells of tear gas for dispersing the mobs. In view of the Gujarat bandh call for the next day, the DSP gave directions to all the police stations to arrange proper bandobast and to ensure safety of minorities as there were reports regarding communal violence at Lunavada and Kalol also. Additional man power available in the district was sent there and senior officers present there were asked to take strict action.
132. In Dahod district, the DSP had also taken usual steps of mobilizing the force, deploying his men at sensitive places, keeping a watch over persons likely to create trouble, etc. for maintaining law and order in the district. The material also discloses that he instructed all the police station officers and supervising officers to arrange proper bandobast and round the clock patrolling.
133. In the year 2002, Ahmedabad City Police Commissionerate covered an area of approximately 491 sq.mts. and had population of about 55 lacs. The Western part of Ahmedabad city was inhabited by comparatively educated and affluent people. The Eastern part of the city was primarily an industrial belt and was inhabited mainly by labour class and poor sections of the society. In between Eastern and Western part is situated the old Ahmedabad or walled city and that area was inhabited by the old timers of Ahmedabad both Hindus and Muslims and by persons of all types. The old city area had in the past witnessed many communal riots. The history of communal riots in Ahmedabad city discloses that it has become so sensitive that at the slightest provocation communal violence can erupt in certain parts of the city.

134. On 27.2.2002, on coming to know about the Godhra incident and time of arrival of the Sabarmati Express train which was attacked at Godhra, Ahmedabad police made arrangements at Ahmedabad Railway Station to reduce chances of confrontation or any communal trouble, even though the said area really fell within the jurisdiction of the Railway Police. Police presence at the Railway Station was re-inforced, police patrolling was intensified in all known communally sensitive areas and arrangements were made to take the 'Kar Sevaks' in buses directly to their destinations instead of leaving them to travel by road on their own and coming in contact with other persons. The Collector himself had gone to Ahmedabad Railway Station and had sent City Deputy Collector to Maninagar Railway Station to prevent any untoward incident from taking place at those stations. Police came to know about the call given by Vishwa Hindu Parishad for '*Gujarat Bandh*' in late evening. Therefore arrangements were made to mobilize the available manpower and deploy them in the areas which were communally sensitive and trouble prone. Police was put on stand to, additional force of six companies was requisitioned from the State. Some preventive arrests were also made.
135. In Ahmedabad (Rural) District the District Administration instructed all its officers including Prant Officers, Mamlatdars and Executive Magistrates to take all precautionary measures necessary for maintaining law and order. [The area of Ahmedabad Rural District in 2002 was 7932 sq.k.mt. and it had 17 police stations. Mandal police station situated in the north was about 85 k.mt. from Ahmedabad and Barvala police station situated in south was 130 k.mt. away from Ahmedabad. There were 556 villages in that area. Six police stations were considered as communally sensitive and Communal Riot Scheme for those six police stations was prepared in 2001.] It also instructed all the police officers and subordinates to remain on '*stand to*' and to take appropriate steps for the bandobast. On that day the Collector arranged Peace Committee Meetings in Viramgam, Dholka, Dhandhuka and Sarkhej. As the Sabarmati Express Train was to pass through Bareja and Barejadi railway stations, appropriate bandobast was arranged there. The whole police force was mobilized and they were entrusted with bandobast duty including patrolling in sensitive areas and also on the highways of Ahmedabad-Viramgam, Ahmedabad-Bagodara and Ahmedabad-Bhavnagar. All the police officers were directed to take help of Home

Guards and Gram Rakshaks and instructions were given to them to arrange bandobast at all sensitive points and intensive patrolling in those areas.

136. The evidence relating to Gandhinagar town and Gandhinagar district discloses that on 27.2.2002, the District Collector Shri Haidar and District Superintendent of Police Shri Radhakrishna had quickly taken steps to see that law and order was not disturbed in the district as a result of the Godhra incident. The DSP informed all the officers in charge of police stations to arrange for proper bandobast and patrolling according to the Revised Communal Riot Scheme. Accordingly, officers in charge of the police stations had arranged fixed points in sensitive areas and intensive patrolling by mobile vans was started. On 27.2.2002 a district level Peace Committee meeting was also held at Gandhinagar.
137. The evidence relating to Mehsana district discloses that even though Mehsana district did not have previous history of any serious communal riot, Shri Anupam Ghelot, who was the DSP of the district, on coming to know about the Godhra incident and the fact that 94 'Karsevaks' from that district were traveling by the Sabarmati Express Train which was attacked at Godhra railway station and that 2 'Karsevikas' had died and 14 'Karsevaks' were injured in that incident, directed the officers in charge of all the police stations to take appropriate steps for bandobast. Though DSP Shri Ghelot has not specifically stated in his affidavit that Communal Riot Scheme was implemented, it appears from the material supplied by the officer in charge of Visnagar police station that on receiving instructions from the DSP, bandobast was arranged as per the Communal Riot Scheme. The material in respect of other police stations also discloses that steps which were required to be taken according to the Communal Riot Scheme were in fact taken by all the officers in charge of the police stations of the district. Communally sensitive places were identified and points were fixed there. Intensive patrolling was arranged and private vehicles were also requisitioned and fitted with wireless sets for that purpose. The officers in charge of police stations were instructed to keep a watch over the activities of anti social and communal minded persons and to take preventive actions. Those persons who had died or injured in the Godhra incident mainly belonged to Kadi and Mehsana talukas. So special bandobast was arranged there. Demand for additional police force was made on that day. Only 3 incidents had

happened on that day; 2 were in Kadi town and one was in village Kalyanpur falling under Bavlu police station.

138. In Patan district, the District Magistrate and Superintendent of Police instructed all the Executive Magistrates and subordinate police officers to arrange proper and effective bandobast. Accordingly sensitive places were identified and arrangements were made for fixed points. The officers in charge of the police stations were also instructed to maintain intensive patrolling and to requisition private vehicles for that purpose if that was found necessary. They were also directed to strictly deal with persons attempting to disturb law and order. They were also directed to keep a watch over anti social and communal minded persons and to take preventive steps against such persons. In view of the bandh call declared for 28.2.2002, requests were made to higher authorities for additional police force and prohibitory orders were also issued under the Criminal Procedure Code and the Bombay Police Act.
139. In Banaskantha district, soon after coming to know about the Godhra incident, the District Magistrate informed the Dy. Collector and the Mamlatdars of the district to take adequate precautionary steps to see that law and order in the district was not disturbed, as this district touches the borders of Pakistan and is even otherwise a communally sensitive area. The evidence also discloses that after receiving messages from the authorities at Gandhinagar, instructions were given to subordinate police officers and officers in charge of police stations to remain on '*stand to*' and to arrange for intensive bandobast and patrolling and to cancel leave of all the police personnel. On the same day, by another wireless message, DSP of the district instructed all subordinate police officers and officers in charge of police stations to arrange police points in communally sensitive areas and to do intensive patrolling. They were also directed to requisition vehicles for the purpose of intensive patrolling and to fit them with wireless sets. In view of the bandh call for 28.2.2002, the police authorities had also sought help of Home Guards and issued prohibitory orders under section 144 of Criminal Procedure Code and section 37 of Bombay Police Act. Medical teams and fire fighters were also kept ready and put on alert.
140. In Sabarkantha district, the Collector and Magistrate of the district alerted and instructed all the Executive Magistrates and Sub Divisional Magistrates to take

necessary actions for maintenance of law and order. All the concerned officers were directed to set up Control Rooms at the district and taluka levels. The Superintendent of Police was told to take necessary precautionary steps and arrange intensive patrolling. The DSP in his turn informed subordinate police officers and police officers in charge of police stations to maintain proper bandobast and to requisition private vehicles if that was found necessary for intensive patrolling. They were also informed to follow the action plan.

141. The District Magistrate and the DSP of Kachchha district instructed their subordinate officers to take steps for maintenance of law and order within the district. On 27.2.2002 '*stand to*' was declared. All the available police force was deployed on that day and on the subsequent days for bandobast. Bandobast points were fixed and there was intensive patrolling of the areas which were communally sensitive. Prohibitory orders under section 37 of B.P.Act and sec. 144 of Cr.P.C. were issued as precautionary measures.
142. In Surendranagar district the Collector and the DSP gave instructions to their subordinate officers to arrange adequate bandobast and intensive patrolling, even though Surendranagar district did not have history of communal riots. Only some areas were regarded as communally sensitive and therefore, subordinate police officers were directed to arrange bandobast in those communally sensitive areas by fixing points and by patrolling those areas. Leave of all the police personnel was cancelled. Subordinate officers were also directed to hire private vehicles for effective patrolling if that was found necessary.
143. In Jamnagar district, the District Magistrate issued instructions to sub Divisional Magistrates, Mamlatdars and Executive Magistrates and told the DSP to take adequate precautionary measures. The DSP directed his subordinates to keep vigil over communally sensitive areas and arrange appropriate bandobast for maintaining law and order. The officers were also directed to issue prohibitory orders if that was found necessary. The evidence discloses that steps as directed were taken by the subordinate officers. Control rooms were set up at the district and taluka level.

144. In Porbandar district, the District Collector issued instructions to his subordinate officers to see that peace and tranquility was maintained in the district. The DSP also instructed subordinate police officers to take immediate steps to see that there was no disturbance of law and order. The material further discloses that the DSP had immediately started implementing Communal Riot Scheme. Accordingly borders of the district were sealed. Police bandobast in sensitive areas was arranged. Intensive patrolling was started. The subordinate officers were directed to keep watch over activities of communal minded persons and to arrange meetings of Peace Committees at the district and taluka level.
145. In Amreli district, on 27.2.2002, the district Magistrate and district Superintendent of Police instructed their subordinate officers to arrange proper bandobast within the district. The material shows that policemen were posted at sensitive places and constant and intensive patrolling was arranged. It appears that there was no communal violence in the past in this district and there was good harmony between the persons of majority and minority communities.
146. In Junagadh district, on 27.2.2002, the District Collector gave instructions to all the sub Divisional Magistrates and Taluka Executive Magistrates to remain present at their head quarters, to remain in touch with the police officers and to take appropriate steps for maintenance of law and order within the district. The district Collector also told the Superintendent of Police to arrange proper police bandobast. Shri S.S.Trivedi, who was the District Superintendent of Police called a meeting of local officers and gave instructions for strict bandobast. Similar instructions were issued to all officers in charge of all the police stations in the district. As the VHP and Bajrang Dal were to take out a rally in Junagadh city in the morning of 28.2.2002, special bandobast was arranged for Junagadh city also and for that purpose, instructions were given to utilize services of Home Guards and Gram Rakshak Dal. Leave of all the police personnel was cancelled and they were told to report for duty immediately. Patrolling in sensitive areas was arranged. The DSP remained in constant touch with the Control Rooms.
147. The evidence discloses that there was good communal harmony in the area of Rajkot Rural district. In past no serious communal riot had taken place in that area. It had 21

police stations. The only communally sensitive place in the district was Dhoraji town. Yet on receiving news about the Godhra incident and the messages from the Government, bandobast and intensive patrolling was arranged in the areas falling under all the police stations. Rajkot city also did not have history of communal riots and on the whole there was communal harmony; but, on coming to know about the Godhra incident and after receiving the fax message from the office of DGP, Gandhinagar, the Police Commissioner immediately called a meeting of his officers in charge of all the police stations and gave them instructions to maintain proper bandobast. As there was shortage of vehicles for patrolling, private vehicles were requisitioned. 'Stand to' was ordered and meeting of Peace Committee was held.

148. In Bhavnagar district Shri A.B.Panchal was the District Magistrate. On coming to know about the Godhra incident, he instructed the Superintendent of Police, Sub Divisional Magistrates and Taluka Executive Magistrates to be on the alert. After receiving the fax messages from Gandhinagar on 27.2.2002, he had again issued instructions to arrange for proper bandobast and to take preventive steps for maintaining law and order within the district. He also directed his subordinates to start control rooms at taluka level and to arrange Peace Committee meetings. Shri Rahul Sharma, the DSP of the district was on leave on 27.2.2002. On receiving instructions from Junagadh Range Special IGP, he went back to Bhavnagar and resumed duty at 21.45 hours. He called a meeting of police officers at 22.00 hours. The meeting continued up to 02.00 hours and in that meeting he gave instructions regarding the bandobast to be kept on the next day. As a rally was to be taken out in Palitana on 28.2.2002, special arrangement for bandobast including patrolling by mounted police was made. As Bhavnagar, Mahuva, Talaja, Shihor and Palitana were considered sensitive areas, strict bandobast was arranged in those areas.

149. What was done by the Government, including the District Administration, as disclosed by the material produced before and gathered by the Commission was that on 27.2.2002, the State machinery, concerned with maintenance of law and order, was put on alert by the Government and all the District Authorities and Commissioners of Police were directed to take precautionary and preventive measures depending upon the local situations. At the district level the concerned Authorities mobilized as much

police force as possible and 'Bandobast' as per the Bandobast Scheme or Communal Riot Scheme was arranged. The evidence also discloses that Communal Riot Scheme is prepared at the district level by the district police and it is to be implemented as and when required, without receiving any order from the Government. Some district police heads have specifically stated that Communal Riot Scheme was implemented. Others have stated that Bandobast Schemes were prepared, and the steps taken by them indicate that similar steps were taken by them in their jurisdictions. Private vehicles were requisitioned for effective patrolling. Police kept vigil over activities of anti social and communal elements and some preventive arrests were also made. Policemen were instructed to take firm action against anti social and communal elements. Efforts were also made by the Government to secure additional security force. The State Government made a request to the Central Government for sending 10 companies of Central Para Military Force and 4 companies of RAF urgently. Services of Home Guards and Gram Rakshaks were also requisitioned. The DGP made an appeal through television for maintaining peace and communal harmony. Informal inquiries were made regarding availability of the army. The authorities had imposed curfew in Godhra town as communal violence had already started there. A high level meeting was held at about 22.40 hours by the Chief Minister with Senior Officers. In that meeting the Chief Minister gave instructions to take necessary steps for maintenance of law and order. Earlier the Chief Secretary and ACS (Home) had held meetings with DGP and other Sr. Police Officers. However, some incidents did happen on 27.2.2002. They were mainly in the cities of Ahmedabad, Vadodara and Surat and in some parts of central and north Gujarat districts. They happened in (1) Ahmedabad, (2) Vadodara, (3) Surat, (4) Sabarkantha, (5) Kheda, (6) Panchmahals, (7) Dahod, (8) Mehsana and (9) Gandhinagar districts. There was no incident in other 16 districts of the State.

150. The evidence further discloses that in the morning of 28.2.2002, a high level meeting of the Chief Minister and Sr. Officers was held to review the law and order situation. The wireless message was then sent by Home Department to all the CPs, DMs, and SPs for taking certain actions. The said message was:

“IN VIEW OF THE DEVELOPMENT ON ACCOUNT OF TODAY’S GUJARAT BANDH, YOU ARE DIRECTED TO ROUND UP ANTI SOCIAL AND KNOWN COMMUNAL ELEMENTS UNDER THE PREVENTIVE LAWS (.) MOBILE PATROLLING SHOULD BE

INTENSIFIED AND ADEQUATE BANDOBAST MUST BE ARRANGED AT SENSITIVE AREAS AND PLACES WHICH HAVE WITNESSED VIOLENCE (.) ADEQUATE PROTECTION SHOULD ALSO BE PROVIDED TO PLACES OF WORSHIP (.) EFFECTIVE ACTION SHOULD PROMPTLY BE TAKEN TO DISPERSE UNRULY MOBS /UNLAWFUL ASSEMBLIES (.) ELEMENTS INDULGING IN VIOLENCE AND BENT UPON TO JEOPARDIZE COMMUNAL HARMONY MUST BE DEALT WITH FIRMLY (.) NO STONE SHOULD REMAIN UNTURNED FOR MAINTENANCE OF PEACE AND TRANQUILITY (.)

(P. S. SHAH)
ADDL. SECRETARY TO
GOVERNMENT,
HOME DEPARTMENT (SPL.)”

At about 10.55 a.m. DGP sent a fax message to all the PCs, DISPOLs and Range Heads to take strict action, including preventive arrests of persons trying to disturb communal harmony. They were also directed to take effective steps against persons found causing harm to persons and properties and to see that they were arrested and proper investigation was done in cases registered against them. They were also directed to inform persons in charge of bandobast about the said instructions. On that day, by a fax message, Home Department directed the Addl.DGP (INT) Gandhinagar to get details of arrival of Haj Pilgrims and instruct the concerned officers to ensure their security and to avoid any untoward incident. The Chief Secretary and ACS (Home) held a meeting with DGP and other Sr.Police Officers. The ACS (Home) instructed the police that mobile patrolling should be intensified and adequate protection should be provided at places of worship and that effective action should be taken to disperse unruly mobs. He also instructed them to control firmly anti social elements indulging in violence and jeopardizing communal harmony.

151. The evidence further discloses that a high level review of the situation at the Chief Minister level was made by mid-day some time after the noon. The meeting was attended by the Chief Minister, Minister of State (Home), Acting Chief Secretary, Addl. Chief Secretary (Home), the Director General of Police and Addl.DGP (Intelligence). Soon thereafter i.e. by 13.40 hours, the Chief Minister made an oral request to the Union Home Minister for army deployment. At about the same time the Addl. Chief Secretary (Home) requested the Union Defence Secretary to make army available for internal security duties. The Chief Minister publicly announced at about 16.00 hours the decision of the State Government to call the army. A formal request was also sent to the Central Government for army deployment. Informal interaction

was maintained with the local army personnel at Gandhinagar and Ahmedabad from the evening of 27th. The inquiries made with the local army had revealed that no force was available at Ahmedabad for deployment as the whole force was deployed in forward areas. The State Government persisted with its efforts. The army personnel were airlifted from the forward positions on the country's border and started arriving at Ahmedabad by mid-night of 28.2.2002.

152. As the State Police Force was inadequate, the DGP on 28.2.2002 moved the State Government to request the Central Government to provide 10 companies of RAF and to request the neighbouring State Governments of Rajasthan, Madhya Pradesh and Maharashtra to provide 10 companies each of their State Reserve Police. Pursuant to the request made by the State Government, the Government of India approved deployment of six companies of CISF, 17 companies of BSF and six companies of Border Wing Home Guards which were already in the State. One company reported at Bhuj at about 15.00 hours, one company reported at Palanpur at about 18.00 hours and the third company reported at Rajkot on the next day at about 13.00 hours. It was decided by the concerned authorities to send four companies of CISF to Gujarat. One of them was to be sent from Udepur and one was to be sent from Bhopal. It was also decided by the concerned authorities that out of the Border Wing Companies which were under Army Operation Control, two companies would be made available from Banaskantha and three companies would be made available from Bhuj.
153. The army which was away and airlifted started arriving by the mid night of 28.2.2002. Within about 3 hours, the army was provided with logistic support consisting of six buses, 9 trucks, 15 jeeps, Executive Magistrates, Liaison Officers, Guides and maps.
154. On 1.3.2002, the Government directed the law enforcing authorities through wireless messages to take all necessary steps to control violence and to deal strictly with persons found indulging in violence. Relevant parts of the two messages are quoted below:

“In view of prevalent surcharged and tense atmosphere, direction given by Home Department time and again for maintenance of public order peace and frequently should be implemented (.) Following salient features should be kept in mind and put in to action immediately (.)

1. Communal riots schemes for the respected districts/cities must be implemented (.)

2. Revised guidelines given by the Government of India to promote communal harmony which was circulated under Home Department letter No. SBII/COM/1097/GOI/295 dated 30.10.1998 must be implemented strictly and effectively (.)
3. Close vigil must be kept on the activities of anti social and communal minded elements and they should be rounded up under preventive laws (.)
4. Prompt and effective action must be taken against hard core communal elements bent upon to jeopardize communal harmony (.)
5. Special attention must be paid to communal sensitive areas especially the places which have witnesses communal violence (.)
6. Bandobast should be tightened and mobile as well as foot patrolling should be intensified especially in affected areas (.)
7. Any attempt to jeopardize tranquility peace and public order must be nipped in bud (.)
8. All necessary precautionary as well as preventive measure must be taken depending upon local situation (.)
9. Effective action should be taken to disperse unruly mobs and unlawful assemblies (.)
10. Meetings of peace committee/Ekka committee and Mohalla committee should also be held (.)
11. Tense situation, if any must be defused by taking appropriate measures and involving prominent members of both community as well as social leaders (.)
12. Last but not the least, curfew imposed in the cities/towns concerned should be strictly implemented (.)

(J.R.Rajput)
UNDER SECRETARY TO GOVERNMENT,
HOME DEPARTMENT (SPL.)”

“Home Department has already issued Crash Message including the last message No. SBII/COM/102002 dated 1.3.2002, directing you to control the situation very effectively and to take all steps including the implementation of Communal Riot Scheme. As you know, in a communal outbreak, the District administration and the Police have to act in a decisive, prompt and effective manner to bring the situation under control. Do not repeat, do not hesitate to use whatever force necessary for bringing the situation under control. When lives and properties are threatened in a communal situation, necessary force including firing have to be resorted to for bringing the situation under control. If the situation deteriorates beyond a point, besides imposing curfew, you should also issue ‘shoot at sight’ orders and prevent collection of unlawful mobs in public places.

Kindly acknowledge receipt of this communication and make sure that no major incidents take place within your jurisdiction.

(G.SUBBA RAO)
Chief Secretary.

155. The evidence discloses that on 28.2.2002 and 1.3.2002 District Collectors and District Superintendents of Police issued instructions through fax messages to their

subordinate officers to keep proper bandobast and also to take preventive actions by way of keeping watch over activities of persons who were likely to foment communal trouble and to take necessary preventive steps. Instructions were also issued to deal firmly with persons attempting to disturb peace and order. Following those instructions the officers in charge of police stations did take such steps to the extent it was possible for them to do so under the prevailing circumstances.

156. In Valsad district, on 28.2.2002 and 1.3.2002, the bandobast scheme issued earlier was continued. The DSP personally briefed his subordinates about the communal tension prevalent in other parts of the State and gave instructions for taking preventive steps. Instructions were also given to implement the Communal Riot Scheme in Valsad and Dharampur towns as they were considered communally sensitive areas. The police made efforts to ensure normalcy of vehicular traffic on the roads and highways within the district. There were 2 incidents of attacks on vehicles because of the '*bandh*' call given by VHP. They were not the attacks on Muslims or their properties. Only minor incidents of stone throwing and arson had happened thereafter. Between 27.2.2002 and 31.5.2002, 543 preventive actions were taken. After 1.3.2002, the law and order situation was kept under control and only 5 stray incidents took place on 9.3.2002, 11.3.2002, 14.3.2002, 20.3.2002 and 17.4.2002.
157. In Dang district, the police maintained bandobast and continued the preventive measures to prevent any communal violence.
158. In Navsari district, on 28.2.2002 and 1.3.2002 police took steps which were found necessary for containing violence. There were 6 incidents on 28.2.2002. Out of which 4 happened in Navsari town. In 2 cases, the police rushed to those places; and, on seeing the police, the mobs ran away. In one case, the police used force and dispersed the rioting mob. Other 3 incidents happened at places where policemen were not present. They were stray incidents and not of serious nature. [During the relevant period preventive actions were taken against 227 persons under sec. 107 and sec. 151 of Cr.P.C. and against 16 persons under sec. 110 of Cr.P.C.] The law and order situation was brought under control on 1.3.2002 as only 2 incidents took place on that day. Thereafter, there was one incident on 2.3.2002 and one on 10.4.2002.

159. In Surat district (Rural), on 28.2.2002, the DSP gave instructions to all subordinate officers to take strict action against persons who were either likely to create or were found indulging in communal violence and to impose curfew immediately if such a need arose. As stated by DSP Shri Rao, between 27.2.2002 and 31.5.2002, he and his subordinates had taken all steps required under the 'Communal Riot Scheme'. Only 3 small incidents happened in Surat Rural District area between 27.2.2002 and 31.5.2002. The evidence also discloses that the DSP remained in constant touch with officers in charge of the police stations and saw that all steps required by the Communal Riot Scheme were taken by the police department. On 2.3.2002 arrests of 25 Hindus and 14 Muslims were made. By 28.3.2002 police had arrested 497 Hindus and 119 Muslims. Between 27.2.2002 and 20.3.2002 preventive action was also taken against 1231 persons under Criminal Procedure Code, Bombay Police Act and Prohibition Act.

160. In Surat city, on 28.2.2002 in the morning, the Commissioner got 2 companies of SRP and one company of RAF. All the available police force was deployed for bandobast from 6.00 hours. Three Addl. Police Commissioners, 3 Dy. Police Commissioners, 10 Assistant Police Commissioners, 30 Police Inspectors, 122 Police-sub-Inspectors, 3035 ASI, HC and PCs, 6 companies of SRP, one company of RAF and 135 Home Guards were deployed for the purpose of bandobast to enable them to do effective patrolling. Thirty-five police vehicles and 65 requisitioned vehicles were also made available to them. The remaining police force was kept on '*stand to*'. The police also made appeals through private TV Channels to the people to keep peace. The subordinate police officers were instructed to arrange Peace Committee Meetings. On that day the police made preventive arrests of 80 Hindus and 39 Muslims. There were 22 incidents of communal violence and they happened in the areas falling under 11 out of its 14 police stations. In most of the cases, the police soon reached the places of incidents after coming to know about them. On seeing the police, persons in the mob had run away. In 2 cases, the police used force including firing 18 tear gas shells. On 1.3.2002, 100 recruits from PTS Vadodara and one company of CISF was made available and they were deployed for bandobast. On that day, peace committee meetings were held at the police station level. At about 8.30 hours, the Commissioner instructed all the PIs and other Officers to be on alert and see that no untoward

incident happened. Preventive arrests were made of 47 persons. Nine incidents of communal violence happened on that day. They happened at places where police was not present. On 1.3.2002 police made preventive arrests of 22 Hindus and 17 Muslims.

161. On 2.3.2002, because of rumours, the atmosphere became tense and therefore, the Commissioner made a request for more police force and curfew was also imposed from 13.15 hours in Chokbazar, Athva, Katargam, Mahidharpura and Salabatpura areas and all the mobile vans were instructed to see that curfew was effectively implemented. All the providers of local channels were instructed not to telecast programmes or news which were likely to create tension or lead to communal violence. Curfew was imposed in Pandesara, Udhna and Rander areas from 18.55 hours. Police force was instructed to use force and resort to firing wherever it was found necessary. On 2.3.2002 preventive arrests of 25 Hindus and 14 Muslims were made. On that day police provided protection to about 200 to 225 Muslims. On 3.3.2002, as the situation worsened in the area of Limbayat Police Station curfew was imposed in that area from 00.18 hours. On that day, 2 companies of SRP from Maharashtra, 75 persons of BSF and 3 columns of Army became available and they were deployed for the bandobast duty. For the army, 15 more vehicles were requisitioned. The army staged a flag march. Preventive arrests were made of 10 Hindus. Five Muslims were provided protection and then shifted to a safe place. On 4.3.2002 also the atmosphere in Surat city remained tense though the communal violence was brought under control. On 5.3.2002 combing operation was undertaken and large number of weapons and other articles were seized and 18 persons were arrested. Thereafter, the law and order situation remained under control. Five hundred Haj Yatris who had gone for pilgrimage in the last week of March, 2002 were provided protection when they returned. By 28.3.2002 police had made arrests of 497 Hindus and 119 Muslims. Between 27.2.2002 and 20.3.2002 preventive action was also taken against 1231 persons under the Criminal Procedure Code, Bombay Police Act and Prohibition Act.
162. One of the messages sent on 28.2.2002 discloses that in Narmada district, the police was also instructed to take help of the persons of the P.W.D. and Forest Department also for ensuring that the traffic on the roads was not affected adversely. All the policemen were directed to remain on '*stand to*' and all the police officers were

instructed to requisition as many private vehicles as were found necessary for intensive patrolling. The DSP personally remained present at Rajpipla and supervised the bandobast at Rajpipla, as the area under Rajpipla police station was considered sensitive. In this district, there were 5 incidents and they happened in the areas of 3 out of its 6 police stations. In one case, on seeing the police, persons in the mob ran away taking advantage of darkness. All other incidents happened at the places where policemen were not present. The message sent to Narmada police on 1.3.2002 discloses that the police was directed to take strict action against persons spreading or inciting communal violence and to take steps according to the Communal Riot Scheme. The situation was brought under control on 2.3.2002. Even then as a precautionary measure, night curfew was continued in Rajpipla town, Kevadia Colony, Tilakwada and Devalia. The number of incidents considerably decreased after 4.3.2002 and there were only six small and stray incidents on 5.3.2002, 6.3.2002, 14.3.2002, 25.3.2002 and 30.3.2002. Between 27.2.2002 and 25.3.2002 preventive action was taken against 123 persons under section 151 of Cr.P.C., against 44 persons under section 107 of Cr.P.C. and against 14 persons under section 110 of Cr.P.C.. The evidence also discloses that as and when police help was sought, police had provided protection to persons of minority community.

163. On 28.2.2002 and 1.3.2002, in Bharuch district, bandobast as required was arranged and preventive steps were taken against persons who were involved in the past in communal violence. Yet, there were 17 incidents but they were confined to Bharuch city and Ankleshwar GIDC area. In Bharuch city in one case, police rushed to the place of incident and took into custody 5 persons. In another case, police lobbed tear gas shells and dispersed the rioting mobs. In one case on seeing the police, persons in the mob ran away. Other incidents were reported to the police after they happened. On that day curfew was imposed in Bharuch city, Ankleshwar town and Ankleshwar GIDC area. For committing breach of curfew orders police had arrested 43 persons in Ankleshwar town and 34 persons in Ankleshwar GIDC area. The material furnished by the office of the Superintendent of Police, Bharuch mentions the usual steps that were taken by the police. Some persons of villages Andada, Rahiyad and Rajpardi had left their houses. After they returned to their villages, police arranged bandobast in those villages to restore their confidence.

164. On 28.2.2002, in Vadodara city, the Police Commissioner deployed all its available police force. On that day it received help of SRP Commandant Grade-I, SRP Commandant Grade-IX and their Assistant Commandants who were immediately deployed in Panigate, City, Vadi and Karelibaug Police Station areas. At about 07.11 hours Control Room was told to direct all the officers to make maximum preventive arrests. Taking note of the worsening situation, curfew was imposed in Panigate, Vadi, Karelibaug, City, Navrangpura and Raopura Police Station areas from 8.00 hours even though the police force was not adequate to enforce curfew strictly. By that time the police had detained 100 persons under section 151 of Cr.P.C. In non-curfew areas police officers were instructed to enforce section 31(1)(3) of the Bombay Police Act. One company of CISF which was allotted to Vadodara city was distributed amongst some police stations and the allotted force was so deployed as to enable mobiles to be more effective. As the communal frenzy was spreading to areas which were not regarded as communally sensitive, curfew was imposed in those areas also. The Police Commissioner himself did patrolling in the troubled areas and directed arrangements to be made for rescuing persons to safe places. Muslim children were rescued from Islamic Study Centre on the Ajwa Road, falling under the Pani Gate Police Station. From Rambaug on Ajwa Road 25 persons who were trapped in their houses were rescued and shifted to safe places in police vehicles. From Ishwarnagar under Makarpura Police Station 150 Muslims were rescued and shifted to a safe place. From Gotri area under J.P. Road Police Station, police shifted 30 persons to a safe place. From Excellent Apartment of Sayajiganj Police Station area 60 persons were rescued and shifted to a safe place. From Gotri area another lot of 30 Muslims was shifted to a safe place. As some incidents happened during the day, the Commissioner directed the police officers to take effective steps. In order to deal with the rioting mobs effectively, police fired 32 rounds and lobbed about 125 teargas shells at various places. After intimation was received regarding allotment of 2 columns of Army at about 23.00 hours, the Police Commissioner took immediate steps for their stay, vehicles and guides. Magistrates and other facilities were also provided. During the day 67 persons were arrested for violation of curfew. The police arrested 195 persons under section 151 of Cr.P.C. and one person was arrested under section 135 of B.P. Act. Police also arrested 59 persons for committing substantive offences.

165. On 1.3.2002 also intensive patrolling was continued and instructions were given to all the forces to enforce curfew strictly and to use force if found necessary. They were also told not to hesitate in opening fire if that was required. By about 12.45 hours one company of SRP was made available, so one platoon each was sent to Pani Gate, Vadi and Makarpura Police Stations. After receiving instructions from the Chief Secretary at 14.55 hours all the police officers and mobiles were told to take effective actions to see that the curfew was enforced strictly. They were also directed not to resort to firing in air but to resort to effective firing. Police also arranged a flag march of EME Units of Army at Vadodara as the Army had not arrived. At about 18.40 hours Army arrived at Vadodara. At about 19.00 hours after a meeting with the Brigadier in-charge of the regiment and his officers, necessary arrangements were made for patrolling. Police Offices were also warned that if curfew was not strictly implemented, serious view would be taken against those who were found negligent. During the day police fired 294 rounds and lobbed 405 teargas shells in order to deal with the rioting mobs. Police arrested 45 persons under section 151 of Cr.P.C., 6 persons under Bombay Police Act and 293 persons for violation of curfew. In police firing 4 persons were injured.

166. The evidence discloses that in Vadodara city right from the morning of 28.2.2002, the policemen were almost on continuous duty for 48 hours and some of them were required to be medically examined. In the remaining part of Vadodara district i.e. Vadodara Rural, the situation had remained fairly under control on 28.2.2002 and even on 1.3.2002. On 28.2.2002, 12 incidents happened in 8 towns of 18 police stations of the district. On 1.3.2002, 26 incidents happened in the areas falling under 11 police stations. They were stray incidents. The DSP had asked for more police force but he could not get any on 28.2.2002. However, on 1.3.2002, 100 trainee recruit police constables were made available from PTS Vadodara. On 2.3.2002, 5 more police officers and 30 constables were made available. During the relevant period, 1 PI, one PSI and 2 CISF Jawans were found lacking in performance of the duties and therefore, they were placed under suspension. Some Officers in charge of Police Station, who were found slack, were transferred to less important positions. Inquiries were also initiated against some policemen.

167. In Anand district right from 7.00 O'clock in the morning of 28.2.2002, the police force was kept on '*stand to*' and the required bandobast was arranged in view of the bandh

call given for that day. Instructions were also given by the DSP to subordinate police officers for intensive patrolling. DSP was not able to get any SRP force on that day. So he tried to get other forces and got 525 Home Guards and 405 GRDs. They became available from the afternoon of 28.2.2002. News regarding death of six Karsevikas of Sojitra in the Godhra incident spread throughout the district and that led to 19 incidents of violence for which 12 offences were registered. They were spread over the areas of 8 police stations. In the area falling under Sojitra Police Station, 4 mobile vans were arranged for constant patrolling. On that day, the office of the DSP received 4 messages directing the police to see that there was no obstruction to the traffic on the roads and that no untoward incident took place in the district. Accordingly, the police made appropriate bandobast on the roads and at sensitive places. Control rooms were arranged at the district and taluka head quarters. In this district communal violence increased on 1.3.2002 as it spread to villages. On that day at about 1.30 hours, DSP received one company of SRP and those policemen were sent to different police stations where their presence was required. DSP also received 50 recruits from PTS Vadodara and 10 recruit PSIs from Karai Academy. They were soon deployed for bandobast. The police had requisitioned 56 vehicles by 28.2.2002 for patrolling and with the help of those vehicles and police vehicles intensive patrolling was maintained even on 1.3.2002. The material discloses that the police force was not adequate and the anger of the public was at its height and therefore, 52 incidents of communal violence happened in the district. It also appears that more incidents happened on 1.3.2002 because some VHP workers and anti social elements had instigated Hindus of those villages by sending them bangles. By way of preventive measures, police had imposed curfew in Anand town from 15.30 hours, in Vasad and Ode from 17.30 hours, in Petlad town from 22.00 hours and in Khambhat town from 23.30 hours. On 1.3.2002 police had resorted to firing and used tear gas to disperse the rioting mobs and many Muslims were shifted from village Ode and other places. As a result of police firing, six persons died. Three persons died in Anand district, one in Ode, one in Borsad and one in Bharel. The evidence also discloses that public was informed about the arrangements made by the police through daily newspapers. Appeals by MPs, MLAs and Religious Heads were also published in newspapers for not being guided by rumours and to maintain peace.

168. In Kheda district, on 28.2.2002, the police head instructed the police force to strictly control the law and order situation and to make preventive arrests of communal minded persons, anti social elements and other persons likely to disturb the situation and to act according to the Communal Riot Scheme. More vehicles were requisitioned for effective patrolling. DSP specifically told the police officers to resort to firing as provided by section 55 of Gujarat Police Manual Part III which says:

- “(ii) The police should open fire at the stage where it would be justified. It is emphasized that when resort to firing becomes essential, the firing should be as effective and purposeful as possible.
- (iv) The Government officials at all levels should take strong, determined and effective action against communal trouble without hesitation or fear. Any such bonafide action of any official will have the full support of Government.
- 2(II)a decision to resort to firing, where necessary, should be taken at the highest available level i.e. the senior Police officer/Magistrate present on the spot should decide the stage at which fire should be opened, It should be ensured that the firing is an effective but not excessive.”

Curfew was imposed in Nadiad town in the morning and also in Kheda and Matar police station areas. Mobile patrolling was made more intensive and the policemen were instructed to resort to firing in order to prevent any major incident of arson, looting, stabbing etc. DSP gave instructions from time to time to subordinate officers to take strict action against persons found indulging in violence.

169. On that day pursuant to the demand for more police force, one Dy.SP, 3 PIs, 10 PSI SRP Cadet, 50 recruits from PTS Baroda and one platoon of SRP Administration were made available. The additional police force provided was much less than what was demanded. However, they were deployed for bandobast as and when they had arrived. That had the effect of preventing more communal incidents. Curfew was imposed in Nadiad city and Matar town on that day. The DSP had moved in affected areas and round the clock patrolling was arranged. On 1.3.2002 curfew was imposed in Nadiad Taluka Rural area, Kheda town and in Mehmedabad taluka and Kapadvanj taluka. The police had also resorted to effective firing on 1.3.2002 for dispersing the rioting mobs.

170. In Panchmahals district, on 28.2.2002, the entire police force and one company of RAF and 3 companies of SRPF were deployed and mobile patrolling was intensified. As the situation at Kalol was very tense, DSP rushed to that place. One Dy.S.P. and one PSI were sent to Derol village as some persons of minority community were in trouble there and they had to be rescued. The DSP also rushed to Halol at 18.45 hours

as situation in Halol became very tense. Curfew was imposed with immediate effect in Halol. At night, as reinforcement arrived, one section was deployed at each of the following places: Tuwa, Timba and Sampa of Godhra taluka, Moira, Kuvajar and Salia of Morva taluka, and Shehera and Waghjipur of Shehera taluka. Two platoons were deployed at Lunavada. Two sections 40 SRP recruits were deployed at Halol, and 1.1/2 sections of SRP were sent to Pavagadh, Baska and Ranjitnagar and 30 SRP recruits were deployed at Kalol. One section thereof was deployed at Vejalpur and one at Derol. The situation in all those areas was quite grim as minority community was attacked by villagers who gathered in large number. Persons of minority community were required to be protected against attacks by villagers. In Pandarvada village one Adivasi was killed and one was seriously injured by Muslims and therefore, the Adivasis of that area had become angry, situation had become grave there also. The District Collector had by wireless message informed all Mamlatdars and Sub Divisional Magistrates to start control rooms. Police officers were also instructed to take precautionary measures and arrange proper bandobast. The office of the Collector of this district has sent copies of the messages received from the Government and messages that were sent by the district authorities to their subordinates for maintaining proper bandobast. They show that the policemen were directed to take strict action against persons found indulging communal violence and also for taking precautionary measures. Curfew was imposed in the areas of Kalol taluka from 12.00 noon of 28.2.2002 and from 17.25 hours in Halol town. Curfew was also imposed in Ghoghamba Gram Panchayat area. On 1.3.2002 curfew was imposed in the area of Santrampur Nagarpalika area. Between 27.2.2002 and 31.5.2002, 7569 persons were shifted to safe places. Persons from 29 towns and villages were given such protection during that period.

171. In Dahod district, on 28.2.2002, in view of the '*Gujarat Bandh*' call, more intensive steps were taken and a prohibitory order was issued under section 144 of Cr.P.C. prohibiting gathering of more than four persons. On 27.2.2002 communal violence was confined to the area of Limkheda police station only and the areas of other 8 police stations had remained quiet. On 28.2.2002 the violence spread to areas of 6 out of its 9 police stations. Curfew was imposed in the area of Dahod Nagarpalika from 19.00 hours, in the areas of Devgadhbaria Nagar Panchayat and Piplod, Salia and

Panchela from 22.00 hours and from 21.00 hours in Limkheda, Palli, Dudhia, Singvad and Bandibar towns. In order to control the rioting mobs and to prevent them from committing acts of violence, police had fired 47 rounds and lobbed 14 tear gas shells. On 1.3.2002 the police had fired 73 rounds and lobbed 25 tear gas shells while dealing with the rioting mobs. On 2.3.2002 the police had fired 19 rounds and lobbed 8 tear gas shells. On 3.3.2002 police had fired 154 rounds and lobbed 2 tear gas shells. On that day one company of BSF reached there and flag march was arranged in Dahod town and the areas of Garbada and Devgad Baria police stations. Six Hindus were arrested in connection with the offences registered on that day. The material also discloses that by 7.3.2002, 6190 persons were given protection and shifted to safe places.

172. On 28.2.2002, in Ahmedabad city the police had deployed more policemen in the known hyper sensitive areas of the walled city. In each of the police stations approximately 3 additional mobile patrolling vehicles were put in service. One company of RAF and one company of CISF became available and they were deployed in the sensitive parts of the city. Contrary to the expectations of the police, those sensitive areas remained quiet. As stated by the police, in western part of the city, very large number of persons outnumbering the police came out on roads at many locations. These areas did not have any major communal problem in the past. It was an unprecedented situation and local officers had to take decisions to use force with great care and caution because of their small number. The crowds dispersed temporarily and re-grouped again and started damaging shops and establishments. It had become difficult for the police to leave one spot immediately and attend at another place. Police parties were posted as pickets in small numbers and any precipitate action by those pickets could have resulted in policemen getting attacked by the boisterous crowds which were highly charged with anger because of the Godhra incident. Curfew was imposed in many parts of the city from 12.20 hours onwards because of the unprecedented situation and large scale violence. Within an hour almost 22 police station areas were brought under curfew. On 1.3.2002, 9 columns of Army moved into Ahmedabad city by way of additional reinforcement. Five companies of BSF were received and they were also deployed. From the afternoon of 1.3.2002 the authorities were able to bring the situation under control. Curfew was continued on that day and

also on 2.3.2002. By way of preventive action, 62 persons were arrested on 1.3.2002, 245 persons were arrested on 2.3.2002, 86 persons were arrested on 3.3.2002 and 101 persons were arrested on 4.3.2002. On and after 5.3.2002, there were only stray incidents. The police started recording FIRs by personally visiting the relief camps and drawing panchnamas. The police also organized small Maholla level meetings so as to speed up the process of normalization. The police continued to make preventive arrests right upto the end of April, 2002. Peace efforts were made at different levels from 6.3.2002 onwards and peace committee meetings, peace marches and fast were arranged. At the police station level, 160 peace meetings were organized. On 28.2.2002, the police had rescued a group of children which had come from Bombay and shifted those children to safe places. Lives of 10 Muslims who were trapped in hotel Moti Manor in Shahibag area were saved. On that day in the evening, 150 persons were evacuated from Gulberg Society to safe places. Many Muslim families were given shelter in SRP quarters at Naroda Patiya. On 1.3.2002, over 3000 persons belonging to minority community were shifted to relief camps. On 2.3.2002 also police provided protection to 60 Muslims and escorted them to safe places. Such rescue efforts were continued by the police on 3.3.2002, 4.3.2002 and 5.3.2002.

173. In Ahmedabad District Rural, on 28.2.2002, the police force was kept on '*stand to*' right from 7'O clock in the morning. The DSP himself went for patrolling in communally sensitive areas. As about 15 to 17 dead bodies of Karsevaks were to be cremated at Gota crematorium, he arranged special bandobast there and proceeded to Mandal where communal violence had started. He also went to Viramgam town which is a sensitive town and where situation was very tense. At both those places he used force and dispersed the mobs. Curfew was imposed in Viramgam town at about 14.00 hours and in Mandal town at about 15.30 hours. Constant patrolling was done in Viramgam town and he also arranged meetings of Hindu and Muslim leaders and appealed to them to maintain peace. The DSP remained in that area for patrolling till about 3.30 a.m. He again did patrolling in Viramgam area from 7.00 hours to 11.15 hours.
174. While returning from Viramgam to Ahmedabad, he went to Bavla at about 12.45 hours as there was some trouble there. From there he went to Sanad at about 15.15 hours and remained there till about 16.30 hours. He reached Sarkhej at about 18.10

hours where one incident took place. While he was giving instructions to Police Inspector in charge of Sarkhej police station for making proper arrangements for the Muslims of village Abasana who wanted to go to a safe place, he received a message that Aslali police station was surrounded by a mob. So he rushed to that place. He remained in Aslali area and continued patrolling there till about 24 hours. The evidence further discloses what other prompt and effective steps were taken by the police in giving protection to Muslims and in dealing with persons indulging in communal violence.

175. In Gandhinagar district, on 28.2.2002, there were 23 incidents spread over 9 out of its 10 police stations. [insufficient police force, large area of the police stations and mixed population.] At 5 places police had used force to disperse the mobs. At one place, the mob ran away on seeing the police. In Gandhinagar town and in the areas of Kalol town, Mansa and Adalaj police stations curfew was imposed on 1.3.2002. The material gathered by the Commission further shows that the DSP had sent instructions through 21 messages to his subordinates for taking appropriate and effective actions during the period between 27.2.2002 and 26.3.2002. As the areas falling under Dehgam and Dabhoda police stations were sensitive, the Dy. Commissioner of Police had set up a camp at Chiloda on 28.2.2002 to keep a watch over those areas. In the areas falling under Kalol city and taluka police stations, special bandobast was arranged as they were considered sensitive areas. They were inhabited by a large number of labourers who had come from Bihar, U.P. and Rajasthan. A request for additional force was immediately made and the force was deployed as and when it became available. At village level and taluka level, 327 meetings were arranged and in one of the meetings held on 4.3.2002, one Minister of the State (co-operation) had also remained present. The administration had also arranged at taluka level 28 peace meetings.

176. In Mehsana district additional police force became available on 28.2.2002 and it was deployed as and when it was made available. On that day, 181 Home Guards and 152 persons from Gram Rakshak Dal were deployed for bandobast duty. Twenty five private vehicles were requisitioned for mobile patrolling. One company of SRP was received on 27.2.2002 at 21.30 hours. One company and 2 platoons of SRPs were made available on 28.2.2002. On 28.2.2002 DSP personally rushed to Kadi town as

the situation there was very tense. From there he went to Unjha and then to Mehsana city. At Unjha he gave instructions to deal with the rioting mobs strictly and shift persons belonging to minority community to safe places. The DSP then went to Visnagar and considering the situation there, immediately arranged for imposition of curfew. At Mehsana he instructed the concerned police officers to take strict action against rioting mobs. He then went to Visnagar and arranged for shifting 30 students who were surrounded by Hindu mobs. Curfew was imposed in Mehsana town from 18.00 hours. While dealing with rioting mobs on 28.2.2002 at different places in the district, police fired 31 rounds, 70 gas shells and 28 grenades. Five policemen were injured during the incidents. Thirteen persons were taken into preventive custody. Thirty two persons were arrested for breach of curfew. The DSP travelled 440 k.mts. for going from one place to another in view of the telephone calls and other information received by him. On that day, there were 41 incidents and they were spread over 10 out of its 14 police station areas. In 10 cases police used force to disperse the mobs. In one case police saved one person from an attack. In 5 cases, the rioting mobs ran away on seeing the police. In Visnagar town curfew was imposed at about 12.00 noon. In Mehsana city, it was imposed from 18.00 hours and in Kadi town it was imposed from 22.30 hours. District administration received additional force consisting of 50 police constable recruits of SRP Group 12 at about 16.30 hours. They were deployed at Unjha, Visnagar and Unava. SRP Group 7 D company arrived in the district at about 19.00 hours on 1.3.2002 and it was deployed at Visnagar. SRP Group I consisting of 54 recruits became available from 17.30 hours of 2.3.2002. They were deployed at Vijapur, Unjha, Kadi, Langhnaj and Vadnagar. One company of BSF was received on 2.3.2002 at about 18.15 hours and it was deployed at Vijapur, Unava, Mehsana city and Mehsana taluka. One company of SRP 3 was received on 4.3.2002. Half the force was deployed at Kadi and the other half at Meda Aadaraj. On 28.2.2002 a serious incident took place at Visnagar near Dipda Darwaja. DSP immediately rushed to that place from Mehsana and helped the police at Visnagar in dispersing the rioting mob and then rescuing 10 Muslims who were found inside burning houses. On that day in village Umata, there was an attack on a house of a Muslim by a Hindu mob and therefore, the DSP rushed to that place and after dispersing the mobs, arrangements were made for shifting 800 Muslims at Kesimpa and Unava.

177. The material also discloses that on 1.3.2002 also, the Mehsana district police continued intensive patrolling and enforcing curfew in the areas where it was imposed. On that day the DSP rushed to village Savala and made effective firing and dispersed the rioting mobs. Thereafter, he went to Meera Datar Dargah of Unava town where a serious situation had arisen. While he was still at Unava, he came to know about an incident of village Sardarpur. So he sent additional police help to that place. Meanwhile he received information that village Savala was going to be attacked by a Hindu mob. Therefore he left Unava at 23.30 hours and went to village Savala and made proper arrangements there. He then received a message that a serious situation had developed at village Sardarpur. So, he immediately left for Sardarpur and reached there at about 2.25 hours and rescued many Muslims from burning houses. He also rescued about 200 Muslims who had concealed themselves at other places and shifted them to safe places like Savala, Bhalak and Vijapur. He left Sardarpur at about 05.00 hours. On 1.3.2002 curfew was imposed in Mehsana city, Visnagar town, Unjha, Kadi and Unava. As a preventive measure, 96 persons were detained. For committing breach of curfew order, 11 persons were arrested. On that day, DSP had received and made 117 telephone calls and traveled 257 k.mt. The evidence further discloses that during the subsequent days also the police had maintained bandobast and taken effective steps to deal with rioting mobs. Between 27.2.2002 and 31.5.2002, 1398 persons were shifted to safe places. At six camps set up for the persons belonging to minority community, police bandobast was made for protection of those persons. In all police had fired 142 rounds and 159 tear gas shells and 59 grenades were lobbed to disperse rioting mobs. In police firing 3 Hindus died and 6 persons were injured. Twelve policemen received injuries. About 397 persons were detained by way of preventive measures. Copies of large number of messages received from higher authorities at Gandhinagar and messages issued by the office of the DSP have been produced to show the steps taken by them from time to time between 27.2.2002 and 26.3.2002.
178. The evidence discloses that in Patan district proper police '*bandobast*' as required was arranged on 28.2.2002. There were 11 incidents and they were in the areas of 5 police stations. In all, police fired 6 tear gas shells to disperse the mobs and 12 persons were arrested. Curfew was imposed in Patan town from 15.00 hours. At one place police

used force to disperse the mob. In one case, the police saved the victim from further attack and in one case, the mob ran away on seeing the police. Other incidents took place when the police was not present. Curfew was imposed in Chanasma town on 1.3.2002 from 17.00 hours. The messages received and instructions issued by the office of the District Magistrate disclose that instructions were received by the District Authorities to make adequate bandobast, to arrange mobile patrolling, to provide protection to persons and places of worship and to take effective action against unruly mobs and unlawful assembly. The district police in its turn had taken steps from time to time to comply with the instructions received from the higher authorities and to maintain law and order within the district.

179. In Banaskantha district, on 28.2.2002, Home Guards were also deployed and curfew was imposed from 11.30 a.m. in Palanpur, Disa, Dhanera, Tharad and Bhildi. On 1.3.2002, after receiving wireless message from the Government directing the police authorities to control law and order situation effectively and to take all steps including implementation of Communal Riot Scheme, to resort to firing and even to issue shoot at sight orders, all subordinate officers and officers in charge of police stations were informed about the said message and instructions were given to them to act according to those directions. The affidavits filed by the police officers disclose the number of fixed points arranged at various places in the district and how effective patrolling was done. On 1.3.2002 also curfew was continued in Palanpur, Disa, Shihori, Bhabhar, Bhildi and Tharad. On 28.2.2002 police lobbed 10 tear gas shells in Disa, 13 in Palanpur and 15 at Tharad. On 1.3.2002 the police fired 3 rounds at Bhabhar. Curfew was continued on 2.3.2002. By way of additional force, one company of BSF was received on 2.3.2002 and it was deployed at Disa town. On that day police fired 47 rounds and lobbed 18 tear gas shells to control the rioting mobs. Curfew was continued in Palanpur, Disa, Tharad, Bhabhar, Shihori and Dhanera. On 3.3.2002 the police fired two rounds at Danta to control the rioting mobs and also imposed curfew from 10.00 hours. At village Hadad falling under Ambaji police station police fired 21 rounds and lobbed 5 tear gas shells to control a mob of Adivasis. There also curfew was imposed from 14.30 hours. Near Makdi outpost of Danta police station, police fired 11 rounds and lobbed 12 tear gas shells to control a mob of Adivasis. As a result of police firing, one person died. Protection was given to 250 Muslim families who

came back to village Sesan. The situation was brought under control from 4.3.2002. The evidence discloses that this district is spread over a large area. Out of 22 police stations, 12 police stations were situated at a distance of more than 50 k.mt. from the head quarter Palanpur.

180. In Sabarkantha district, on 28.2.2002, the police arranged '*bandobast*' and intensified their vigil by constant patrolling, preventive arrests and imposing curfew at some places. Curfew was imposed in the areas of Idar police station from 20.00 hours, in Khedbramha from 8.30 hours, in Dhansura from 17.55 hours, in Modasa town from 11.15 hours, in Vadali police station area from 19.00 hours, in Gambhoi police station area from 21.00 hours, in Himatnagar from 11.00 hours and in Bhiloda police station area from 14.00 hours. Though all the 19 police station areas were affected on that day, the number of incidents in the areas of Talod, Ambaliyara, Poshina, Modasa, Dhansura and Meghraj police stations were 1, 2, 2, 4, 4 and 4 respectively. Only in the areas of police stations of Himatnagar town, Prantij, Vadali, Khedbramha, Vijayvada and Bhiloda, the incidents were more than 10. On that day the police used force including firing at 15 places to disperse the mobs. At about six places, the mobs ran away on seeing the police. In all other cases, the incidents happened at places where police was not present. Most of the incidents happened in villages. All the available police force and available Home Guards were immediately deployed in sensitive areas. A meeting of the district level Peace Committee was held on 28.2.2002. The evidence discloses that the Dy. Superintendent of Police of Idar Division himself went for patrolling in towns and villages falling within that division. Right from the morning of 28.2.2002 points for police bandobast were fixed and police personnel as usually done were deployed at those points. The material discloses that police had made proper bandobast and dealt with rioters quite effectively.
181. In Kachchha district, the '*bandobast*' as decided on 27.2.2002 was continued. Only one incident happened on 28.2.2002 and that was in Mandvi town. The rally which was taken out by VHP on that day had ended peacefully at the Mamlatdar's office. Some persons while returning therefrom attacked office of an advocate which was open inspite of the '*Bandh*'. They then damaged 2 shops and one motorcycle and also assaulted one person. The evidence discloses that all this happened when the policemen were not present. Bandobast including intensive patrolling was continued

on subsequent days and no incident of communal violence took place either on 1.3.2002 or 2.3.2002. On 3.3.2002 only one incident took place in village Palivar. There was no incident till 29.3.2002 but on that date a Dargah was damaged in Anjar town. Even though the damage caused was small that incident led to further communal disturbance on 2.4.2002. Idol of Lord Hanuman in Pipaliya Hanuman Temple was damaged and that led to attacks and counter attacks on each other by mobs of Hindus and Muslims. The police used force to disperse those rioting mobs. Thereafter, only two stray incidents happened in the district. The evidence discloses that law and order was fully maintained in 18 out of 23 police stations.

182. The evidence discloses that on receiving instructions from higher authorities to take effective steps, subordinate police officers in Surendranagar district had taken precautionary measures and arranged proper bandobast and had also promptly and strictly dealt with persons trying to disturb the peace and harmony. In this district, on 28.2.2002, there were nine incidents. Five happened in Surendranagar city and four happened in the areas falling under 3 different police stations. In 3 cases, police used force and dispersed the mobs. Other incidents happened at places where police was not present and the incidents were reported later. One incident took place at Lakhtar but it was a minor incident and it was immediately controlled. The evidence discloses that the police fired 5 rounds and lobbed 42 tear gas shells. The police took into custody 51 persons from the places of incidents. One incident happened in Zinzuvadia town falling under Patdi police station during the night of 28.2.2002. That offence was registered on 1.3.2002. Five incidents happened on 1.3.2002. Four incidents happened at places where policemen were not present. In the other incident, police effectively used force and dispersed the mobs and prevented the mob of Hindus from causing any damage or harm to Muslims or their properties. Four policemen were injured during those incidents. In spite of police bandobast and intensive patrolling, 5 incidents happened on 2.3.2002. Four closed shops and one closed godown were damaged at places where the policemen were not present. Two incidents happened in the evening and 3 in the night. From 3.3.2002 onwards, only stray incidents happened at Limdi, Vadhvan, Sayla and Patadi. By way of precautionary measures, night curfew was imposed in Surendranagar city and Vadhvan town on 28.2.2002 and it was continued upto 4.3.2002. Police used force effectively where it was found necessary. The police

arrested 11 persons for committing breach of curfew orders. The police detained by way of precautionary action, six persons on 2.3.2002, 8 persons on 3.3.2002, 14 persons on 4.3.2002 and 10 persons on 5.3.2002. In all 47 persons were detained under sec. 151 of Cr.P.C. The evidence discloses that the police force in the district was inadequate and even out of the sanctioned strength, 2 out of 8 PIs, 8 out of 37 PSIs, 2 out of 50 Armed PSIs, 49 out of 437 Armed Police Constables and 15 out of 285 Unarmed Police Constables were not available for one reason or the other. Pursuant to the request made for additional force, 50 recruits from PTS Junagadh, 66 foresters and forest guards and 30 HC/PC from Prohibition Department were made available and they were deployed immediately for bandobast duty. For intensive patrolling, 25 vehicles were requisitioned. Meetings of the Peace Committees were arranged at district and taluka levels. The evidence also discloses that between 28.2.2002 and 31.5.2002 the district police control had received 28 telephone calls for help and immediately the police was sent to those places. However, most of the calls were found to be without any substance. A joint appeal was issued by the Collector, DSP and other leading persons of the district including the President of Congress Party and the President of BJP for maintaining peace and harmony.

183. In Jamnagar district the police took steps as instructed by higher authorities. No incident of communal violence happened on 28.2.2002. No such incident happened on 1.3.2002, except that some time after 22.30 hours on that day, one two wheeler of Abdul Salam was found burnt. It was believed that his scooter was burnt because of the Godhra incident. No communal violence happened either on 2.3.2002 or 3.3.2002. Two incidents which happened on 4.3.2002 and 5.3.2002 were small and stray incidents. Law and order situation had remained under control right from 27.2.2002 till 31.5.2002.
184. In Porbandar district, control rooms were started at district and taluka levels from the morning of 28.2.2002. On that day sometime between 22.30 and 22.45 hours, a small incident of burning a tent of jute cloth happened in Porbandar town. Only one incident happened on 1.3.2002 at about 23.30 hours in a small village named Bavlavadar. Small damage was caused in one dargah. No incident happened on 2.3.2002. There was only one incident on 3.3.2002 and one on 4.3.2002. They happened at night and at places where policemen were not present. As precautionary measures, action was

taken against 102 persons and prohibitory orders were issued under sec. 37 of the Bombay Police Act, peace committee meetings were arranged and on 4.3.2002 one prayer meeting was arranged in Kirtimandir at Porbandar. Various organizations including Elgosiya All Muslims Khidmat Committee, Anjuman-E-Daudi and Sunni Anjuman Islam appreciated the efforts made by the police for maintaining peace in the district.

185. In Amreli district, the police continued its vigil on 28.2.2002 and thereafter. Only one small incident happened on 28.2.2002 wherein one truck was damaged. Police immediately swung into action. No communal incident took place till 15.3.2002. In this district only 3 incidents happened between 27.2.2002 and 31.5.2002; one was in Amreli town and two were in Lathi town. The material discloses that bandobast as required was arranged by the district Magistrate and the district Superintendent of Police within the district.

186. In Junagadh district, on 28.2.2002, apart from continuing the bandobast, the district Collector issued a prohibitory order under section 144 of Criminal Procedure Code and also imposed curfew in Junagadh city from 20.00 hours. He also arranged a flag march in the sensitive areas of Junagadh city. On that day, the DSP again gave instructions to his subordinate officers to arrange proper bandobast and for that purpose to fix static points and arrange continuous foot and mobile patrolling. For effective patrolling private vehicles were requisitioned. Leave of all the police personnel was cancelled. As the police force was inadequate, a request was made to the higher authorities for reinforcement. No SRP could be made available but 100 recruits from PTC Junagadh were allotted on 28.2.2002. In that district, there were 15 incidents. Out of which 12 happened in Junagadh town and 3 in the areas of 2 different police stations. Police could reach the place of incident in one case when the incident was going on. It used force including firing 4 rounds to disperse the mobs. Other cases were reported to the police after they had happened. On 2.3.2002 a meeting was arranged wherein District Magistrate and DSP remained present and a Peace Committee was formed. By way of preventive measures, curfew was imposed in Junagadh town and Una town. Preventive actions were taken against 66 Hindus and 53 Muslims. For committing breach of the curfew order, action was taken against 81 Hindus and 30 Muslims. The evidence discloses that by arranging appropriate

bandobast and intensive patrolling during day and night, police was able to prevent more harm and damage to persons and properties of Muslims. The police also mobilized Home Guards and GRDs who were available for the purpose of enforcing strict bandobast. Out of 25 police stations the areas falling under 11 police stations were affected by communal violence. Even in those areas only 21 towns and villages were affected. Curfew was imposed in two towns; Junagadh city and Una on 28.2.2002 and 1.3.2002 respectively.

187. On 28.2.2002, the DSP of Rajkot Rural District went to Dhoraji as it was considered a communally sensitive place and camped there in view of the call for Gujarat bandh. He also held a Peace Committee Meeting at Dhoraji. As precautionary measures, during the course of the day, curfew was imposed in Dhoraji, Morbi and Vankaner. No untoward incident happened on 28.2.2002. There were four incidents on 1.3.2002, one incident on 2.3.2002 and two incidents on 3.3.2002 but they were small and stray incidents. Curfew was imposed in Kotada Sanghani police station area and in Vankaner, Dhoraji and Jetpur towns on 1.3.2002 and continued on 2.3.2002. On 2.3.2002, one company of Border wing consisting of 55 persons was made available to Rajkot Rural District and it was deployed in sections at different places. On 3.3.2002 DSP rushed to Dhoraji as there was some trouble there. He called a meeting of Peace Committee and round the clock strict police bandobast was arranged. Curfew was imposed in Morbi on that day from 14.00 hours. As a precautionary measure, curfew was imposed in Dhoraji, Jetpur, Gondal, Morbi and Vankaner even on 4.3.2002.
188. In Rajkot city, even though no incident of violence happened on 27.2.2002, for maintaining bandobast on 28.2.2002, one platoon of SRP was kept ready. There was no communal disturbance till 12.00 noon. Thereafter mobs of Hindus and Muslims started gathering and indulged in attacks on the shops and vehicles in the areas of 'A' Division police station and Bhaktinagar police station. Therefore curfew was imposed in those areas from 14.00 hours. As the violence spread to 'B' Division police station area, curfew was imposed there also from 14.30 hours and in the whole of Rajkot city from 0.00 hours on 1.3.2002. The evidence discloses that the area of 'B' Division Police Station was 8 sq.kmt. and had population of about 175000. It was a mixed locality of Hindus and Muslims. The sanctioned strength of the police station was 1 PI, 7 PSIs, 29 ASIs and 78 police constables. From the affidavit of Shri Kureshi, PI of

that police station, it further appears that he took steps according to the action plan prepared in the context of communal violence from the morning of 28th. The Police Commissioner made a request for additional force on 28.2.2002 and received 270 recruits from SRP Training Centre, Sorath, 100 recruits from SRP Group 13 Training Centre and one company of SRP Group 13. They were immediately deployed for bandobast. On 1.3.2002, one company of BSF was made available. Four columns of army were made available on 2.3.2002. The Additional Security Force was immediately deployed and law and order situation brought under control from 2.3.2002. Even then curfew was continued on that day and on 3.3.2002. Curfew was continued in Rajkot city during the night even on 4.3.2002 and 5.3.2002 as a precautionary measure. In order to deal with persons indulging in violence, police had fired 16 rounds and lobbed 80 tear gas shells. There were only few stray incidents on 3.3.2002.

189. In Bhavnagar District the police personnel were on '*stand to*' from 02.00 hours of 28.2.2002. As the police force was inadequate, DSP requested higher authorities for arranging additional police force and as soon as it was made available, it was deployed at places where it was found necessary. As stated by DSP Shri Rahul Sharma in his affidavit dated 1.7.2002, even though the police force was inadequate the police, SRP and Home guards had performed their duty independently, without any bias and effectively. As a result thereof, inspite of many incidents in this district many lives and properties were saved. The Collector and the DSP have produced alongwith their affidavits documents supporting their versions about steps taken by them with the help of police force and other forces made available from time to time. No incident of communal violence happened on 28.2.2002. On 1.3.2002, the DSP came across news published in Sandesh Daily which were likely to incite the people. So he talked to the local editor and persuaded him not to publish such news. A rally was arranged by Sadhu Samaj in the evening. It ended peacefully but thereafter at about 18.00 hours people started collecting in different parts of the city. The DSP proceeded to those places and dispersed the mobs. He also went to White Rose and Appollo hotels and rescued 3 persons from the White Rose hotel. After discussion with the Collector regarding worsening law and order situation, curfew was imposed in Bhavnagar city. He also persuaded Muslim mobs near Limdiwali Sadak to disperse and dispersed

Hindu mobs which were indulging in violence by resorting to firing and use of tear gas. He also instructed his subordinates to act strictly to stop communal violence and for that purpose to resort to effective firing. He rescued about 15 Muslims and took them to a safe place. DSP moved from one place to another on receiving information about some trouble there and was on the move till 5.00 a.m. on the next day. DSP again started patrolling from 7.00 a.m. on 2.3.2002 and visited places where there was trouble and used force where it was found necessary. On 3.3.2002, at about 20.00 hours, one company of BSF reached Bhavnagar. So the DSP immediately arranged a flag march in the whole city. One column of Army reached Bhavnagar at 22.00 hours and some time thereafter, another column of Army reached there. In early morning on 4.3.2002, one company of Boarder Wing Home Guard was also made available. With the help of this additional force bandobast was maintained. The evidence discloses that the law and order situation was under control thereafter and only sporadic incidents of violence on different dates and at different places happened. On 25.3.2002, DSP Rahul Sharma was transferred and Shri Anopsingh Ghelot took charge as the DSP of Bhavnagar. The evidence discloses that Shri Ghelot with the help of police force and other additional force made available to him controlled the law and order situation in the district as thereafter, there were some stray and small incidents only on different dates.

190. On 3.3.2002 and thereafter also the Director General of Police and Inspector General of Police had also from time to time sent fax messages giving directions and instructions to the Commissioners and Superintendents of Police to take necessary steps to prevent communal violence and also to maintain law and order by taking effective steps. The District Magistrates, Police Commissioners and Police Superintendents at their level passed on the instructions received by them from the State Government and the office of the DGP and IGP to their subordinates and also took steps which they were required to take, for the purpose of preventing violence and also for the purpose of dispersing the rioting mobs and preventing them from causing more harm to the public and their properties.
191. While recording the conclusion whether adequate steps were taken or there was a default by the Government, it is relevant to know the nature and extent of responsibilities of different agencies of the State Government in maintaining law and

order within the State. Undoubtedly, the State Government is ultimately responsible for the safety of its people and therefore for maintaining law and order within the State. According to the provisions of law, the responsibility to maintain law and order in the district is primarily of the District Magistrates and the Police Officers of that district. Powers and duties in this behalf are to a considerable extent fixed by provisions of law, like the Criminal Procedure Code, the Bombay Police Act etc.. The police department is mainly concerned with maintaining law and order and to a great extent acts independently by exercising its statutory powers. The District Magistrate are also conferred with statutory powers for this purpose. The statutory powers and duties together with administrative directions given by the State Government from time to time, enable and oblige them to take necessary steps to deal with law and order situations. In Gujarat State, the Director General of Police is the highest police officer. For each district, there is a District Superintendent of Police who is in charge of the police force of that district, except for the areas where the Commissioners of Police have been appointed. In big cities where Commissioners of Police have been appointed, they are in charge of the police force of those areas which are described as police Commissionerates. Apart from other laws, the Bombay Police Act provides for the executive powers, functions and duties of police officers and over all control of the police force of the district in the District Magistrate of that district. The power of superintendence over the police force vests in the State Government. The State Government through its Home Department oversees/supervises the functions of the police force. The initial decisions and actions are required to be taken by the concerned Police Officers and the District Magistrates for dealing with law and order situations which arise within their jurisdictions. The State Government has the power to give lawful directions in exercise of the powers vested in it. Thus the DMs and DSPs act independently within their jurisdictions except that they have to abide by the lawful directions of the State Government.

Further conclusions.

192. On overall consideration of the evidence regarding the steps taken by the Government and the police force, the Commission finds that on 27.2.2002, the Chief Secretary and ACS (Home) had a meeting with DGP and other Senior Police Officers in the morning. They also met during the course of the day. The Home Department of the

Government and the Police Head gave directions to all the Range and District Police Heads and the Commissioners of Police to arrange appropriate bandobast and to take precautionary measures. They were directed to mobilize the police force and cancel leave of all police personnel. They were also directed to keep forces under them on maximum alert, to keep strict vigil at all sensitive points, to intensify patrolling, to increase mobility of the forces, to thwart any attempt by communal elements to foment communal trouble and also to make preventive arrests of such elements and to issue prohibitory orders. The State Government directed the subordinate police officers to deal with anti social and communal elements firmly. Mindful of inadequacy of the police force, the State Government made a request to the Central Government to make available Central Para Military Force, RAF and CRPF. Services of Home Guards and Gram Rakshak Dals were also requisitioned. In all the districts, the District Authorities and the Commissioners of Police on their own and also because of the directions given to them by the DGP and the Home Department, took required steps and gave directions to their subordinates to arrange proper bandobast, to take preventive measures and to act firmly and effectively with persons found to be fomenting communal trouble and indulging in such activity. On 27.2.2002 the District Superintendents of Police, the Police Commissioners and the Police Officers in charge of Police Stations mobilized as much police force (including Home Guards and Gram Rakshak Dal members) as possible, fixed points and posted policemen there, arranged intensive patrolling and for that purpose also requisitioned some private vehicles and fitted them with wireless sets and set up control rooms. In some jurisdictions, preventive arrests were also made. Curfew was imposed in Godhra town. The Chief Minister immediately after his return from Godhra to Gandhinagar, held an emergency meeting with top officials of the Administration (Home) and Police Department and gave instructions to the officers to take all possible steps to maintain law and order within the State. On that day, the Director General of Police made an appeal to the public on Door Darshan to maintain peace and communal harmony.

193. The documentary evidence together with other evidence consisting of depositions of witnesses and statements leads the Commission to the conclusion that on 27th all reasonable steps which should have been taken, keeping in mind the past history of

communal riots and the '*Bandh*' call for 28th were taken by the Government and the police department. On the following day i.e. on 28.2.2002, what happened was unprecedented. The communal violence was wide spread and on a large scale. It happened not only in the cities but also in towns and villages. The evidence discloses that the mobs consisted of persons who were angry and aggressive. Though there is no clear evidence, very probably those persons irrespective of the political parties or religious organizations to which they belonged, if at all they belonged to any political party, or a religious organization, took part in the attacks on Muslims and their properties. On that day, the Government took steps for getting and deploying para military forces of the Central Government. The Government decided to call in army and took necessary steps in that behalf. The Government also directed the concerned civil authorities and police officers to take strict actions against persons found in fomenting communal trouble or involved in communal violence.

194. The Commission also finds that the District authorities did take steps as contemplated by Communal Riot Scheme. It was not necessary for the State Government either to prepare a Communal Riot Scheme or to direct the police force of each district to prepare a Communal Riot Scheme, as the police force at the district level has to prepare a Communal Riot Scheme for that district according to the general resolutions, orders and instructions already given by the State Government in that behalf from time to time. Each district prepares its own Communal Riot Scheme accordingly and without any order from the Government or higher police officer, the District police head has to start implementing the scheme within his jurisdiction from the time the situation requires its implementation.
195. The evidence shows that the police force at the field level had fixed sensitive points and posted policemen there. Foot and mobile patrolling was arranged. Many vehicles were requisitioned to increase mobility of the police force and they were fitted with wireless sets for better communication. Control rooms were set up at the district and taluka levels. Vigil was kept over activities of anti social and communal elements. Prohibitory orders regarding gathering of persons and carrying arms were issued and some preventive arrests were also made. Some District Police Heads have stated specifically that 'Communal Riot Scheme' was implemented in their districts. Others have stated that 'Bandobast Schemes' were prepared and implemented. The steps

taken by the police in all the districts indicate that actions required according to 'Communal Riot Scheme' were taken by them. Though large number of incidents of communal violence did take place in the State that circumstance by itself is not enough to come to a conclusion that they happened because of inaction, negligence or connivance of the police. The evidence shows otherwise.

196. One other aspect relevant for examining the role of the police is that the man power requirement for effective functioning's of the State police was determined in the year 1960. It was done on the basis of population of the State in that year. In 1960 the population of Gujarat was about 2 crores and 25 lacs and the required strength of the police force was fixed at 92345 persons. In the year 2002, population of Gujarat was more and yet the sanctioned police strength had remained the same. When short fall in the man power, even on the basis of the strength fixed in 1960, was assessed in 1998, it was found that there was a short fall of approximately of 70000 personnel in various police ranks. As the evidence discloses, even the police personnel as sanctioned was not available fully when the post Godhra riots took place.

197. In earlier volumes, while dealing with evidence with respect to the incidents in each district and also evidence of witnesses of that district, the Commission has recorded some findings regarding performance of the police in preventing and dealing with the incidents. To recapitulate, on 28.2.2002, the day on which incidents were maximum, police was able to contain communal violence in many parts of the State. In South Gujarat, only in 2 out of its 6 districts, the incidents were more. Even in those 2 districts, the incidents happened in Surat city, Bharuch town and Ankleshwar GIDC area only. In Surat city, 22 incidents happened in the areas falling under 11 police stations. Thus, the incidents in South Gujarat were stray incidents. They were not of serious nature. Police had used force at 2 places in Surat city and in one case in Bharuch town. Steps taken by the police of Valsad district have been appreciated by all persons who have given evidence or filed statements. As regards the role of others what is indicated by the evidence is that some local VHP leaders and some persons of Shiv Sena had tried to incite people against Muslims but their efforts did not succeed because of the active role played by the police and also by BJP MLA Shri Bharatbhai and other BJP leaders. Performance of the police of Navsari district was appreciated even by Muslim witnesses and also by an office bearer of Congress Navsari Minority

Cell. Large number of persons who have filed statements have stated that the police had performed its duty effectively and impartially. As regards the role of others, nobody from this district has alleged that any political or religious organization was behind the incidents which took place in that district. Witnesses of Surat district, have generally stated that performance of the police was satisfactory and helpful. Some witnesses have specifically appreciated the role of ACP Shri Amin, PI Shri Patel and PI Shri Adatrao. The only complaint made against the police was that they harassed some Muslims during the course of investigation of some incidents. The only deficiency noticed by the Commission in their performance is late registration of offences and recording a common complaint in respect of more than one offence. The explanation given by the police that it happened because of curfew and the victims being not available for quite some time, though correct does not justify the lapse, as they could have recorded the complaints even in their absence. This lapse does not appear to be a motivated action because of Communal bias. A vague allegation made by some witnesses that police did not help the Muslims is not found as correct. There is no evidence to show that the incidents of communal violence happened in this district at the instance or instigation of any political or religious party or organization. The evidence with respect to the Narmada district shows that the police of that district performed its duty quite well. The police had helped the people in maintaining peace in villages. Almost all the witnesses have ruled out instigation by or involvement of any political or religious party or organization. As regards Bharuch district, some witnesses have made an allegation that the police sided with Hindus. As against that some Hindu witnesses have alleged that the police did not give proper protection to Hindus and their properties while they were attacked by Muslim mobs. It appears that policemen could not reach in time at some places of incidents because they were not sufficient in number. At some places they could not act effectively immediately because they were few in number. That appears to be the reason for the said impression of the witnesses. Otherwise most of the witnesses including a leader of the Congress Party have appreciated the performance of the police. As regards participation in the incidents by political or religious bodies, the evidence discloses that some persons belonging to VHP, Bajrang Dal and RSS had taken part in some incidents but as regards their identity, the evidence is vague and not sufficient to say who they were. There is some evidence to show that some Congress Party leaders

belonging to Muslim community had instigated Muslims to loot goods from the shops of Hindus but as regards identity of those persons the evidence is equally vague and insufficient. The allegations made by Hindus and Muslims against each other reflect deep rooted animosity amongst them in Bharuch town. There is no evidence to show that in any of the South Gujarat districts, performance of police was such as can lead to an inference that there was any interference in their working by higher-ups in the police department or the Government.

198. From the evidence of witnesses and persons who have submitted statements with respect to the incidents of Anand district, it appears that the police performed its duty sincerely and impartially as it acted promptly and effectively while dealing with the incidents. Muslim leaders of Anand, Vidyaanagar and Bakrol in a meeting held on 4.3.2002 appreciated the help rendered and the role played by the police. No person has alleged any inaction or negligence on their part while dealing with the incidents nor any grievance has been made that they did not act independently and fairly in dealing with the rioters. As regards involvement of any political or religious organization, except a general allegation made by one witness against VHP and Bajrang Dal, there is no other evidence. The evidence of witnesses and persons who have filed statements with respect to the incidents in Kheda district, discloses that at many places police had prevented mobs from indulging in rioting. The police had reached places of those incidents in time and saved lives of many. It is also stated by the Muslim witnesses that the police had played a positive role and therefore, there were no serious incidents in their localities. On the whole, the police appears to have acted independently and impartially and had also performed its duty sincerely and effectively. Except in case of one incident where some VHP persons were alleged to have taken part, there is no other evidence to show that any political or religious party or its leader was behind any of the incidents which happened in this district. From Panchmahals district, 19 witnesses appeared before the Commission to give evidence and many persons have filed their affidavits/statements. The only grievance made against the police is that individual complaints of some victims were not recorded by the police. That happened in cases where a common complaint was already recorded with respect to the incidents referred to by the victims. The grievance against the police is mainly with respect to registration of the offences and not with respect to

their performance at the time of incidents. Many persons have filed affidavits appreciating the role played by the police. There is no evidence to indicate that any political or religious organization or its leader had taken part in any of the incidents which happened in this district; though instigation and apart from participation in some incidents by local VHP workers cannot be ruled out. In respect of incidents of Dahod district, only 2 persons have given evidence. They have not alleged any inaction or negligence on the part of the police while dealing with the rioters or in arranging proper 'bandobast'. About 386 persons of different villages of this district in their affidavits have stated that because of the steps taken by the police, there were no communal incidents in their villages. The police of this district appears to have acted independently and effectively in preventing mobs from indulging in rioting and arson. There is also no evidence to show involvement of any political or religious party or organization in the incidents either by way of instigation or by taking part in them.

199. In respect of incidents which happened in Vadodara district, 4985 persons have filed affidavits and 196 witnesses have given evidence. Very few witnesses have complained about inaction by the police at the time of incidents. Most of them, both Hindus and Muslims, residing at different places in the district have in their affidavits/statements appreciated the work of the police during the relevant period. They have stated that police used to rush to places of incidents immediately and disperse the mobs even by using force. They have stated that because of positive role played by the police in calling meetings and getting together leaders of Hindus and Muslims, communal harmony was maintained at many places in the district.
200. As Regards the incidents which happened in Vadodara city, apart from the statements and affidavits filed by many persons from the public, as many as 155 persons appeared before the Commission to give evidence. Out of them, 45 witnesses gave evidence in detail and other 110 persons who had come with those witnesses stated that they agreed with what was stated by the witnesses with whom they had come. The evidence of witnesses including Muslim witnesses discloses that the police had rendered good help to Muslims when they had contacted the police for shifting them to safe places. Some witnesses have stated that patrolling by the police was good but because of instigation by anti social elements, some incidents had happened in their localities. There is evidence to show that police had shifted large number of Muslims to safe

places and Muslim leaders had subsequently publicly acknowledged the help given to them by the police. Some witnesses have stated that because of proper 'bandobast' kept by the police, incidents of communal violence did not take place in their localities. Some witnesses have specifically praised the role played by DCP Shri Piyush Patel, PI Shri Bariya, PI Shri Gohil and PI Shri Rathod of Panigate police station. The witnesses from Nyay Mandir and Fatehganj areas have appreciated the efforts made by the PIs of those areas in preventing communal violence in those localities. The evidence discloses that police strength in Vadodara city was inadequate. The police had to perform its duty almost continuously for 48 hours. Many policemen were required to be examined by doctors and were found much exhausted and not able to give normal responses. One journalist witness has made a complaint against the police by stating that if the police had strictly implemented the prohibitory/curfew orders, the incidents which happened on 15.3.2002 would not have happened. It appears to the Commission that because of large number of persons on the road and inadequacy of the police force, police could not deal with those persons strictly and enforce the curfew. A Muslim witness and social worker from Mogalwada area has appreciated the role played by DCP Shri Piyush Patel, ACP Shri Katara and PI Shri Gohil. A religious leader of Daudi Vohras has also appreciated the help rendered by the police to about 400 Daudi Vohras who were trapped at a place which was not safe. Only in respect of one incident which happened in Machchhipith area, a complaint was made that when a Hindu mob was damaging Gebansha dargah, no action was taken by the police against the persons in that mob. This witness was not present when the incident took place. As admitted by him, he was about half k.mt. away from that place. Even with respect to the Best Bakery incident, the evidence discloses that the said place is almost on the outskirts of Vadodara city and far way from the concerned police station. Police had gone to that place when it was informed about the Hindu mob having gathered there. Police had dispersed the mob. On the second occasion, the police was informed late i.e. almost after the incident and after the policemen reached that place, they rescued some Muslims who were the victims of that incident. As regards the rural area of Vadodara Rural District, no witness has complained that there was any inaction or negligence on the part of the police in performing its duty nor is there any evidence to show or such inaction or negligence or any interference by anyone in their working. About the role of political or religious parties or

organizations, some witnesses have stated that some persons of VHP had made attempts to incite Hindus against Muslims and that they had taken part in two incidents. However, the said evidence is vague and not sufficient to come to the conclusion who they were or that any political or religious party or their leaders were behind those incidents. On the whole, it can be stated that the police had performed its duty independently and sincerely. There is no credible evidence to show involvement of any political or religious party or organization or its leader. There is some evidence to show involvement of some persons belonging to VHP but that evidence is too vague to come to the conclusion that they had instigated those incidents.

201. In Gandhinagar district, only one person (witness Usmanmiya) has made some grievance against PSI Shri Zala. We have earlier found that his evidence is not reliable. There is enough evidence to show that the police had saved lives and properties of many persons by taking effective steps and moving them to safe places. There is also no evidence to show that there was any interference in their working by any higher authority. The incidents in respect of this district does not disclose involvement of any political party or religious organization. In this district the police appears to have performed its duty sincerely and independently. As regards the role of the police in Mehsana district, we find that 3 Muslim witnesses have alleged that the police had remained inactive while mobs of Hindus were damaging properties of Muslims. As against that many Muslim witnesses have stated that the police had performed its duty well by immediately coming to help when Hindu mobs had tried to attack Muslims or their properties. They have stated that in that manner the police had saved lives of many Muslims and prevented more damage to their properties. President of Vijapur Jamat, Secretary of Mehsana District Congress Samiti and others have appreciated the role of the police. Some of them have specifically appreciated the role of DSP Shri Ghelot, PI Shri Patel and Mamlatdar Shri Rathod. There is evidence to show that the police had helped persons residing in the relief camps to return to their villages. Except some conflicting evidence regarding the role of the police of Visnagar taluka, there is no material to indicate that the police did not act immediately, effectively and impartially. Even though many persons from the Minority Community have filed affidavits and given evidence, there is no allegation that leaders of any political party or religious organization were involved in the

incidents. In Dipda Darwaja incident, involvement of 2 local BJP leaders was alleged but that was a long time after the incident. They were acquitted by the court. Almost all the witnesses of Patan district have stated that functioning of the police was satisfactory and help was given by the police when they were contacted. As regards this district also, there is no material to show that the incidents in that district had happened because of any incitement by or at the instance of any political and or religious organization or its leaders. Witnesses of Banaskantha district, belonging to both the communities, have appreciated the role of the police. There is no complaint of any inaction or negligence in performance of their duty. There is also no evidence to indicate involvement of any political or religious organization or its leaders or workers in the incidents which happened in this district. Though the incidents were many in Sabarkantha district, no witness has come forward to say that there was any inaction or negligence on the part of the police in performing its duty. Most of the persons who have filed affidavits have appreciated the performance of police. The evidence shows that the police had acted effectively and impartially. Only in the affidavit of Shri Amarsinh Chaudhari, the then GPCC President, we find an allegation that the DSP of Banaskantha had said that he had instructions not to be panicky meaning thereby that he should not worry about the incidents which were happening in his district. According to Shri Chaudhari he was informed like that by local congress leaders. No such congress local leaders has filed any statement supporting that version. He has also not stated when he was informed like that by those local leaders. The said allegation not to be panicky does not appear to be true, in view of the other evidence. Except in 2 cases, no witness has alleged that either BJP or VHP or any other political party or religious organization was behind the attacks on Muslims. On scrutiny of the evidence we find that initially the reason behind the incidents in all these districts was the anger of the people because of the Godhra incident. Later on there were some incidents by way of retaliation against each other by the persons belonging to the two communities.

202. On 28.2.2002, out of 8 districts of West Gujarat i.e. Kachchha & Saurashtra region, there was no incident of communal violence in districts of Bhavnagar and Jamnagar. Three other districts namely Kachchha, Porbandar and Amreli had only one incident each. There were 9 incidents in Surendranagar district. Out of which 5 happened in

Surendranagar city and 4 happened in the areas falling under 3 different police stations. In 3 cases, police used force and dispersed the mobs. In Junagadh district, there were 15 incidents. Out of which 12 happened in Junagadh town and 3 in the areas of 2 different police stations. Police could reach the place of incident in one case when the incident was going on. It used force including firing 4 rounds to disperse the mobs. Other cases were reported to the police after they had happened. There was more violence in Rajkot city in the areas falling under 'A' and 'B' Division Police Stations. The communal trouble started first in the area of 'A' Division Police Station and then spread to 'B' Division Police Station. The police imposed curfew in those areas at about 13.40 and 14.30 hours. Large number of angry and agitated persons had come on the roads at different places in those areas. The incidents had happened at different places and they were over before the police could reach there. Insufficient police force, large areas of the police stations and mixed population appear to be the reasons for the large number of incidents in these areas. Even though number of incidents which happened was quite high they do not appear to have happened because of negligence or connivance of the police.

203. As regards witnesses of the Kachchha district, no-one had initially complained about inaction or negligence on its part. After the 2nd notification was issued, some persons of Mandvi town complained that PI Shri Gameti and policemen who were with him remained inactive when one incident happened in the town in the morning of 28.2.2002. The Commission has already recorded a finding earlier that actually PI Shri Gameti and his policemen were not present at the place where the incident took place and therefore, the complaint made against them was not correct. The only default of the police was that they recorded the FIR after about three to four hours. There is no evidence about inaction or negligence on the part of the police nor is there any evidence to show involvement of any political or religious organization in the incidents which took place in this district. In respect of the incidents of Surendranagar district, nobody has made any complaint of inaction, negligence or bias by the police or while discharging their duty. No person has made any complaint about any instigation or incitement by any political or religious organization for the incidents in the district. So also there is no evidence to that effect with respect to the incidents which happened in Jamnagar, Amreli and Porbandar districts. With respect to

Jamnagar district, some Muslim leaders and 3 witnesses belonging to Congress Party, one of whom was the President of City Congress Committee have stated that the police had performed its duty honestly and effectively. Only one Muslim witness generally alleged that some BJP and Bajrang Dal workers were behind the incidents without naming any person. Only reliable evidence regarding involvement of any political party is that 2 persons viz. Faruk and Abdulla belonging to Samta Party were involved in one incident which happened in Una town. That was a stray incident. There is also no evidence to show that any political or religious organization had instigated the incidents which happened in this district. Though there were many incidents in Rajkot district, large number of witnesses who gave evidence before the Commission or have filed their affidavits have appreciated the role played by the police. Only one Muslim witness has stated that highly communal minded persons had caused damage to Muslims and their properties and some police officers had failed to give proper protection to Muslims. He has neither referred to any particular incident nor has given name of any police officer who according to him had failed to perform his duty properly. As against that many Muslim witnesses have stated that the policemen had performed their duty in a fair and satisfactory manner. As regards involvement of any political or religious organization in the incidents of this district, no witness has made any allegation to that effect. On the contrary, the evidence is that BJP leaders and Congress workers together had made efforts to see that peace was maintained in their localities. For Bhavnagar district, apart from Shri Rahul Sharma the DSP of that district, almost all the witnesses who gave evidence before the Commission and many more persons who have filed their affidavits later on have stated that the police had performed its duty satisfactorily and strictly and on being informed about any disturbance, police had immediately rushed to those places. Some witnesses have stated that the police was quite helpful and whenever some help was sought, the police readily gave the required help. The witnesses have also stated that the police had saved lives of many Muslims by immediately responding to the calls. One Muslim witness has stated that leaders of VHP had instigated some people and therefore, the incidents of communal violence happened in Bhavnagar city. However, the version of Shri Rahul Sharma that the communal violence started in the district because of one inflammatory report published in a local newspaper appears to be correct. One more piece of evidence is the letter addressed to the Commission by

Bhavnagar City & District Congress Committee alleging that the incidents in Bhavnagar city happened in an organized manner and that indicates that some group was behind it. What was sought to be conveyed was that some persons belonging to BJP were behind those incidents. It is only a vague allegation and there is no evidence to support the same. In that letter the Bhavnagar City & District Congress Committee has appreciated the efforts made by DSP Shri Rahul Sharma and other policemen. Thus, the evidence of witnesses and the persons who have submitted their statements, on the whole disclose that the police force of this district had performed its duty fairly and strictly and that it had rendered help to persons who were in need thereof. There is no credible evidence about instigation or participation in the incidents by any political or religious organization. Only thing that can be stated is that some local leaders had tried to get released some persons on bail even though they were suspected to be involved in communal violence and taken into custody by the police.

204. The army which was away and airlifted started arriving by the mid night of 28.2.2002. Within about 3 hours, the army was provided with logistic support consisting of six buses, 9 trucks, 15 jeeps, Executive Magistrates, Liaison Officers, Guides and maps. By 7.30 a.m. on 1.3.2002 army was, provided with 7 more Executive Magistrates and some more vehicles. The deployment of army commenced by 11.00 hours after high level meeting between the Chief Minister, Union Defence Minister, Senior Officers of the Army and the State administration. In Ahmedabad, 9 columns of army were deployed on 1.3.2002. During the course of the day, 30 more vehicles were provided to the army personnel. In all, 32 Executive Magistrates and 18 mobile phones were provided to the army on that day. Central Para Military Forces consisting of some companies of BSF, CISF and Border Wing Home Guards became available to the State Government on 1.3.2002, pursuant to the request made in that behalf on 28.2.2002. All of them were deployed on the same day. The State Government also gave detailed directions to the police to implement the directions which were give to them earlier. They were reiterated in detail. By another message sent on that day by the Home Department, the police authorities were directed to act in a decisive, prompt and effective manner to bring the situation under control and not to hesitate to use force and even to issue 'shoot at sight' orders. Directions were given by DGP to subordinate police officers to take all necessary steps to control violence and to restore

law and order. The State Government requested the States of Maharashtra, Rajasthan and Madhya Pradesh to send some force consisting of State Reserve Police (SRP). On that day i.e. on 1.3.2002, army personnel were airlifted in six aircrafts and taken to Vadodara. They reached there from 16.30 hours onwards. Later 2 columns of army were moved to Vadodara at about 18.30 hours.

205. On 2.3.2002, 2 columns of army were dispatched to Godhra where they reached at about 01.30 hours. Two columns of army were moved to Rajkot at about 11.00 hours. As situation in Bhavnagar and Surat deteriorated, army columns were moved to Surat on 3.3.2002 at 11.00 hours and to Bhavnagar at 22.35 hours.

206. On 4.3.2002, the Addl. Chief Secretary (Home) again sent a message to the district police heads to deal firmly with persons indulging in rumour mongering and also instructed them to activate district and city Peace Committees. Instructions regarding taking help of Revenue and Panchayat employees were also given. By another message sent on that day, it was impressed upon the District Officials to watch over any attempt to disturb peace and to take usual steps for building an atmosphere of communal harmony and ensure public safety. Similar messages were sent thereafter from time to time. Between 27.2.2002 and 31.5.2002, the Home Department had sent 14 such messages. The Chief Secretary and Addl.Chief Secretary (Home) had arranged two video conferences with police officers and other concerned officers on 4.3.2002 and 11.3.2002, for reviewing the law and order situation and to give them instructions regarding steps to be taken by them. Every day, right from 27.2.2002, high level meetings with Senior Officers were held by the Chief Secretary and ACS (Home). The evidence discloses that the District authorities and police force continued their efforts till 31.5.2002 sincerely to contain the communal violence. The actions taken by the Government show that there was no reluctance or negligence on its part in taking the required steps for preventing and containing the communal riots.

Certain suspicious circumstances.

207. On the basis of the material produced by JSM, the NGO named the 'Citizens for Justice and Peace' and other evidence which has otherwise come before the Commission, JSM, Congress Party, Ms. Tista Shetalwad and some others have

submitted that certain circumstances indicating that the Chief Minister Shri Narendra Modi and some of his Ministers were responsible to some extent for the incidents which happened in the State soon after the Godhra incident are clearly disclosed by the said material. Though the said circumstances do not directly involve the CM and his Ministers they do raise a suspicion regarding intentions of the Chief Minister, Shri Gordhan Zadaia MOS (Home) and Shri Ashok Bhatt, who was the then Health Minister.

208. We will first deal with four such circumstances together. They are:

- (1) The Chief Minister left Gandhinagar in the afternoon of 27.2.2002 to go to Godhra without informing the highest ranking officers of the State keeping his visit a secret. That raises a suspicion regarding the real reason for the Chief Minister to go there.
- (2) Postmortem of 58 dead bodies of the passengers who had died in the Godhra incident was performed in the Railway yard in the manner contrary to the provisions of criminal law, as the record shows that the Investigating Officer had completed the inquest panchnama at 6.45 p.m. and by that time postmortem of 41 dead bodies was already completed by the doctors who had no experience of conducting postmortem. All this was done at the instance of Health Minister Shri Ashok Bhatt in consultation with the Chief Minister's office.
- (3) The Chief Minister had entered the burnt coach-S6 alongwith large number of his party men even before the panchnama of that coach was made. He had thus disturbed the material evidence.
- (4) In the evening of 27.2.2002 the Chief Minister took away investigation of the train burning incident from the Range PI Shri Dipak Swaroop who was entrusted with the same by the D.G.P. and handed it over to Shri Vipul Vijoy who was a junior officer. This conduct of the Chief Minister raises a question as to why the D.G.P. was side lined.

208.1 All these four circumstances after scrutiny are found baseless and also irrelevant. It was not necessary for the Chief Minister to inform all the high officers of the State that he was going to Godhra. The concerned officers were informed about his visit and they had made necessary arrangements for that

visit. It was not a secret visit. The evidence discloses that decision to hold inquest over the dead bodies at the Railway yard was in fact taken by the local officers and not by the Health Minister Shri Ashok Bhatt. The inquest panchnama had started at about 13.50 hours and was completed at 18.45 hours, except in one case; whereas the post mortem of dead bodies had started at 15.10 hours and had continued till 20.45 hours. It is therefore, incorrect to say that the postmortem of any dead body was done before making an inquest panchnama thereof. The evidence also discloses that the doctors who had performed the postmortem were qualified doctors. It is factually not correct that Shri Dipak Swaroop, Range I.G. was entrusted with the investigation of the train burning incident by the D.G.P. He was a very high officer and his role was only supervisory. As a matter of fact PSI Zala of Godhra Railway Police Station was in charge of the investigation and he continued to be in charge till 12.30 hours on 28.2.2002. Thereafter the D.G.P. had passed an order for handing over investigation to Dy.S.P. Shri B.R. Simpi. There is also no material to show that the Chief Minister by entering the burnt coach-S6 disturbed any evidence and that it was done with some ulterior motive. Thus, all these four alleged circumstances are really incorrect assumptions and wrongly described as circumstances for maligning the Chief Minister for the large scale violence that followed the Godhra incident.

209. Relying upon the fact that 54 dead bodies of the passengers were handed over to VHP leader Dr. Jaydip Patel for taking them to Ahmedabad, it is alleged that the dead bodies were handed over to VHP leader Shri Jaydip Patel under the order of the Chief Minister. It is also alleged that the dead bodies were then paraded on the streets of Ahmedabad under the leadership of Dr. Jaydip Patel. There were some discussions between Chief Minister's Office and Dr. Jaydip Patel over the telephone during that period and thereafter. All these facts raise a serious question regarding the intention of the Chief Minister in allowing custody of dead bodies to Dr. Jaydip Patel as he must have known the consequences of parading the dead bodies on the streets of Ahmedabad.

209.1. Smt. Jayanti Ravi who was the collector and District Magistrate of Panchmahals, in her statement dated 7.6.2002 has stated that in the meeting

held at Godhra, after discussion with the Chief Minister, it was decided to hand over the dead bodies to the relatives who were present at Godhra and in a position to identify those dead bodies. With respect to those dead bodies whose relatives were not present in Godhra, it was decided to send them to the districts to which they belonged. As regards the dead bodies of persons belonging to Ahmedabad district and districts beyond Ahmedabad it was decided to send them to Civil Hospital, Sola for security reasons as the said place was outside the densely populated locality of Ahmedabad and also for the reason that the train was otherwise headed towards Ahmedabad. When she was examined before the Commission on 6.1.2001, the Jan Sangharsh Manch and others were allowed to put questions in the nature of cross examination to her yet nobody had questioned her on this point. In her statement recorded by SIT on 15.9.2009 she has stated that after inspecting the site of the Godhra incident, they all went to the Collectorate. The Chief Minister met local leaders and groups including Congress MLA Shri Rajendrabhai Patel to take stock of the situation. At that time Dr. Jaydip Patel was also present. After discussion it was unanimous view of all concerned that the dead bodies of Karsevaks who were travelling to Ahmedabad and places around Ahmedabad should be sent to Ahmedabad by road. Some of them were charred beyond recognition and were in disintegrated stage and therefore, it was considered proper to hand over those dead bodies to their family members at the earliest. The transportation of those dead bodies was arranged in trucks. She had come to know that Dr. Jaydip Patel had travelled with those dead bodies to Ahmedabad. In her further statement she has stated that after holding discussion with the Chief Minister, it was decided with respect to the dead bodies whose relatives were not present at Godhra, to send them to Civil Hospital, Sola for security reason as it is situated on the outskirts of Ahmedabad away from the crowded area. She has also stated that no instructions were issued at that time to Shri Nalwaya to hand over the dead bodies to Dr. Jaydip Patel or Shri Hasmukh T. Patel. She has further stated that strictly speaking, handing over of the dead bodies was a prerogative of Railway police who had registered the case in respect of this incident but the whole exercise was taken up by Godhra District administration to see that the dead bodies were correctly delivered/handed over to the concerned authorities

at Ahmedabad so that they could in turn arrange to hand over the same to their relatives. It was decided to send those dead bodies to Ahmedabad as the train was headed towards Ahmedabad and most of the deceased belonged to Ahmedabad and nearby areas. She has denied that she had told Ms. Tista Shetalwad or any other Human Right activist that the dead bodies of Karsevaks were sent to Ahmedabad against her advice.

209.2 Shri Mahendra Nalwaya, who was Taluka Mamlatdar of Godhra, in his affidavit dated 3rd June, 2002 has stated that in his capacity as Mamlatdar, he had made arrangements for transportation of unidentified dead bodies to Ahmedabad. As the affidavit of Shri Nalwaya was found to be vague, he was directed by the Commission to file further affidavit on this point. In his further affidavit filed on 5.9.2009 Shri Nalwaya has stated that under oral instructions of the District Magistrate and the Additional District Magistrate, Panchmahals he had sent those dead bodies in vehicles arranged by him and under police escort, He had handed over those dead bodies to Dr. Jaydip Patel and in the letter which he had prepared for that purpose, Hasmukh T. Patel has signed as a person receiving those dead bodies. In his further statement recorded by the SIT on 28.10.2009 he has stated, “Four dead bodies were identified by their relatives and as such the same were handed over to them as per the orders of the D.A. and A.D.M. These dead bodies were arranged to be transported through two Ambulances, one Maruti van and a tempo to their respective places viz. Anand, Dahod, Vadodara and Lunawala (Panch Mahals). The remaining 54 dead bodies could not be identified and as such Smt. Jayanti S. Ravi, D.M., Godhra and late B.N. Damor, A.D.M., Godhra ordered that the same may be transported to Ahmedabad.” He has further stated that, “These dead bodies were escorted by the local Police Escort, Ahmedabad as per the instructions given by Smt. Jayanti S. Ravi, District Magistrate and late B.N. Damor, A.D.M., Godhra of Panch Mahal District. These dead bodies were handed over official to Dr. Jaydip Patel and Shri Hasmukh T. Patel of V.H.P. through a letter dated 27.2.2002.”

- 209.3 On this aspect SIT had also recorded the statement of Shri Narendra Modi on 27/28 March, 2010. Therein he has stated that “In the meeting held at the Collectorate, a collective decision was taken in consultation with all those persons present there to transport the dead bodies of the victims to Ahmedabad. I instructed that the dead bodies should be kept at Sola Civil Hospital on the outskirts of Ahmedabad so that the tension should not mount. This decision was taken in light of the fact that it was learnt that most of the victims belonged to Ahmedabad and other places beyond Ahmedabad and their relatives need not come to Godhra for their identification and claiming the dead bodies as Godhra town was under curfew.” When asked as to whether the Collector of the district Ms. Jayanti Ravi had objected to the transportation of the dead bodies to Ahmedabad, Shri Modi stated that, “It was a unanimous decision in the meeting to take dead bodies to Sola Civil Hospital, Ahmedabad as most of the victims belonged to Ahmedabad and nearby places. Further Smt. Jayanti Ravi, the then Collector and District Magistrate, Godhra was of the view that the dead bodies should be immediately taken from Godhra as the same would have mounted further tension in Godhra city.” He has further stated that after the decision was taken to transport the dead bodies to Ahmedabad, it was the duty of the District Administration to chalk out the modalities for its transportation and he did not know the details as to how and when the dead bodies reached Ahmedabad.
- 209.4 In the statement recorded by the SIT on 24.9.2009, Shri Gordhanbhai Zadafia stated that he had come to know late in the night that the dead bodies of the victims had been transported to Ahmedabad with Police Escort and that Dr. Jaydip Patel had accompanied the dead bodies.
- 209.5 Shri Raju Bhargav, who was the Superintendent of Police of Panch Mahals District, in his statement dated 27.9.2009 has stated that he was not aware of any decision taken about disposal of the dead bodies. Neither he nor any of the District Officers had advised against transportation of the dead bodies by road to Ahmedabad. He denied that after a few months of the Godhra incident, he had told any NGO or any delegation that the Chief Minister had ordered for

transportation of the dead bodies to Ahmedabad by road against the advice of District officials. In his further statement recorded on 26.10.2009 he has stated that, “No decision about handing over/transportation about the dead bodies was taken in my presence. It may be added here that the investigation into the said incident was carried out by the Railway Police and as such it was their prerogative to deal with the dead bodies. However, the bandobast for the transportation of the dead bodies was made by us at the request of the Railway Police.”

209.6 Ms. Tista Shetalwad had claimed before the SIT on 27.06.2009 that Smt. Jayanti Ravi had informed the Tribunal (headed by Mr. Justice Krishna Iyer) that Shri Narendra Modi, Chief Minister and Shri Ashok Bhatt had at around 2.00 p.m. on 27.2.2002 planned to take the burnt bodies to Ahmedabad and was strongly objected to by her as it was likely to inflame passion across the State resulting in mass riots. Miss Shetalwad has further stated that on the intervention of the Collector it was decided by the Chief Minister to carry the dead bodies to Ahmedabad in a motor cavalcade. Despite the fact that many of the dead bodies could not be identified yet they were transported to Ahmedabad and the dead bodies were handed over to V.H.P. Office Bearers Dr. Jaydip Patel and others.

209.7 On consideration of the evidence on this point, the Commission comes to the conclusion that because of (1) curfew in Godhra Town, (2) the fact that the dead bodies not identified at Godhra were of persons who either belonged to Ahmedabad or places beyond or around Ahmedabad and (3) no relatives were available at Godhra to take them, it was decided by the Government to send them to Ahmedabad. It was a unanimous decision taken in a meeting where the District Officials, other local leaders and the Chief Minister were present. The modality of transporting the dead bodies was left to the local administration and it appears that under instructions of the District Magistrate and the Additional District Magistrate it was decided to send the dead bodies in trucks to Ahmedabad under police escort. It was decided by the local officers to send the dead bodies to Civil Hospital at Sola which was on the outskirts of

Ahmedabad and quite away from densely populated localities of Ahmedabad. It appears that the Taluka Mamlatdar and Executive Magistrate Shri Nalwaya had on his own thought it fit to hand over those dead bodies to Shri Jaydip Patel even while sending them under police escort. That appears to have been done by him as the dead bodies were of VHP men and Shri Jaydip Patel wanted to go with those dead bodies. As a matter of fact the dead bodies left Godhra sometime after 10.30 p.m. and reached Sola sometime between 2.00 a.m. and 3.00 a.m. They were taken straight to Sola Civil Hospital through the Naroda-Sarkhej-Gandhinagar outer road. The dead bodies were not taken within the “streets of Ahmedabad” or the trucks had not passed through densely populated parts of Ahmedabad city. It is therefore, incorrect to say that the dead bodies were paraded on the street of Ahmedabad with a view to inflame the passions of Hindu community. The transportation was done at night and there is no evidence to show that at any place on the road people had gathered to see those dead bodies. The evidence also discloses that the decision to send those dead bodies to Ahmedabad was taken for the reason that curfew was already imposed in Godhra town by the time such decision was taken and it was felt that it would be very difficult for the relatives of those dead persons to come to Godhra and collect dead bodies of their relatives. The Commission does not find any substance in the allegation that the Chief Minister had arranged the same with an evil intention.

210. Another circumstance very heavily relied upon to prove involvement of the Chief Minister Shri Modi in the post Godhra incidents is that in the meeting held at night on 27.2.2002 at his residence at Gandhinagar, the Chief Minister had directed the Police and the State Administration to refrain from resorting to any strict action and to permit the members of the majority community to express their anger and anguish against the minority community. This allegation is based upon the affidavit of Mr. Shreekumar, evidence of Shri Sanjiv Bhatt and the statement stated to have been made by Haren Pandya, who was one of the Ministers in the year 2002, before the ‘Peoples Tribunal’ presided over by Mr. Justice Krishna Iyer. The evidence discloses that neither Shri Srikumar nor Haren Pandya was present in the said meeting.

210.1 Shri Srikumar has not claimed that he was present in the said meeting. According to him, “On 28.2.2002, I met Shri Chakravarthi, at his Chamber, to inform about the total mobilization of SRPF personnel. During the discussion DGP told me that law and order situation is quite fragile and things are practically out of control in the cities of Ahmedabad and Vadodara. He also told me that the activists of VHP, Bajrang Dal, BJP and its sister bodies are leading the riots and the police officers were not intervening effectively as they were keen to avoid crossing swords with the supporters of the ruling party. Shri Chakaravarti also told me that on 27.2.2002, late evening there was a meeting convened by the Hon’ble CM, Shri Narendra Modi, in his Chamber, after his return from Godhra. The Hon’ble CM had said in the meeting that “in communal riots police takes action against Hindus and Muslims on one to one basis. This will not do now “allow Hindus to give vent to their anger”. He added that no officer present in the meeting (Shri P.C. Pande, the then C.P., Ahmedabad, Shri Ashok Narayanan, ACS, Home, etc.) did express any comment or objection to those verbal instruction from the Hon’ble CM. Shri Chakravarthi also observed that this posture of the CM was a major obstacle to police officers in initiating action against Hindu communal elements, who were on a rampage against minorities.”

210.2 Apart from the English translation being not correct. Shri Chakravarthi has not supported this version. His version regarding what happened in the said meeting is totally different. Shri Chakravarthi has also stated in his evidence that if any one including the Chief Minister had directed him to do something, which was beyond his lawful authority, he would not have done it nor would he have directed any officer subordinate to him to do such a thing. He has further stated that the Chief Minister had not suggested to him to allow the majority community to give vent to its anger. Even assuming that Shri Haren Pandya had stated before the People’s Tribunal what he is reported to have said, it has to be regarded as incorrect in view of the other evidence on record. It appears that the People’s Tribunal had accepted that statement as correct without any verification. Therefore, the finding recorded by it, on the basis of that statement has to be ignored as a wrong finding. As regards the presence of

Shri Sanjeev Bhatt, it is also relevant to refer to the letter of Shri Srikumar dated 27.12.2011 wherein while giving some information to the Commission he has stated that there was no post of staff officer in SIB and ADGP (Int.) had no powers to create any such post. There is no provision for the post of staff officer in the Gujarat Police Manual or Govt. regulations. Even though Shri Sanjiv Bhatt claimed that he was working as staff officer to Shri GC Raiger, my predecessor ADGP(Int.), Shri Raiger did not inform me about any such system or somebody serving as staff officer as an informal arrangement. So I did not utilize any officer in SIB as my staff officer. In the meetings convened by Senior Officers, from DGP to the Chief Minister, I never took any officer alongwith me for my assistance. In fact, Shri Sanjiv Bhatt did not accompany me in any of the conferences or meetings chaired by Senior Officers and the Chief Minister, which were attended by me.

- 210.3 Shri Bhatt has claimed that he was present in that meeting and has given a different version regarding that meeting in his affidavit filed before the Supreme Court of India on 14.4.2011. A copy of the said affidavit was first produced before this Commission by the Congress party on 16.5.2011. The said affidavit discloses that Shri Bhatt had stated before the Special Investigation Team appointed by the Supreme Court in November, 2009, that he was present at the said meeting and therefore was personally aware about the instructions given by the Chief Minister thereat. He has stated in the said affidavit: “The Chief Minister Shri Narendra Modi said that the bandh call had already been given and the party had decided to support the same, as incidents like the burning of kar-sevaks at Godhra could not be tolerated. He further impressed upon the gathering that for too long the Gujarat Police had been following the principle of balancing the actions against the Hindus and Muslims while dealing with the communal riots in Gujarat. This time the situation warranted that the Muslims be taught a lesson to ensure that such incidents do not recur ever again. The Chief Minister Shri Narendra Modi expressed the view that the emotions were running very high amongst the Hindus and it was imperative that they be allowed to vent out their anger”. As the said disclosure was relevant for the purpose of our inquiry Shri Sanjeev

Bhatt was summoned by the Commission to appear before it and give evidence. While giving evidence before the Commission in May 2011 he reiterated what he has stated in his affidavit. He stated to the Commission that on 27.2.2002 he was contacted on telephone by the State Control Room at about 9.30 p.m. to 9.45 p.m. when he was at his residence at Ahmedabad. He was instructed to attend the meeting at the residence of the Chief Minister alongwith the DG and IG Shri Chakravarthi. So, he reached Police Bhavan at Gandhinagar at about 10.15 pm. After alighting from his vehicle, he immediately reported to Shri Chakravarthi who instructed him to accompany him in his car. Accordingly, he had gone in the car of Shri Chakravarthi to the residence of the Chief Minister. When they reached there, incharge Chief Secretary Smt. Suvarnkanta Varma, Addl. Chief Secretary Home, Shri Ashok Narayan, Commissioner of Police, Ahmedabad city Shri P.C.Pande, Secretary Home Shri Nityanand, Secretary to Chief Minister Shri Anil Mukim and Principal Secretary to Chief Minister Shri P.K.Mishra were present. He had remained present in the meeting from 10.20 p.m. to 10.40 p.m. and then he had excused himself from the meeting after the deliberations were concluded and instructions were given by the Chief Minister. He has claimed that in the said meeting Shri P.C.Pande and Shri Chakravarthi had tried to impress upon the Chief Minister that it was not a good idea for the BJP as a party to support the bandh call given by VHP. He had also tried to impress upon the Chief Minister that for BJP or Sangh Parivar cadre member the distinction between BJP as a party supporting the bandh call and BJP as the party in power, meaning the Government of Gujarat would get blurred and that could result into a serious misconception and break down of law and order. It was also tried to be impressed upon the Chief Minister that it was not a good idea to transport dead bodies of the Karsevaks from Godhra to Ahmedabad as it would inflame communal passions during Gujarat bandh on the subsequent day and that taking out funeral procession of the victims would definitely add fuel to the fire. According to him Shri P.C.Pande had then stated that Ahmedabad city would turn into a virtual 'tinder box' if the dead bodies were brought to Ahmedabad and taken out in funeral procession. He has also claimed that Shri P.C.Pande and Shri Chakravarthi had told the Chief Minister that they were

extremely short of manpower resources to meet with the situation that was likely to arise during the bandh call. He had also tried to impress upon the Chief Minister that according to the I.B's information there was large scale mobilization of Sangh Parivar cadres not only in major cities but also in far flung rural areas. He had forcefully conveyed that in case of wide spread communal violence on the next day, the State police resources would be stretched to an extent where they would become absolutely ineffective. It was towards the conclusion of the meeting that the Chief Minister had made the utterances which are reproduced by him in para 13 of his affidavit and which have been quoted above.

210.4 The evidence shows that Shri G.C.Raigar was on leave on that day and the next person in hierarchy in that Bureau was Shri O.P.Mathur. In the year 2002 Bureau consisted of one ADGP, assisted by an officer of the rank of IG/DIG and three Superintendents of Police designated as Dy. Commissioners (DCI) below him. Shri Bhatt was one of the Dy. Superintendents of Police. One DCI was looking after 'political matters', another Dy. Commissioner was looking after 'communal affairs' and Shri Bhatt was in charge of 'internal security'. Shri Bhatt has stated in his evidence that internal security comprises matters pertaining to Internal Security of the State of Gujarat including matters pertaining to Border Security of Gujarat, Coastal Security, Security of Vital Installations, Counter Intelligence and VVIP security. The matters pertaining to political and communal affairs were dealt with by other Dy. Commissioners. It is the say of Shri Sanjeev Bhatt that the scope of duties of Dy. Commissioner Internal security overlapped the functions of the other 2 branches of State I.B. viz. political and communal and that during times of crisis or emergent situation, the Bureau used to work as one monolithic unit and all officers subordinate to ADGP functioned as staff officers irrespective of work allotment. As regards the reason why he went to attend the said meeting of 27th, he has stated that he did so because he was so told by State Control Room of DGP and IGP who is the highest police authority in the State. He had therefore thought it fit not to inform his immediate superior Shri O.P.Mathur about the meeting.

210.5 The Commission has to consider which version regarding the said meeting of 27th is true. There is no written record of the said meeting as no such record was prepared. The evidence discloses that neither by way of any rule nor by way of practice record thereof was required to be kept in writing. The evidence discloses that the Chief Minister reached his residence at about 10.30 p.m. and the meeting was held thereafter. Shri Bhatt has stated that the time of the meeting was from around 10.20 p.m. to 10.40 p.m. The Chief Minister had called the meeting of only top officers of General Administration, Home and the Police Departments. From the police department only DGP and the Commissioner of Police, Ahmedabad city were present. No other police officer of the rank of DSP or even higher rank was kept present in the said meeting. The meeting was called by ACS Shri Ashok Narayan at the instance of the Chief Minister and not by DGP Shri Chakravarthy. Under the circumstances there was no reason for Shri Chakravarthy to direct any one from IB to accompany him and attend that meeting. If at all he had so desired, he would have contacted Shri Mathur who was next to Shri Raigar, as Shri Raigar was on leave on that day. It is not believable that Shri Chakravarthy would tell Shri Sanjeev Bhatt who was not only lower in rank but was not even in charge of ‘communal’ matters, to accompany him and attend the said meeting. Shri Mathur and the DCP (Int.) in charge of that subject were available on that day. There was no reason to call him for the said meeting. It was a meeting of the top level officers of the Government. He was not a person holding such a high rank that he would have been told to attend the said meeting.

210.6 In view of the belated claim made in 2009 by Shri Bhatt that he was called by DGP and had gone to the police Bhavan and thereafter accompanied DGP to the Chief Minister’s residence, Shri Chakravarthi was again summoned by this Commission to give evidence. Surprisingly Jan Sangharsh Manch and the Congress Party objected to his examination on this aspect. Rising of an objection by those who profess to assist this Commission in finding out the truth, on the ground that Shri Chakravarthi, Shri Ashok Narayan and Shri P.C. Pande were already examined earlier and therefore they should not be examined again has created some doubt regarding their real intention behind

raising this objection. The Commission thought it fit not to examine Shri Chakravarthy then and left it open for him to file an affidavit and also left the matter there by observing that because of this objection the Commission would draw its own inference regarding the truth of the version of Shri Bhatt. Shri Chakravathi filed an affidavit on 21.2.2012 to point out that the claim made by Shri Bhatt was false. In his affidavit he has stated that “I further say and submit that it has also been alleged in different fora in the past that Shri Sanjiv Bhatt, the then SP State CID (Int), had accompanied me in my official car from DGP’s office to CM’s residence on the night of 27.2.2002 and that he had attended the CM’s meeting on that night. I say and submit that the SIT appointed by the Supreme Court had examined me on 24.3.2011 in this regard. I had categorically told the SIT Officers that I had gone straight to CM’s residence from Doordarshan office, Ahmedabad on 27th night. I say that I had also stated before SIT that Shri Sanjiv Bhatt did not accompany me in my car to CM’s residence on 27th night nor did he attend the CM’s meeting that night as claimed belatedly by him”. He has also stated that “I further say and submit that I had been summoned by the Commission for examination in August 2011; however, my statement was not recorded at that time nor was I given another date to be present before the Commission. I say that had my statement been recorded in August 2011 or thereafter, I would have clarified the matters which were appearing in the media in a distorted manner, causing me immense distress. I submit that the media has been referring to my role during the incidents of 2002 incorrectly without verifying the facts. I say and submit that in view of the above, I am constrained to place this matter on record, by way of this Affidavit, before the Hon’ble Commission so that my position stands vindicated”. DGP Shri Chakravarthi has thus not only denied that Shri Bhatt had accompanied him to Chief Minister’s residence or that he had attended the said meeting, but has categorically stated that he had gone straight to Chief Minister’s residence from Doordarshan Office at Ahmedabad on 27th night. Shri Chakravarthi had gone to Doordarshan Office at Ahmedabad for making an appeal for peace on television. There is independent evidence to support this fact. He did not go to police Bhavan and therefore the version of Shri Bhatt that he was asked to accompany DGP Shri Chakravarthi to the Chief

Minister's residence does not appear to be true. His version that he had gone to police Bhavan and had accompanied DGP Shri Chakravarthi, by going in Shri Chakravathi's car to the residence of Chief Minister, is not only inconsistent with what Shri Chakravarthi has stated on oath, it is also not believable.

210.7 Shri Nityanandam in his evidence before the Commission has stated that according to his recollection, persons who had attended the said meeting were Smt. Swarnakanta Varma, Shri Ashok Narayan, Shri Chakravarthi, Shri P.C.Pande, himself and one officer of the Chief Minister's office. He has stated that Shri Ashok Narayan had told him to attend that meeting. When asked whether any person other than the persons named by him was present in the said meeting, he categorically replied by saying that no other officer was present in that meeting.

210.8 The Chief Minister in his statement dated 27/28.3.2010 recorded by SIT has stated that he had called for a law and order meeting on his return to his residence and it was attended by top officers of Administration, Home and Police Department. The meeting had taken place in his residence office for about half an hour. Smt. Swarnakanta Varma, Shri Ashok Narayan, Shri Chakravarthi, Shri P.C.Pande, Shri Nityanandam, Dr. P.K.Mishra and Shri Anil Mukim were present in that meeting. Shri Bhatt had not attended the said meeting as it was a high level meeting.

210.9 Shri Anil Mukim who was also present in that meeting for some time, has stated that in the beginning, the police officers had briefed Chief Minister about the current situation. It is significant to note that even though Shri Bhatt was known to Shri Mukim he has not named him as one of the persons present in that meeting.

210.10 As regards who were present in the said meeting, affidavit dated 1.7.2002 of Shri Amarsinh Chaudhari, former Chief Minister and President of Gujarat Pradesh Congress Committee at the relevant time is also relevant. Therein he has referred to a news report published in Times of India, Ahmedabad Edition,

on 29.5.2002 titled “What did Modi tell Chakravarthi?” The report quoted by him is reproduced below:

“What did Modi tell Chakravarthi?

Times News Network

Ahmedabad: A story has been doing the rounds in Ahmedabad ever since the riots broke out. It’s about a meeting that purportedly took place late in the evening on February 27 at which Narendra Modi is said to have told the police to not take action against VHP activists who had called for a bandh the next day. Action was not to be taken, whatever might be the provocation. The director general of police, K Chakravarthi, is said to have protested at such instructions, but he was shut up by the chief minister. So goes the story.

Since none of the dramatis personae who were said to have been in the meeting confirmed on the record that such a thing happened, this newspaper did not run the story. But now – after three months – a news magazine has gone ahead and run an article which is on the lines of the story doing the rounds. The article is based on the testimony that a minister is said to have given to the Concerned Citizen’s Tribunal headed by former Supreme Court judge, Justice Krishna Iyer. The tribunal held its hearings last fort-night in the city.

If the story is true, then the charges are very serious; especially what happened in the aftermath of the meeting. It would mean that the democratically elected head of a state government actually promoted the lawlessness from February 28 by directing his police chief to keep his forces under leash. It would imply that Modi is himself responsible for the chain of events after Godhra, that have left over 900 dead, scores injured and led to loss of crores worth of property and business opportunities.

If the story is wrong then it is, to put it very mildly, nothing short of character assassination of Narendra Modi accusing him of killings that he did not order. This is a very grave charge and if made without basis should not be allowed to pass.

The citizens of Gujarat have the right to know the answers to these questions:

- Was such a meeting to discuss the possible fall out on law and order of the bandh held on February 27? Did Narendra Modi chair the meeting?
- Who else were present at the meeting? Were there any other ministers and political persons? Who were the police officials present and who were the civil officers attending?
- What was the exact discussion that took place? Did Modi, at any point, actually ask the police to restrain themselves? How long did the meeting go on? What were the specific instructions for maintaining law and order and deployment of forces?
- What was the reaction of the police officials and what did the civil service officers say?

As per the testimony to the citizen’s tribunal, the others present at the meeting were Ahmedabad’s then police commissioner P C Pande, additional chief secretary (home) Ashok Narayan, home secretary K Nityanandan, additional director general of police G C Raigar and chief secretary G Subba Rao. Also present at the meeting were the CM’s secretaries, P K Mishra, Anil Mukim and A K Sharma.

G Subba Rao could not have been present at the meeting since he had gone abroad.

‘The Times of India’, in the interest of truth and transparency, requests these officials and also Narendra Modi to share, through these columns, what transpired at that crucial meeting.”

Even according to this report, persons who were present in the said meeting were the Chief Minister, DGP Shri Chakravarthi, Ahmedabad Police Commissioner Shri P.C.Pande, ACS Shri Ashok Narayan, Home Secretary Shri K Nityanandan, ADGP Shri G.C.Raigar, Chief Secretary Shri G Subba Rao and CM’s Secretaries Shri P.K.Mishra, Shri Anil Mukim and Shri A.K.Sharma. It does not say that Shri Sanjeev Bhatt was present in the said meeting.

210.11 On consideration of the evidence on this point, it clearly appears to the Commission that Shri Bhatt is not telling the truth as regards what happened at the meeting of 27th held at the residence of Chief Minister after 10.30 p.m. The claim made by him that he was present in the said meeting appears to be false. Obviously, his version about what was discussed and what was stated by Chief Minister or others in that meeting is a story now made out by him and deserves to be discarded as false.

210.12 It was for the first time in November, 2009 that Shri Sanjeev Bhatt made a claim that he had attended the meeting of 27th and in that meeting the Chief Minister had made that statement. This Commission had issued notifications dated 20.4.2002 and 5.8.2004 calling upon everyone who was in possession of relevant information pertaining to the inquiry made by this Commission to file his affidavit or statement. The State Government had directed all the concerned officers to provide relevant information to this Commission. Shri Bhatt did not file any affidavit or statement before this Commission. The reason given by him is that he was constrained, being an Intelligence Officer not to disclose information received by him as such, does not appear to be genuine. It is stated by Shri Sreekumar who was appointed as the head of the Intelligence Bureau in April 2002 in his letter dated 28.12.2011 addressed to Shri Sanjeev Bhatt (a copy of which was sent by Sreekumar to this Commission) that pursuant to the

letter dated 18.6.2002 written by the then Director General of Police, Shri Chakravarthi directing all the Commissioners of Police, Addl. DGP CID (Crime & Intelligence), Addl.DGP (Intelligence), all Superintendents of Police and all range in charge officers to file affidavits before the Commission, he had requested Shri Sanjeev Bhatt and other senior officers in the State Intelligence Bureau to file their affidavits. However, Shri Sanjeev Bhatt had declined to file the affidavit. It is further stated in the said letter that later on when the second directive was issued by DGP Shri A.K.Bhargav, Shri Sanjeev Bhatt had again declined to file an affidavit. He has stated that as a senior of Shri Sanjeev Bhatt, he had requested Shri Sanjeev Bhatt to file an affidavit but he had turned a deaf ear to that request. It appears to the Commission that because of his personal grievances against the Government and higher officers, he has now come forward with a version of his own regarding the meeting of 27th to malign the Chief Minister and the Government.

210.13 In order to support his claim that he had attended the meeting held at the Chief Minister's Residence on 27.2.2002, Shri Sanjiv Bhatt has relied upon a fax message purported to have been signed by him and sent on 27.2.2002. The copy of the fax message produced by him shows that it was addressed to CP, Ahmedabad and it was also sent to P.S. to Chief Minister, Gandhinagar and P.S. to MOS(Home), Gandhinagar. The number of the message as stated therein is D-2/2-COM/ALERT/100/2002. While verifying correctness of the said fax message, the Commission has found that the fax message sent under that number was really sent on 2.3.2002. It was in respect of an incident of 28.2.2002 which happened at Pandarva within the area of Khanpur Police Station of Panchmahals district. It was sent by Shri P.P. Upadhyay, D.C. in the office of the State Intelligence Bureau and not by Shri Bhatt. The despatch register also shows that on 27.2.2002 messages of all types bearing Sr. No. 69 to 77 only were sent. On 28.2.2002, such messages from Sr. No.78 to 91 were sent. On 1.3.2002 such messages bearing from Sr. No. 92 to 95 were sent and on 2.3.2002 such messages from Sr. No. 96 to 101 were sent. Thus, on verification of the record, the Commission finds that the copy of the fax message bearing number D-2/2-COM/ALERT/100/2002 and dated 27.2.2002

produced by Shri Bhatt is not a genuine document. Shri Bhatt appears to have used this false document to show his presence in the said meeting of 27th.

- 211 Attention of the Commission has also been drawn to the circumstance that the manner in which the Chief Minister dealt with the Gujarat Bandh Call on 28.2.2002 given by VHP and supported by his own party indicates that the Chief Minister by not opposing the Bandh Call, allowed mass violence against the minority community. The evidence discloses that the '*Bandh*' call was given by BJP on its own and the Chief Minister and other Ministers came to know about it later. The Bandh was not supported by the Government or the Chief Minister or any of his Ministers. State Transport buses were seen plying on the roads on 28.2.2002 and they were attacked by the mobs which had gathered on the roads. That indicates that the State Government was not in favour of the '*Bandh*'. The evidence regarding the steps taken by the Government and referred to by us earlier, clearly indicates that this allegation is not true. Specific instructions were given by the Government and the Police heads to see that law and order was maintained during the Bandh and that there was no hindrance to the smooth flow of traffic on the roads.
- 212 Attention of the Commission was also drawn to the circumstance that on 28.2.2002 the Chief Minister had dubbed the Godhra incident as "A Pre-planned Terrorist Attack by one Community against the other" and that had resulted "in deep animosity between the communities" without any evidence whatsoever with him on that day. The evidence shows that the statement made by the Chief Minister was that the incident was "Pre-planned Inhuman Collective Violent Act of Terrorism". The Press Note issued by the Government on 27.2.2002 discloses that what the Chief Minister had stated was that "This dastardly act was not a sort of communal violence but was a pre-planned cold blooded heinous act". The Press Note further mentions that the chief Minister had stated that "The Government would ensure that peace was maintained in the State and the Government would not be lacking in discharging its duty". By the time the Chief Minister had made the said statement that he had received reports from Police Authorities and also the Collector and District Magistrate of Godhra. Thus, the said allegation is also not true.

213 Attention of the Commission has also been drawn to the circumstance that the Phone Call details as shown by the analysis of the CDs produced by Shri Rahul Sharma establish that on 27th, 28th and 1st some of the Ministers of the State Government and some officers of the CMO were in contact with the persons who later became accused in criminal cases as they had taken part in the communal riots.

213.1 The said CDs were produced by Shri Rahul Sharma, who was the Superintendent of Police of Bhavnagar district till 26.3.2002 and DCP in charge of Control Room in Ahmedabad city from 8.4.2002, during his cross examination by Jan Sangharsh Manch. He produced those CDs on 30.10.2004. He has stated that while working as DCP Control Room at Ahmedabad city, he was told by the Commissioner of Police, Ahmedabad city to assist in investigation of Naroda Patiya case and Gulberg Society case which were with Shri S.S.Chudasama, who was then ACP in the Crime Branch. Shri Surolia was the Supervising Officer and he had to assist Shri Surolia in supervising those cases. In connection with those cases, he had collected data from AT & T and Cell Force about the calls received or sent by persons holding mobile phones within they city of Ahmedabad. From those original CDs, with the help of his personal computer, he had prepared one CD after zeeping the data of the original CDs. As those CDs were a part of information received during investigation, he had requested Shri P.P. Pande to keep the original CDs alongwith the file. From the CD which had remained with him he had prepared two copies (2 CDs) and produced them before the Commission. One CD from which he had prepared copies has remained with him. The Government of Gujarat raised an objection that the said CDs do not show the true and correct data. They are not in the original form and the data is de-shaped or reshaped according to the requirements of JSM, which has become a political body highly interested in maligning the Government. Therefore, the Commission examined Shri Sharma again on 8.6.2006. When asked as to why he had not produced the CDs earlier on his own, he stated that he did not do so because no occasion arose earlier for producing the same. In reply to the question as to why he had brought the CDs on that day, he stated that he anticipated that some questions may be asked to him. He also stated that he did not file any additional affidavit with respect to the CDs as it was not mandatory for him to

do so and there was no “emphasis” from the department in that behalf. According to him, he prepared those CDs after obtaining CDs from the two mobile phone service providers viz. Cell Force and AT & T. He got the data transferred from those CDs to a hard disc of his computer at his home for processing. Subsequently the data was compressed by zeeeping them. The zeeeped data was then transferred to another CD and from that CD, he had prepared two copies which have been produced before the Commission. In his further evidence, he stated that the original CDs were returned to Shri Pande, the then Jt. Commissioner of Ahmedabad city. As regards the reason why he thought it fit to obtain data regarding telephone calls from two mobile phone services providers, he stated that during the investigation of the Godhra train incident, a conspiracy theory was proposed and as an experienced police officer he had felt that if a conspiracy of that magnitude was hatched, then it could not have been without any links to Ahmedabad.

213.2 With respect to the CDs, Shri P.P.Pande, Shri Harish Muliya, Shri Chandana and Shri Harisinh Gohil have also filed affidavits. Shri Pande has categorically stated that Shri Rahul Sharma had not given to him any CD to be kept with the case file. He further stated that the CDs should have been returned to the investigating officer as all the evidence including muddamal of the case usually remains with the investigating officer only. He was not the investigating officer and therefore there was no question of returning those CDs to him. In clear terms, he has stated that he had neither given any CD to Shri Rahul Sharma nor Shri Sharma had ever given him any CD. Shri Harish Muliya, Assistant Police Commissioner has stated in his affidavit dated 19.9.2007 that after looking into the inquiry papers, he could say that police constable Shri Harisinh had handed over the CDs obtained from service providers to Shri Rahul Sharma and that the said CDs were never returned to the Crime Branch. Shri Chandana, who was PSI, Ahmedabad city, has stated that under instructions of Shri Rahul Sharma he had collected one CD from Cell Force and handed over the same to Shri Sharma. He had gone along with Shri Sharma to the office of AT & T at Gandhinagar. When Shri Sharma was transferred, Shri Sharma had handed over one sealed cover containing CDs to

him after telling him that he should handover those CDs to Shri Pande of Crime Branch. As he could not deliver those CDs to Shri Pande, he had personally returned the sealed cover to Shri Rahul Sharma, after telling him that nobody had come to take that cover and therefore he was returning the sealed cover to him. Shri Harish Gohil was working as a Police Constable in the Crime Branch. He has stated that he had delivered the letters written to Cell Force and AT & T on instructions from Shri Suroliya. As instructed by Shri Suroliya, he had taken signatures of ACP Shri Chudasama and then handed over those letters to AT & T and Cell Force. On 14.5.2002 he had collected 2 CDs from Cell Force company and handed over the same to Shri Sharma as instructed by Shri Suroliya.

213.3 To ascertain the truth, the Commission had issued summons to Cell Force & AT & T with a direction to supply the data relating to 43 telephone numbers listed by JSM. On 10.10.2007 Idea Cellular Ltd., formerly AT & T, informed this Commission that:-

“We regret to inform you that any details beyond the period of one year would not be technically feasible to maintain record of & hence the same would not be available”.

On 10.10.2007 Vodafone Essar Gujarat Ltd., informed this Commission that:-

“With reference to the captioned subject, we humbly submit that for the call data relating to the said purpose our office was coordinating with Mr. Rahul Sharma, IPS. Based on his instructions we had handed over the data on a Cd to the officer designated by him. However, he had got in touch with our office informing us that after studying the data available on the CD he required certain additional data, which we then extracted from our online database and handed it over to his office on another CD. The company had provided the said, desired data in desired format for the second time to Mr. Chandana, who was coordinating the same.

With regards to reproducing the data on 10th October, 2007, kindly note that this data pertains to very old period, hence we are unable to retrieve/process the same. Kindly note that as per the Condition No. 13 of the License issued by the Department of Telecommunication, Ministry of Communications & Information Technology, Government of India, we are supposed to preserve the records for a period of one year only. The data available online for us pertains to the last one year's data only”.

- 213.4 In his statement recorded by the Special Investigation Team on 31.5.2008, Shri Rahul Sharma has stated that the data contained in the CD of AT & T was copied by him in his computer and thereafter, he had returned the original CD in the office. Later on, in his statement recorded on 3.2.2009, he stated that the said CD was returned to the office of Shri Suroliya but he was not sure to whom the CD was given. As regards the CD received from Cell Force, he stated that the data contained in the CD was copied by him in his computer and thereafter, original CD was handed over to Shri Chandana for returning it to Shri Pande. He stated that Shri Chandana had told him that he had twice or thrice tried to return it to Shri Pande but Shri Pande was not available. In the first week of July when he was transferred, he asked Shri Chandana about the CD and he had informed him that the CD was still with him. So, he had obtained that CD from Shri Chandana and given it to a rider instructing him to return it to Shri Pande of the Crime Branch. The rider had informed him after some time that the CD was handed over by him to Shri Pande. Shri Sharma was shown a list of riders and he was asked who that rider was, and in reply he stated that he was not able to remember who that rider was. However, he stated that the said CD was returned to Shri Pande. As regards the data of the two CDs which he had copied in his computer, he stated that it was not possible to recover the said data from the computer and he was not sure whether even with the help of data recovery software, the data can be recovered now.
- 213.5 Shri Rahul Sharma had filed an affidavit on 1.7.2002 narrating the relevant facts relating to the communal riots which happened in Bhavnagar district during his tenure as Superintendent of Police of that district. Thereafter, he was called by the Commission on 30.10.2004 for giving his deposition. On that day while replying to the questions put by JSM in respect of the investigation of Naroda Patia case and Gulbarg Society case, he stated that he had prepared a copy from the original CDs supplied by AT & T and Cell Force and it had remained with him. At the instance of JSM he produced 2 copies of that CD prepared by him. The fact that he had prepared a copy from the original CDs after zeeping the original data of CDs was known to him alone. He had not thought it fit to produce the same before the Commission on his own. Unless

he had informed JSM about it, the JSM could not have known that such a CD was available with Shri Sharma. There was no reason for him to bring the two CDs on that day with him. If he thought that it contained information relevant for the purpose of inquiry going on before the Commission then he should have produced the same on his own. He did not do so. The manner in which the said CDs came to be produced before the Commission, clearly indicates some connection between him and JSM. Otherwise there was no need for him to prepare 2 CDs which he produced before the Commission, as at that time he was not at all concerned with the investigation of the Naroda Patia case and Gulbarg Society case. He was also not concerned with the investigation of the Godhra incident and therefore, the reason given by him for obtaining telephone data does not appear to be true. It appears to the Commission that he had prepared CDs at the instance of JSM and brought them for producing before the Commission when called upon to do so by JSM. In his evidence before the Commission, Shri Sharma has stated that after the information was received by the Crime Branch from AT & T and Cell Force, Shri Pande, who was then the Joint Commissioner of Police had handed over the said CDs (information) to him. Shri Pande in his affidavit has specifically stated that he had not handed over any CD to Shri Sharma. The affidavit of Harisinh Gohil discloses that on 14.5.2002 under instruction of Shri Suroliya, he had gone to the office of Cell Force and after obtaining 2 CDs in a sealed cover from the Cell Force Officer Shri Dhiren Loria, he had handed over the same to Shri Sharma on the same day. The affidavit of Shri Chandana, who was incharge of Computer section of Ahmedabad police also discloses that on 25.6.2002 he had gone to the office of Cell Force on being instructed to do so by Shri Sharma and had brought 2 CDs in a sealed cover and handed over them to Shri Sharma on that day. The CDs which were earlier obtained from Cell Force company did not contain according to Shri Sharma enough data and therefore, they were again sent back to the office of Cell Force. Those CDs were brought by Shri Chandana on 25.6.2002 and handed over to Shri Sharma. The affidavit of Shri Harish Muliya, who was ACP, Crime Branch of Ahmedabad city discloses that on examination of the record of Crime Branch, he found that the said CDs were never received by the Crime Branch. Shri Pande himself had denied that he

had handed over the CDs to Shri Sharma after obtaining the same from AT & T and Cell Force and that appears to be true in view of the other evidence. Even on the point of returning the original CDs Shri Sharma is contradicted by Shri Pande and Shri Chandana. Shri Pande has stated that the original CDs were not returned to him. He appears to be right because he was not the Investigating Officer and therefore those CDs were not required to be kept by him. Since the CDs were obtained as evidence during the course of investigation, they were required to be kept alongwith the investigating papers with the Investigating Officer. While giving evidence before the Commission, Shri Sharma has stated that since those CDs were really a part of information received during the investigation, he had requested Shri Pande to keep original CDs alongwith the case file. In his statement before the Special Investigation Team, he has stated that the CD which he had obtained from AT & T was returned by him to the office of Shri Suroliya and that he was not sure about the person in that office to whom it was handed over. As regards the CD obtained from Cell Force, he stated that he had handed over the same to Shri Chandana but as Shri Chandana could not deliver it to Shri Pande, he had sent the same alongwith one rider in the first week of July, 2002 and that Shri Chandana had informed him that it was handed over to Shri Pande in person. Thus, Shri Sharma's evidence on this point is evasive and not consistent and leads to the conclusion that he is not telling the truth regarding possession of the original CDs and his claim that the copies of CDs produced by him contain the same and correct data as contained in the original CDs. It leads this Commission to the conclusion that in absence of the original CDs and non production of the data copied by him in his computer from the original CDs, the data contained in the CDs produced before the Commission cannot be accepted as reliable and correct. The allegation of the State Government is that Shri Sharma has either de-shaped or reshaped the original data i.e. the data contained in the original CDs. On appreciation of other evidence on this point, the Commission comes to the conclusion that Shri Rahul Sharma's version regarding the data contained in the CDs is not reliable and cannot be accepted as true. This conclusion is reached apart from the doubt that arises from the

evidence of Shri Zadaphia and others who have denied to have made calls as shown in the analysis of the phone calls data produced before the Commission.

- 214 On the basis of SP Shri Rahul Sharma's evidence before the Commission an attempt was made to show that the entire police administration as well as State administration was completely neutralized by the Government resulting in police failure to protect lives of persons of minority community. Shri Rahul Sharma has nowhere in his evidence stated that the entire administration was neutralized, what he has stated is that he was told that "Bureaucracy has been completely neutralized". This witness further stated that he had not understood what was meant by those words which according to him were told to him by DGP Shri Chakravarti. Apart from unreliability of Shri Sharma, this version of his further discloses his bias against the Government. Shri Chakravarti's evidence rules out the probability of his having said so to Shri Rahul Sharma.
- 215 Two newspapers, one from Bhavnagar and another from Vadodara, had published reports which had the effect of provoking and instigating majority community to attack persons and properties of minority community. Shri Rahul Sharma who was the SP of Bhavnagar and Shri Taneja the then Commissioner of Police of Vadodara city, had written to the Government to give sanction for prosecuting those two newspapers. No sanction was given by the Government. Relying upon this circumstance, an attempt was made to show that the Chief Minister and other Ministers of the Government were interested in attacks by the majority community on the persons and properties of minority community. While it is a fact that no sanction was given by the Government for prosecuting those two newspapers for publishing inflammatory writings, the reasons given by the Government for not giving the required sanction rule out the alleged intention of the Chief Minister and other Ministers. It has been explained on behalf of the Government that after considering the said request for sanction it was thought advisable at that time not to start a war on new point with the media considering the freedom available to the media. Another reason which influenced the decision of the Government was that those papers did not publish any such writing again after they were told by the administration not to do so. In fact the editor of the newspaper at Bhavnagar had agreed not to publish such news again.

- 216 While the communal violence was going on within the State, the Government transferred some officers. Relying upon this circumstance it was alleged that the Chief Minister transferred those police officers who were effective in controlling communal violence in their districts and that he had done so without knowledge of the then DGP and the Home Secretary. The record shows that the transfers were made in routine course by following regular procedure. Though it is true that there was no proposal by the Home department for transferring DSP Shri Srivastava and DSP Shri Rahul Sharma, they were transferred. The record shows that they were also transferred because the Government decided to effect more transfers than proposed. Order of transfer dated 24.3.2002 shows that it was a consolidated order of transferring 17 officers and promoting 10 officers. The material also shows that even after the transfer of those two SPs who were then in-charge of Kuchcha and Bhavnagar Districts, the situation in those districts had remained under control. The officers who were posted there were equally competent and had effectively controlled the law and order situation in their districts. That shows the falsity of allegation that Shri Srivastava and Shri Sharma were transferred because they were effectively controlling law and order situation within their districts and the Government did not want it.
- 217 In some districts communal violence continued even in the month of April and May, 2002. It was therefore, alleged that the Chief Minister deliberately did not take any action against any police officer in whose jurisdiction unhindered and unchecked violence was continued resulting in deaths of many persons belonging to minority community. The evidence discloses that violence at some places could not be checked because the police force was inadequate and also because the violence took place at places and at the time when the policemen were not present there. There is no evidence to show that the police allowed the incidents to happen by deliberately not taking action or going to those places despite being informed about them. Moreover, initiation of disciplinary proceedings against an officer who is prima facie found to be negligent in performance of his duty has to be done by the competent officer and not by the Chief Minister. Service conditions of Government officers are governed by statutory rules. In fact some inquiries were initiated against some officers who were prima facie found to be lax or negligent in performance of their duty. The allegation

made against Chief Minister on the basis of this assumed lapse on his part is really misconceived and wrong.

- 218 On the basis of the report published in Divya Bhaskar newspaper that the Commissioner of Police Shri PC Pandey had written a letter to the DGP to take action against Minister Shri Bharatbhai Barot as he had personally instigated a mob involved in violence outside Delhi Darwaja on 15.4.2002 and yet the Government did not take any action against Shri Barot. As a matter of fact what was written by Shri PC Pandey who was the Commissioner of Police in his letter to the DGP was that he desired that during riots party workers and Ministers should avoid visiting the disturbed areas to avoid gathering of persons on seeing such personalities. Mr. Pandey had not stated that Shri Barot had in any manner instigated mob violence outside Delhi Darwaja on 15.4.2002. Therefore, there was no reason for the Government to take action against Shri Barot. The allegations made against the Government and Shri Barot are thus found to be false and made with an intention to malign the Government.
- 219 Mr. Amarsinh Chaudhary in his affidavit has referred to the meeting which he had with the Chief Minister Shri Narendra Modi on 28.2.2002 and stated that from the morning of 28.2.2002 he had been receiving information about disturbances in the city of Ahmedabad and elsewhere and also about the police conniving at what was happening in Ahmedabad and elsewhere. After stating so generally he has referred to the incident of Gulbarg Society in Chamanpura, Ahmedabad. On the basis of the information received by him he has stated that a crowd of about 10,000 persons had attacked Gulbarg Society. Mr. Zafri a resident of that society had made many calls to the police authorities and also to those persons who could give him help and protection. Mr. Zafri had also personally telephoned him appraising about the danger to his life, his family members and occupants of Gulbarg Society. Therefore, he had sent there some important party workers including Kishan Tomar and Narendra Brahmhatt who were Municipal Corporators and Rajkumar Gupta who was a President of Ahmedabad District Congress. He has also stated that Mayor of Ahmedabad Shri Himmatsinh Patel and Chairman of Standing Committee Shri Badruddin Shaikh were also trying to seek help of police for protection of occupants of Gulbarg Society. He had himself telephoned Shri Pandey, Commissioner of Police. In spite of that no help was rendered to Shri Zafri and other occupants of Gulbarg Society. Therefore, he and Shri Narendra Raval met Chief Minister Shri Modi at about

2.00 p.m. and appraised the Chief Minister of grave danger to the life of Shri Zafri and other occupants of Gulbarg Society. According to him, he did not find any positive response from the Chief Minister. On the basis of this circumstance, it is alleged that the Chief Minister allowed that incident to happen and did not take any step to prevent it.

219.1 None of the three persons deputed by him to go to Gulbarg Society has either submitted his statement before the Commission or has come forward to give evidence. Neither Shri Himmatsinh Patel nor Shri Badruddin Shaikh have filed any statement nor given any evidence before the Commission. As regards the other information received by him, his affidavit is absolutely vague. His statement that inspite of his telephoning Shri Pandey, nothing was done to help the residents of Gulbarg Society does not appear to be correct. As a matter of fact, on receiving the information at about 1.00 p.m. Shri Pandey had ordered two SPs, one PI and one section of C.I.F.S. to go to Gulbarg Society and as the evidence show they had reached there at about 2.00 p.m. That there was no positive response from the Chief Minister is only an inference drawn by Shri Amarsinh Chaudhary. It was his perception but it cannot lead to a conclusion that the Chief Minister was not ready to take any action in this behalf.

219.2 Shri Sanjiv Bhatt who was D.C. in the office of the State Intelligence Buareu at the relavent time has also stated that in the meeting held by the Chief Minister in the early afternoon of 28.2.2002 he had informed the Chief Minister about the danger to the life of Shri Ehsan Jafari and his family members. In order to show that on 28.2.2002 he had informed the Chief Minister about danger to the life of Shri Ehsan Jafari and his family members, Shri Bhatt has relied upon one fax message bearing number D-2/2-COM/ALERT/174/2002 and dated 28.2.2002. The copy produced by him shows that he has signed the same. On verification with the record of the office of State Intelligence Bureau, the Commission finds that the message bearing number 174 was really sent on 16.3.2002. It was not an alert message. It was not addressed to P.S. to Chief Minister, Gandhinagar but to Joint Secretary, MHA, New Delhi. It was by way of a Daily Summary Report. It was sent by Shri Upadhyay of that Bureau. Thus, this document produced by Shri Bhatt also appears to be a false document.

219.3 In response to this evidence and the questions raised by the Commission with respect to the same, Shri Narendra Modi has stated as under:

- “ 1) In my capacity of the then Chief Minister and the Home Minister of the State of Gujarat, I was personally reviewing the situation continuously by holding appraisal/review meetings of the senior government and police officials responsible for the maintenance of law and order more than once daily to ensure that normalcy is restored immediately. I was being kept informed about the incident started happening on 27.2.2002 and from 28.2.2002 by the senior officers heading their respective departments. The senior officers heading their respective departments were also keeping me posted with the steps taken by them to control the sudden violent situation erupted in the aftermath of Godhra train burning incident with the effective aid and assistance of all forces including para-military forces and military which the State agencies had deployed immediately.
- 2) I did not receive any telephone call from Shri Ehsan Jaffri, Ex-Member of Parliament either on 28.2.2002 at 1.00 p.m. or any other point of time.
- 3) I do not recollect the exact date and time on which Shri Amarsinhbhai Chaudhary met me in connection with the riots. I recollect he having met me once but never mentioned about any particular incident of violence at any particular place.
- 4) Shri Sanjiv Bhatt, who was SP level officer at the relevant point of time, never met me either just before Shri Amarsinhbhai Chaudhary met me or at any other time.”

219.4 On consideration of the rival versions and the evidence regarding what the Chief Minister does in such situations and what he did, it appears to the Commission that what Shri Sanjiv Bhatt has stated is not true. The version of Shri Amarsinh Chaudhari also does not appear to be correct. On facts, Commission has already found that on receiving information about the serious attack on Gulbarg Society at about 1.00 p.m., Shri Pandey, Commissioner of Police had already sent additional police force to control the situations there. Considering the steps taken by the concerned authorities, as disclosed by the positive evidence, the allegation of inaction or negligence on their part, does not appear to be true.

220 The Commission has also considered the report of the Citizens Tribunal headed by Mr. Justice Krishna Iyer. What we find is that the Citizens Tribunal has mainly relied upon the statements produced before it by ‘Citizens for Justice & Peace’ NGO of which Ms Tista Setalvad was the Secretary. The Citizens Tribunal did not have the advantage of the material which has been produced before this Commission by the

State. Moreover the evidence produced before this Commission has been tested by cross examination of substantial number of witnesses. The report given by the said Tribunal though of some assistance by way of material referred to therein does not reflect the correct picture of what happened and what was done by the Government to prevent and deal with the communal violence. The Commission has also gone through the report published by the Editors Guide. The scope of inquiry made by this Commission is much larger. It is conducted by following an elaborate prescribed procedure. The Commission has to come to its own conclusions. On consideration of the evidence, the Commission finds that the allegation made against the Chief Minister that he had tried to justify the post Godhra violence against Muslims is really not true. It is also incorrect to say that there was deliberate delay on the part of the State Government in the matter of army deployment in Ahmedabad. Enough vehicles, civil personnel and other logistics were made available to the army within a short time.

- 221 Shri R.B.Srikumar in one of his affidavits has stated that many illegal instructions were given orally to officials by the Chief Minister. No such allegation was made by him either in his first affidavit or when he gave evidence before the Commission. This allegation is made after some departmental action was initiated against him. From his subsequent affidavits, it clearly appears that he is a disgruntled officer. His attempt to support his allegation by producing a register and his personal diary, which according to him contain some of the illegal directions given to him, at a very late stage creates a suspicion that they were prepared by him at a later stage. There was no reason for him to keep a register and diary of such illegal instructions. If he had genuinely thought it fit to note down such illegal instructions as and when they were given then he ought to have brought that fact to the notice of the Commission when he filed his first affidavit or when he gave the evidence. Moreover his credibility also becomes questionable because of one more allegation made by him and which is found to be false. Shri R.B.Srikumar in his affidavit dated 3.5.2010 has stated that he had received two sets of reliable information. He was informed that some UP policemen were eye witnesses to the incident of burning of coach S-6 of Sabarmati Express Train at Godhra Railway Station. He has stated that according to that information 'friends' of I.B. were eye witnesses to all the incidents at Godhra Railway Station on 27.2.2002. According to his information received from reliable sources UP police had deployed 3 to 4 police

personnel to accompany the Gujarat contingent of Karsevaks returning from Ayodhya by that Train. They had traveled alongwith Rambhaktas from Ayodhya to Ahmedabad and they had witnessed the whole Godhra train fire incident and subsequent developments at the Godhra Railway Station. They had also submitted reports about what they had witnessed regarding the activities of Rambhaktas during their journey from Ayodhya to Ahmedabad. By the said affidavit he requested the Commission to get relevant reports from the DGP of UP Police, as he was in possession of those reports. To ascertain correctness of what Shri Srikumar has stated in his affidavit, a letter was written by the Commission to DGP, UP Police on 30.6.2010. By his letter dated 6.8.2010, the Addl. DGP, UP has stated that only the escort personnel had traveled by the said train upto the limits of their jurisdiction. Except the usual escort personnel, no other policeman was deputed to travel by the said train. No other policeman was put on duty for the protection of Karsevaks in the Sabarmati Express Train. He has stated that there is no substance in the assertion that UP policemen were eye witnesses to the incident of burning coach No. 6 of the Sabarmati Express Train. In view of this clear reply from the UP police, and the fact that jurisdiction of the UP police ended at the border of UP State and much before of the Gujarat State border, what can be said is that the said information placed before the Commission by Shri Srikumar is completely false. The allegation that UP police had travelled upto Godhra railway station in the Sabarmati Express Train alongwith the Karsevaks and had seen the incident of burning coach S-6 if that train is also false. Placing such false material before the Commission further raises a doubt regarding the motive of Shri Srikumar. Instead of assisting the Commission by placing correct facts before it, it appears that because of action taken against by him the Government, he is prepared to make even false allegations against the Gujarat Government to malign it.

- 222 Mr. Sreekumar has also produced alongwith one of his affidavits, text of conversation which he had during the meetings, with the Advocate Shri Pandya and Government Officials. According to him it was tape recorded by him on a device given to him by Shri Rahul Sharma. We proceed on the basis that he did it bonafide and not with any ulterior motive, but the said conversations do not disclose that there was any pressure or persuasion from those officers on Shri Sreekumar to tell something to the Commission which was false. As stated by Shri Sreekumar he was not threatened by

them nor he was influenced in any manner to tell something to the Commission which was not true.

223 On an over all consideration of the entire material, the Commission finds that the communal riots which followed the Godhra incident were really by way of an aftermath of that incident. It was because of the Godhra incident that large sections of Hindu Community became very angry and ultimately indulged in violent attacks on Muslims and their properties. There is no evidence to show that these attacks were either inspired or instigated or abated by any Minister of the State or by any religious or political party or organization as such. Only thing that can be said with the some certainty on the basis of the evidence which has come before the Commission, is that local members of VHP, Balrang Dal took part in the incidents which happened in their localities. In some incidents in three or four districts including Ahmedabad, some local BJP workers also appear to have taken part. As against that there is also evidence to show that BJP leaders in some districts had helped the authorities and the local people in maintaining peace in their districts. After close scrutiny of the evidence, it is not possible to say that there was any negligence on the part of the police which had led to the happenings of the incidents or causing more harm during those incidents. At some places they were ineffective in controlling the mobs because of their inadequate number or because they were not properly armed. Only while dealing with some incidents which happened in Ahmedabad City, we find that the police had not shown their competence and eagerness which was necessary for effectively controlling the situations arising as a result of those incidents. The Commission finds that in respect of such police officers, inquiries were initiated or actions were taken against them. They were stayed after appointment of this Commission. It is therefore suggested that those inquiries and/or actions should now be completed.

224 We have also gone through Preliminary Comments of NHRC dated 1.4.2002 and its Report for the year 2002-2003. We have considered the Complaine Report of the Government of Gujarat dated 30.6.2002 and subsequent informations made available to us till the year 2012. It appears to us that the initial adverse comments made by NHRC were mainly because of the fact that complete data regarding the steps taken by the Government was not placed before the NHRC. On scrutiny of the material

regarding the actions taken by the Government we find that there has been no major lapse on the part of the Government in complying with the recommendations of NHRC. No adverse report seems to have been made subsequently by NHRC with respect to the role of the Government as regards the post Godhra communal riots. Most of the persons who had left their places of residence have returned and those who have not returned are staying at the new places willingly because of better facilities available there. Only grievance which has remained is that adequate financial relief has not been granted. Obviously that depends upon the financial resources of the Government and its policy.

Recommendations

- 225 On an over all consideration of the evidence and all other relevant aspects, the Commission finds that the root cause for the communal violence that followed the Godhra incident was the deep rooted hatred between some sections of Hindu and Muslim communities. Many reasons including communal riots which have happened in the past have led to this situation. Some religious leaders and organizations and other anti-social elements interested in dividing the two communities for their own interest, take advantage of this hatred and on happening of some incident involving persons of opposite communities incite them to indulge in communal violence. Poor and illiterate people are easily led away by religious leaders or by such interested persons and they indulge in communal violence without properly appreciating the effect of what they are doing. This weakness of the society can be changed only by properly educating the masses about what true religion is and how harmful the communal violence is to the welfare of the society. The Commission, therefore, recommends that the Government should take appropriate steps for the purpose of removing this weakness from the society.
- 226 Law and order being the primary responsibility of the State, it is very much necessary that it has a disciplined police force to ensure that peace and tranquility of the society is not disturbed. While considering the evidence relating to the incidents which happened during the communal riots, we have noticed that the absence of police or their inadequate number emboldened the mobs to indulge in violence. If the law and order is to be properly maintained, the Commission is of the view that there should be

adequate number of policemen so that their presence is felt at every place. What we find from the evidence placed before us is that the State has not been able to maintain adequate strength of the police force. It is, therefore, recommended that the State should periodically examine the requirement of adequate police force and see that vacant posts are immediately filled up and proper training is given to the police force. Unless we have properly trained police force, we cannot expect them to completely deal with difficult situations like communal riots. Another feature which we have noticed is helplessness of the police force while facing big ferocious mobs. Few inadequately armed policemen cannot face such mobs effectively. That has happened at many places during the riots which are under scrutiny. Therefore, proper management of the police force by way of deployment and adequately arming them is also necessary. We have found that many times police force was without proper and sufficient ammunition with the result that they could not use sufficient force to effectively control the violent mobs. It is therefore, necessary that the Government should also ensure that every police station has adequate number of officers and policemen and that they are properly equipped with means of communication, vehicles, arms and ammunition. Adoption of modern technology can certainly improve their efficiency and effectiveness. We, therefore, recommend necessary steps in that behalf also.

- 227 Not only the police officers but also some persons from the public who have given evidence or statements before this Commission, have stated that because of the wide publicity given by the media to the Godhra incident and the incidents which happened thereafter people got excited and indulged in communal violence. Mr. Srikumar who was then head of the State Intelligence Bureau, has stated in his one of the affidavits that “biting and chilly live reportage by media” and publishing the news relating to communal riots in a “greatly irresponsible manner” had led to communal violence at many places. Mr. Rahul Sharma who was then the Superintendent of Police of Bhavnagar District, has also stated that it was because of publication of a report in a local daily that violence broke out in that district. It is therefore, recommended that during the time of communal riots, reasonable restriction should be placed upon the media in the matter of publication of reports about the incidents. Media should be made to understand that it is their duty to report in a responsible manner in such

difficult times and they do not become instrumental in provoking more communal violence by publishing exaggerated reports about the incidents. The concerned Authorities should see that the media acts with restraint during such difficult times and immediate effective action should be taken against the media if it is found to be transgressing the limits.

228 With these finding and recommendations, we conclude our report.

Ahmedabad
Date :

(Akshay H. Mehta)
Member

(G.T. Nanavati)
Chairman

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SUPREME COURT CASES

(2018) 10 SCC

(2018) 10 Supreme Court Cases 804

(BEFORE DIPAK MISRA, C.J. AND A.M.

KHANWILKAR AND DR D.Y. CHANDRACHUD, JJ.)

S. NAMBI NARAYANAN

.. Appellant;

Versus

SIBY MATHEWS AND OTHERS

.. Respondents.

Civil Appeals Nos. 6637-38 of 2018[†], decided on September 14, 2018

Constitution of India — Arts. 21, 14, 141, 226, 32 and 136 — Unlawful arrest — Compensation for — Arrest without evidence on record regarding espionage against ISRO scientist by State Police — CBI filing closure report and court discharging appellant — Appellant, held, entitled to compensation, even if there is no allegation of physical torture — Remedy of compensation and inquiry against erring officials — Directions issued — State Government directed to pay compensation of Rs 50 lakhs to appellant — Clarified that this compensation would be in addition to claim of compensation pending in civil suit — Committee was directed to be constituted with stated members to take action against the erring officials (Paras 10, 16, 17 and 32 to 45)

On the basis of confessions, State Police launched a prosecution of espionage against certain ISRO scientists including the appellant herein. The investigation by State Police was handled by Special Investigation Team (SIT) headed by Respondent 1. Respondent 1 arrested the present appellant without proper evidence against him. The State Government, thereafter handed over the investigation to CBI. CBI after a detailed investigation, gave a clean chit and all the accused persons including the appellant were discharged by the court. CBI in a letter to the State Government categorically mentioned about the lapses of Respondent 1 and about the indiscriminate arrest of the ISRO scientists without adequate evidence on record. The State Government being dissatisfied with the report of CBI, reopened the investigation. The court quashed the notification of the State Government reopening the investigation. The appellant also prayed for action of the State Government against Respondent 1 but the State Government did not take any action against Respondent 1.

Allowing the appeal, the Supreme Court

Held :

The Division Bench also held that the Kerala Government's decision of not taking action against the erring police officers of the SIT was based on three specific findings, namely:

- (i) the Government's examination of the case with reference to the views obtained from the State Police Chief with respect to the observations of CBI along with the explanation of the erring police officers concerned,
- (ii) the absence of any direction by the Chief Judicial Magistrate who had accepted the final report, and

[†] Arising from the Judgment and Order in *Siby Mathews v. S. Nambi Narayanan*, 2015 SCC OnLine Ker 8136 (Kerala High Court, Ernakulam Bench, WAs Nos. 1863 and 1959 of 2014, dt. 4-3-2015)

(iii) absence of any direction from the Supreme Court to take action against the investigating officers.

- a That apart, the Government opined that it is not proper or legal to take disciplinary action against the officers on the basis of CBI report after a lapse of fifteen years. (Para 16)

- b The Division Bench concluded by observing that the three reasons mentioned in Ext. P-2 clearly indicate that the Government has examined the relevant matters for arriving at the said decision. When a decision has been taken not to proceed further with any disciplinary action, after considering such relevant matters, the decision cannot be considered as unreasonable, unfair or arbitrary. (Para 17)

- c The National Human Rights Commission had ordered the State Government to pay a compensation of Rs 10 lakhs who had sought Rs 1 crore as damages. The High Court had directed an interim compensation of Rs 10 lakhs. (Para 10)

- c *S. Nambinarayanan Sangeetha v. State of Kerala*, 2012 SCC OnLine Ker 21017 : (2012) 4 KLJ 448, *cited*

- The appellant was arrested and he has suffered custody for almost fifty days. His arrest has been seriously criticised in the closure report of CBI. (Para 32)

- d The entire prosecution initiated by the State Police was malicious and it has caused tremendous harassment and immeasurable anguish to the appellant. It is not a case where the accused is kept under custody and, eventually, after trial, he is found not guilty. The State Police was dealing with an extremely sensitive case and after arresting the appellant and some others, the State, on its own, transferred the case to the Central Bureau of Investigation. After comprehensive enquiry, the closure report was filed. An argument has been advanced by the counsel for the State of Kerala as well as by the other respondents that the fault should be found with CBI but not with the State Police, for it had transferred the case to CBI. The said submission is to be noted only to be rejected. The criminal law was set in motion without any basis. It was initiated, if one is allowed to say, on some kind of fancy or notion. The liberty and dignity of the appellant which are basic to his human rights were jeopardised as he was taken into custody and, eventually, despite all the glory of the past, he was compelled to face cynical abhorrence. This situation invites the public law remedy for grant of compensation for violation of the fundamental right envisaged under Article 21 of the Constitution. In such a situation, it springs to life with immediacy. It is because life commands self-respect and dignity. (Para 34)

- g There has been some argument that there has been no complaint with regard to custodial torture. When such an argument is advanced, the concept of torture is viewed from a narrow perspective. "Torture" has not been defined in the Constitution or in other penal laws. In all custodial crimes what is of real concern is not only infliction of body pain but the mental agony which a person undergoes within the four walls of police station or lock-up. There may not be infliction of physical pain but definitely there is mental torment. (Paras 35 and 36)

- h *D.K. Basu v. State of W.B.*, (1997) 1 SCC 416 : 1997 SCC (Cri) 92; *Joginder Kumar v. State of U.P.*, (1994) 4 SCC 260 : 1994 SCC (Cri) 1172, *relied on*

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The right to the enjoyment of a private reputation, unassailed by malicious slander is of ancient origin, and is necessary to human society. A good reputation is an element of personal security, and is protected by the Constitution equally with the right to the enjoyment of life, liberty and property. (Paras 37 and 38)

a

Kiran Bedi v. Committee of Inquiry, (1989) 1 SCC 494; *D.F. Marion v. Davis*, 55 ALR 171 : 217 Ala 16 (1927); *Vishwanath Agrawal v. Sarla Vishwanath Agrawal*, (2012) 7 SCC 288 : (2012) 4 SCC (Civ) 224 : (2012) 3 SCC (Cri) 347, *relied on*

From the aforesaid analysis, it can be stated with certitude that the fundamental right of the appellant under Article 21 has been gravely affected. (Para 39)

b

Delhi Judicial Service Assn. v. State of Gujarat, (1991) 4 SCC 406, *relied on*

The appellant, a successful scientist having national reputation, has been compelled to undergo immense humiliation. The lackadaisical attitude of the State Police to arrest anyone and put him in police custody has made the appellant to suffer the ignominy. The dignity of a person gets shocked when psychopathological treatment is meted out to him. A human being cries for justice when he feels that the insensible act has crucified his self-respect. That warrants grant of compensation under the public law remedy. The court is conscious that a civil suit has been filed for grant of compensation. That will not debar the constitutional court to grant compensation taking recourse to public law. The Court cannot lose sight of the wrongful imprisonment, malicious prosecution, the humiliation and the defamation faced by the appellant. (Paras 40 and 18 to 31)

c

d

Sube Singh v. State of Haryana, (2006) 3 SCC 178 : (2006) 2 SCC (Cri) 54, *relied on*

Japani Sahoo v. Chandra Sekhar Mohanty, (2007) 7 SCC 394 : (2007) 3 SCC (Cri) 388; *Punjab & Haryana High Court Bar Assn. v. State of Punjab*, (1994) 1 SCC 616 : 1994 SCC (Cri) 455, *impliedly relied on*

The award of compensation against the State is an appropriate and effective remedy for redress of an established infringement of a fundamental right under Article 21, by a public servant. The quantum of compensation will, however, depend upon the facts and circumstances of each case. Award of such compensation (by way of public law remedy) will not come in the way of the aggrieved person claiming additional compensation in a civil court, in the enforcement of the private law remedy in tort, nor come in the way of the criminal court ordering compensation under Section 357 of the Code of Criminal Procedure. (Para 41)

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f

Hardeep Singh v. State of M.P., (2012) 1 SCC 748 : (2012) 1 SCC (Cri) 684, *relied on*

Hardeep Singh Anand v. State of M.P., 2008 SCC OnLine MP 501 : 2008 Cri LJ 3281, *referred to*

In the instant case, keeping in view the report of CBI and the judgment rendered by the Supreme Court in *K. Chandrasekhar*, (1998) 5 SCC 223, the State of Kerala is directed to pay a sum of Rs 50 lakhs towards compensation to the appellant and, accordingly, it is so ordered. The said amount shall be paid within eight weeks by the State. It is clarified that the appellant, if so advised, may proceed with the civil suit wherein he has claimed more compensation. No opinion is expressed on the merits of the suit. (Para 43)

g

The appellant submitted that the grant of compensation is not the solution in a case of the present nature. And that the authorities who have been responsible to cause such kind of harrowing effect on the mind of the appellant should face the

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- legal consequences. It is suggested that a committee should be constituted to take appropriate steps against the erring officials. the obtaining factual scenario calls for constitution of a committee to find out ways and means to take appropriate steps against the erring officials. For the said purpose, the constitution of Committee is directed which shall be headed by Justice D.K. Jain, a former Judge of the Supreme Court. The Central Government and the State Government are directed to nominate one officer each so that apposite action can be taken. The Committee shall meet at Delhi and function from Delhi. However, it has option to hold meetings at appropriate place in the State of Kerala. Justice D.K. Jain shall be the Chairman of the Committee and the Central Government is directed to bear the costs and provide perquisites as provided to a retired Judge when he heads a committee. The Committee shall be provided with all logistical facilities for the conduct of its business including the secretarial staff by the Central Government. (Para 44)

- Resultantly, the appeals stand allowed to the extent indicated hereinabove. There shall be no order as to costs. (Para 45)

K. Chandrasekhar v. State of Kerala, (1998) 5 SCC 223 : 1998 SCC (Cri) 1291, *followed*
Siby Mathews v. S. Nambi Narayanan, 2015 SCC OnLine Ker 8136; *D. Sasikumaran v. State of Kerala*, OP No. 14248 of 1996, order dated 27-11-1996 (Ker), *disapproved*
S. Nambi Narayanan v. State of Kerala, 2014 SCC OnLine Ker 16987; *J. Rajasekharyan Nair v. State of Kerala*, 2011 SCC OnLine Ker 4314, *cited*

- SS-D/61196/CR

Advocates who appeared in this case :

- Vikramjit Banerjee, Additional Solicitor General, Ashok Kr. Panda, Thomas P. Joseph and K.N. Balgopal, Senior Advocates (K.B. Sounder Rajan, Unnikrishnan, Sudarshan Rajan, Mahesh Kumar, P.K. Dey, Dhruv Sheoran, Arvind K. Sharma, Ms Shruti Agarwal, Mukesh Kr. Maroria, Renjith B, Lakshmi N. Kaimal, Ms Parul Dhurvey, Anubhav Anand Pandey, G. Prakash, Jishnu M.L., Ms Priyanka Prakash, Ms Beena Prakash, Mukundan, Ms Nitya Nambiar, Chinmay Deshpande, Ms Geet Ahuja and Venkita Subramoniam T.R., Advocates) for the appearing parties.

Chronological list of cases cited

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2. 2014 SCC OnLine Ker 16987, *S. Nambi Narayanan v. State of Kerala* 808c, 811f-g
3. (2012) 7 SCC 288 : (2012) 4 SCC (Civ) 224 : (2012) 3 SCC (Cri) 347, *Vishwanath Agrawal v. Sarla Vishwanath Agrawal* 823a-b
4. (2012) 1 SCC 748 : (2012) 1 SCC (Cri) 684, *Hardeep Singh v. State of M.P.* 824c
5. 2012 SCC OnLine Ker 21017 : (2012) 4 KLJ 448, *S. Nambinarayanan Sangeetha v. State of Kerala* 810e
6. 2011 SCC OnLine Ker 4314, *J. Rajasekharyan Nair v. State of Kerala* 811e
7. 2008 SCC OnLine MP 501 : 2008 Cri LJ 3281, *Hardeep Singh Anand v. State of M.P.* 824c-d
8. (2007) 7 SCC 394 : (2007) 3 SCC (Cri) 388, *Japani Sahoo v. Chandra Sekhar Mohanty* 815f-g
9. (2006) 3 SCC 178 : (2006) 2 SCC (Cri) 54, *Sube Singh v. State of Haryana* 824a
10. (1998) 5 SCC 223 : 1998 SCC (Cri) 1291, *K. Chandrasekhar v. State of Kerala* 810b-c, 820c-d, 824d

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11.	(1997) 1 SCC 416 : 1997 SCC (Cri) 92, <i>D.K. Basu v. State of W.B.</i>	821f-g
12.	OP No. 14248 of 1996, order dated 27-11-1996 (Ker), <i>D. Sasikumaran v. State of Kerala (disapproved)</i>	810b
13.	(1994) 4 SCC 260 : 1994 SCC (Cri) 1172, <i>Joginder Kumar v. State of U.P.</i>	822d-e
14.	(1994) 1 SCC 616 : 1994 SCC (Cri) 455, <i>Punjab & Haryana High Court Bar Assn. v. State of Punjab</i>	815g-h
15.	(1991) 4 SCC 406, <i>Delhi Judicial Service Assn. v. State of Gujarat</i>	823c
16.	(1989) 1 SCC 494, <i>Kiran Bedi v. Committee of Inquiry</i>	822g
17.	55 ALR 171 : 217 Ala 16 (1927), <i>D.F. Marion v. Davis</i>	822g

The Judgment of the Court was delivered by

DIPAK MISRA, C.J.— The appellant, a septuagenarian, a former Scientist of Indian Space Research Organisation (ISRO), has assailed the judgment and order¹ passed by the Division Bench of the High Court of Kerala whereby it has overturned the decision² of the learned Single Judge who had lanced the order of the State Government declining to take appropriate action against the police officers on the grounds of delay and further remitted the matter to the Government. To say the least, the delineation by the Division Bench is too simplistic.

2. The exposé of facts very succinctly put is that on 20-1-1994, Crime No. 225 of 1994 was registered at Vanchiyoar Police Station against one Mariam Rasheeda, a Maldivian National, under Section 14 of the Foreigners Act, 1946 and Para 7 of the Foreigners Order. The investigation of the case was conducted by one S. Vijayan, Respondent 6 herein, who was the then Inspector, Special Branch, Thiruvananthapuram.

3. Mariam Rasheeda was arrested and sent to judicial custody on 21-10-1994. Her custody was obtained by the police on 3-11-1994 and she was interrogated by Kerala Police and Intelligence Bureau (IB) officials. Allegedly, during interrogation, she made certain “confessions” which led to the registration of Crime No. 246 of 1994, Vanchiyoar Police Station on 13-11-1994 under Sections 3 and 4 of the Official Secrets Acts, 1923, alleging that certain official secrets and documents of Indian Space Research Organisation (ISRO) had been leaked out by scientists of ISRO.

4. Another Maldivian National, Fousiya Hasan, along with Mariam Rasheeda, was arrested in Crime No. 246 of 1994. On 15-11-1994, investigation of both the cases was taken over by the Special Investigation Team (SIT) headed by one Mr Siby Mathews, Respondent 1 herein, who was the then DIG Crime of Kerala Police. On 21-11-1994, Shri D. Sasikumaran, a scientist at ISRO, was arrested and on 30-11-1994, S. Nambi Narayanan, the appellant herein, was arrested along with two other persons. Later, on 4-12-1994, consequent to the request of the Government of Kerala and the decision of the Government of India, the investigation was transferred to the Central Bureau of Investigation (CBI), Respondent 4 herein.

1 *Siby Mathews v. S. Nambi Narayanan*, 2015 SCC OnLine Ker 8136

2 *S. Nambi Narayanan v. State of Kerala*, 2014 SCC OnLine Ker 16987

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a 5. After the investigation, CBI submitted a report before the Chief Judicial Magistrate (CJM), Ernakulam, under Section 173(2) CrPC stating that the evidence collected indicated that the allegations of espionage against the scientists at ISRO, including the appellant herein, were not proved and were found to be false. This report was accepted vide court's order dated 2-5-1996 and all the accused were discharged.

b 6. That apart, in the said report, addressed to the Chief Secretary, Government of Kerala, CBI, Respondent 4 herein, had categorically mentioned:

c "Notwithstanding the denial of the accused persons of their complicity, meticulous, sustain and painstaking investigations were launched by CBI and every bit of information allegedly given by the accused in their earlier statement to Kerala Police/IB about the places of meetings for purposes of espionage activities, the possibility of passing on the drawing/documents of various technologies, receipt of money as a consideration thereof, etc., were gone into, but none of the information could be substantiated."

7. The CBI in its report, as regards the role of Respondent 1 herein, went on to state:

d "I, Shri Siby Mathew was heading the Special Investigation Team and was, therefore, fully responsible for the conduct of investigation in the aforesaid two cases. Investigation conducted by CBI has revealed that he did not take adequate steps either in regard to the thorough interrogations of the accused persons by Kerala Police or the verification of the so-called disclosure made by the accused persons. In fact, he left the entire investigation to IB surrendering his duties. He ordered indiscriminate arrest of the ISRO scientist and others without adequate evidence being on record. It was stressed that neither Shri Siby Mathew and his team recovered any incriminating ISRO documents from the accused persons nor any monies alleged to have been paid to the accused persons by their foreign masters. *It was unprofessional on his part to have ordered indiscriminate arrest of top ISRO scientists who played a key role in successful launching of satellite in the space and thereby caused avoidable mental and physical agony to them. It is surprising that he did not take any steps at his own level to conduct investigation on the points suggested by him.* Since Shri Mathew was based at Trivandrum, there was no justification for not having the searches conducted in the officials' residential premises of the accused Nambi Narayanan who was arrested by Kerala Police on 30-11-1994.

g Vi. Shri Siby Mathew and his team miserably failed even in conducting verification of the records of Hotels viz. Hotel Fort Manor, Hotel Pankaj, Hotel Luciya, etc., which were located at Trivandrum to ascertain the veracity of the statement of accused persons....

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The above facts are being brought to the notice of the competent authority for their kind consideration and for such action as deemed fit.” (emphasis supplied)

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8. On 27-6-1996, the State Government of Kerala, being dissatisfied with CBI report, issued a notification withdrawing the earlier notification issued to entrust the matter to CBI and decided to conduct re-investigation of the case by the State Police. This notification for re-investigation was challenged by the appellant herein, before the High Court of Kerala, in O.P. No. 14248/1996-U but the notification was upheld by the High Court of Kerala vide order dated 27-11-1996³.

b

9. Aggrieved by the aforesaid order of the Kerala High Court, the appellant herein, moved this Court by filing a special leave petition. This Court in *K. Chandrasekhar v. State of Kerala*⁴ quashed the notification of the State of Kerala for re-investigation holding that the said notification was against good governance and consequently, all accused were freed of charges. The observations of this Court read thus: (SCC pp. 237-38, para 25)

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“25. Even if we were to hold that the State Government had the requisite power and authority to issue the impugned notification, still the same would be liable to be quashed on the ground of mala fide exercise of power. Eloquent proof thereof is furnished by the following facts and circumstances as appearing on the record....” (emphasis supplied)

d

10. Even after disposal of the case by this Court, the State of Kerala did not take any action against the erring police officers. In the year 2001, the National Human Rights Commission ordered a compensation of Rs 10,00,000 (Rupees ten lakhs only) as interim relief to the appellant, who had sought Rs 1,00,00,000 (Rupees one crore only) as damages. A Division Bench of the Kerala High Court, vide order dated 7-9-2012⁵, asked the Government to pay the interim relief of Rs 10,00,000 (Rupees ten lakhs only) within three weeks of the said order.

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11. Thereafter, one Rajasekharan Nair filed a writ petition, being WP (C) No. 8080 of 2010, before the Kerala High Court on the basis of the report filed by CBI seeking directions for the State of Kerala to pass appropriate orders and take necessary action against the erring police officers for conducting a malicious investigation. In the meantime, the Government, by order dated 29-6-2011, decided not to take any disciplinary action against the members of the SIT (erring police officers). The relevant portion of the order of the State of Kerala dated 29-6-2011 reads as follows:

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“(5) Both CBI and the accused-discharged persons approached the Hon’ble High Court against the action of the Government of Kerala. However, the High Court upheld the action of the Government. Against this

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³ *D. Sasikumaran v. State of Kerala*, OP No. 14248 of 1996, order dated 27-11-1996 (Ker)

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⁴ (1998) 5 SCC 223 : 1998 SCC (Cri) 1291

⁵ *S. Nambinarayanan Sangeetha v. State of Kerala*, 2012 SCC OnLine Ker 21017 : (2012) 4 KLJ 448

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CBI and the accused-discharged persons approached the Supreme Court through SLPs against the action of the Government of Kerala.

- a (6) In the meantime, the Government examined the case with reference to the views obtained from the State Police Chief on the observation of CBI along with the explanation of the officers concerned. After examination it was decided to await the decision of the Hon'ble Supreme Court. The Hon'ble Supreme Court allowed the prayer of CBI and the accused discharged persons questioning the notification issued by the Government withdrawing the consent given to CBI to investigate into the espionage case and also to "further investigate" the ISRO espionage case and also directed to give Rs 1 lakh each to the appellant-accused as cost.
- b

- c (7) The Government examined the matter with reference to the entire records of the case and in proper application of mind. It has been found that neither the Hon'ble Chief Judicial Magistrate Court who accepted the Final Report nor the Hon'ble Supreme Court had issued any direction to take action against the investigating officers viz: Shri S. Vijayan, the then Inspector, Special Branch, Thiruvananthapuram City, Shri K.K. Joshi, the then Dy. SP, CB CID, Thiruvananthapuram, Shri Siby Mathews, the then DIG (Crimes) of the Special Investigation Team who investigated in to the ISRO Espionage case.
- d

- e (8) In the circumstances, Government are of the view that it is not proper or legal to take disciplinary action against the officials for the alleged lapses pointed out in the investigation report of CBI at this juncture, after the lapse of 15 years and therefore Government decide that no disciplinary action need be taken against the above officials for their alleged lapses in the investigation of the ISRO Espionage case and it is ordered accordingly."

- f 12. WP (C) No. 8080 of 2010 was disposed⁶ of by the High Court having been rendered infructuous as the petitioner therein, Rajasekharan Nair, wanted to reserve his right to challenge the order issued by the Government. Despite insurmountable difficulties, the indomitable spirit of the appellant impelled him to file another writ petition, WP (C) No. 30918 of 2012, before the Kerala High Court.

- g 13. The learned Judge of the High Court of Kerala, considering the pleadings of the parties and thereafter elaborately considering the matter, allowed² the writ petition and quashed the order dated 29-6-2011 passed by the State of Kerala whereby the Kerala Government had decided not to take any disciplinary action against the members of the SIT (erring police officers) and consequently remitted the matter to the State of Kerala, Respondent 2 herein, for reconsideration and passing further orders within three months. Though the learned Single Judge left it open to the State of Kerala to decide on the course of action to be taken in the matter, yet it was categorically mentioned that the

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⁶ *J. Rajasekharyan Nair v. State of Kerala*, 2011 SCC OnLine Ker 4314
² *S. Nambi Narayanan v. State of Kerala*, 2014 SCC OnLine Ker 16987

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reconsideration of the matter should not just be a namesake which will make the administration of justice a mockery.

14. Though the said decision of the learned Single Judge was not challenged by the State of Kerala, yet two private persons, being Respondents 1 and 5 herein, assailed the judgment before the Division Bench in WAs Nos. 1863 and 1959 of 2014. The Division Bench of the High Court, vide the impugned judgment and order dated 4-3-2015¹, observed that the only question before the Government was whether any disciplinary action was to be initiated against the officers who were members of the SIT which conducted investigation for some days and thereafter reported that the matter required to be investigated by CBI.

15. The Division Bench opined that the factual finding or report submitted by CBI on 3-6-1996 in the matter could only be treated as an opinion expressed by CBI which may be considered by the Government. Further, the Division Bench left it to the Government to consider or not to consider the opinion expressed by CBI in its aforesaid report for the purpose of taking disciplinary action.

16. The Division Bench also held that the Kerala Government's decision of not taking action against the erring police officers of the SIT was based on three specific findings, namely:

(i) the Government's examination of the case with reference to the views obtained from the State Police Chief with respect to the observations of CBI along with the explanation of the erring police officers concerned,

(ii) the absence of any direction by the Chief Judicial Magistrate who had accepted the final report, and

(iii) absence of any direction from the Supreme Court to take action against the investigating officers.

That apart, the Government opined that it is not proper or legal to take disciplinary action against the officers on the basis of CBI report after a lapse of fifteen years.

17. Be it noted, the Division Bench concluded by observing thus: (*Siby Mathews case*¹, SCC OnLine Ker para 31)

"31. Therefore the three reasons mentioned in Ext. P-2 clearly indicate that the Government has examined the relevant matters for arriving at the said decision. When a decision has been taken not to proceed further with any disciplinary action, after considering such relevant matters, the decision cannot be considered as unreasonable, unfair or arbitrary."

And again: (SCC OnLine Ker para 35)

"35. ... In fact, whether the accused were tortured or not is a disputed question of fact. ... Further no such complaint was raised by the accused.... When the facts being so and since the petitioner having already approached

1 *Siby Mathews v. S. Nambi Narayanan*, 2015 SCC OnLine Ker 8136

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the National Human Rights Commission and the civil court, it is for the said agencies to arrive at a proper finding regarding such disputed facts.”

a The said order is the subject-matter of assail before this Court in these appeals.

18. It is urged by the appellant that the prosecution launched against him by Kerala Police was malicious on account of two reasons, the first being that the said prosecution had a catastrophic effect on his service career as a leading and renowned scientist at ISRO thereby smothering his career, life span, savings, honour, academic work as well as self-esteem and consequently resulting in total devastation of the peace of his entire family which is an ineffaceable individual loss, and the second, the irreparable and irremediable loss and setback caused to the technological advancement in Space Research in India.

c 19. It has also been contended that CBI, to whom the investigation of the case against the appellant was transferred, after a thorough investigation for about eighteen months, filed a comprehensive and exhaustive report wherein it had recommended that the case against the appellant be closed as the allegations against the appellant are totally unsubstantiated.

d 20. The appellant has also drawn the attention of this Court to the fact that CBI in the said report had also highlighted several omissions and commissions on the part of the Kerala Police Officers while investigating the case against the appellant. That apart, CBI, in its report submitted to the Kerala Government, had recommended that action be taken against the erring police officers for serious lapses in the discharge of their duties. The appellant has, in his submissions, expressed his agony over the fact that the State Government, instead of acting upon the recommendations made by CBI and taking appropriate action against the erring police officers, focussed its entire attention on taking further action on the investigation against the appellant and hastened to constitute a Special Investigation Team (SIT) through a notification which was challenged before the High Court.

f 21. The appellant has further highlighted that this Court had earlier opined about the malicious prosecution launched against him. Reliance has been placed on the criticism advanced by NHRC against the State Government. The learned Senior Counsel has urged with anguish that the High Court has fallen into grave error by sustaining the order of the Government and remaining oblivious to the plight of the appellant. It is his further submission that the appellant should be granted compensation by taking recourse to the principle of constitutional tort and a committee be constituted to take appropriate action against the officers who had played with the life and liberty of a man of great reputation.

g 22. The learned counsel for Respondent 1 has submitted that the contention of the appellant that if he had not been falsely implicated, he would have made a huge difference in the cryogenic technology and thereby contributed immensely to the nation is untenable as it is an admitted fact that he had submitted his VRS on 1-11-1994 immediately after the arrest of Mariam

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Rasheeda, and on the very same day, his resignation was accepted by the Superior Officer. It is pointed out that the claim of significant contribution to the nation is being put forth by the appellant only to gain the sympathy of the Court. a

23. It is further canvassed that the entire investigation of the case against the appellant was carried out under close supervision of the then Director General of Police (Intelligence) & Director General of Police (Law and Order) and daily reports were sent to them during the course of the investigation. It has also been highlighted that on the day of arrest of the appellant, Respondent 1 had submitted a report to the DGP requesting entrusting of the matter to CBI which is a clear indication of the fact that there were no mala fides on the part of the said Respondent 1 and other officials of Kerala Police. Respondent 1 has contended that the entire gamut of facts reveals that he and other officials had performed their duties with full responsibility and the evidence on record and the statements of other accused had clearly shown the involvement of the accused persons in the activities of espionage. b c

24. Respondent 1, in order to substantiate his claim that the appellant and the other accused persons were never subjected to any torture by Respondent 1 or other police officers, seeks to draw the attention of the Court to the findings of a Division Bench of the High Court which had dealt with a writ petition filed when the investigation was pending before CBI. It is put forth on behalf of Respondent 1 that he himself did not take any steps for thorough interrogation of the accused and sent the same to CBI and, hence, the argument that he was tortured by the State Police was far from the truth. As per the Notification dated 20-1-1987 issued by the Government of India, Ministry of Home Affairs, the Central Government conferred the powers of Superintendent of Police on officers of the rank of Assistant Director of the Intelligence Bureau and in the instant case, the IB had come into the picture long before the constitution of a Special Investigation Team (SIT) by the State Government. d e

25. It is highlighted by Respondent 1 that there was sufficient evidence indicating the involvement of the appellant and it had also come to the notice of Respondent 1 that the appellant, who had submitted his VRS, was intending to leave the country and in the light of the said facts, the arrest of the appellant and other accused persons had become necessary. The learned counsel would contend that the stand of CBI that no incriminating records had been recovered is unacceptable inasmuch as the final report reveals that 235 documents were recovered from the house of the accused persons and the reason for the same was an issue which required investigation. f

26. Further, it is contended that the case had been investigated by Respondent 1 only for 17 days and thereafter, it was CBI that carried out the investigation and, hence, the responsibility to apprise the media fell on CBI and not on Respondent 1. Various other aspects have been controverted to show the non-involvement of the said respondent and the bona fide act on his part to transfer the case to CBI. To make allegations against the SIT after transfer of the case to CBI is unwarranted. g h

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27. The learned counsel for Respondent 1 submits that the whole thrust of the argument of the appellant that he was subjected to torture falls to the ground as the IB officials against whom the major charges of torture had been levelled had not been made accountable for the said action and, therefore, it would be discriminatory to hold Respondent 1 and other police officers of Kerala accountable for the alleged torture. That apart, it is urged that the learned Single Judge of the High Court had only remanded the matter to the State Government for fresh consideration and had not given any finding on the allegation of torture and Respondent 1 had also contended that the appellant never raised any allegations of torture before the CJM Court. Further, it is argued that the appellant was in custody of Kerala Police only for 5 days, while CBI had taken remand of the accused on three occasions and had kept in custody for forty-five days.

28. On behalf of CBI, the fourth respondent, it is submitted that in spite of highlighting several lapses and faults on the part of the police officials while carrying out investigation against the appellant and other accused persons, the Kerala Government has failed to take any action against the erring officials. It has been submitted that the reasons given by the Kerala Government for not initiating any action against the erring police officers, who had not only inflicted inhuman custodial torture to the scientists of ISRO but also arrested them while they were working on a crucial space programme, was an unpardonable lapse. It is pointed out that if the action of the Government of Kerala is not interfered with on the ground of delay, it would tantamount to taking advantage of one's own wrongdoing and further adding a premium to an unpardonable fault.

29. The learned counsel for Respondent 4 has submitted that the conduct of the police officials is criminal in nature as per the investigation and report submitted by CBI and the investigation of CBI had clearly established that the investigation carried out by the State Police was full of lapses and also involved employment of illegal means such as criminal torture. The stand of the respondents is that the report is commendatory but it was incumbent upon the State of Kerala to act upon the same as that would have reflected an apposite facet of constitutional governance and respect for individual liberty and dignity.

30. Relying upon the judgment of this Court in *Japani Sahoo v. Chandra Sekhar Mohanty*⁷, it is submitted that the State of Kerala could not take shelter of the doctrine of delay and laches. The erring conduct of the police officers is of criminal nature and justice can be meted out to the appellant only by taking appropriate action against the said officers along with payment of compensation for the humiliation and disgrace suffered by the victim.

31. It is further contended by the learned counsel for Respondent 4 that investigation can be initiated to instil confidence in the public mind. To buttress his stand, the decision in *Punjab & Haryana High Court Bar Assn. v. State of Punjab*⁸ has been pressed into service.

⁷ (2007) 7 SCC 394 : (2007) 3 SCC (Cri) 388
⁸ (1994) 1 SCC 616 : 1994 SCC (Cri) 455

32. First, we shall advert to the aspect of grant of compensation. From the analysis above, we are of the view that the appellant was arrested and he has suffered custody for almost fifty days. His arrest has been seriously criticised in the closure report of CBI. The comments contained in the report read as follows:

“2. Consequent upon the request of the Government of Kerala, the investigation of Crime No. 225 of 1995 and No. 246 of 1994 was entrusted to CBI for investigation vide DP&T Notification No. 228/59/94-AVD.II (i) & (ii) dated 2-12-1994. Accordingly, case RC. 10(S) 94 lis. 14 of the Foreigners Act and Para 7 of the Foreigners Act, 1948 (corresponding to Crime No. 225 of 1995) and case RC 11 (S)/94 under Section 120-B read with Sections 3, 4 & 5 of the Official Secrets Act read with Section 34 IPC (corresponding to Crime No. 246 of 1994) were registered on 3-12-1994 in SIU. V Branch of CBI/SIC.II/New Delhi.

3. Immediately after the registration of the case, the investigation was taken upon 4-12-1994 and the police case files of both the cases were taken over. After investigation, a charge-sheet in Case Crime No. 225 of 1994 was filed on 17-12-1994 against Mariyam Rasheeda. This case has ended in acquittal of accused Mariyam Rasheeda vide judgment dated 14-11-1995, passed by the Hon'ble Chief Judicial Magistrate, Cochin.

4. The local police during the course of investigation of Case Crime No. 225 of 1994 had seized a diary written in Dwivegi script from accused Mariyam Rasheeda, the contents of which indicated that she was collecting information about certain Maldivian nationals based in Bangalore who were allegedly planning a coup against the Government of Maldives. It was further revealed that accused Mariyam Rasheeda along with Fauziya Hassan had stayed in Room No. 205 of Hotel Samrat, Trivandrum from 17-9-1994 to 20-10-1994 and during this period a number of telephone calls were found to have been made from Room No. 205 to Tel. No. of D. Sasikumaran, a senior Scientist of Indian Space Research Organisation, Valiamala. Accused Mariyam Rasheeda while in Kerala Police custody in this case was interrogated by Kerala Police and officials of Intelligence Bureau. Accused Mariyam Rasheeda allegedly made a statement revealing the contacts of Fauziya Hassan and of one Zuheira, a Maldivian national settled in Colombo with Mohiyuddin stated to be Pakistani national working as Assistant Manager, Habib Bank in Male and Mazhar Khan, another Pak national. She also allegedly disclosed that according to Fauziya Hassan, D. Sasikumaran was friend of Zuheria. Based on the disclosures allegedly made by accused Mariyam Rasheeda coupled with the contents of her diary and the telephone contacts with D. Sasikumaran, the instant case was registered on the suspicion that she and Fauziya Hassan along with others were taking part in activities prejudicial to the sovereignty and integrity of India.

5. The investigation of Crime No. 246 of 1994 remained with Special Branch only for two days and on 15-11-1994, the investigation was taken

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over by Special Investigation Team headed by Shri Siby Mathews, DIG (Crime), Trivandrum. During the course of investigation, Kerala Police/

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Crime Branch arrested 6 accused persons on the dates as shown below:

(i) Fauziya Hassan	13-11-1994
(ii) Mariyam Rasheeda	14-11-1994
(iii) D. Sasikumaran	21-11-1994
(iv) K. Chandrasekhar	23-11-1994
(v) Nambi Narayanan	30-11-1994
(vi) Sudhir Kumar Sharma	1-12-1994

b

5. The search of the office room as well as residence of D. Sasikumaran at Space Application Centre, Ahmedabad, was conducted on 21-11-1994 and that of his office and residence at Trivandrum on 30-11-1994. The search of office as well as residence of accused Chandrasekhar and S.K. Sharma, was conducted on 21-11-1994 at Bangalore. The house search of Ms Sara Palani of Bangalore where accused Fauziya Hassan was residing, was also conducted on 21-11-1994. In addition, the house search of Shri M.K. Govinadan Nair and Shri Mohana Prasad, both senior Scientists of LPSC Valiamala, was also conducted but nothing incriminating was recovered. The Crime Branch also examined 27 witnesses but none of the witnesses stated anything which could throw any light about the alleged espionage activities of the accused persons. The 7 witnesses of Hotel Samrat, Trivandrum, proved the stay of accused Mariyam Rahseeda and Fauziya Hassan in Room No. 205 in Hotel Samrat from 19-9-1994 to 20-10-1994 and the visit of Sasikumaran to Hotel Samrat to meet Mariyam Rasheeda. The witnesses of Hotel Geeth, Trivandrum and that of Hotel Rock Holm, Trivandrum, proved the visit of accused Sasikumaran along with Mariyam Rasheeda to the said hotel on 10-10-1994 and with Mariyam Rasheeda to the said hotel on 10-10-1994 and 28-9-1994, respectively.”

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And again:

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“10. Though no independent evidence has come on record during the course of local police/Crime Branch investigation about the alleged espionage activities of the accused persons, yet based on the revelations allegedly made by the accused, the module that emerged regarding the espionage activities was that accused Nambi Narayanan and Sasikumaran used to pass on documents drawings of ISRO relating to Viking/Vikas Engine technology, Cryogenic Engine technology and PSLV Flight Data/ Drawings and accused Chandrasekhar, S.K. Sharma and Raman Srivastava, the then IGP South Zone, Kerala passed on secrets of Aeronautical Defence Establishments, Bangalore. The documents/drawings were allegedly passed on to Mohd. Aslam, a Pak nuclear scientist and Mohd. Pasha/ Ahmed Pasha for monetary considerations and that the amount running into lakhs of US dollars was received and shared by accused Sasikumaran, Chandrasekhar, Nambi Narayanan and Shri Raman Srivastava and that

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Mohiyuddin, Asstt. Manager of Habib Bank, Male, was one of the persons who was financing the accused. Accused Fauziya Hassan, Zuheria, a Maldivian national settled in Colombo, Mr Alexi Vassive of Glovkosmos, Russia, and Shri Raman Srivastava, worked as conduits. Some of the important meetings which were held for espionage activities and in which the documents were allegedly passed on for a consideration, were held at International Hotel, Madras on 24-5-1994, in Bangalore in mid-September and on 23-9-1994 at Hotel Luciya, Trivandrum, in which some of the accused as well as said Zuheira and Shri Raman Srivastava, IGP, took part.

11. Immediately after taking over the investigation, by CBI, all the 6 accused persons were thoroughly interrogated, taking the statements purported to have been made by the accused before Kerala Police/IB, to be true, but all of them denied having indulged in any espionage activity. On being confronted with the statements made by them before Kerala Police as well as IB officials, the accused took the plea that the statements were made on the suggested lines under duress. Though there was no complaint either from ISRO or from DE Bangalore about the loss of any documents, the alleged revelations of the accused made before local police/Intelligence officials were taken at their face value and focused investigation was carried out to find out the details and purposes of various visits of accused Mariyam Rasheeda and Fauziya Hassan to India, their places of stay were verified, the persons, including accused, with whom they came in contact were examined and efforts are made to gather oral as well as documentary evidence to find out whether the accused have committed any acts which were prejudicial to the sovereignty, integrity and security of the State and violative of the Official Secrets Act, 1923.

* * *

Accused Nambi Narayanan jointed Thumba Equatorial Launching System on 12-9-1996 as Technical Assistant (Design) and then from time to time he was promoted and was working as Scientist-II since January 1993 in System Project, Associates Project Director GSLV and Project Director PS-II and PS-LV and was responsible for the organisation and management of launch vehicle system projects in LPSC.

* * *

32. During the investigation, neither any evidence came on record indicating that the accused indulged in espionage activities by way of passing on of secret documents of ISRO of any defence establishments nor any incriminating documents could be recovered. Accused Mariyam Rasheeda has taken the stand that she was to return to Male on 29-9-1994 but could reach Trivandrum Airport as she did not get any transport on account of the 'bandh'. Subsequently, Indian Airlines flights were suspended on account of plague scare and thus, she could not go. Since she was going to complete stay of 90 days on 14-10-1994, and to enable her to stay beyond 90 days she required the permission of the police authorities, she along with Fauziya Hassan visited office of the Commissioner of Police

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a and contacted Inspector Vijayan. She was advised by Inspector Vijayan to first obtain a confirmed ticket for her return and then to approach for the extension of her stay. Accordingly, she got one Indian Airlines ticket and one Air Lanka ticket confirmed for her departure of 17-10-1994 and approached Inspector Vijayan. However, Inspector Vijayan took ticket as well as her passport and ultimately she was arrested on 20-10-1994.

* * *

b 38. As per the statement of accused Nambi Narayanan allegedly made before Kerala Police, a deal for sale Viking/Vikas Engine drawings was struck with Habibullah Khan for Rs 1.5 crores. Two instalments of the drawings were given to Fauziya at Thampanoor Bus-stand and Luciya Hotel and the third instalment was scheduled to be given on 5-12-1994. Another deal for transfer for Rocket Launch details of LPSC was finalised with Fauziya Hassan and Ahmed Pasha at Hotel Fort Manor during c February 1993 for a consideration of US\$ 1.00 lakh and that on 11-10-1994 he and Sasikumaran took Fauziya from Hotel Samrat to a nearby dam and engaged in transfer of packets containing cryogenic technology.”

The investigation revealed:

d “(xiv) Investigation has established that the accused persons including Rasheeda, Nambi Narayanan and Chandrasekhar were harassed and physically abused. It is curious that while the IB had all the six accused persons in their custody, they recorded the statements of only Sasikumaran, Chandrashekar, Fauziya and Rasheeda and not of Nambi Narayanan and S.K. Sharma. There is reason to believe that the interrogators forced the accused persons to make statements on suggested lines. The CBI seized the e personal diary of Chandrasekhar on 9-12-1994, which contained the details of his activities almost on day-to-day basis. If Chandrasekhar had made truthful disclosures to Kerala Police/IB interrogators, certainly they would have also discovered the existence of his diary which did not support case against him. He made disclosures before CBI regarding the existence of his diary which on analysis corroborates his version regarding his movements f ex. Bangalore.

(xv) On the request of CBI, Director, LPSC had constituted a Committee of Experts to determine whether any documents were found to be missing. The Committee gave a report to say that only 254 documents were found to be missing which were random in nature and did not pertain to a particular system or sub-system. The Committee also noted that Vikas g Engine was released on the basis of the in-house drawings which were prepared after modifying the SEP drawings and all the in-house drawings were available and there was likely to be no impact of some small number of missing documents. Similarly, all the 16,800 sheets in the Fabrication Division where Sasikumaran was working were found to be intact.

h (xvi) Neither any incriminating documents of any money—Indian or foreign have been recovered from the accused persons during searches

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conducted by Kerala Police and later by CBI. The scrutiny of bank accounts also do not indicate anything suspicious in this regard.

(xvii) It is reasonable to believe that if Rasheeda was involved in any espionage activity regarding ISRO, she should have made a mention thereof in her diary which is not the case. a

114. During course of investigation, certain lapses were found on the part of earlier investigations/interrogators. The report is being submitted that the Government of Kerala/Government of India, separately on these aspects. b

115. To sum up, in view of the evidence on record, oral as well as documentary, as discussed above, the allegations of espionage are not proved and have been found to be false. It is, therefore, prayed that the report may kindly be accepted and the accused discharged and permission be accorded to return the seized documents to the concerned.” c

From the aforesaid report, the harassment and mental torture faced by the appellant is obvious.

33. The report submitted by CBI has been accepted by this Court in *K. Chandrasekhar*⁴. Dealing with the conclusion of the report, this Court stated: (SCC pp. 239-40, para 25)

“25. ... (iii) Though the investigation of the case centred round espionage activities in ISRO no complaint was made by it to that effect nor did it raise any grievance on that score. On the contrary, from the police report submitted by CBI we find that several scientists of this organisation were examined and from the statements made by those officers CBI drew the following conclusion: d

‘The sum and substance of the aforesaid statements is that ISRO does not have a system of classifying drawings/documents. In other words, the documents/drawings are not marked as Top Secret, Secret, Confidential or Classified, etc. Further, ISRO follows an open-door policy in regard to the issue of documents to the scientists. Since ISRO is a research-oriented organisation, any scientist wanting to study any document is free to go to the documentation cell/library and study the documents. As regards the issue of documents to various divisions, the procedure was that only the copies used to be issued to the various divisions on indent after duly entering the same in the documentation issue registers. During investigation, it has been revealed that various drawings running into 16,800 sheets were issued to the Fabrication Division where accused Sasi Kumaran was working, and after his transfer to SAP, Ahmedabad on 7-11-1994, all the copies of the drawings were found to be intact. Nambi Narayanan being a senior scientist, though had access to the drawings, but at no stage any drawings/documents were found to have been issued to him. They have also stated that it was usual for scientists to take the documents/ e

⁴ *K. Chandrasekhar v. State of Kerala*, (1998) 5 SCC 223 : 1998 SCC (Cri) 1291 f

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a drawings required for any meetings/discussions to their houses for study purposes. In these circumstances, the allegation that Nambi Narayanan and Sasi Kumaran might have passed on the documents to a third party, is found to be false.’

b It further appears that at the instance of CBI, a committee of senior scientists was constituted to ascertain whether any classified documents of the organisation were stolen or found missing and their report shows that there were no such missing documents. There cannot, therefore, be any scope for further investigation in respect of purported espionage activities in that organisation in respect of which only Kerala Police would have jurisdiction to investigate;”

c 34. As stated earlier, the entire prosecution initiated by the State Police was malicious and it has caused tremendous harassment and immeasurable anguish to the appellant. It is not a case where the accused is kept under custody and, eventually, after trial, he is found not guilty. The State Police was dealing with an extremely sensitive case and after arresting the appellant and some others, the State, on its own, transferred the case to the Central Bureau of Investigation. After comprehensive enquiry, the closure report was filed. An argument has been advanced by the learned counsel for the State of Kerala as well as by d the other respondents that the fault should be found with CBI but not with the State Police, for it had transferred the case to CBI. The said submission is to be noted only to be rejected. The criminal law was set in motion without any basis. It was initiated, if one is allowed to say, on some kind of fancy or notion. The liberty and dignity of the appellant which are basic to his human rights were jeopardised as he was taken into custody and, eventually, despite all the e glory of the past, he was compelled to face cynical abhorrence. This situation invites the public law remedy for grant of compensation for violation of the fundamental right envisaged under Article 21 of the Constitution. In such a situation, it springs to life with immediacy. It is because life commands self-respect and dignity.

f 35. There has been some argument that there has been no complaint with regard to custodial torture. When such an argument is advanced, the concept of torture is viewed from a narrow perspective. What really matters is what has been stated in *D.K. Basu v. State of W.B.*⁹ The Court in the said case, while dealing with the aspect of torture, held: (SCC pp. 424-25, paras 10-12)

g “10. “Torture” has not been defined in the Constitution or in other penal laws. “Torture” of a human being by another human being is essentially an instrument to impose the will of the “strong” over the “weak” by suffering. The word *torture* today has become synonymous with the darker side of human civilisation.

h ‘Torture is a wound in the soul so painful that sometimes you can almost touch it, but it is also so intangible that there is no way to heal it. Torture is anguish squeezing in your chest, cold as ice and heavy as

9 (1997) 1 SCC 416 : 1997 SCC (Cri) 92

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a stone, paralysing as sleep and dark as the abyss. Torture is despair and fear and rage and hate. It is a desire to kill and destroy including yourself.'

— Adriana P. Bartow

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11. No violation of any one of the human rights has been the subject of so many Conventions and Declarations as “torture” — all aiming at total banning of it in all forms, but in spite of the commitments made to eliminate torture, the fact remains that torture is more widespread now than ever before. “Custodial torture” is a naked violation of human dignity and degradation which destroys, to a very large extent, the individual personality. It is a calculated assault on human dignity and whenever human dignity is wounded, civilisation takes a step backward — flag of humanity must on each such occasion fly half-mast.

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12. In all custodial crimes what is of real concern is not only infliction of body pain but the mental agony which a person undergoes within the four walls of police station or lock-up. Whether it is physical assault or rape in police custody, the extent of trauma, a person experiences is beyond the purview of law.”

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36. From the aforesaid, it is quite vivid that emphasis has been laid on mental agony when a person is confined within the four walls of a police station or lock-up. There may not be infliction of physical pain but definitely there is mental torment. In *Joginder Kumar v. State of U.P.*¹⁰, the Court ruled: (SCC pp. 263-64, paras 8-9)

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“8. The horizon of human rights is expanding. At the same time, the crime rate is also increasing. Of late, this Court has been receiving complaints about violation of human rights because of indiscriminate arrests. How are we to strike a balance between the two?

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9. A realistic approach should be made in this direction. The law of arrest is one of balancing individual rights, liberties and privileges, on the one hand, and individual duties, obligations and responsibilities on the other; of weighing and balancing the rights, liberties and privileges of the single individual and those of individuals collectively; of simply deciding what is wanted and where to put the weight and the emphasis; of deciding which comes first — the criminal or society, the law violator or the law abider....”

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37. In *Kiran Bedi v. Committee of Inquiry*¹¹, this Court reproduced an observation from the decision in *D.F. Marion v. Davis*¹²: (SCC pp. 515, para 25)

“25. ... ‘The right to the enjoyment of a private reputation, unassailed by malicious slander is of ancient origin, and is necessary to human society. A good reputation is an element of personal security, and is protected by

10 (1994) 4 SCC 260 : 1994 SCC (Cri) 1172

11 (1989) 1 SCC 494

12 55 ALR 171 : 217 Ala 16 (1927)

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the Constitution equally with the right to the enjoyment of life, liberty and property.’ ”

a **38.** Reputation of an individual is an insegregable facet of his right to life with dignity. In a different context, a two-Judge Bench of this Court in *Vishwanath Agrawal v. Sarla Vishwanath Agrawal*¹³ has observed: (SCC pp. 307, para 55)

b “55. ... reputation which is not only the salt of life, but also the purest treasure and the most precious perfume of life. It is extremely delicate and a cherished value this side of the grave. It is a revenue generator for the present as well as for the posterity.”

c **39.** From the aforesaid analysis, it can be stated with certitude that the fundamental right of the appellant under Article 21 has been gravely affected. In this context, we may refer with profit how this Court had condemned the excessive use of force by the police. In *Delhi Judicial Service Assn. v. State of Gujarat*¹⁴, it said: (SCC pp. 454-55, para 39)

d “39. ... The main objective of police is to apprehend offenders, to investigate crimes and to prosecute them before the courts and also to prevent commission of crime and above all to ensure law and order to protect the citizens’ life and property. The law enjoins the police to be scrupulously fair to the offender and the Magistracy is to ensure fair investigation and fair trial to an offender. The purpose and object of Magistracy and police are complementary to each other. It is unfortunate that these objectives have remained unfulfilled even after 40 years of our Constitution. Aberrations of police officers and police excesses in dealing with the law and order situation have been subject of adverse comments from this Court as well as from other courts but it has failed to have any corrective effect on it. The police has power to arrest a person even without obtaining a warrant of arrest from a court. The amplitude of this power casts an obligation on the police ... [and it] must bear in mind, as held by this Court that if a person is arrested for a crime, his constitutional and fundamental rights must not be violated.”

e **40.** If the obtaining factual matrix is adjudged on the aforesaid principles and parameters, there can be no scintilla of doubt that the appellant, a successful scientist having national reputation, has been compelled to undergo immense humiliation. The lackadaisical attitude of the State Police to arrest anyone and put him in police custody has made the appellant to suffer the ignominy. The dignity of a person gets shocked when psycho-pathological treatment is meted out to him. A human being cries for justice when he feels that the insensible act has crucified his self-respect. That warrants grant of compensation under the public law remedy. We are absolutely conscious that a civil suit has been filed for grant of compensation. That will not debar the constitutional court to grant compensation taking recourse to public law. The Court cannot lose sight

h ¹³ (2012) 7 SCC 288 : (2012) 4 SCC (Civ) 224 : (2012) 3 SCC (Cri) 347
¹⁴ (1991) 4 SCC 406

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of the wrongful imprisonment, malicious prosecution, the humiliation and the defamation faced by the appellant.

41. In *Sube Singh v. State of Haryana*¹⁵, the three-Judge Bench, after referring to the earlier decisions, has opined: (SCC pp. 198-99, para 38)

“38. It is thus now well settled that the award of compensation against the State is an appropriate and effective remedy for redress of an established infringement of a fundamental right under Article 21, by a public servant. The quantum of compensation will, however, depend upon the facts and circumstances of each case. Award of such compensation (by way of public law remedy) will not come in the way of the aggrieved person claiming additional compensation in a civil court, in the enforcement of the private law remedy in tort, nor come in the way of the criminal court ordering compensation under Section 357 of the Code of Criminal Procedure.”

42. In *Hardeep Singh v. State of M.P.*¹⁶, the Court was dealing with the issue of delayed trial and the humiliation faced by the appellant therein. A Division Bench of the High Court in intra-court appeal had granted¹⁷ compensation of Rs 70,000. This Court, while dealing with the quantum of compensation, highlighted the suffering and humiliation caused to the appellant and enhanced the compensation.

43. In the instant case, keeping in view the report of CBI and the judgment rendered by this Court in *K. Chandrasekhar*⁴, suitable compensation has to be awarded, without any trace of doubt, to compensate the suffering, anxiety and the treatment by which the quintessence of life and liberty under Article 21 of the Constitution withers away. We think it appropriate to direct the State of Kerala to pay a sum of Rs 50 lakhs towards compensation to the appellant and, accordingly, it is so ordered. The said amount shall be paid within eight weeks by the State. We hasten to clarify that the appellant, if so advised, may proceed with the civil suit wherein he has claimed more compensation. We have not expressed any opinion on the merits of the suit.

44. Mr Giri, learned Senior Counsel for the appellant and the appellant who also appeared in person on certain occasions have submitted that the grant of compensation is not the solution in a case of the present nature. It is urged by them that the authorities who have been responsible to cause such kind of harrowing effect on the mind of the appellant should face the legal consequences. It is suggested that a committee should be constituted to take appropriate steps against the erring officials. Though the suggestion has been strenuously opposed, yet we really remain unimpressed by the said oppugnation. We think that the obtaining factual scenario calls for constitution of a committee to find out ways and means to take appropriate steps against the erring officials. For the said purpose, we constitute a committee which shall

¹⁵ (2006) 3 SCC 178 : (2006) 2 SCC (Cri) 54

¹⁶ (2012) 1 SCC 748 : (2012) 1 SCC (Cri) 684

¹⁷ *Hardeep Singh Anand v. State of M.P.*, 2008 SCC OnLine MP 501 : 2008 Cri LJ 3281

⁴ *K. Chandrasekhar v. State of Kerala*, (1998) 5 SCC 223 : 1998 SCC (Cri) 1291

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- be headed by Justice D.K. Jain, a former Judge of this Court. The Central Government and the State Government are directed to nominate one officer each so that apposite action can be taken. The Committee shall meet at Delhi and function from Delhi. However, it has option to hold meetings at appropriate place in the State of Kerala. Justice D.K. Jain shall be the Chairman of the Committee and the Central Government is directed to bear the costs and provide perquisites as provided to a retired Judge when he heads a committee. The Committee shall be provided with all logistical facilities for the conduct of its business including the secretarial staff by the Central Government.
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45. Resultantly, the appeals stand allowed to the extent indicated hereinabove. There shall be no order as to costs.

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2021 SCC OnLine SC 760

In the Supreme Court of India
(BEFORE A.M. KHANWILKAR AND SANJIV KHANNA, JJ.)

S. Nambi Narayanan ... Petitioner(s);

Versus

Siby Mathews and Others ... Respondent(s).

((Office Report For Directions))

(By Courts Motion).

Miscellaneous Application No. 1091-1092/2021 in C.A. No. 6637-6638/2018
(Arising out of impugned final judgment and order dated 14-09-2018 in C.A. No.
No. 6637/2018 14-09-2018 in C.A. No. No. 6638/2018 passed by the Supreme
Court of India)

Decided on July 26, 2021

ORDER

1. Heard learned counsel for the parties.
2. We have perused the reports submitted by the Office of Joint Director, HOZ, Central Bureau of Investigation and status report submitted by Mr. Arvind Kumar Sharma, Advocate (Central Agency Office).
3. It is mentioned in the report that after examining all relevant aspects, the FIR has been registered. The CBI has not uploaded the FIR, as of now, and is inviting order of the Court in that regard. That be done in the course of the day.
4. We hasten to add that in the earlier order, this Court had directed the CBI to ensure that the report submitted by Justice D.K. Jain Committee should not be made public. Now, that the CBI has finally decided to proceed in the matter, further steps after registration of FIR must follow as per law and no directions are required from this Court in that regard.
5. Needless to observe that the respondents herein or the persons named as accused in the FIR, can take recourse to all permissible remedies available to them in law, which will have to be decided on its own merits and in accordance with law.
6. Further, after registration of FIR, the Investigating Agency must collate material on its own and not proceed merely on the basis of the report submitted by Justice D.K. Jain Committee. In other words, that report need not be made the sole basis to proceed against the respondents or persons named as accused in the FIR now registered by the CBI.
7. All contentions available to both sides in the proceedings, which are consequence of registration of FIR, must proceed as per law.
8. As the Committee report has been finally acted upon, we accede to the request of Mr. S.V. Raju, learned Additional Solicitor General that the Committee constituted under the orders of this Court, may cease to function hereafter.
9. We appreciate the efforts put in by the members of the Committee, including the Chairman of the Court appointed Committee - Shri Justice D.K. Jain.
10. All reports received by the Registry should be kept in sealed cover under the custody of the Registrar (Judl.) of this Court.
11. The Misc. application is disposed of accordingly.
12. As the main appeal is disposed of, papers be consigned to record.

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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL CONFIRMATION CASE NO. 1 of 2011****With****CRIMINAL CONFIRMATION CASE NO. 2 of 2011****TO****CRIMINAL CONFIRMATION CASE NO. 10 of 2011****With****CRIMINAL APPEAL NO. 556 of 2011****WITH****CRIMINAL APPEAL NO. 557 of 2011****With****CRIMINAL APPEAL NO. 585 of 2011****TO****CRIMINAL APPEAL NO. 587 of 2011****With****CRIMINAL APPEAL NO. 590 of 2011****TO****CRIMINAL APPEAL NO. 593 of 2011****With****CRIMINAL APPEAL NO. 628 of 2011****WITH****CRIMINAL APPEAL NO. 629 of 2011****With****CRIMINAL APPEAL NO. 713 of 2011****With****CRIMINAL APPEAL NO. 717 of 2011****With****CRIMINAL APPEAL NO. 718 of 2011****With****CRIMINAL APPEAL NO. 727 of 2011****TO****CRIMINAL APPEAL NO. 729 of 2011****With****CRIMINAL APPEAL NO. 732 of 2011****WITH****CRIMINAL APPEAL NO. 733 of 2011**

With
CRIMINAL APPEAL NO. 743 of 2011
WITH
CRIMINAL APPEAL NO. 744 of 2011
With
CRIMINAL APPEAL NO. 798 of 2011
With
CRIMINAL APPEAL NO. 831 of 2011
With
CRIMINAL MISC.APPLICATION NO. 17914 of 2011
In
CRIMINAL APPEAL NO. 586 of 2011
With
CRIMINAL MISC.APPLICATION NO. 11376 of 2014
In
CRIMINAL MISC.APPLICATION NO. 17914 of 2011
With
CRIMINAL MISC.APPLICATION NO. 11629 of 2014
In
CRIMINAL APPEAL NO. 713 of 2011
WITH
CRIMINAL MISC.APPLICATION NO. 3101 of 2015
In
CRIMINAL APPEAL NO. 556 of 2011
With
CRIMINAL MISC.APPLICATION NO. 2168 of 2015
In
CRIMINAL APPEAL NO. 590 of 2011
With
CRIMINAL MISC.APPLICATION NO. 1665 of 2015
In
CRIMINAL APPEAL NO. 629 of 2011
With
CRIMINAL MISC.APPLICATION NO. 4143 of 2015
In
CRIMINAL APPEAL NO. 743 of 2011
With

FOR APPROVAL AND SIGNATURE:**HONOURABLE MR.JUSTICE ANANT S. DAVE****and****HONOURABLE MR.JUSTICE G.R.UDHWANI**

1	Whether Reporters of Local Papers may be allowed to see the judgment ?	
2	To be referred to the Reporter or not ?	
3	Whether their Lordships wish to see the fair copy of the judgment ?	
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	

STATE OF GUJARAT....Appellant(s)

Versus

BILAL ISMAIL ABDUL MAJID SUJELA @ BILAL HAJI....Respondent(s)

Appearance:

MR JAYANTKUMAR M PANCHAL, SPECIAL PUBLIC PROSECUTOR, SIT GUJARAT STATE; WITH NARENDRA N PRAJAPATI, SPECIAL ASSISTANT PUBLIC PROSECUTOR, SIT GUJARAT STATE; WITH MR ALPESH Y KOGJE, SPECIAL ASSISTANT PUBLIC PROSECUTOR, SIT GUJARAT STATE; WITH MR KAMALNAYAN J PANCHAL, ADDITIONAL PUBLIC PROSECUTOR, SIT GUJARAT STATE

MR RS JAMUAR, SPECIAL PUBLIC PROECFUTOR FOR SIT

MR AD SHAH, MS NITYA RAMKRISHNAN SENIOR ADVOCATE WITH MR SM VATSA, MR IH SYED, MR MA KHARADI, MR YM THAKKAR, MR MHM SHAIKH, MR KHALID G SHAIKH, MR EKANT AHUJA, FOR ACCUSED PERSONS

MR BB NAIK SENIOR ADVOCATE WITH MR VIJAY PATEL, MR SURESH B BHATT, MR HM PRACHCHHAK, MR HARNISH V DRAJI, MR PRAVIN GONDALIA, MR JAYESH A DAVE, MR SAMIR J DAVE, MR BHARAT K DAVE, MR SUDHANSHU S PATEL, MR SURESH B BHATT, MR YATIN SONI AND NIRAV C THAKKAR FOR VICTIMS

CORAM: **HONOURABLE MR.JUSTICE ANANT S. DAVE**
and
HONOURABLE MR.JUSTICE G.R.UDHWANI

Date : 09/10/2017

COMMON CAV JUDGMENT
(PER : HONOURABLE MR.JUSTICE ANANT S. DAVE
&
HONOURABLE MR.JUSTICE G.R.UDHWANI)

VOLUME-I

PART I

1 All these cases arise out of the **judgment and order dated 01.03.2011** rendered by the learned Sessions Judge, Panchmahals at Godhra, Camp at Central Jail, Sabarmati, Ahmedabad in **Sessions Case No.69 of 2009 to Sessions Case No.86 of 2009 and Sessions Case No.204 of 2009.**

1.2 Upon conviction of 11 accused under Section 302 of the Indian Penal Code and **sentencing them for capital punishment `to be hanged by neck till death'** by the learned Sessions Judge, Confirmation Case Nos.1 to 10 of 2011 are referred to this Court under **Section 28(2) read with Section 366 of the Criminal Procedure Code, 1973** [for short, `the Code'] arising out of **Sessions Case Nos.69, 70, 71 [2**

accused], 72, 73, 77, 79, 81, 82 and 84 of 2009.

1.3 Criminal Appeal Nos.556, 557, 585, 586, 587, 590, 591, 592, 593, 628 and 629 of 2011 are filed by the accused persons under Section 374(2) of the Code challenging the conviction under Section 302 and other offences of the IPC and other penal statutes and sentencing 11 accused for capital punishment and 20 accused for life imprisonment, as the case may be.

1.4 Criminal Appeal Nos.713, 717, 718, 727, 728, 729, 732, 733, 798, 831 of 2011 are filed by the victims under Section 372 of the Code against acquitting accused or convicting for lesser offence or awarding inadequate or no compensation.

1.5 Criminal Appeal No.744 of 2011 is filed by the State of Gujarat under Section 377 of the Code for enhancement of sentence awarded to the accused persons.

1.6 Criminal Appeal No.743 of 2011 is also filed by the State of Gujarat under Section 378 of the Code against acquittal of the accused persons for the charges levelled against them by the learned Sessions Judge.

1.7 Criminal Misc. Application No. 17914 of 2011 [disposed of] is filed by Salim @Salman Yusuf Sattar Zarda for taking additional evidence under Section 391 of the Code of Criminal Procedure, 1973 in Criminal Appeal No.586 of 2011.

1.8 Criminal Misc. Application No.11376 of 2014 is filed by Nilkanthbhai Tulsibhai Bhatiya to be joined as necessary party.

1.9 Criminal Misc. Application No.11629 of 2014 is filed by Nilkanthbhai Tulsibhai Bhatiya to delete Hussain Abdul Rahim Kalota – Original Accused No.42 of Sessions Case No.69 of 20009 from Criminal Appeal No.713 of 2011.

1.10 Criminal Misc. Application Nos.3101 of 2015, 2168 of 2015, 1665 of 2015 and 4143 of 2015 are filed seeking temporary bail.

OPERATIVE PART OF THE IMPUGNED JUDGMENT OF CONVICTION & SENTENCE READS AS UNDER:

“Under the above circumstances, considering all the relevant factors, this Court is unable to find any mitigating circumstances to refrain from imposing the death penalty on the convicted accused persons who had played role in hatching conspiracy, collecting, unloading, storing, and shifting inflammable liquid petrol from petrol pump to place of incident, making holes by knife on the upper part of carboys, cutting canvas vestibule by knife(Chharo), opening eastern side sliding door forcibly from outside, entering into Coach S-6, opening of East South corner door of Coach S-6, pouring petrol after entering into coach with carboys, sprinkling petrol from outside, and setting the coach on fire by putting/throwing burning rag into Coach No. S-6. Though this Court has deep sympathy for the members of the family of the convicted accused persons, is constrained to reach the inescapable conclusion that this is a case where imprisonment for life can never be said to be an adequate sentence to meet the end of justice and death sentence is required to be imposed upon the following convicted accused persons (names shown in para-A).

Having regard to the facts of the case and all the surrounding circumstances, in the interest of justice, I pass the following final order:

FINAL ORDER

Para-A The accused persons named below (in Schedule-A) are hereby sentenced under Section-235(2) of the Criminal Procedure Code, to undergo the punishment, as mentioned in Para-B (Schedule-B) below, for the charges proved against them.

Schedule-A			
Sr. No.	S.C.No.	Accu. No.	Name of Accused
1	69/2009	48	Bilal Ismail Abdul Majid Sujela @Bilal Haji
2	70/2009	2	Abdul Razak Mohmmad Kurkur
3	71/2009	3	Ramjani Binyamin Behra
4	71/2009	4	Hasan Ahmed Charkha @Lalu
5	72/2009	2	Jabir Binyamin Behra
6	73/2009	1	Mehboob Khalid Chanda
7	77/2009	1	Salim @Salman Yusuf Sattar Zarda
8	79/2009	1	Siraj Mohmmad Abdul Raheman
9	81/2009	2	Irfan Abdul Majid Ghanchi Kalandar @Irfan Bhobho
10	82/2009	1	Irfan Mohmmad Hanif Abdul Gani Pataliya
11	84/2009	1	Mehbub Ahmed Yusuf Hasan @Latiko

Schedule-B				
No.	Offence Punishable under Sections / Act	Regorous Imprisonment	Fine (Rs.)	Simple Imprisonment in default

				(days)
1	302 r/w 120-B, 149 IPC	Death Sentence	1000/-	30 (thirty)
2	307 r/w. 120-B, 149 IPC	5	1000/-	30 (thirty)
3	323 r/2 120-B, 149 IPC	1	1000/-	30 (thirty)
4	324 r/w 120-B, 149 IPC	2	1000/-	30 (thirty)
5	325 r/w 120-B, 149 IPC	3	1000/-	30 (thirty)
6	326 r/w. 120-B, 149 IPC	4	1000/-	30 (thirty)
7	332 r/w. 120-B, 149 IPC	2	1000/-	30 (thirty)
8	435 r/w 120-B, 149 IPC	5	1000/-	30 (thirty)
9	395 r/w. 120-B, 149	5	1000/-	30 (thirty)
10	397 r/w. 120-B, 149 IPC	7	--	--
11	143 r/w. 120-B, 149 IPC	6 (Months)	1000/-	30 (thirty)
12	147 r/w. 120-B, 149 IPC	1	1000/-	30
13	148 r/w.120-B, 149 IPC	2	1000/-	30 (thirty)
14	153/A r/w.120-B, 149 IPC	1	1000/-	30 (thirty)
15	186 r/w. 120-B, 149 IPC	3 (Months)	500/-	7 (seven)
16	188 r/w. 120-B, 149 IPC	1 (Month)	200/-	7 (seven)
17	Sec.141 Indian Railways Act r/w. 120-B, 149 IPC	1	500/-	7 (seven)
18	Sec.150 Indian Railways Act r/w. 120-B, 149 IPC	3	--	--
19	Sec.151 Indian Railways Act r/w. 120-B, 149 IPC	5	1000/-	30 (thirty)
20	Sec.152 Indian Railway Act r/w. 120-B, 149 IPC	5	--	--
21	Sec.3 Prevention of Damages to Pub. Pro. Act r/w. 120-B, 149 IPC	6 (Months)	1000/-	30 (thirty)
22	Sec.4 Prevention of Damages to Pub.Pro. Act r/w. 120-B, 149 IPC	1	1000/-	30 (thirty)
23	Sec.135(1) Bombay Police Act r/w. 120-B, 149 IPC	30 (Days)	100/-	7 (seven)

Para-B/1- Execution of Death Sentence:

As re-affirmed by the Hon'ble Supreme Court, the execution of sentence of death 'by hanging till death' is not 'ultra vires' the Constitution, and the hanging by neck till death is a scientific and one of the least painful methods of execution of death sentence. Accordingly, the convicted accused persons named above in Para-A (Schedule-A), " be hanged by neck till death". However, the execution of sentence of death imposed (Section-53, Part-first), shall be subject to confirmation by the Hon'ble High Court, as provided in Section-28(2) of the Criminal Procedure Code.

Para-C The accused persons named below (in Schedule-C) are hereby sentenced under Section-235(2) of the Criminal Procedure Code, to undergo the punishment, as mentioned in Para-D (Schedule-D) below, for the charges proved against them.

Schedule-C			
Sr. No.	S.C.No.	Accu. No.	Name of Accused
1	69/2009	29	Suleman Ahmad Hussain @Tiger – Musalman
2	69/2009	40	Abdul Rehman Abdul Majid Dhantiya @Kankatto
3	69/2009	49	Kasim Abdul Sattar @Kasim Biryani Gaji-Ghanchi – Musalman
4	69/2009	50	Irfan Siraj Pado Ghandhi – Musalman
5	69/2009	51	Anwar Mohmmad Mehda @Lala Shaikh
6	71/2009	1	Siddik @Matunga Abdullah Badam - Shaikh
7	71/2009	2	Mehbbob Yakub Mitha @Popa
8	75/2009	1	Soheb Yusuf Ahmed Kalandar
9	75/2009	5	Saukat @Bhano Farook Abdul Sattar Pataliya
10	75/2009	6	Siddik Mohmmad Mora (Moraiya)
11	77/2009	2	Abdul Sattar Ibrahim Gaddi Asla
12	78/2009	1	Abdul Rauf Abdul Majid Isa @Dhesli @Kamli

13	78/2009	2	Yunus Abdulhaq Samol @Ghadiyali
14	78/2009	5	Ibrahim Abdul Razak Abdul Sattar Samol @Bhano
15	79/2009	3	Bilal Abdullah Ismail Badam Ghanchi
16	79/2009	4	Farook @Haji Bhuriyo Abdul Sattar Ibrahim Musalman – Gaji
17	82/2009	2	Ayub Abdul Gani Ismail Pataliya
18	82/2009	3	Saukat Abdullah Maulvi Ismail Badam
19	82/2009	4	Mohammad Hanif @Hani Abdullah Maulvi Ismail Badam
20	85/2009	1	Saukat Yusuf Ismail Mohan @Bibino

Para-D The following punishments (as mentioned below in Schedule-D) are awarded for the respective charges proved against the convicted accused persons shown above in Para-C (Schedule-C).

Schedule-D				
No.	Offence Punishable under Sections / Act	Regorous Imprisonment	Fine (Rs.)	Simple Imprisonment in default (days)
1	302 r/w 120-B, 149 IPC	Life Imprisonment	1000/-	30 (thirty)
2	307 r/w. 120-B, 149 IPC	5	1000/-	30 (thirty)
3	323 r/2 120-B, 149 IPC	1	1000/-	30 (thirty)
4	324 r/w 120-B, 149 IPC	2	1000/-	30 (thirty)
5	325 r/w 120-B, 149 IPC	3	1000/-	30 (thirty)
6	326 r/w. 120-B, 149 IPC	4	1000/-	30 (thirty)
7	332 r/w. 120-B, 149 IPC	2	1000/-	30 (thirty)
8	435 r/w 120-B, 149 IPC	5	1000/-	30 (thirty)
9	395 r/w. 120-B, 149	5	1000/-	30 (thirty)
10	397 r/w. 120-B, 149 IPC	7	--	--

11	143 r/w. 120-B, 149 IPC	6 (Months)	1000/-	30 (thirty)
12	147 r/w. 120-B, 149 IPC	1	1000/-	30 (thirty)
13	148 r/w.120-B, 149 IPC	2	1000/-	30 (thirty)
14	153/A r/w.120-B, 149 IPC	1	1000/-	30 (thirty)
15	186 r/w. 120-B, 149 IPC	3 (Months)	500/-	7 (seven)
16	188 r/w. 120-B, 149 IPC	1 (Month)	200/-	7 (seven)
17	Sec.141 Indian Railways Act r/w. 120-B, 149 IPC	1	500/-	7 (seven)
18	Sec.150 Indian Railways Act r/w. 120-B, 149 IPC	3	--	--
19	Sec.151 Indian Railways Act r/w. 120-B, 149 IPC	5	1000/-	30 (thirty)
20	Sec.152 Indian Railways Act r/w. 120-B, 149 IPC	5	--	--
21	Sec.3 Prevention of Damages to Pub. Pro. Act r/w. 120-B, 149 IPC	6 (Months)	1000/-	30 (thirty)
22	Sec.4 Prevention of Damages to Pub.Pro. Act r/w. 120-B, 149 IPC	1	1000/-	30 (thirty)
23	Sec.135(1) Bombay Police Act r/w. 120-B, 149 IPC	30 (Days)	100/-	7 (seven)

Para-E Sentence of imprisonment, except default sentence, awarded above, shall run concurrently and not consecutively.

Para-F The above named convicted accused persons shall be entitled to get benefit of set-off, of the period of their respective detention as an Under-Trial Prisoner, during the investigation and trial, as provided in Section-428 of the Criminal Procedure Code.

Para-G Reference be made to the Hon'ble High Court for confirmation of death sentence.

Para-H Muddamal Articles to be preserved, as certain accused persons are still absconding.

Para-I Original judgment and one certified copy thereof, be kept with the records of original Sessions Case No. 69/2009, whereas a soft-copy of the judgment be kept with records of remaining each consolidated Sessions Case.

Para-J Certified copy of the judgment be provided to each convicted accused person, free of cost, as expeditiously as possible.

Para-K This Court places on record its appreciation for admirable cooperation extended by the Ld. Special Public Prosecutors appearing for the prosecution and the Ld. Advocates for the defence, as well as the Members/ Police Officials of the SIT and also, the Jail Authorities, in smoothly conducting the entire trial proceedings at Central Jail, Sabarmati, Ahmedabad”.

PART II

1 Before we proceed to record details about facts of all these reference cases and various appeals and submissions made by learned counsels for defence and learned Special Public Prosecutors for the respective parties, we would like to reproduce para 9 of the decision of the Apex Court in the case of **Masalti vs. State of U.P. reported in AIR 1965 SC 202** about the duty caste upon the High Court while exercising its appellate powers in appeals, more particularly, in reference cases in which convicts are imposed sentence for capital punishment for

			support to the truth of the evidence of such witnesses it can be acted upon.
25	Bhagwan Swarup Lal Bishan Lal v. State of Maharashtra	AIR 1965 SC 682 para-8	Section 120-A of IPC – proof of criminal conspiracy – scope and applicability of Section 10 of Evidence Act.
26	Major E.G.Barsay v. State of Bombay	AIR 1961 SC 1761 [para-78]	Sections 120B & 34 of the IPC
27	State vs. Shankar Sakhararam Jadhav	AIR 1957 Bom. 226	Section 120A IPC and Section 20 of Evidence Act.
28	Nanak Chand v. State of Punjab	AIR 1955 SC 274	Section 149 creates specified offence but Section 34 does not – distinction between Sections 149 and 34 pointed out.

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PART IX

SUMMARY OF THE TRIAL COURT JUDGMENT

In para [24] [page 14715] of the impugned judgment, the learned Sessions Judge under the head Prosecutorial Proposition and Perception and Defence of the Accused, has recorded factual aspects and submissions made on law under sub-heads [A] and [B] in brief are reproduced herein below:

“PROSECUTORIAL PROPOSITIONS AND PERCEPTIONS & DEFENCE OF THE ACCUSED [Sec.234 & 314 Cr.P.C.]

[A] Mr.J.M.Panchal Ld. Special Public Prosecutor, while arguing on factual aspects and on the law points, has made submission, mainly on the following points:

“The occurrence of incident is clearly established by the prosecution.

-The FIR came to be lodged by the Engine Driver without any undue delay.

-Looking to the facts situation, delay of one hour in lodging FIR cannot be said to be intentional.

-Even otherwise, no serious prejudice is caused to the accused because of delay in lodging FIR.

-Copy of the FIR was sent to the Ld. Magistrate (Railway), on the same day, by the PSO.

-No undue advantage has been taken by prosecution, either of delay in lodging FIR or sending copy thereof, to the Ld. Magistrate.

-The Panchnama of place of occurrence and Inquest panchnama, both, were drawn simultaneously on the same day, in presence of panchas by different officers.

-Seized articles were also sent to FSL by special messenger without any undue delay and the same were received intact.

-As the incident was of mass casualty, autopsy on dead bodies, came to be done, by team of different Medical Officers of the District, in the open space of Railway Yard.

-Dead bodies then, sent to Civil Hospital Sola, Ahmedabad for DNA Test.

-Injured persons, first took the treatment at Civil Hospital Godhra and then, most of them, at Civil Hospital, Ahmedabad.

-P.M. Notes and injury certificates duly proved.

-Injured passengers and Karsevaks have supported the prosecution case.

-After receipt of intimation, the police officials immediately rushed to the spot, and made all efforts to disperse the mob.

-15 assailants came to be apprehended armed with deadly weapons, from the spot by the police.

-The police officials who were serving in Railway Police Station knew some of the assailants by name and by face.

-Remaining were arrested subsequently.

-Discovery panchnamas duly proved, by evidence of panchas and police officials.

-T.I. Parade panchnamas are also duly proved.

-Panchnama of the Coach S-6 was drawn on 28-2-2002, and seized articles were sent to FSL.

-Residues of petrol (Hydro carbons) were noticed on articles seized from place and coach, in scientific examination by FSL.

-FSL Reports, correspondence etc. duly proved.

-There is no reason to disbelieve the Expert's opinions.

-Even in muddamal articles Carboys, seized from accused, presence of petrol noticed.

-To ascertain source of petrol, samples of nearby Petrol-Diesel pumps, were taken and sent to FSL.

-Revealing of facts of conspiracy hatched by some of the accused persons, on the previous night, provisions of POTA came to be invoked.

-However, after repealing of the POTA, the Committee constituted therein, opined that the incident does not fall within the provisions of the POTA.

-Even the POTA Committee has not denied occurrence of incident, in the report.

-The opinion given by the Review Committee and the decision of the Hon'ble High Court thereon, have been

challenged by the prosecution, before the Hon'ble Supreme Court by way of Special Leave Petition and the said proceedings is still pending.

-To ascertain possibility of pouring inflammable liquid, from inside the Coach, officers of the FSL were invited for spot and Coach inspection/examination. After visit and inspection, as per their suggestion, experiments also came to be made by placing similar kind of Coach, on the track, on the same place and throwing water from outside and, then pouring approximately 60 litres water from inside the Coach.

-The experts opinions support the prosecution case of conspiracy.

-Confessional Statements made by the accused and witnesses also duly proved.

-Confessional Statements of co-accused persons recorded under Section-32 of the POTA, should also be taken into consideration while appreciating evidence.

-Presence of employees of Fire Fighter not denied / challenged therefore, their evidence about preventing of tanker by accused from reaching to the spot in time and damages caused to tanker, by pelting stones should not be ignored.

-Theory of having evidence of minimum two or three witnesses, in riots cases, cannot be made applicable, since this is not a riot case at all, and accused should be held guilty even on the basis of evidence of solitary reliable witness.

-Forming of unlawful assembly, knowledge of assault, injuries etc. can be said to be duly established by the prosecution.

-In such type of case, overt act by any particular member of unlawful assembly, is not the requirement of law.

-There may be some defects, or lapses in investigation, but merely on this ground alone, the prosecution case should

not be thrown overboard.

- Mr. Panchal, in support of the above submission has also placed reliance on the decisions of the Hon'ble Supreme Court and the Hon'ble High Court and cited more than 80 reported judgments, which will be taken into consideration, in the later part of the judgment, while dealing with particular subject.

[B] Mr. A.A.Hasan, Mr. A.D.Shah, Mr. Y.A. Charkha, Mr. L.R. Pathan, Mr. I.M. Munshi and Mr. S.M.Dadi, Ld. Advocates appearing for the accused persons, on the other hand, in defence of the accused, have argued the matter at length individually and then, Mr.A.D.Shah, Mr.I.M.Munshi and Mr.Y.A.Charkha, have also submitted notes of their respective arguments at Exh.1576.

Exh. 1587 and 1663.

Their arguments / contentions in defence, may be summarized as under:

-There was delay in lodging FIR, though the Railway Police Station is hardly 1 k.m. away from the place of incident and the police officers had already reached to the spot.

-In fact the FIR came to be lodged after 12.30 noon, but the time of lodging FIR as 9.30 a.m. is wrongly noted in the FIR.

-There is manipulation and some facts with regard to arrest of assailants from the spot have been added subsequently.

-In the same way, timings of Inquest panchnama and autopsy on dead bodies are also found to be in correct.

-In the Inquest panchnama, details with regard to articles, which were found on the dead bodies have not been noted with perfection.

-There is no mention, in the Inquest panchnama, either in positive or in negative, about presence of any inflammable liquid like petrol, diesel, kerosene, acid etc on the dead

bodies or articles thereon.

-Autopsy on dead bodies came to be conducted in very hazardous manner without any sufficient equipments and then, PM Notes came to be prepared on similar lines, mostly showing the external and internal parts of all the bodies as “charred/roasted”, all the injuries as “ante-mortem” and cause of death as “Shock due to extensive burn injuries”.

-Injured persons though sustained very simple injuries, without any further requirement, unnecessarily transferred to Civil Hospital, Ahmedabad for further treatments.

-Almost all the Karsevaks were traveling in the train unauthorizedly and that too, sitting in reserved Coaches.

-Karsevaks themselves, misbehaved with Tea-hawkers and Muslim girls at Godhra Railway Station on platform No.1 and beaten Tea-hawkers.

-Gathering of crowd was spontaneous and not as a part of conspiracy as alleged.

-Theory of conspiracy, purchase of petrol, its storage etc. is table story concocted subsequently.

-Story of presence of VHP workers of Godhra at Railway Station for welcoming and offering tea-breakfast etc. is also created other thought.

-In the same way story of preventing of Fire Fighter and attack on it, by stone pelting is also concocted later on, only with a view to ruin the political career of the accused Mohmad Kalota and Bilal Haji.

-The evidence of nine VHP workers is not reliable and trustworthy.

-Not a single person was apprehended from the spot, but during a joint combing operation, innocent persons came to be arrested by Railway police and Godhra Town Police and then, shown them as accused in both the cases.

-The accused persons have been falsely implicated, because

blast of bottle and as it caused smoke, I was facing difficulty in breathing. It is true that I have not dictated clearly in my statement before the police that “taking the stone which had fallen in the coach due to stone-pelting, I had tried to break the rod of the window. At that time, as someone tried to break the rod from outside also, it broke down.” The witness states that I have dictated in my statement before the police that “the rod of the window was broken by opening the window of off-side of seat no. 7 where I was sitting.” It is true that I have not dictated in my statement before the police that I was provided with first aid by a karsevak who sprinkled spray on my injury of nose. Thereafter, the train was taken in yard, and after the burnt coach had been separated, the train moved again and we left for Ahmedabad in it.” It is true that I have not dictated in my statement before the police that “after I had reached home at Ahmedabad, I came to know while changing clothes that there are scars on my back-part. As there was disturbance for two to three days, I went to the Civil Hospital for treatment after second or third day. The witness states that it has been dictated that “I got treated in Ahmedabad Hospital.”

In cross-examination, this witness admits to have dictated in his statement before the police that “they started breaking the windows of our coach and the glasses of windows broke down on account of stone-pelting”. Further in his statement before the police he had dictated that “the rod of the window was broken by opening the window of off-side of seat no. 7 where I was sitting.”

9 **The following witnesses are injured witnesses, who were travelling in Sabarmati Express on the day of incident.**

9.1 **Gayatriben Harshadbhai Panchal, passenger in Sabarmati Express having Seat Nos.41 to 46 in S/6 coach, PW-175 Exh.891 stated in paragraph 3 of examination in chief and paragraphs 17 to 20 of cross-examination, as under:**

“3. On 27/2/2002 in the morning at about quarter to eight our train had arrived at the Godhra Railway Station. There the train had stopped for about ten minutes. Thereafter the train started again and immediately stopped at the railway platform. At that time there was stone pelting on the train. Thereafter after some time the train started again, and after travelling about half a kilometer again it had stopped. There from the side of the coach there was heavy stone pelting started and the Muslims were shouting instigating slogans. They were shouting, “Hindu ko jala daalo, kafi-ro ko maar dalo’ [burn the Hindus, kill the fanatics], and they were abusing. Due to heavy stone pelting I was scared and shut the windows. These persons were carrying weapons like sword, rods, pipes and etc and they had broken the windows and started to pour liquid inside from the carboys and these persons had thrown fire inside. Due to stone pelting we had climbed onto the upper seats. These persons had pelted stones one stone hit my elder sister Pratiksha and my sister started crying. She had shouted that, ‘mummy I am hit by stone on my stomach and on my head’, these persons had thrown fire inside the coach so my father had called us down. Due to fire the people in the coach were shouting. We were going with our father in the meanwhile my sister Chhaya was left behind one-two persons. Thus, my father started to cry that, ‘my Chhaya is left behind’, there was lot of smoke inside and we had tried to come out but could not come out and due to smoke the vision was blocked and we family members got separated. I had gone to the left side of the coach, a little light was there and all the rods of a window were broken and one rod was loose which was pulled out by me and one old man so it came out. Thereafter the old man had jumped out from the window. I had pushed out my face and hand and asked the old man to pull me out, so the old man had pulled me out. Similarly Pujadidi was also pulled out from the window. After coming out my sister's friend was injured she was got thrown at a little distance. After pulling us down the old man ran away from there and where I had descended I had seen there that at a little distance four-five Muslim youths came carrying weapons towards me. These persons were in Pathani apparels. They had cap on their head and beard and were having red handkerchief round their neck. Of them one Muslim youth had held my left hand. I had mustered

courage and tried to release my hand but he had not left my hand so my sister's friend had pelted one stone and the said stone hit him on his hand so he released my hand. Thereafter immediately myself and Pujadidi had gone beneath the coach and went onto the other side. After going onto the other side in a short while my aunt and her son came from opposite side I had seen them and I ran and hugged my aunt and started crying and while crying I said that, 'mummy, pappa and two sisters are left inside the coach', my maternal aunt informed me that, 'your mummy, pappa and sisters have come out from the coach, and they are taken to the hospital', thereafter in the same train at about 12-30 we departed for Ahmedabad.

17 Our train had stopped at the Godhra Railway Station at the time of incident total three to four times. As per my say there was stone pelting on the train twice. It had not happened that the train started from the platform and thereafter stopped only once and there was stone pelting only once.

Question :: Is your understanding low?

Reply :: I do not have reply to your question.

Question :: Do you have difficulty in hearing?

Reply :: No

I do not remember that on 8/3/2002 and on 22/1/2005 in my statement before the police I had stated that 'after the train started it reached about half a kilometer and immediately it had become slow and stopped and immediately from the left side there was sudden stone pelting started', I do not remember that in both my statements before the police whether I had stated that 'train started from the platform and thereafter it had stopped twice and both times there was stone pelting'.

18 The liquid that was thrown in the coach what was that liquid I do not know. The witness states that along with throwing the liquid the fire was catching. The liquid was sprinkled from the carboys as per my say. I am not aware of the fact that when the liquid was sprinkled from the carboys into the coach at that time, whether part of it had dropped on the ground or not, I am not aware of the same. This liquid was kerosene and petrol and it was

spilled in the coach from the carboys I had not seen that. I am not aware of the fact that at the time of spilling the petrol or kerosene in this manner it was spilled on the ground or not. I am not aware of the fact that whether there was any lid or cover on the carboys or not. This liquid was spilled inside the coach from the windows. It had not happened that I had not seen anyone pouring petrol or kerosene into the coach, but I had seen the sudden fire from the back of the coach. I do not remember that in statement before the police I had stated that, 'in the meanwhile from the rear of the coach suddenly there was fire and smoke started coming towards us', it is true that due to smoke in the coach I was getting suffocated and nothing could be seen in the coach. In my previous deposition I have stated that liquid was sprinkled in the coach, thereafter I had seen them pouring petrol and kerosene in the coach and thereafter from the rear of the coach suddenly there was smoke, thus I have stated these facts of having seen spraying liquid is correct.

19 On the left side the person who had assisted me in getting down from the window what was the age of that person I cannot say. The said person might have been about forty five years old. On the left side of the window we had come out at that place on the ground there were heaps of metal stone, Pujadidi had jumped over it. The said metal heap was how far from the coach of the train I do not know. The heap was about two to two and half feet high. It is true that, at that time on the left side there was mob of about one thousand to one thousand five hundred persons. I am not aware of the fact that between the heap and the train whether there was any way or not. Pujadidi had fallen on the heap so she was injured by stones. I am not aware of the fact that whether with regard to these injuries Pujadidi had taken any treatment or not. It is true that after breaking the rod the person who was with me he had saved me. That the rod was broken by me and the person together. It had not happened that this rod was pulled out by me and Pujadidi together. On 8/3/2002 in my statement before the police I have not stated that this rod was pulled out by me and Pujadidi. It is not true that, in my statement before the police on 22/1/2005 it is stated that the rod of the window was broken and removed and we came out, I have not stated this. It is

true that on 22/1/2005 in my statement before the police I have stated that, 'whoever got place from anywhere tried to make efforts to go out, I was also making efforts to go out from the window, first the person who had gone out from the same window had pulled me out from the window and Pujadidi had also jumped out from the same window.'

20 I am not aware that on the right side of the train whether there was any mob or not. On the left side of the train when I was trying to get out at that time I had seen the mob with weapons and carboys. The witness states that, due to fire in the coach they had moved back a little. It is true that at the time of descending on the left side from the train on seeing the mob I was scared of death. When I was descending at that time the mob was about 200 to 250 feet away. The witness states that her hand was held and at that stage she had identified. I state about holding my hand, at that time, the said person was not running but as per my say he was walking speedily and came towards me. On seeing him coming towards me I had stood up to make efforts to run, at that time this person came near me. At that time Pujadidi was about five – seven feet away from me. Whether anyone tried to catch her also or not I am not aware. After my hand was released then from amongst those persons whether any person chased me or not I do not know. The witness states that at that time immediately she had gone below the coach No. S/6 and went onto to the right side, at that time the coach was burning. It is true that from beneath the coach when we crossed over to the right side, she and Pujadidi did not sustain any burn injury. In this manner, they had gone from beneath the coach and due to stones she had injury on my knees. Our hands were also bruised due to crawling over stones. The injuries on the hands and legs which I am stating, in this regard I had not taken any kind of treatment. Puja had not sustained any injuries on going from beneath the coach. On the right side ambulance arrived or not I am not aware. From that side the injured were taken in ambulance to the hospital for treatment whether I had seen this or not I do not remember. After coming onto the right side I had not gone to the platform. The witness states that on that side at a distance she sat down on the tracks. On that day upto

about twelve I sat there. At that time with me was my maternal aunt Yoginiben, her son Chirag and Pujadidi. It is true that thereafter when the train departed for going towards Ahmedabad then we had left for Ahmedabad. When we were sitting on the right side at that time my maternal aunt had informed me that my mother-father and sisters were taken to the hospital for treatment at that time I had felt it necessary to find out about them. I had personally not gone to any place for making inquiry in this regard. My aunt or her son had also not gone anywhere for making their inquiry. I do not remember that due to incident the persons who were injured were rescued by karsevaks, volunteers, police persons or not. At the place of incident we stopped for about four hours, in the meanwhile I had not made any inquiry about my mother, father or sisters in any manner. When the train arrived at Vadodara at that time on the platform there were doctors, I had taken treatment from them and I had informed them that how I was injured. On the platform at that time the policemen were also present. At that time I had informed the policemen about the incident and my mother, father and sisters were not found. The police had recorded these facts or not, I do not know. It is true that on 8/3/2002 the police came to record my statement over there, prior to that I had not declared any facts regarding the incident before police in Ahmedabad. The witness states that the situation in the house was such that I could not go out”.

9.2 Satishkumar Ravidutt Mishra, a passenger in Sabarmati Express having Seat Nos.33, 34 and 35 in S/6 coach, PW-96 Exh.666
stated in paragraphs 2, 6 and 8 of his deposition as under;

“2 On 27.02.2002 in the morning at about seven thirty to quarter to eight our train arrived at Godhra Railway Station. At that time I had descended on the platform for tea and refreshments, and after taking tea I had come back to the coach, in the meanwhile there was commotion and I came to know that there was stone pelting on the coach. Thereafter the train had started, and after running for about five minutes again it had stopped, and again the stone pelting

had started. There was heavy stone pelting and so we had closed both the windows, in spite of this there was heavy stone pelting so both the windows were broken, therefore for saving we had climbed on the seat. At that time from the outside the shouts of 'maaro, kaato' [beat, cut] were heard. Therefore the people inside were also shouting due to stones hitting, and were trying to save themselves. In the meanwhile the stones started coming inside from the broken windows also and from the rear side of the coach the fire had started and thereafter smoke started to form in the coach. Thus, for protecting ourselves myself, my wife and daughter started to make efforts for going in front. In the meanwhile the fire had increased and the fire had reached behind me. At that time for protecting ourselves went near the window on the opposite side of the platform where there is single seat there I had broken the rods of the window and there was another one rod broken. After breaking the window first of all I had thrown out my daughter from the coach and I had also assisted other passengers from going out from the windows. I was assisting all of them from going out from the window at that time the fire reached me and both my hands, back and forehead were burnt and I was injured and I had made efforts of going out from the window at that time several persons who had gone out from the window had pulled me out from the window. After coming out I made search for my wife, but I could not find her. At that time the police came and the police had fired. Therefore several persons tried to run, they were carrying swords, sticks, rods, pipes in their hands.

6 It is true that the train was on the platform at that time there was stone pelting. It is not true that the said stone pelting was free fight between the passengers and the persons on the platform. **The witness states that the stone pelting was done on the train from outside the platform boundary area.** It is true that I had taken tea from the platform and gone at that time I had heard that there was stone pelting on the train. It is true that therefore I had closed the windows. It is not true that in this manner the windows were close and at that time there was fire in the coach. **The witness states that after the windows were broken thereafter there was fire.** It is not true that in my statement before the police I had stated that, 'we had shut the windows. Thereafter after about one kilometer

distance the train stopped and the stone pelting started, and when the stone pelting started and the coach was on fire we had tried to run.' the witness states that due to stone pelting the windows were broken. It is true that in none of my statements before the police I have stated clearly that, 'inspite of this there was heavy stone pelting both the windows were broken. Thus for saving ourselves we had climbed onto the upper seats.' it is true that in any of my statements before the police I have not stated that, 'in the meanwhile the stones started flying in from the broken windows, and the fire from the rear side of the coach started' it is true that in my statement before the police I had not stated that, 'therefore for protecting ourselves myself, my wife and my daughter made efforts to go towards the front side. In the meanwhile the fire had spread and it had reached behind me. 'it is true that in none of my police statements I have not stated that, 'at that time for protecting ourselves went near the window on the opposite side of the platform where there is single seat there I had broken the rods of the window and there was another one rod broken.' **The witness states that in my statement before the police I had stated that, 'the window was opened and using strength broken the rod'.** It is true that in none of my statements before the police I have stated clearly that, 'the injuries that were caused to me were caused when I was trying to make efforts to help Archana and other passengers to go out from the windows at that time I had sustained injuries.' it is true that in none of my statements before the police it is clearly stated that, 'at that time the police came and the police had fired and therefore several persons had tried to run away, they were carrying swords, sticks, rods, pipes and etc. in their hands.' **the witness states that on 6/3/2002 in my statement before the police it is stated that, 'the police had fired so the people in the mob ran away I had seen them. They were about 1000 to 1500 Muslim women, men, children they were carrying swords, sickle, steel pipes, sticks and carboys filled with liquids.'**

8 In this coach at that time how many passengers were there approximately I do not know. The stone pelting that was going on at that time it was not from both sides but was from the platform side. I am not aware of the fact that when the stone pelting was done at that time platform side windows of the coach were close or not, it had not happened

that the seat on which I was sitting on the said seat and at that time the burn injuries that were caused to me. It is not true that when I got burnt at that time I was sitting in front of my daughter Archana. **It is true that when I had gone out from the window at that time there was fire in the coach. It is true that at that time the passengers were pushing each other for going out from the coach. It is true that during the incident I did not have any burns injuries below my waist. It is true that the pant worn by me at that time was also not burnt at that time from any place. The witness states that on certain parts there were holes formed. I have not produced the clothes worn by me at the time of incident before the police. It is not true that when the fire broke out at that time in the coach the windows and doors of the coach were closed. The witness states that the windows were broken. It is true that in the passengers in the coach and the persons of the mob outside were shouting at the time of incident. It is not true that on 18/3/2002 in my statement before the police I had stated that, 'who had set fire to our coach and who had pelted stones or to which community they belong I have not eye-witnessed it, therefore I cannot identify anyone.'** it is not true that the people in the mob were of Muslim community, this I came to know after the incident on watching the TV news and daily newspapers. It is not true that on 18/3/2002 in my statement before the police I had stated that, 'but from the news media I came to know that on the date of the incident the persons who had pelted stones on the coach No. S/6 of the Sabarmati Express Train on the Godhra Railway Station were Muslim community persons.' **It is true that in the coach there was smoke and so there was burning in the eyes and choking of breath. It is true that due to the smoke nothing could be seen. It is not true that due to the smoke I could also not see anything outside the coach.**

9.3 **Pravinkumar Amthalal Patel, passenger in Sabarmati Express** , PW-170 Exh.873 stated in paragraphs 3, 10 and 14, as under:

“3. On 27/2/2002 in the morning at about 7.30 our train had arrived at the Godhra Railway Station. After the train stopped then we had descended at the railway station and had

tea and refreshments. Thereafter in a short while the train started and in the meanwhile there was scuffle at that time we had seen and there was stone pelting on the train. When this stone pelting was done at that time the train was on the platform, thus we had shut the windows. Thereafter the train had started from the platform and went a little ahead then we had opened the windows. **In the meanwhile from the Godhra side the stones started coming. After traveling about one kilometer the train had stopped suddenly and there was heavy stone pelting, therefore we had shut the windows. The glass windows were close, we had seen through it that 1500 to 1000 persons mob carrying stones, sticks, sickle and etc. and these persons were saying that, 'Karsevaks bahar niklo ham maar dalenge, Ram Mandir nahin banega, Pakistan Zindabad' [Karsevaks come out we will kill you, Ram Mandir will not be formed, hail Pakistan]. At that time there was smell of kerosene, and I had seen that from the rear side from the third window the kerosene was sprayed from the carboy. Thereafter after some time from the Godhra side there was smoke started coming inside the coach, and we started choking and people started shouting. In this coach on the engine side towards the highway road side door near the window there was seat for two persons, I was sitting on it. At that time Ranjitsinh was also sitting with me. Opposite to me one military man was sitting, whose leg was cut, he and his wife and son were sitting. At that time the stone pelting was going on. Since there was stone pelting so the military man had kept his suitcase on the window, and hid his son below the seat. The suitcase moved so the stone hit the military man on his nose. There was fire in the coach so myself and Ranjitsinh had taken out the military man and also taken out his wife and son. I could also not bear so. I had also come out. When I had descended from the coach then at a distance of 70 feet there were two persons standing, I went there. They had spread out their hand so I had gone towards them. Over there 6 to 7 persons had gathered, someone had stick and someone had rod, these persons started to assault me. From them one person had said that, 'finish him', therefore I sat down and these persons were assaulting me using sticks I had raised my left hand so due to stick hitting me I had fracture, and I was also assaulted on my back using stick and rod. Below the knees of two legs I was assaulted using sticks and rods,**

therefore I had acted of becoming unconscious. These persons had assaulted me and taken my two gold rings and gold chain. From my trousers pocket they had taken out Rs. 3000/- in the meanwhile I had taken out other money from my pocket and offered them and on seeing the mandaliya on my hand I said to them that, 'main aisa hun, main aisa mantaa hun' [I am like this, I believe this], so from amongst them one said that, let him go. Thereafter I had saved my life and ran and came to the road.

10. When the train started for the second time from the platform then thereafter after about one kilometer it stopped again. In this one kilometer distance the train was running at that time I had not seen the stone pelting with my eyes. The witness states that there were sounds of stones falling. During this time period the windows were opened, and left open. It is not true that during this period from the window there was no stone landed inside the coach and it did not hit anyone, this had not happened. I say that during this period the stones came in and also hit. I was inside the coach at that time I was hurt by one – two stones. The said stone hit me on my shoulder and head. The train stopped at the place of incident and the mob was seen so the doors and windows of the coach were shut. The side on which I was sitting doors and windows were shut. It is true that after the doors and windows were shut then what was the mob doing outside could not be seen. I had seen the smoke spreading in the coach. The witness states that after the windows were broken thereafter seen the smoke forming. After the fire in the coach, first, the military man was providing help and thereafter after some time I had also come out. I am not aware of the fact that due to smoke and fire in the coach the commotion had started or not. The side on which I had descended on the said side how many other passengers had descended. When I had descended at that time there were no policemen. At that time on that side there was no mob. It is true that when I came out from the coach till then I did not have any burn injury. It is true that due to smoke in the coach I had breathing problem and burning sensation in the eyes, after descending from the coach I had not provided the assistance to anyone else for descending from the coach.

14 It is true that on 17/4/2002 in my statement before

the police I have stated that, 'on 27/2/2002 in the morning at seven o'clock I had come to the Godhra Railway Station and so myself and other Ram Sevaks had descended at the Godhra Railway Station for tea and refreshments, and after the tea and refreshments we and other Ram Sevaks had boarded Coach No.S/6, and from the Godhra Railway Station the train had started and thereafter after travelling for about one kilometer there was chain pulling and I had seen that about fifteen hundred to one thousand persons mob was pelting stones on the train, and after some time the coach No. S/6 which I had boarded they started to break the doors and glass of windows of the said coach and in our coach they had thrown kerosene and set on fire. Therefore myself and other Ram Sevaks started to choke. Thus, we had opened the off side door and came out and started running at that time at a little distance an unknown person wearing pant shirt called me. And I had gone towards him so six persons mob was there, they had assaulted me using fists and kick blows and dealt stick blows on the left hand and my hand was fractured and on the right and left leg also I was assaulted using stick and so I had become faint like.' I am not aware of the fact that in my statement before the police I had stated that, 'I was assaulted so I had become unconscious therefore Rs.3000/- and two gold rings and one gold chain were taken by these two unknown persons. This is my request to investigate the same. I had become scared and therefore I cannot identify the persons who had taken this ring and gold chain and cash amount Rs. 3000/-.' it is true that in my statement dated 17/4/2002 I had personally not gone anywhere for making my statement. During the period of my statements I was not knowing any of the police officers in Mehsana by their names, I am not aware that who are called the constable, PSI, and PI. My neighbour Rameshbhai was not knowing the name of any Police Officer. It had not happened that any Bajrang Dal member had given me the name of any police officer or not, this had not happened. In this case the investigations were carried out by Mr. Noel Parmar, I was not knowing this. Who is the Superintendent of Police I am aware of the same. I have not heard the name of Mr. Mothaliya. I did not have any occasion to meet Mr. Mothaliya personally. Mr. Mothaliya had called me and recorded my statement this had not happened. For identification of chain a certain officer had called me, but whether he was Mr. Noel Parmar I cannot say. How was the

appearance of the police officer and how was his physical appearance or any other identification marks I cannot state. How was the appearance of the Executive Magistrate I cannot say”.

10 The testimonies of the above witnesses not only establish intention of members of unlawful assembly, but their presence in furtherance of their common object to commit the crime and their testimonies are inextricably interwoven to establish execution of conspiracy by the core group of conspirators and to make an assault on the train and to set on fire coaches inasmuch as members of unlawful assembly were armed with deadly weapons, acid bulbs, burning rags, iron pipes, etc. and in spite of round of firing, the mob refused to disburse and continued to make violent attack. When members of unlawful assembly were apprehended and they were rounded off by the police once again an attempt was made by such members to release them. All these would collectively reveal purpose and design viz. object of unlawful assembly to commit the crime for which they were charged.

PART XII-C

RAILWAY EMPLOYEES

1 **The next group of witnesses are the Railway Employees who were discharging their duties either on the field or in the train; they are:**

- [1] P.W.111 Fatehsinh Dabesinh Solanki (Points Master)
- [2] P.W.138 Gulabsinh Laxmansinh Tadvī (Parcel Office Clerk)
- [3] P.W.153 Points Man
- [4] P.W.126 Harimohansinh Meena (Assistant Station Master)

Singh [supra] which referred to earlier decision in the case of Chikkarange Gowda [supra].

6 In absence of any clue, the investigating agency may undertake investigation based on many theories which may or may not lead to detection of crime and criminals. Even during the course of investigation it may come across altogether a different facet of crime not assumable or thought of. Co-incidence does happen and various events which have taken place during the course of investigation resulting into recording of statements of witnesses from time to time cannot be said to be contrary to lawful procedure of investigation in view of nature of magnitude of crime but even minor lapses and discrepancies of insignificant in nature in the investigation which do not touch substratum of the case of the prosecution are to be discarded.

ABOUT OTHER EVIDENCE AND T.I.P AND I.D.

7 In the first part of this judgment, we have reproduced list of evidences along with description for which such evidence was produced, including admitted documents to which as such there is no dispute except Exh.1008 i.e. report given by Senior Section Engineer, Ahmedabad giving the coach numbers and two drawings of coach wherein ACP systems were installed. All the above documents were exhibited as Exh.28 in Sessions Case No.69 of 2009 to Sessions Case No.86 of 2009 and Sessions Case No.204 of 2009.

8 Medical Officers PW-27 to PW-59 and PW-62, who had performed postmortem and respective postmortem notes are again established and proved by the prosecution. Likewise, Medical Officers PW-62 to PW-73 and PW-176 and PW-180, who had given treatment to

the injured and two accused are established and proved by the prosecution. We have referred to testimonies of PW-180 in earlier part of the judgment, who had given treatment to accused No.2 of Sessions Case No.72 of 2009, Jabir Binyamin Behra immediately after the train was set on fire for the injury he received.

9 PW-207, learned JMFC, Railway Exh.1063 in his testimonies admits to have recorded statements of PW-236 Exh.1214, PW-234 Exh.1233 and PW-232 Exh.1221 under section 164 of the Code, 1973. Out of these three witnesses, PW-234 and PW-232 were declared hostile.

10 PW-246 learned CJM has recorded confessional statement of Jabir Binyamin Behra Accused No.2 of Sessions Case No.72 of 2009 Exh.1469 and statements of three other witnesses PW-224, PW-231, PW-237 Exh-1470, Exh.1471 and Exh.1253 and admitted accordingly in his testimonies by following procedure under Section 164 of the Code, 1973 to which detailed reference and reasoning is already given by us.

11 PW-41 Executive Magistrate carried out Test Identification Parade for A/5 of Sessions Case No.71 of 2009; A/3 of Sessions Case No.70 of 2009; A/2 of Sessions Case No.72 of 2009; A/1 of Sessions Case No.73 of 2009; A/3, A/4 and A/2 of Sessions Case No.75 of 2009 and identified by PW-149, PW-236, PW-170 and PW-208 respectively.

12 PW-42 has also carried out Test Identification Parade of A/1 and A/2 of Sessions Case No.76 of 2009, A/1 of Sessions Case No.77 of 2009; A/1 and A/2 of Sessions Case No.78 of 2009 and identified by PW-149, PW-208, PW-231, PW-224, PW-208, PW-237 and PW-236, respectively.

Date : 12.12.2009

Statement of Shri Ashok Narayan, s/o late Shri Shiv Narayan, aged about 65 years r/o 'Ghar' Block No. 852, Sector 8, Gandhinagar- 382 007 (Mobile Phone No. 9727682889)

* * * * *

I had completed my education in Uttar Pradesh and did double Post-Graduation in Mathematics Physics from Allahabad University. I joined Indian Administrative Service in the year 1966 and was allotted to Gujarat Cadre. In Gujarat I remained posted in different capacities at different places. In January 2002, I was posted as Additional Chief Secretary (Home) Government of Gujarat.

I took charge of the post of Additional Chief Secretary (Home) {hereafter mention as ACS (H)} on 01.01.2002. At that time Shri P. S. Shah, Additional Secretary (Law and Order) used to look after law and order and Shri K. Nityanandam, the then Secretary (Home Department) used to look after police affairs as well as certain Schemes sponsored by the Central government. Shri Gordhan Zadaphia was the Minister of State (Home) and the charge of the Cabinet Minister for Home Affairs was held by Shri Narendra Modi, Chief Minister.

The State of Gujarat has a long history of communal riots way back to 1714. Thereafter riots had erupted in the State on many occasions during the last three centuries. However, post-independence, major riots took place in the State in 1969, 1985 and 1992-93. Inputs regarding the communal situation in the State had been received from the State Intelligence Bureau as well as Intelligence Bureau, Ministry of Home Affairs, Government of India. This information was sent to the concerned authorities to initiate appropriate preventive and remedial measures. Actionable information was analysed and communicated to the DGP and other field formation for further necessary action.

At the time when I took over as ACS (H), the communal atmosphere in Gujarat State was neither surcharged nor volatile prior to 27.02.2002. It may be mentioned here that the programme of Shilanyas for Ram Mandir at Ayodhya was announced quite a few months back to be done on 15th March 2002 and this announcement had arose some passions across the country. In Gujarat State Intelligence outputs were available to the government about the movement of the Karsevaks from different places in Gujarat to Ayodhya. Keeping in view this information all SsP/CsP were alerted on 07.02.2002 about the movements of Karsevaks. The Government had specific information that on 16.02.2002 that Shri Prahladbhai J. Patel, President of Bajrang Dal would leave for Ayodhya for Maha Yagna along with 150-200 persons. Further on 22.02.2002 he will depart from Mehsana railway station at 15.40 hours by Delhi-Ahmedabad Mail train for Ahmedabad and on 24.02.2002 they would leave Ahmedabad railway station by Sabarmati Express train 9165 Dn. at 20.25 hours for Ayodhya. Also there was information that they will return on 26.02.2002 from Ayodhya at night and would reach Ahmedabad on 28.02.2002 morning. The group was supposed to carry Trishuls with them. Accordingly this message was passed on by SP Western Railway, Vadodara Gujarat to IG Communal Intelligence, UP, Lucknow vide fax message dated 16.02.2002. However, no specific information had been received from the IG Communal Intelligence, UP about the return journey of Karsevaks or from anyone else.

On 27.02.2002, I had received a telephonic information from DM Godhra Smt. Jayanti Ravi at 09.00 hours that a railway coach of Sabarmati Express train had been set on fire by a mob of Muslims at Godhra railway station. Her first reaction was that there was no casualty in the said incident. Immediately I had given some instructions to DM Godhra to call the fire tenders to extinguish the fire, to arrange for the return journey of the stranded passengers at Godhra

railway station, to arrange for medical aid for injured if any and to get hold of the miscreants responsible for the said incident. I immediately informed the Chief Secretary and Chief Minister about the incident. It may be mentioned here that Shri G. Subba Rao, the then Chief Secretary had gone abroad and Smt. Swarnakanta Varma, being the senior most was holding the charge of Chief Secretary. The Chief Minister had called for an immediate meeting at about 10.30 hours. Apart from myself Shri Gordhan Zadaphia, the then MoS (H), Shri K. Chakravarthi, the then DGP, Shri P. C. Pande, the then CP Ahmedabad City and other staff of CM were present in the said meeting held at the residence of the Chief Minister. Till then no news had been received about the exact number of casualties in this incident and the information was tickling down in tit-bits. In the meeting the emphasis was made by the Chief Minister that the miscreants responsible for this incident should be caught hold of and should not be allowed to escape. The Chief Minister was concerned about the number of casualties in the incident. No minutes of the meeting were prepared. Thereafter the Ministers went to Assembly and I came to my office to prepare a note for approval of the Chief Minister to enable the MoS (Home) to make a statement in the Assembly. As per the Assembly records for 27.02.2002, the Assembly started at 13.00 hours on 27.02.2002. I had prepared a note on the basis of information provided by the DGP and submitted it to the Chief Minister for his approval. Myself gone to the assembly in the afternoon but I had no information that the CM or MoS (Home) would personally go to Godhra to take stock of the situation. I came to know about it afterwards.

On return from the Assembly I held a meeting with the DGP and other senior officers and gave instructions about the course of action to be followed to maintain law and order in the State. At the request of DGP, a request for 10 companies of Central Paramilitary Forces was sent to the Government of India on 27.02.2002. At our request Government of India deputed four companies of Rapid Action Force, which were already available in Ahmedabad. Out of these four companies of RAF, one coy was sent to Godhra on the same day and one each was sent to Ahmedabad, Vadodara and Surat. Another request was made to Government of India for CRPF but the same was not made available on the ground that they had been deployed in Ahyodhya and North-East. It was sometime in the evening that an information was received about the Bandh call given by the Vishwa Hindu Parishad on 28.02.2002 to protest against the incident of burning of a coach in Sabarmati Express train near Godhra railway station resulting in to death of passengers. Immediately a crash wireless message was sent to all Commissioners, Range IsGP, all Dispol, Westpol, Vadodara under intimation to DG & IGP Gandhinagar and DGP (Intelligence) to maintain strict vigil especially in communally sensitive areas as well as the places with past history of communal violence, all precautionary measures including adequate police bandobast and preventive measures including issuance of prohibitory orders depending upon the local situation should also be taken. It was further instructed that anti-socials and hardcore communal elements bent upon to jeopardize communal harmony must be dealt with firmly. Further, when the dead-bodies of the passenger arrive at their native places, the communal tension was like to rise and therefore enhanced bandobast should be made during the funeral processions of the deceased and peace and communal harmony should be maintained at any cost. Further, all CsP, DMs and SsP were directed to remain present at their headquarters, closely monitor the situation and adverse development if any must be reported to Home Sec/Additional Secretary (L&O) on telephone followed by a factual report by Fax.

On 27.02.2002, the Chief Minister went to Godhra sometime in the afternoon after the Assembly was adjourned and returned late in the night around 22.00 hours. In the night, a law and order review meeting was called by the Chief Minister at his residence in the wake of the Bandh call made by the VHP. I attended this meeting held at the residence of the Chief Minister at about 23.00 hours. Shri K. Chakravarthi, the then DGP, Smt. Swarnakanta Varma, acting

Chief Secretary alongwith the staff of Chief Minister were present there. I do not recollect as to whether Shri K. Nityanandam, the then Home Secretary, Shri Sanjeev Bhatt, the then DC (Intelligence) attended the said meeting or not. I do not recall having seen any of the Ministers or Cabinet colleagues of the Chief Minister in the said meeting. The DGP gave detailed sequence of events of Godhra incident and possible repercussions of the same. He also gave his requirement of additional force and informed that SRP has been alerted and deployed wherever necessary even by curtailing their normal functions. The Chief Minister was also apprised about the deployment of RAF in the State. The Chief Minister instructed that all possible steps should be taken to control the possible communal riots.

Q. Did the Chief Minister say that the people were very outraged by what had happened at Godhra and that police approach of balancing action against Hindus and Muslims would not work anymore and also that people would obviously vent out their feelings?

A. The Chief Minister did say that the people were outraged by the heinous incident of Godhra and therefore effective steps must be taken to control the communal riots if any. I have no recollection of the other words if any as referred to in the question.

No minutes of this meeting were prepared. Before going for the meeting I had known that VHP had made a call for Gujarat bandh on 28.02.2002 but I did not know that BJP had supported the said bandh. I came to know about it on the next day i.e. 28.02.2002 through newspaper reports. The Chief Minister had already taken a decision for the transportation of dead-bodies from Godhra to Ahmedabad and this had been conveyed to the concerned authorities at Godhra. I do not recall as to whether any Cabinet meeting was held on 27.02.2002 and 28.02.2002. On 27.02.2002, 217 arrests (137 Hindus and 80 Muslims) had been made by the police.

On 28.02.2002, two high level meetings were called by the Chief Minister, one in the early morning and other late in the evening. The morning meeting was attended by acting Chief Secretary, myself, DGP and ADGP (Intelligence). In this morning meeting, the law and order situation was reviewed by the Chief Minister. The matter relating to the calling of Army was also discussed but no decision to call Army was taken. I do not recall having seen Shri Ashok Bhatt and Shri I. K. Jadeja, the then Ministers in the said meeting.

Q. Did the Chief Minister direct the DGP and CP that Shri Ashok Bhatt and Shri I. K. Jadeja, the then Ministers would sit in the Control Rooms in Ahmedabad City Control Room at Shahibaug and State Control Room in DGP office respectively and assist/help the police in their operations?

A. I don't recall any such instructions given by the Chief Minister in the said meeting.

It may be added here that Army headquarter had already been alerted on 27.02.2002. However, on enquiry with local Army authorities it came to light that no force was available in Gujarat as the same had been deployed at the border. On 28.02.2002 at about 14.30 hours the Chief Minister made an oral request to Union Home Minister for army deployment which was followed by a written request made by the Home Department through Fax to Secretary Ministry of Defence, GOI for deployment of ten columns of Army at Ahmedabad and other affected places immediately by airlifting them. Army personnel were airlifted from forward areas and started arriving in the night intervening 28.02/01.03.2002 and the last aircraft landed at 23.00 hours on 01.03.2002. The deployment of army commenced at 11.00 hour on 01.03.2002 and nine columns were deployed. On 28.02.2002, three companies of Central Industrial Security Force were also made

available. Further on 01.03.2002, three companies of BSF and one company of Border Wing Home Guards loaned earlier to the Central government were made available to us. Simultaneously, the Gujarat government had made a request to Maharashtra, Rajasthan and Madhya Pradesh to make available Reserve Police force. However, only Maharashtra State responded by sparing two companies of SRPF and they were deployed in Surat. The total deployment of the para-military force was 37 companies including four companies of RAF but no CRPF.

In the afternoon, I came to know that arson and looting had been wide spread in the whole State especially in Ahmedabad. I do not recall the exact time but the intimation with regard to the Gulberg society incident and killing of Shri Ahesan Jaffri, ex-MP was received by me in the afternoon from Shri K. Nityanandam, the then Secretary (Home Department). I spoke to the DGP and asked him as to whether steps were being taken according to the Riot Control Scheme, to which he replied that appropriate instructions had been given to the concerned officers. It would not be out of place to mention here that I had spoken to the CP Ahmedabad earlier and discussed about imposition of curfew in Ahmedabad City but the Commissioner was of the view that it would be difficult to enforce the curfew in view of the insufficient police force available with them. On 28.02.2002 afternoon Shri Gordhan Zadaphia came to my room. I offered him a cup of tea. While he was sitting in my office, one Shri Usmanbhai Devdiwala, MLA from Ahmedabad peeped into my room and I repeatedly asked him to come over but he hesitated and left by saying that he would come some other time. Subsequently I heard that Shri Usman Devdiwala, MLA had alleged at some stage that Shri Gordhan Zadaphia was sitting in my office and controlling the police operations. On the contrary Shri Gordhan Zadaphia had expressed his concern about the ongoing riots in Gujarat and wanted the same to be controlled immediately.

On 28.02.2002 afternoon a press conference was held by the Chief Minister in Shahibaug Annexe sometime between 16.00 hours to 17.30 hours. I had attended the press conference along with police officers including DGP and CP Ahmedabad. Shri K. Nityanandam, Secretary (Home Department) was also there. In nutshell the Chief Minister informed the press that he had already requested the Central government to deploy the army and also appealed through them to both the communities to maintain peace and harmony.

On 28.02.2002 night, another law and order review meeting was held by the Chief Minister, which was attended to by DGP, CP Ahmedabad, ADGP (Int), myself and personal staff of Chief Minister. I do not recollect as to who others participated in the said meeting. ADGP (Int) gave the facts and figures of the various riot events in the said meeting. DGP expressed his concern and asked as to when the Army and CPMF would arrive. In this meeting, the massacres which took place in Gulberg Society and Naroda Patiya were also discussed. The first point which was discussed in the said meeting was that all the culprits responsible for these incidents should be brought to book and other issue which was discussed was how to control these riots. The CP was also of the view that with the limited strength of police force it was not possible to control these riots and that the Army/CPMF should arrive at the earliest. It was decided to make further attempt to secure additional forces as well as army. Shri Narendra Modi, CM spoke to Shri George Fernandes, the then Defence Minister, who personally arrived at Ahmedabad on 01.03.2002 to take stock of the situation. However, the Army started arriving in the night intervening 28.02.2002/01.03.2002.

On 28.02.2002, the police had fired more than 1,000 rounds. Uptil 08.03.2002 police had fired 5,141 rounds, 7,137 tear gas shells and 99 people had died due to police firing. The police had arrested 4,129 persons. It may be mentioned here that the major incidents could be controlled within 72 hours and subsequently with effect from 06.03.2002 to 15.03.1002, the casualties were between 1 and 3. On 19.03.2002, the death toll was 11 followed by a declining

trend till 29.03.2002. On 30.03.2002, eight people were killed with nine killings on 03.04.2002. Thereafter there was a decline in death toll but the atmosphere was vitiated. Uptil 20.03.2002, 120 persons (66 Hindus and 54 Muslims) died in police firing. However, no incident had been reported after 10.05.2002. It may be mentioned here that uptil 24.06.2002, 19,603 persons were arrested by the police in 4,184 cases registered by them. However, the police had rescued around 10,000 persons during the riots.

To be continued on 13.12.2009

Read over and admitted to be correct.

Before me

(A. K. MALHOTRA)
Member, SIT,
Gandhinagar

Typed by me

(A. K. PARMAR)
PSI, SIT,
Gandhinagar

Date:13-12-2009

Further Statement of Shri Ashok Narayan, s/o Late ShivNarayan, aged about 65 years r/o 'Ghar' Block No. 852, Sector 8, Gandhinagar- 382 007 (Mobile Phone No. 9727682889)

In continuation of my earlier statement dated 12-12-2009, I further state that after the riots it was proposed by the DGP Shri K. Chakravarthi that Shri G.C. Raiger, the then Addl. DG (Int.) may be replaced by Shri R.B. Sreekumar, Addl. DG, Armed Units as he had a background of Intelligence Bureau and would have been in a better position to look after the intelligence duties in the State. The proposal was approved by the Chief Minister and Shri R.B. Sreekumar took over as Addl. DG (Int.) with effect from 9-4-2002.

Que. Please see a D.O. letter dated 19-4-2002 addressed by Shri P.C. Pande, the then Commissioner of Police, Ahmedabad City addressed to DGP with a copy to Addl.DG (Int.) as well as you about the alleged involvement of Minister namely Shri Bharat Barot in a rioting incident. What action was taken by you on this letter?

Ans. On receipt of this letter the matter was brought to the notice of Hon'ble CM. The CM assured that he would take necessary action in the matter. To the best of my recollection, I had personally spoken to the CM about the matter. However, no similar incident was reported later. It may be mentioned here that some time after the riots, I was sitting with the Chief Minister when a telephone came on my mobile phone from some police officer that the presence of one Shri Prabhasinh Chauhan, the then Minister in the Govt. was agitating a mob and that it would be better if the Minister moved out from there. I immediately brought the matter to the notice of the CM, who spoke to Shri Prabhasinh Chauhan and called him back. I don't recollect the date, the name of the police officer or even the place where this event took place.

Que. Please see a copy of the D.O. letter dated 22-4-2002 addressed to you by Shri P.C. Pande, the then CP, Ahmedabad to you with a copy to DGP and ADG (Int.). What action was taken by you on the said letter?

Ans. I have gone through the D.O. letter and I recollect having discussed the issues raised by Shri P.C. Pande, the then CP in his letter with the DGP as well as the CM. I emphasized upon the CM to prevail upon or use his good officers on the Sangh Parivar activists including VHP and Bajrang Dal to restrain them from indulging in such activities. However, the CM was non-committal and used to make public statements in a general manner that the State Govt. was committed to the safety and security of all the citizens living in Gujarat. I don't recollect having put up these references in file

Que. Please see a letter dated 16-4-2002 addressed to the DGP with a copy to you regarding the two pamphlets in circulations in large number in Gujarat for which action was proposed u/s 153-A & 153-B IPC after taking legal opinion from the Law Department. What action was taken on this communications?

Ans. The issues raised by ADG (Int.) in this letter were discussed with the DGP. However, I don't recollect any action taken thereon. However, it may be added here that several such pamphlets were brought to the notice of DGP, myself and Chief Secretary but in such cases the name of the printer/publisher had not been mentioned. Accordingly, we had impressed upon the police to trace out the culprits responsible for these pamphlets but unfortunately no material could be collected in this regard, with the result no action would be taken in this regard.

Que. Please see a copy of the D.O. letter dated 24-4-2002 sent by Shri R.B. Sreekumar, the then Addl. DG (Int.) to you with a copy to DGP regarding the current communal scenario in Ahmedabad city. What action was taken by you on the said letter?

Ans. This letter contained general observations and concrete details were missing. However, the matter was discussed with the DGP in the light of the intelligence inputs received from ADG (Int.). DGP was requested by me to take action at his level as far as possible. I don't recollect having shown or put up this letter to the CM. However, the subject matter in general was discussed with the CM a number of times and he agreed to do whatever was possible at his level.

Que. Please see law & order assessment report sent by Shri R.B. Sreekumar, the then Addl. DG (Int.) on 15-6-2002 to Shri P.S. Shah, the then Addl. Secretary (law & order). What action was taken by you on these reports?

Ans. This law & order assessment report was called for in view of the Rath-Yatra which was likely to be held some time in the July, 2002. Shri R. B. Sreekumar, the then Addl DG (Int.) was of the view that on the various grounds mentioned by him in his letter, the Rath-Yatra should not be taken out in the near future till an atmosphere of durable peace and goodwill between the majority and minority community was established. On receipt of this report, the matter was discussed by me with the CM, who was of the view that the Rath-Yatra could not have been stopped simply on the grounds mentioned by ADG (Int.) in his letter and that the police should make fool proof bandobast so that no untoward incident took place. Accordingly, the administration did not agree with the views of ADG (Int.) and Rath-Yatra was taken out in the year 2002 under police bandobast, and no untoward incident took place anywhere.

Que. Who appointed Shri K.P.S. Gill as an Adviser to the Govt. of Gujarat and what was the purpose of his appointment? What were the discussions held with him and the conclusions arrived at?

Ans. As far as, I know Shri K.P.S. Gill was appointed as an Adviser at the instance of Central Govt. to bring normalcy in the Gujarat State as the situation in the State was still tense and not normal. Shri K.P.S. Gill was appointed basically to advise the Govt. and the police department to take necessary steps to bring normalcy in the State particularly in Ahmedabad as the stray incidents of violence had continued. I had attended several meetings with Shri K.P.S. Gill, Retired DGP. Shri K.P.S. Gill also had several meetings with the police officers. The final meeting was held with the CM and it was decided that the police officers at different levels at Ahmedabad should be immediately shifted to bring the situation under control. This suggestion was agreed upon by the CM and the police officers at various levels including CP were shifted in May, 2002 and immediately thereafter, the situation improved and there were no incidents.

On 9-8-2002, Shri J.M. Lyngdoh, the then Chief Election Commission and the other two Election Commissioner Members held a meeting in order to assess the law & order situation in Gujarat to decide to pre-pone the election in the State. This meeting was attended by Shri G. Subba Rao along with DGP, Shri K.R. Kaushik, the then CP, Ahmedabad, Shri C.K. Koshy, the then Principal Secretary, Revenue, Shri P.S. Shah, Addl. Secretary (Home), Shri R.B. Sreekkumar, Addl. DG (Int.), Shri K. Nityanandam, the then Secretary (Home) and myself. As instructed by Shri G. Subba Rao, the then Chief Secretary, Shri Nityanandam, the then Secretary (Home) started his presentation but he was cut short by Shri Lyngdoh with the remarks that they were not interested in an elaborate presentation. Thereafter, I took over and assured the Commission that in case in the event of election being held in near future, the Govt. would be in a position to hold the same in a fair and free manner and the voter who wants to exercise his franchise shall be given due protection. DGP also gave his view point. In the meanwhile, Shri R.B. Sreekkumar, the then ADG (Int.) intervened and told the Commission that he had a different view point on the subject. Shri R.B. Sreekkumar, the then ADG (Int.) was of the view that the tension still prevailed in a large number of Talukas which had witnessed riots and that 154 Assembly Constituencies were affected. The Election Commission passed a detailed order on 16-8-2002 and differed with the views of the government. The Election Commission was of the considered view that it was not in a position to conduct a free and fair election in the State.

Que. Why did the State Govt. not project the correct position and put up an incorrect facts before the Election Commission to pre-pone the election in Gujarat State?

Ans. As far as the Home Department is concerned the facts were correctly presented on the basis of the reports received from the DGP. The Home

department was not concerned whether the election should be held or not at that time, but it assured the Election Commission that given the necessary additional force from the Central Govt., law & order situation could be maintained and safety of the voter would be ensured, if elections were held in near future. I may also add that ADG (Int.) had maintained that 154 Assembly Constituencies out of 182 were affected by communal riots. To the best of my recollection, this figure was arrived at by applying yardsticks which were determined by the Govt. in Revenue Deptt. in relation to distribution of food grains and other items of relief including those received by the Central Govt. These yardsticks were understandably liberal. The number of constituencies affected by the communal riots in the context of law & order situation relevant to holding of election was less.

After the meeting with the Election Commissioner on 9-8-2002, I had told Shri R.B. Sreekumar, the then ADG (Int.) that in case he had a different perception about the law & order situation of the State from the DGP and the Govt., he should have told us before the meeting of the Election Commission and that he wanted to make his presentation separately. His action of contradicting the DGP, ACS (Home) and CS in an open meeting was not proper and did not sound of his being a disciplined officer. I don't know as to whether Shri G. Subbarao, Chief Secretary shouted at Shri Sreekumar after the meeting about having been badly let down or not.

Que. Please see a copy of the letter dated 20-8-2002 sent by Shri E. Radhakrishna, DIG to you with a copy to DGP and ADG (Int.). What action was taken by you on this report?

Ans. I can not specify the purpose for which the said report was called for any action on the part of Govt. and it contains only an analysis of law & order situation. However, I responded to the said letter vide my D.O. letter dated 9-9-2002 in which I had clearly informed Shri Sreekumar that his assessment of the law & order situation conveyed vide letter dated 20-8-2002 was not in tune with the feedback received from other agencies like Revenue, District Officials where there was a grass root presence of the Govt. I did state that some apprehension and a feeling of insecurity amongst the members of the minority community was understandable in isolated pockets from where incidents were reported but the same do not indicate the feelings of insecurity anymore. I also mentioned that Dhoraji's incident was an isolated incident and that communal incidents had come down drastically during the last few months. I disagreed with the views of Shri Sreekumar on the ground that no broad based inputs were relied upon by him before arriving at conclusion. Shri Sreekumar replied to my letter dated 9-9-2002 in which he stated that there was a perceptual difference between the Home Department and the State IB in assessment of communal scenario at the relevant

time in the State and that the Election Commission had observed that the appraisal of the communal situation by the State IB was in consonance with the inputs received by the Commission. I did not enter into any further correspondence with Shri Sreekumar as he had already been transferred.

Que. Please see a law & order assessment report sent by Shri R.B. Sreekumar, the then Addl. DG (Int.) vide his letter dated 28-8-2002 to you with a copy to DGP. What action was taken by you on the said letter?

Ans. I can not recall the action taken by me on the said letter but the suggestions made therein seem to be logical and in the normal course action must have been taken by the Home department. However, I am not in a position to say anything unless I go through the relevant file.

Today I have seen a copy of the letter dated 10-9-2002 sent by Shri Gurubachhan Singh, Joint Secretary to the Govt. of India, National Commission for Minority, New Delhi requesting the Chief Secretary to send the full text of the inflammatory speeches against the minority communities during 'Gaurav Yatra' as reported in the news paper dated 10-9-2002. This letter appears to have been received through fax and a copy thereof was sent to DGP as well as ADG (Int.) for doing the needful. In response to the same Shri R.B. Sreekumar had sent a report to me vide letter dated 12-9-2002. I can not recollect, as to whether I had asked DGP not to send any report in this regard but possibly the Home department had already received the text of the speech through State IB. However, despite written instructions sent to Shri Sreekumar a copy of the verbatim speech was sent to me on 16-9-2002. The verbatim speech of the CM made at Becharaji on 9-9-2002, had been received by Home Department and in the normal course the same must have been forwarded to the NCM. However, I don't recollect as to whether either CM or anyone else had asked me not to send the same. As a cumulative of effect of all the aforesaid events, the CM decided to transfer Shri R.B. Sreekumar, as an Addl. DG (PRM) on 17-9-2002.

Today, I have been shown a copy of a personal register supposed to have been maintained by Shri R.B. Sreekumar, the then Addl DG (Int.). This register had been maintained by Shri Sreekumar in his personal capacity and can not form the official record as the same had never been submitted to any of the senior officers for their perusal/information. In view of this, the said register can not be taken as an authentic document because the entries had been made by him of his own will and at his convenience. However, on looking into the two entries dated 22-4-2002 (06:30 pm), I can say that such a meeting might have been called by the Chief Secretary. I don't recall that in response to the suggestion made by Shri R.B. Sreekumar to arrest Hindu leaders involved in the heinous crimes committed during the recent communal riots the Chief Secretary had

stated, “such action was not possible immediately as it was against the policy of the State Govt.” However, it was quite possible that the Chief Secretary might have said that the arrest being a legal matter should not be gone into by the Mohalla committees. I have gone through the note recorded by Shri R.B. Sreekumar in his register dated 28-6-2002 regarding the proposed Rath-Yatra on 12-7-2002. As far as, I recollect such a meeting was held and I attended the same. However, I don’t recollect the views expressed by the different officers. I am not aware of any personal talks held between CS and Shri Sreekumar after the meeting. I have gone through the note dated 5-8-2002 recorded by Shri Sreekumar in his register regarding the presentation of data about communal incidents in the State between 27-2-2002 to 31-5-2002. In this connection, it is stated that I don’t recall whether there was any such discussion on 5-8-2002 as entered by Shri Sreekumar in his register, but it is true that the DGP and the Home Department did not agree with the assessment of Addl. DG (Int.) pertaining to the law & order situation of the State in the contest of proposed elections at that time. I have also gone through the entry dated 8-8-2002 made by Shri R.B. Sreekumar in his register, but I don’t recall having informed Shri Sreekumar to remain present in the Election Commission meeting to be held on 9-8-2002. I certainly did not give any such instructions to Shri Sreekumar for not making comments or any presentation which would go against the formal presentation prepared by Shri K. Nityanandam, the then Home Secretary. I have also gone through the entry dated 9-8-2002 made by Shri Sreekumar in his register about the Election Commission meeting held on 9-8-2002. The note recorded by Shri Sreekumar about the proceedings held by the Election Commission is broadly true, but I can not comment upon the aspect of shouting by the Chief Secretary on him. As regard the other aspect of my annoyance with him, I have already stated the talks held with him as above. I have also gone through the entry dated 2-9-2002 made by Shri R.B. Sreekumar in his register. I don’t recall having attended any such meeting and as such I am not in a position to confirm or deny the contents of the said entry. I have also gone through the entries made by Shri R.B. Sreekumar in his register on 11/12/13/15-9-2002, regarding the text of the speeches called for by National Commission for Minority. In this connection, I have nothing to say beyond whatever I have stated above.

Today, I have been shown the call details of the government mobile phone no. 9825037405 allotted to me by the Govt. of Gujarat from the period 27-2-2002 to 4-3-2002. At the out set, I may state that I don’t recollect any of the numbers called by me or the numbers from which the calls had been received. However, on 28-2-2002, I had made/received many calls from police officials as well as government officials mainly from CP, Ahmedabad City in connection with the ongoing riots in the City. I do not recollect the talks held with them at this stage. It

may be added here that I had received several distress calls from the public on my landline phone as well as my mobile phone but I am unable to decipher the same. I did not know Late Ahesan Jafri, Ex-MP and had never met him. Late Ahesan Jafri did not telephone me either on my landline or my mobile phone on 28-2-2002, to seek protection during the riots.

Read over and admitted to be correct.

Before me

(A. K. MALHOTRA)
Member, SIT,
Gandhinagar

Typed by me

(A. K. PARMAR)
PSI, SIT,
Gandhinagar

- a or society as a 'wife' or as a mere 'mistress'. If from the pleadings and evidence the Court finds that the woman concerned is regarded as wife and not as a mere mistress, she can be considered to be a 'wife' and consequently as 'the relative of the husband' for the purpose of Section 498-A IPC. Proof of a legal marriage in the rigid sense as required under civil law is unnecessary for establishing an offence under Section 498-A IPC. The expression 'marriage' or 'relative' can be given only a diluted meaning which a common man or society may attribute to those concepts
- b in the common parlance, for the purpose of Section 498-A IPC. A second wife who is treated as wife by the husband, relatives, friends or society can be considered to be 'the relative of the husband' for the purpose of Section 498-A IPC. If she inflicts cruelty on the legally wedded wife of the husband, an offence under Section 498-A IPC will not lie against her."
- c **24.** Applying the principles laid down in various decisions referred to above, we have no doubt in our mind, that the appellant is not a relative of the husband of the first informant. For the reasons aforementioned, the impugned judgment cannot be sustained. It is set aside accordingly. The appeal is allowed.

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(2009) 6 Supreme Court Cases 767

(BEFORE DR. ARIJIT PASAYAT, P. SATHASIVAM AND AFTAB ALAM, JJ.)

NATIONAL HUMAN RIGHTS COMMISSION

.. Petitioner;

Versus

e STATE OF GUJARAT AND OTHERS

.. Respondents.

- f Writ Petition (Crl.) No. 109 of 2003[†] with Crl. MPs Nos. 10719, 7078, 7827, 8193-94, 11668, 11689, 4782 of 2003, 3741-42, 6864 of 2004, 9236 of 2005, 6767 of 2006 and 7824 of 2007 in WP (Crl.) No.109 of 2003, WP (Crl.) No. D-17953 of 2003, TPs (Crl.) Nos. 194-202 and 326-29 of 2003, SLPs (Crl.) Nos. 7951 of 2002, 4409, 5309 of 2003, WP(Crl.) No. 216 of 2003, TPs (Crl.) Nos. 66-72, 43 of 2004, WP (Crl.) No. 118 of 2003, TPs (Crl.) Nos. 233-34 of 2004, WPs (Crl.) Nos. 37-52 of 2002, 284 of 2003, Crl. MPs Nos. 6767 of 2006 in Crl. MPs Nos. 3741-42 of 2004 in WP (Crl.) No. 109 of 2003, Crl. MP No. 4485 of 2006 in SLP (Crl.) No. 3770 of 2003, decided on May 1, 2009

- g **A. Criminal Procedure Code, 1973 — S. 156 — Investigating agency — Communal riots in the State of Gujarat — Post-Godhra riot cases — Investigation by SIT — Progress by SIT, reviewed — In view of thoroughness of discharge of duties by SIT in these cases, SIT directed to continue investigation until completion of trial in all the cases — SIT to complete pending investigations or any further investigation that may arise in course of trials — SIT further directed to file supplementary charge-**

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[†] From the Judgment and Order dated 5-2-2003 of the Hon'ble High Court of Gujarat at Ahmedabad in Spl. Crl. Application No. 700 of 2002

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sheets in the cases concerned where SIT had found further material and/or identified other accused — Chairman SIT, to keep track of progress of trials and to submit quarterly reports to Supreme Court — SIT also permitted to move Supreme Court for any further directions found necessary

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[Paras 4 and 40(i), (vii), (x), (xi) & (xiii)]

NHRC v. State of Gujarat, (2009) 6 SCC 342 : (2009) 2 SCC (Cri) 1055, referred to

B. Criminal Trial — Communal riots — Witness protection — Post-Godhra riot cases in the State of Gujarat — Protection of witnesses — Necessity of, emphasised — Held, witnesses form key ingredient in criminal trial — Protection of witnesses and victims is essential, since based on their testimony and complaints, actual perpetrators of heinous crimes can be brought to book — Supreme Court regretting that no law on witness protection enacted in India despite recommendations of successive Law Commissions and its own observations — However, held, that no general directions can be given — However, since protection of witnesses in the present cases was of paramount importance, held, if any witness seeks protection to depose freely in court, it should be provided — Hence, SIT directed to arrange protection if sought by witnesses — Detailed directions issued in regard thereto — Constitution of India — Arts. 21 and 14 — Criminal Procedure Code, 1973, Ss. 161, 200, 231, 242 and 244 — Constitutional Law — Witness Protection

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C. Criminal Trial — Witnesses — Witness protection — Witness protection scheme — Need for — Held, it would primarily depend upon fact situation of each case — Practical difficulties in effectively implementing any witness protection scheme cannot be lost sight of — Hence, held, it would not be proper to give general directions — Women and child witnesses — Protection against their vulnerability — Necessity — Considering rules formulated for separate victim and witness protection units by International Criminal Tribunal, Supreme Court highlighting necessity of protection to witnesses so that there is no miscarriage of justice and to restore sense of human dignity in witnesses — Crimes Against Women and Children — Communal riots — Protection against their vulnerability — Constitution of India — Arts. 21 and 14 — Protection of vulnerable witnesses

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Held :

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The importance of witnesses in a criminal trial does not need any reiteration. It is an established fact that witnesses form the key ingredient in a criminal trial and it is the testimonies of these very witnesses, which establish the guilt of the accused. It is, therefore, imperative that for justice to be done, the protection of witnesses and victims becomes essential, as it is the reliance on their testimony and complaints that the actual perpetrators of heinous crimes during the communal violence can be brought to book. Vide order dated 8-8-2003 in *NHRC case*, (2008) 16 SCC 497 : (2003) 9 Scale 329, Supreme Court regretted that “no law has yet been enacted, not even a scheme has been framed by the Union of India or by the State Government for giving protection to the witnesses”. Successive Law Commissions also made recommendations towards this end. But it would not be proper to give any general directions for witness protection. It would primarily depend upon the fact situation of each case. Practical difficulties

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in effectively implementing any witness protection scheme cannot be lost sight of. That aspect is being considered focusing on the fact situation of the present cases. (Paras 6, 7, 10 and 17)

- a *Zahira Habibullah Sheikh (5) v. State of Gujarat*, (2006) 3 SCC 374 : (2006) 2 SCC (Cri) 8; *NHRC v. State of Gujarat*, (2008) 16 SCC 497 : (2003) 9 Scale 329; *Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158 : 2004 SCC (Cri) 999, *relied on*

- b *Metropolitan Properties Co. Ltd. v. Lannon*, (1969) 1 QB 577 : (1968) 3 WLR 694 : (1968) 3 All ER 304 (CA); *Leeson v. General Council of Medical Education*, (1890) 43 Ch D 366 : (1886-90) All ER Rep 78 (CA); *Jennison v. Baker*, (1972) 2 QB 52 : (1972) 2 WLR 429 : (1972) 1 All ER 997 (CA); *Dhanaj Singh v. State of Punjab*, (2004) 3 SCC 654 : 2004 SCC (Cri) 851; *Karnel Singh v. State of M.P.*, (1995) 5 SCC 518 : 1995 SCC (Cri) 977; *Paras Yadav v. State of Bihar*, (1999) 2 SCC 126 : 1999 SCC (Cri) 104; *Ram Bihari Yadav v. State of Bihar*, (1998) 4 SCC 517 : 1998 SCC (Cri) 1085; *Amar Singh v. Balwinder Singh*, (2003) 2 SCC 518 : 2003 SCC (Cri) 641, *cited*

- c In most of the cases, witnesses are the victims of the crime. Most vulnerable amongst them are women and children. Under the existing system they are mere pawns in a criminal trial and there is very little concern for protecting their real interests. The protection is necessary so that there is no miscarriage of justice; but protection is also necessary to restore in them, a sense of human dignity. Since the protection of a witness is of paramount importance it is imperative that if and when any witness seeks protection so that he or she can depose freely in court, the same has to be provided. It is therefore directed that if a person who is examined as a witness needs protection to ensure his or her safety to depose freely in a court he or she shall make an application to SIT and SIT shall pass necessary orders in the matter and shall take into account all the relevant aspects and direct such police official/officials as it considers proper to provide the protection to the person concerned. (Paras 18 and 37)

- e For ensuring of a sense of confidence in the mind of the victims and their relatives, and to ensure that witnesses depose freely and fearlessly before the court, following steps shall be taken: (a) ensuring safe passage for the witnesses to and from the court precincts, (b) providing security to the witnesses in their place of residence wherever considered necessary, and (c) relocation of witnesses to another State wherever such a step is necessary. As far as the first and the second steps are concerned, SIT shall be the nodal agency to decide as to which witnesses require protection and the kind of witness protection that is to be made available to such witness. The Chairman, SIT could, in appropriate cases, decide which witnesses require security of the paramilitary forces and upon his request same shall be made available by providing necessary security facilities. In the third kind of a situation, where the Chairman, SIT is satisfied that the witness requires to be relocated outside the State of Gujarat, it would be for the Union of India to make appropriate arrangements for the relocation of such witness. The Chairman, SIT shall send an appropriate request for this purpose to the Home Secretary, Union of India, who would take such steps as are necessary to relocate the witnesses. All the aforesaid directions are to be considered by SIT by looking into the threat perception, if any. [Paras 40(ix-i) to (ix-v)]

- g **D. Criminal Trial — Fair trial — Communal riot cases in the State of Gujarat — Post-Godhra riot cases — Fairness in trial — Importance of interests of victim — Necessity of establishing, to dispel apprehension of**

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victims — Appointment of impartial Public Prosecutors — Held, victim is an inseparable stakeholder in adjudicating process — It is essential to establish that Public Prosecutor is conducting prosecution fairly and in proper manner to instil confidence in victims — Directions issued to the State of Gujarat to appoint Public Prosecutors in each of the cases in consultation with SIT — Opinion of SIT to be binding on State Government — Experienced lawyers familiar with conduct of criminal trials to be appointed as Public Prosecutors — Chairman of SIT also permitted to seek change of Public Prosecutor during currency of trial if deficiency in performance noticed — Advocate General of State to take appropriate action in light of SIT's recommendation — SIT also permitted to nominate officers of SIT to assist Public Prosecutor in course of trial — Criminal Procedure Code, 1973 — Ss. 24 and 25 — Constitution of India — Arts. 21 and 14 — Fair trial — United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Resolution 40/34 of 29-11-1985) — Arts. 4, 5 and 6 [Paras 19, 20, 31, 32 and 40(v) & (vi)]

E. Criminal Trial — Purpose and role of courts in criminal trial — Judicial process — Raison d'être for existence of courts of justice — Held, discovery, vindication and establishment of truth are main purposes for holding a fair trial which are underlying objects for existence of courts of justice — Criminal Procedure Code, 1973, S. 6 (Para 5)

UPSC v. S. Papaiah, (1997) 7 SCC 614 : 1997 SCC (Cri) 1112; *Abhinandan Jha v. Dinesh Mishra*, AIR 1968 SC 117; *J.K. International v. State (Govt. of NCT of Delhi)*, (2001) 3 SCC 462 : 2001 SCC (Cri) 547; *Bhagwant Singh v. Commr. of Police*, (1985) 2 SCC 537 : 1985 SCC (Cri) 267, referred to

F. Criminal Trial — Communal riots — Appointment of Presiding Judges — Post-Godhra riot cases in State of Gujarat — Matters to be considered — Directions issued for Chief Justice of Gujarat High Court to select senior judicial officers to be appointed — Criminal Procedure Code, 1973 — Ss. 9 and 11 [Para 40(iv)]

G. Criminal Trial — Witnesses — Witness protection — Restrictions on entry of persons into courtrooms — Permissibility — Balancing needs of accused and victims — Duty and powers of court — While accused shall have right to fair trial, rights of victims and perception that perpetrator of crime be punished, cannot be ignored — In order to balance need for a public trial with need to ensure that victims/witnesses are not intimidated within courtrooms, held, court can impose reasonable restrictions on entry of persons into courtroom — Criminal Procedure Code, 1973, S. 327

Held :

It needs to be emphasised that the rights of the accused have to be protected. At the same time the rights of the victims have to be protected and the rights of the victims cannot be marginalised. Accused persons are entitled to a fair trial where their guilt or innocence can be determined. But from the victims' perception the perpetrator of a crime should be punished. They stand poised equally in the scales of justice. In order to ensure that the trials are conducted in a fair manner and within the realm of protecting the rights of the victims it is important that the decorum of the court is maintained at all times. In order to balance the need for a public trial with the need to ensure that victims/witnesses are not intimidated within the courtrooms, it is necessary for the court to impose

reasonable restrictions on the entry of persons into the courtroom.

(Paras 21 and 22)

- a* Moreover, it was apprehension of some learned counsel that unruly situations may be created in court to terrorise witnesses. It needs no indication that the court shall have to deal with such situations sternly and pass necessary orders. SIT shall also look into this area. [Para 40(xii)]

- b* **H. Criminal Trial — Expeditious trial of cases — Necessity of — Communal riots in the State of Gujarat — Post-Godhra riot cases — Held, in riot cases and cases involving communal factors, trial should be held expeditiously — Chief Justice of Gujarat High Court requested to designate court(s) in each district and if necessary more than one court — Designated Courts directed to take up cases on a day-to-day basis — SIT to furnish periodic reports to the Designated Courts if there was any further inquiry/investigation — State of Gujarat directed to file status report as to the constitution of the courts within three months — Criminal Procedure Code, 1973, S. 309**

Held :

- d* It is essential that in riot cases and cases involving communal factors the trials should be held expeditiously. Therefore, the Hon'ble Chief Justice of Gujarat High Court is requested to designate court(s) in each district where the trial of the cases concerned are to be held. The Designated Courts shall take up the cases in question. Taking into account the number of witnesses and the accused persons and the volumes of evidence, it is open to the High Court to designate more than one court in a particular district. Needless to say that these cases shall be taken up by the Designated Court on a day-to-day basis and efforts shall be made to complete the trial with utmost expedition. SIT shall furnish periodic reports if there is any further inquiry/investigation. The State of Gujarat shall also file a status report regarding the constitution of the courts in terms of the directions to be given by the Hon'ble Chief Justice of the High Court within three months. [Paras 37, 38 and 40(ii) to (iv)]

- e* **I. Criminal Procedure Code, 1973 — S. 25-A — Separation of prosecuting agency from investigating agency — Desirability of — Background for insertion of S. 25-A by amendment in 2006 of CrPC, 1973 for establishment of separate prosecution agency brought out — Law in Commonwealth countries compared** (Paras 23 to 30)

Zahira Habibulla H. Sheikh v. State of Gujarat, (2004) 4 SCC 158 : 2004 SCC (Cri) 999, relied on

- g* **J. Criminal Trial — Witness — Witness protection — Recognition in other countries and by International Criminal Tribunal — Comparative study of law in various countries made — Criminal Justice and Public Order Act, 1994 (English) — S. 51 — Witness Protection Act, 1996 (Canadian) — Ss. 3, 5 & 6 — Witness Protection Act, 1994 (Australian) — Ss. 4 & 7 — Witness Protection Act, 1998 (South African) — Ss. 4, 7 & 9 — Organized Crime Control Act, 1970 (US) — Comprehensive Crime Control Act, 1984 (US) — Witness Security Reform Act, 1984 (US)** (Paras 11 to 19)

- h* N-D/A/41112/CR

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Advocates who appeared in this case :

Harish N. Salve (Amicus Curiae), Senior Advocate [Ms Meenakshi Grover, B.V. Desai (Amicus Curiae), Rahul Gupta, Ms Reema Sharma, Sanjay Parekh, Ms Shilpa Gupta, Gopal, Amit Singh Chauhan, Ejaz Maqbool, Huzefa Ahmadi, Ms Aparna Bhat (Intervenor), Anand Grover, Ms Lalit Mohini Bhat, Naveen R. Nath, Ms Shobha, Advocates, Umed Singh Gulia in person, for the Petitioner;

Gopal Subramaniam, Additional Solicitor General, Manjit Singh, Additional Advocate General, Arun Jaitley and Mukul Rohatgi, Senior Advocates [R. Dash, Rajiv Kr. Dubey, M.S. Ganesh, Ms H. Wahni, Saurav Kirpal, Ms Pinky Anand, Ms Jesal, R. Basant, D.D. Kamth, K.N. Madhusoodhan, R. Satish, Dr. Nafis A. Siddiqui, Anil Shrivastav, Ritu Raj, Sayidmajookbakki, A. Mariarputham, Ms Aruna Mathur (for M/s Arputham, Aruna & Co.), Ms Anita Shenoy, S. Udaya Kr. Sagar, Ms Bina Madhavan, Tarun Satija (for M/s Lawyer's Knit & Co.), Manish Kumar, Ansar Ahmad Chaudhary, Manoj Dwivedi, G. Venkateshwar, Anil Shrivastav, V.S. Pragasam, S.J. Aristotle, Prabu Rama Subramanian, Esward Belho, Rituraj Biswas, P. Athuime R. Naga, Manjit Singh, T.V. George, Kh. Nobin Singh, Ms Varuna Bhandari Gugnani, Rajesh Singh, S. Wasim A. Qadri, Ms Anil Katiyar, D.S. Mahra, K. Sheshachary, Ms Madhulika Mohta, Atul Jha, D.K. Singh, Ajay Pal, Gopal Singh, Ms Shweta Singh, Manish Kumar, Ms Sangita Singh, C.D. Singh, Riku Sarma (for M/s Corporate Law Group), Tara Chandra Sharma, Ms Neelam Sharma, K.R. Sasiprabhu, Ms A. Subhashini, J.S. Attri, Bimal Roy Jad, Ravi Prakash Mehrotra, Radha Shyam Jena, P.V. Dinesh, Gopal Prasad, Gautam Godara, R.K. Adsure, Ranjan Mukherjee, Amit Kr. Chawla, Sanjay R. Hegde, P. Parameswaran, A.D.N. Rao, Sameer Parekh (for M/s Parekh & Co.) and S.N. Bhat, Advocates] for the Respondents.

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The Judgment of the Court was delivered by

DR. ARIJIT PASAYAT, J.— By order dated 26-3-2008¹ in this group of cases this Court had directed the Gujarat Government to constitute a five-member Special Investigation Team (in short “SIT”) to be headed by Mr R.K. Raghavan, former Director of the Central Bureau of Investigation to undertake inquiry/investigation including further investigation in nine cases. It was further directed that SIT shall submit its report within a particular time.

2. The State Government issued a Notification dated 1-4-2008 constituting SIT. On 11-2-2009 SIT has submitted its consolidated report. It has indicated therein that since its constitution SIT has made considerable progress in respect of each of the nine cases and the current status is as follows:

1. Godhra Railway Police Station Cr. No. 09 of 2002

Applications received	63
Witnesses examined	183 (125 old and 61 new)
Number arrested	—
Charge-sheets filed	—
Stage of investigation	Completed

2. Khambholaj Police Station Cr. No. 23 of 2002

Applications received	17
Witnesses examined	85 (30 old and 55 new)
Number arrested	Court is requested to issue process against 16 accused
Charge-sheets filed	Amended separate charge-sheet 1
Stage of investigation	Completed

3. Khambholaj Police Station Cr. No. 27 of 2002

Applications received	17
Witnesses examined	39
Number arrested	—
Charge-sheets filed	—
Stage of investigation	Completed

4. Naroda Police Station Cr. No. 98 of 2002

Applications received	06
Witnesses examined	450
Number arrested	20
Charge-sheets filed	02
Stage of investigation	Nearly complete

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¹ *NHRC v. State of Gujarat*, (2009) 6 SCC 342 : (2009) 2 SCC (Cri) 1055 : (2008) 6 Scale 388 (2)

5. Naroda Police Station Cr. No. 100 of 2002

Applications received	88
Witnesses examined	341
Number arrested	17
Charge-sheets filed	01
Stage of investigation	Nearly complete

a

6. Meghaninagar Police Station Cr. No. 67 of 2002

Applications received	59
Witnesses examined	227
Number arrested	18
Charge-sheets filed	03
Stage of investigation	Nearly complete

b

7. Visnagar Police Station Cr. No. 60 of 2002

Applications received	05
Witnesses examined	42
Number arrested	03
Charge-sheets filed	01
Stage of investigation	Nearly complete

c

8. Vijapur Police Station Cr. No. 46 of 2002

Applications received	13
Witnesses examined	39
Number arrested	21
Charge-sheets filed	02
Stage of investigation	Completed

d

9. Prantij Police Station Cr. No. 100 of 2002

Applications received	10
Witnesses examined	24 (14 old and 10 new)
Number arrested	—
Charge-sheets filed	—
Stage of investigation	Completed

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3. In separate sealed covers the IO's report in each case accompanied by the supervising IGP and the Chairman's comments were submitted. The other members of the team are Shri C.B. Satpathy, Smt Geetha Johri, Shri Shivanand Jha and Shri Ashish Bhatia. The last three are the officers of the Indian Police Service from the Gujarat cadre. Pursuant to the directions given by this Court copies of the report were supplied to the learned amicus curiae and learned counsel for the State of Gujarat. Suggestions have been given by the learned amicus curiae, learned counsel for the State and some of the parties in the proceedings.

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4. Several important aspects need to be noted in these cases. Firstly, due to the efforts of SIT, persons who were not earlier arrayed as accused have now been arrayed as accused. From the details indicated above it appears that

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a in most of the cases a large number of persons have been additionally made accused. Besides this, a large number of witnesses were also examined in each case. This goes to show the apparent thoroughness with which SIT has worked. Therefore, SIT shall continue to function until the completion of trial in all the cases and if any further inquiry/investigation is to be done the same can be done as provided in law, more particularly, under Section 173(8) of the Code of Criminal Procedure, 1973 (in short “the Code”).

5. A few important aspects concerning the cases need to be noted:

b (1) Fair trial

(2) Modalities to ensure that the witnesses depose freely and in that context the need to protect the witnesses from interference by person(s) connected with it is the protection of victims who in most cases are witnesses.

c (3) Able assistance to court by competent Public Prosecutors.

(4) Further role of SIT.

So far as fair trial is concerned the discovery and vindication and establishment of truth are certainly the main purposes of courts of justice. They are the underlying objects for the existence of the courts of justice.

d 6. The importance of the witnesses in a criminal trial does not need any reiteration. In *Zahira Habibullah Sheikh (5) v. State of Gujarat*² it was observed as under: (SCC pp. 391 & 393-98, paras 22, 24 & 30-41)

e “22. The complex pattern of life which is never static requires a fresher outlook and a timely and vigorous moulding of old precepts to some new conditions, ideas and ideals. If the court acts contrary to the role it is expected to play, it will be destruction of the fundamental edifice on which the justice-delivery system stands. People for whose benefit the courts exist shall start doubting the efficacy of the system. ‘Justice must be rooted in confidence; and confidence is destroyed when right-minded people go away thinking: “The Judge was biased.” ’ (Per Lord Denning, M.R. in *Metropolitan Properties Co. Ltd. v. Lannon*³, All ER p. 310 A.) The perception may be wrong about the Judge’s bias, but the Judge concerned must be careful to see that no such impression gains ground. Judges like Caesar’s wife should be above suspicion (per Bowen, L.J. in *Leeson v. General Council of Medical Education*⁴).

* * *

g 24. It was significantly said that law, to be just and fair has to be seen devoid of flaw. It has to keep the promise to justice and it cannot stay petrified and sit nonchalantly. The law should not be seen to sit by limply, while those who defy it go free and those who seek its protection lose hope (see *Jennison v. Baker*⁵). Increasingly, people are believing as

2 (2006) 3 SCC 374 : (2006) 2 SCC (Cri) 8

h 3 (1969) 1 QB 577 : (1968) 3 WLR 694 : (1968) 3 All ER 304 (CA)

4 (1890) 43 Ch D 366 : (1886-90) All ER Rep 78 (CA)

5 (1972) 2 QB 52 : (1972) 2 WLR 429 : (1972) 1 All ER 997 (CA)

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observed by Salmon quoted by Diogenes Laertius in *Lives of the Philosophers*, 'Laws are like spiders' webs: if some light or powerless thing falls into them, it is caught, but a bigger one can break through and get away.' Jonathan Swift, in his *Essay on the Faculties of the Mind* said in similar lines: 'Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through.'

* * *

30. Right from the inception of the judicial system it has been accepted that discovery, vindication and establishment of truth are the main purposes underlying the existence of the courts of justice. The operative principles for a fair trial permeate the common law in both civil and criminal contexts. Application of these principles involves a delicate judicial balancing of competing interests in a criminal trial: the interests of the accused and the public and to a great extent that of the victim have to be weighed not losing sight of the public interest involved in the prosecution of persons who commit offences.

31. In 1846, in a judgment which Lord Chancellor Selborne would later describe as 'one of the ablest judgements of one of the ablest judges who ever sat in this Court', Vice-Chancellor Knight Bruce said* (ER p. 957):

'The discovery and vindication and establishment of truth are main purposes certainly of the existence of courts of justice; still, for the obtaining of these objects, which, however valuable and important, cannot be usefully pursued without moderation, cannot be either usefully or creditably pursued unfairly or gained by unfair means, not every channel is or ought to be open to them. The practical inefficacy of torture is not, I suppose, the most weighty objection to that mode of examination ... Truth, like all other good things, may be loved unwisely—may be pursued too keenly—may cost too much.'

The Vice-Chancellor went on to refer to paying 'too great a price ... for truth'. This is a formulation which has subsequently been frequently invoked, including by Sir Gerard Brennan. On another occasion, in a joint judgment of the High Court, a more expansive formulation of the proposition was advanced in the following terms: 'The evidence has been obtained at a price which is unacceptable having regard to the prevailing community standards.'

32. Restraints on the processes for determining the truth are multifaceted. They have emerged in numerous different ways, at different times and affect different areas of the conduct of legal proceedings. By the traditional common law method of induction there has emerged in our jurisprudence the principle of a fair trial. Oliver Wendell Holmes described the process:

* Ed.: In *Pearse v. Pearse*, (1846) 1 De G&SM 12 : 63 ER 950

a 'It is the merit of the common law that it decides the case first and determines the principles afterwards.... It is only after a series of determination on the same subject-matter, that it becomes necessary to 'reconcile the cases', as it is called, that is, by a true induction to state the principle which has until then been obscurely felt. And this statement is often modified more than once by new decisions before the abstracted general rule takes its final shape. A well-settled legal doctrine embodies the work of many minds, and has been tested in form as well as substance by trained critics whose practical interest is to resist it at every step.'

b 33. The principle of fair trial now informs and energises many areas of the law. It is reflected in numerous rules and practices. It is a constant, ongoing development process continually adapted to new changing circumstances, and exigencies of the situation—peculiar at times and related to the nature of crime, persons involved—directly or operating behind, social impact and societal needs and even so many powerful balancing factors which may come in the way of administration of criminal justice system.

c 34. As will presently appear, the principle of a fair trial manifests itself in virtually every aspect of our practice and procedure, including the law of evidence. There is, however, an overriding and, perhaps, unifying principle. As Deane, J. put it:

d 'It is desirable that the requirement of fairness be separately identified since it transcends the context of more particularised legal rules and principles and provides the ultimate rationale and touchstone of the rules and practices which the common law requires to be observed in the administration of the substantive criminal law.'

e 35. This Court has often emphasised that in a criminal case the fate of the proceedings cannot always be left entirely in the hands of the parties, crime being public wrong in breach and violation of public rights and duties, which affects the whole community as a community and is harmful to society in general. The concept of fair trial entails familiar triangulation of interests of the accused, the victim and the society and it is the community that acts through the State and prosecuting agencies. Interest of society is not to be treated completely with disdain and as persona non grata. The courts have always been considered to have an overriding duty to maintain public confidence in the administration of justice—often referred to as the duty to vindicate and uphold the 'majesty of the law'. Due administration of justice has always been viewed as a continuous process, not confined to determination of the particular case, protecting its ability to function as a court of law in the future as in the case before it. If a criminal court is to be an effective instrument in dispensing justice, the Presiding Judge must cease to be a spectator and a mere recording machine by becoming a participant in the trial evincing intelligence, active interest and elicit all relevant materials

necessary for reaching the correct conclusion, to find out the truth, and administer justice with fairness and impartiality both to the parties and to the community it serves. The courts administering criminal justice cannot turn a blind eye to vexatious or oppressive conduct that has occurred in relation to proceedings, even if a fair trial is still possible, except at the risk of undermining the fair name and standing of the judges as impartial and independent adjudicators. a

36. The principles of rule of law and due process are closely linked with human rights protection. Such rights can be protected effectively when a citizen has recourse to the courts of law. It has to be unmistakably understood that a trial which is primarily aimed at ascertaining the truth has to be fair to all concerned. There can be no analytical, all-comprehensive or exhaustive definition of the concept of a fair trial, and it may have to be determined in seemingly infinite variety of actual situations with the ultimate object in mind viz. whether something that was done or said either before or at the trial deprived the quality of fairness to a degree where a miscarriage of justice has resulted. It will not be correct to say that it is only the accused who must be fairly dealt with. That would be turning a Nelson eye to the needs of society at large and the victims or their family members and relatives. Each one has an inbuilt right to be dealt with fairly in a criminal trial. Denial of a fair trial is as much injustice to the accused as is to the victim and the society. Fair trial obviously would mean a trial before an impartial judge, a fair prosecutor and an atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witnesses, or the cause which is being tried is eliminated. If the witnesses get threatened or are forced to give false evidence that also would not result in a fair trial. The failure to hear material witnesses is certainly denial of fair trial. b
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37. A criminal trial is a judicial examination of the issues in the case and its purpose is to arrive at a judgment on an issue as to a fact or relevant facts which may lead to the discovery of the fact in issue and obtain proof of such facts at which the prosecution and the accused have arrived by their pleadings; the controlling question being the guilt or innocence of the accused. Since the object is to mete out justice and to convict the guilty and protect the innocent, the trial should be a search for the truth and not a bout over technicalities, and must be conducted under such rules as will protect the innocent, and punish the guilty. The proof of charge which has to be beyond reasonable doubt must depend upon judicial evaluation of the totality of the evidence, oral and circumstantial, and not by an isolated scrutiny. f
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38. Failure to accord fair hearing either to the accused or the prosecution violates even minimum standards of due process of law. It is inherent in the concept of due process of law, that condemnation should be rendered only after the trial in which the hearing is a real one, not sham or a mere farce and pretence. Since the fair hearing requires an h

opportunity to preserve the process, it may be vitiated and violated by an overhasty stage-managed, tailored and partisan trial.

a 39. The fair trial for a criminal offence consists not only in technical observance of the frame, and forms of law, but also in recognition and just application of its principles in substance, to find out the truth and prevent miscarriage of justice.

b 40. 'Witnesses' as Bentham said: are the eyes and ears of justice. Hence, the importance and primacy of the quality of trial process. If the witness himself is incapacitated from acting as eyes and ears of justice, the trial gets putrefied and paralysed, and it no longer can constitute a fair trial. The incapacitation may be due to several factors, like the witness being not in a position for reasons beyond control to speak the truth in the court or due to negligence or ignorance or some corrupt collusion. Time has become ripe to act on account of numerous experiences faced by the courts on account of frequent turning of witnesses as hostile, either due to threats, coercion, lures and monetary considerations at the instance of those in power, their henchmen and hirelings, political clouts and patronage and innumerable other corrupt practices ingeniously adopted to smother and stifle the truth and realities coming out to surface rendering truth and justice, to become ultimate casualties. Broader public and societal interests require that the victims of the crime who are not ordinarily parties to prosecution and the interests of the State represented by their prosecuting agencies do not suffer even in slow process but irreversibly and irretrievably, which if allowed would undermine and destroy public confidence in the administration of justice, which may ultimately pave way for anarchy, oppression and injustice resulting in complete breakdown and collapse of the edifice of rule of law, enshrined and jealously guarded and protected by the Constitution. There comes the need for protecting the witness. Time has come when serious and undiluted thoughts are to be bestowed for protecting witnesses so that the ultimate truth is presented before the court and justice triumphs and that the trial is not reduced to a mockery. Doubts are raised about the roles of investigating agencies. Consequences of defective investigation have been elaborated in *Dhanaj Singh v. State of Punjab*⁶. It was observed as follows: (SCC p. 657, paras 5-7)

g '5. In the case of a defective investigation the court has to be circumspect in evaluating the evidence. But it would not be right in acquitting an accused person solely on account of the defect; to do so would tantamount to playing into the hands of the investigating officer if the investigation is designedly defective. (See *Karnel Singh v. State of M.P.*⁷)

h 6 (2004) 3 SCC 654 : 2004 SCC (Cri) 851
7 (1995) 5 SCC 518 : 1995 SCC (Cri) 977

6. In *Paras Yadav v. State of Bihar*⁸ it was held that if the lapse or omission is committed by the investigating agency or because of negligence the prosecution evidence is required to be examined *a* de hors such omissions to find out whether the said evidence is reliable or not, the contaminated conduct of officials should not stand in the way of evaluating the evidence by the courts; otherwise the designed mischief would be perpetuated and justice would be denied to the complainant party.

7. As was observed in *Ram Bihari Yadav v. State of Bihar*⁹ if *b* primacy is given to such designed or negligent investigation, to the omission or lapses by perfunctory investigation or omissions, the faith and confidence of the people would be shaken not only in the law-enforcing agency but also in the administration of justice. The view was again reiterated in *Amar Singh v. Balwinder Singh*¹⁰.

41. The State has a definite role to play in protecting the witnesses, *c* to start with at least in sensitive cases involving those in power, who have political patronage and could wield muscle and money power, to avert trial getting tainted and derailed and truth becoming a casualty. As a protector of its citizens it has to ensure that during a trial in the court the witness could safely depose the truth without any fear of being haunted by those against whom he had deposed. Every State has a constitutional *d* obligation and duty to protect the life and liberty of its citizens. That is the fundamental requirement for observance of the rule of law. There cannot be any deviation from this requirement because of any extraneous factors like caste, creed, religion, political belief or ideology. Every State is supposed to know these fundamental requirements and this needs no retaliation (sic repetition). We can only say this with regard to the *e* criticism levelled against the State of Gujarat. Some legislative enactments like the Terrorist and Disruptive Activities (Prevention) Act, 1987 (in short 'the TADA Act') have taken note of the reluctance shown by witnesses to depose against people with muscle power, money power or political power which has become the order of the day. If ultimately *f* the truth is to be arrived at, the eyes and ears of justice have to be protected so that the interests of justice do not get incapacitated in the sense of making the proceedings before the courts mere mock trials as are usually seen in movies."

7. It is an established fact that witnesses form the key ingredient in a criminal trial and it is the testimonies of these very witnesses, which establish *g* the guilt of the accused. It is, therefore, imperative that for justice to be done, the protection of witnesses and victims becomes essential, as it is the reliance on their testimony and complaints that the actual perpetrators of heinous crimes during the communal violence can be brought to book. Vide an order

⁸ (1999) 2 SCC 126 : 1999 SCC (Cri) 104

⁹ (1998) 4 SCC 517 : 1998 SCC (Cri) 1085

¹⁰ (2003) 2 SCC 518 : 2003 SCC (Cri) 641

a dated 8-8-2003 in *NHRC v. State of Gujarat*¹¹, this Court regretted that “no law has yet been enacted, not even a scheme has been framed by the Union of India or by the State Government for giving protection to the witnesses”.

8. Further, in *Zahira Habibulla H. Sheikh v. State of Gujarat*¹² while transferring what is known as “*Best Bakery Case*”, to Mumbai vide its order dated 12-4-2004, this Court directed: (SCC p. 202, para 77)

b “77. ... The State of Gujarat shall also ensure that the witnesses are produced before the court concerned whenever they are required to attend that court. ... so that they can depose freely without any apprehension of threat or coercion from any person. In case, if any witness asks for protection, the State of Maharashtra shall also provide such protection as deemed necessary, in addition to the protection to be provided for by the State of Gujarat.”

c 9. The Law Commission in its Fourteenth Report (1958) referred to “witness protection”, but that was in a limited sense. That related to proper arrangements being provided in the court house, the scales of travelling allowance, their daily allowance, etc. The National Police Commission Report (1980) again dealt with the inadequacy of daily allowance for the witnesses, but nothing more.

d 10. The 154th Report of the Law Commission, 1996 contained a chapter on protection and facilities to witnesses. The recommendations mostly related to allowances and facilities to be made available for the witnesses. However, one of the recommendations was: “Witnesses should be protected from the wrath of the accused in any eventuality.” But, the Commission had not suggested any measure for the physical protection of witnesses. The
e 178th Report of the Law Commission, again, referred to the fact of witness turning hostile, and the recommendations were only to prevent witnesses from turning hostile. The Report suggested an amendment to insert Section 164-A to the Code. The Law Commission of India’s 198th Report has also voiced similar concerns and has categorically stated “it is accepted today that
f WIP is necessary in the case of all serious offences wherein there is danger to witnesses and it is not confined to cases of terrorism or sexual offences”.

g 11. Under the English Law, threatening a witness from giving evidence, is contempt of court. So also any act of threat or revenge against a witness after he has given evidence in court, is also considered as contempt. In 1994 the UK Government enacted a law known as the Criminal Justice and Public Order Act, 1994 which provides for punishment for intimidation of witnesses. Section 51 of the Act not only protects a person who is actually going to give evidence at a trial, but also protects a person who is helping with or could help with the investigation of a crime. Under a similar law in Hong Kong, Crimes Ord. (Cap. 200) HK, if the threat or intimidation is

h
11 (2008) 16 SCC 497 : (2003) 9 Scale 329
12 (2004) 4 SCC 158 : 2004 SCC (Cri) 999

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directed even as against a friend or relative of the witness that becomes a punishable offence.

12. In the United States, the Organized Crime Control Act, 1970 and later the Comprehensive Crime Control Act, 1984 authorised the witness security programme. The Witness Security Reform Act, 1984 provides for relocation and other protection of a witness or a potential witness in an official proceeding concerning an organised criminal activity or other serious offence. Protection may also be provided to the immediate family of, or a person closely associated with, such witness or potential witness if the family or person may also be endangered on account of the participation of the witness in the judicial proceeding. The Attorney General takes the final decision whether a person is qualified for protection from bodily injury and otherwise to assure the health, safety and welfare of that person. In a large number of cases, witnesses have been protected, relocated and sometimes even given new identities. The programme assists in providing housing, medical care, job training and assistance in obtaining employment and subsistence funding until the witness becomes self-sufficient. The Attorney General shall not provide protection to any person if the risk of danger to the public, including the potential harm to innocent victims, outweighs the need for that person's testimony.

13. A similar programme is in Canada under the Witness Protection Act, 1996. The purpose of the Act is "to promote law enforcement by facilitating the protection of persons who are involved directly or indirectly in providing assistance in law enforcement matters" [Section 3]. Protection given to a witness may include relocation, accommodation and change of identity as well as counselling and financial support to ensure the security of the protectee or to facilitate his becoming self-sufficient. Admission to the programme is determined by the Commissioner of Police on a recommendation by a law enforcement agency or an international criminal court or tribunal [Sections 5 and 6]. The extent of protection depends on the nature of the risk to the security of the witness, the value of the evidence and the importance in the matter.

14. The Australian Witness Protection Act, 1994 establishes the National Witness Protection Programme in which (amongst others) the Commissioner of the Australian Federal Police arranges or provides protection and other assistance for witnesses [Section 4]. The witness must disclose a wealth of information about himself before he is included in the programme. This includes his outstanding legal obligations, details of his criminal history, details of his financial liabilities and assets, etc. [Section 7]. The Commissioner has the sole responsibility of deciding whether to include a witness in the programme.

15. The Witness Protection Act, 1998 of South Africa provides for the establishment of an office called the Office for Witness Protection within the Department of Justice. The Director of this office is responsible for the protection of witnesses and related persons and exercises control over

- Witness Protection Officers and Security Officers [Section 4]. Any witness who has reason to believe that his safety is threatened by any person or group
- a or class of persons may report such belief to the investigating officer in a proceeding or any person in charge of a police station or the Public Prosecutor, etc. [Section 7] and apply for being placed under protection. The application is then considered by a Witness Protection Officer who prepares a report, which is then submitted to the Director [Section 9]. The Director, having due regard to the report and the recommendation of the Witness
 - b Protection Officer, takes into account the following factors, inter alia, [Section 10] for deciding whether a person should be placed under protection or not:
 - (i) The nature and extent of the risk to the safety of the witness or related person.
 - (ii) The nature of the proceedings in which the witness has given
 - c evidence or may be required to give evidence.
16. The importance, relevance and nature of the evidence, etc. in European countries such as Italy, Germany and Netherlands, the witness protection programme covers organised crimes, terrorism, and other violent crimes where the accused already know the witness/victim.
- d 17. But it would not be proper to give any general directions for witness protection. It would primarily depend upon the fact situation of each case. Practical difficulties in effectively implementing any witness protection scheme cannot be lost sight of. We are considering that aspect focusing on the fact situation of the present cases. The need for setting up separate victim and witness protection units in the trial of mass crimes has been
 - e acknowledged in the setting up of International Tribunals to deal with them. The International Criminal Tribunal for Rwanda has formulated rules for protection of victims and witnesses.
 - f 18. Similar provisions exist in the statute for the creation of an International Criminal Court (in short “ICC”). In most of the cases, witnesses are the victims of the crime. Most vulnerable amongst them are women and children. Under the existing system they are mere pawns in a criminal trial and there is very little concern for protecting their real interests. The protection is necessary so that there is no miscarriage of justice; but protection is also necessary to restore in them, a sense of human dignity.
 - g 19. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power was adopted by the United Nations General Assembly in Resolution 40/34 of 29-11-1985. According to the first paragraph of this Declaration, victims of crime are described as persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative in Member States, including those laws proscribing criminal
 - h abuse of power. It is they who need protection.

20. This is essential to obliterate the apprehension that the Public Prosecutor is not fair in court or is not conducting the prosecution in the proper manner. The State of Gujarat shall appoint Public Prosecutors in each of the cases in consultation with SIT which opinion shall be final and binding on the State Government. a

21. It needs to be emphasised that the rights of the accused have to be protected. At the same time the rights of the victims have to be protected and the rights of the victims cannot be marginalised. Accused persons are entitled to a fair trial where their guilt or innocence can be determined. But from the victims' perception the perpetrator of a crime should be punished. They stand poised equally in the scales of justice. b

22. In order to ensure that the trials are conducted in a fair manner and within the realm of protecting the rights of the victims it is important that the decorum of the court is maintained at all times. In order to balance the need for a public trial with the need to ensure that victims/witnesses are not intimidated within the courtrooms, it is necessary for the court to impose reasonable restrictions on the entry of persons into the courtroom. c

23. The role of Public Prosecutors in ensuring a fair trial is of paramount importance. This Court in *S.B. Shahane v. State of Maharashtra*¹³ had stressed on the desirability of separation of prosecution agency from investigation agency. It was observed that such Assistant Public Prosecutors could not be allowed to continue as personnel of the Police Department and to continue to function under the control of the head of the Police Department. The State Governments were directed to constitute a separate cadre of Assistant Public Prosecutors by creating a separate prosecution department making its head directly responsible to the State Government. d

24. Many Commonwealth countries like Australia have a Commonwealth Director of Public Prosecutions, which was set up by the Director of Public Prosecutions Act, 1983 and started operations in 1984. The nine States and territories of Australia also have their own DPPs. Ultimate authority for authorising prosecutions lies with the Attorney General. However, since that is a political post, and it is desired to have a non-political (public service) post carry out this function in most circumstances, the prosecutorial powers of the AG are normally delegated to DPP. However, in South Australia the AG may direct DPP to prosecute or not to prosecute. This is a very rare occurrence. It is common for those who hold the office of Commonwealth or State DPP later to be appointed to a high judicial office. e

25. In Canada, each province's Crown Attorney Office (Canada) is responsible for the conduct of criminal prosecutions. In Ontario, local Crown Attorney in the Criminal Law Division is in charge of criminal cases. Only British Columbia, Nova Scotia and Quebec (a Civil Code jurisdiction) have a Director of Public Prosecutions office. Recent legislation passed by Parliament split the conduct of federal prosecutions from the Department of Justice (Canada), and created the office of the Director of Public f

- Prosecutions (officially to be called as Public Prosecution Service of Canada). This legislation came into effect from 12-12-2006. The Director of Public Prosecutions of Hong Kong, China heads the Prosecutions Division of the Department of Justice, which is responsible for prosecuting trials and appeals on behalf of the Hong Kong Special Administrative Region, providing legal advice to law enforcement agencies, acting on behalf of the Secretary for Justice in the institution of criminal proceedings, and providing advice and assistance to bureaux and departments in relation to any criminal law aspects of proposed legislation. DPP is superintended by the Secretary for Justice, who is also accountable for the decisions of DPP.

- 26.** The Director of Public Prosecutions in the Republic of Ireland has been responsible for prosecution, in the name of the People, of all indictable criminal offences in the Republic of Ireland since the enactment of the Prosecution of Offences Act, 1974. Before 1974, all crimes and offences were prosecuted at the suit of the Attorney General. DPP may also issue a certificate that a case should be referred to the Special Criminal Court; a juryless trial court usually reserved for terrorists and organised criminals.

- 27.** In South Africa public prosecutions are conducted by an independent National Director of Public Prosecutions (NDPP). The NDPP is supported by a Chief Executive Officer, Marion Sparg, Deputies, Regional Directors of Public Prosecutions (DPPs) and several Special Directors. The National Director is also the head of the controversial Directorate of Special Operations (DSO)—commonly known as the Scorpions—which deals with priority and organised crime. In 2005, the unit instituted proceedings against the country's Deputy President, Jacob Zuma, leading to his dismissal.

- 28.** In England and Wales, the office of the Director of Public Prosecutions was first created in 1880 as part of the Home Office and had its own department from 1908. DPP was only responsible for the prosecution of a small number of major cases until 1986 when responsibility for prosecutions was transferred to a new Crown Prosecution Service with DPP as its head. He/she is appointed by the Attorney General for England and Wales. In Northern Ireland a similar situation existed, and DPP now heads the Public Prosecution Service for Northern Ireland.

- 29.** The Law Commission in 1958 had recommended that a Director of Prosecutions be set up having its own cadre, though this recommendation was not included in the Code then. Again in 1996 the Law Commission in its 154th Report identified as Independent Prosecuting Agency as one of the several areas within the Code which required redesigning and restructuring. The Law Commission supported most of the proposed amendments to the Code as contained in the proposed Code of Criminal Procedure Amendment Bill, 1994. Recommendations related to the structure of a Directorate of Prosecutions at the State-level, to be adopted by a State Government in the event it decided to set up a cadre of Prosecutors. The Law Commission further recommended that the structure of State-level Directorates of Prosecution be given statutory status through an amendment to the Code.

Despite the absence of such a requirement and inadequacy of the provisions in the Code a number of States mainly, Delhi, Andhra Pradesh, Bihar, Goa, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Orissa, Tamil Nadu and Uttaranchal, established a Directorate of Prosecution. a

30. By an amendment in 2006, Section 25-A was inserted in the Code, which categorically legislated for the creation of a Directorate of Prosecution in every State:

“25-A. *Directorate of Prosecution.*—(1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit. b

(2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

(3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State. c

(4) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.

(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8), of Section 24 to conduct cases in the High Court shall be subordinate to the Director of Prosecution. d

(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3), or as the case may be, sub-section (8), of Section 24 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of Section 25 shall be subordinate to the Deputy Director of Prosecution. e

(7) The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(8) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.” f

31. As noted above, the role of victim in a criminal trial can never be lost sight of. He or she is an inseparable stakeholder in the adjudicating process. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, was adopted by the General Assembly through Resolution 40/34 of 29-11-1985. Articles 4 and 5 of the abovementioned United Nations Declaration categorically states: g

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

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- a* 5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

32. The appointment of Prosecutors to these trials has to be made in consultation with SIT, whose opinion would be binding on the State Government.

- b* 33. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly through Resolution 40/34 of 29-11-1985 categorically through Section 6(b) provides:

“6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

- c* (b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system.”

- d* 34. In the United States of America, the existing Crime Victims Rights Act of 2004, categorically through Section 3771(4) from Chapter 237 provides for “the right to be heard at any public proceeding involving release, pleas or sentencing”.

35. This Court had held in *UPSC v. S. Papaiah*¹⁴ that a closure report by the prosecution cannot be accepted by the court without hearing the informant^{**}: (SCC p. 619, para 9)

- e* “9. ... ‘4. ... There can, therefore, be no doubt that when, on a consideration of the report made by the officer in charge of a police station under sub-section 2(i) of Section 173, the Magistrate is not inclined to take cognizance of the offence and issue process, *the informant must be given an opportunity of being heard so that he can make his submissions to persuade the Magistrate to take cognizance of the offence and issue process.* We are accordingly of the view that in a case where the Magistrate to whom a report is forwarded under sub-section (2)(i) of Section 173 *decides not to take cognizance of the offence and to drop the proceeding* or takes the view that there is no sufficient ground for proceeding against some of the persons mentioned in the first information report, *the Magistrate must give notice to the informant and provide him an opportunity to be heard at the time of consideration of the report.*” (emphasis in original)

This position was illuminatingly stated in *Abhinandan Jha v. Dinesh Mishra*¹⁵.

¹⁴ (1997) 7 SCC 614 : 1997 SCC (Cri) 1112

h ^{**} **Ed.:** Quoted from *Bhagwant Singh v. Commr. of Police*, (1985) 2 SCC 537 at p. 542 : 1985 SCC (Cri) 267 at p. 272, para 4.

¹⁵ AIR 1968 SC 117

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36. In *J.K. International v. State (Govt. of NCT of Delhi)*¹⁶ this Court had held that: (SCC p. 465, para 9)

A person at whose behest an investigation is launched by the police is not altogether wiped out of the scenario of the trial merely because the investigation was taken over by the police and the charge-sheet was laid by them. a

37. Since the protection of a witness is of paramount importance it is imperative that if and when any witness seeks protection so that he or she can depose freely in court, the same has to be provided. It is therefore directed that if a person who is examined as a witness needs protection to ensure his or her safety to depose freely in a court he or she shall make an application to SIT and SIT shall pass necessary orders in the matter and shall take into account all the relevant aspects and direct such police official/officials as it considers proper to provide the protection to the person concerned. It shall be the duty of the State to abide by the direction of SIT in this regard. It is essential that in riot cases and cases involving communal factors the trials should be held expeditiously. Therefore, we request the Hon'ble Chief Justice of Gujarat High Court to designate court(s) in each district where the trial of the cases concerned are to be held. The Designated Courts shall take up the cases in question. b

38. Taking into account the number of witnesses and the accused persons and the volumes of evidence, it is open to the High Court to designate more than one court in a particular district. Needless to say that these cases shall be taken up by the Designated Court on a day-to-day basis and efforts shall be made to complete the trial with utmost expedition. SIT shall furnish periodic reports if there is any further inquiry/investigation. The State of Gujarat shall also file a status report regarding the constitution of the courts in terms of the directions to be given by the Hon'ble Chief Justice of the High Court within three months. The matter shall be listed further as and when directed by this Court. c

39. It appears that in these petitions, which sought various reliefs including the transfer of some of the ongoing trials, and a reinvestigation/ further investigation into the various incidents on the basis of which charges had been filed in these trials, this Court, in the first instance, granted a stay of these ongoing trials. The matter was then heard from time to time and an order was then made on 26-3-2008¹ directing the establishment of SIT, and for a further investigation into these matters. The matters under investigation were those arising out of d

- (a) Crime No. 9 of 2002
- (b) Crime No. 100 of 2002
- (c) Crime No. 23 of 2002
- (d) Crime No. 98 of 2002
- (e) Crime No. 46 of 2002

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¹⁶ (2001) 3 SCC 462 : 2001 SCC (Cri) 547

- (f) Crime No. 67 of 2002
- (g) Crime No. 60 of 2002
- a (h) Crime No. 26 of 2002
- (i) Crime No. 27 of 2002

The reports of SIT, in respect of each of these cases have now been received.

- 40. We have considered the submissions made by Mr Harish N. Salve, learned amicus curiae, Mr Mukul Rohatgi, learned counsel for the State, Ms Indira Jaising and other learned counsel. The following directions are given presently:
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(i) Supplementary charge-sheets shall be filed in each of these cases as SIT has found further material and/or has identified other accused against whom charges are now to be brought.

- (ii) The conduct of the trials has to be resumed on a day-to-day basis keeping in view the fact that the incidents are of January 2002 and the trials already stand delayed by seven years. The need for early completion of sensitive cases more particularly in cases involving communal disturbances cannot be overstated.
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- (iii) SIT has suggested that the six “Fast Track Courts” be designated by the High Court to conduct trial, on a day-to-day basis, in the five districts as follows:
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- (i) Ahmedabad (Naroda Patia, Naroda Gam)
- (ii) Ahmedabad (Gulbarg)
- (iii) Mehsana (for two cases)
- (iv) Saabarkantha opened (British Nationale case)
- e (v) Anand
- (vi) Godhra train case (at Sabarmati Jail, Ahmedabad)

- (iv) It is imperative, considering the nature and sensitivity of these nominated cases, and the history of the entire litigation, that senior judicial officers be appointed so that these trials can be concluded as soon as possible and in the most satisfactory manner. In order to ensure that all concerned have the highest degree of confidence in the system being put in place, it would be advisable if the Chief Justice of the High Court of Gujarat selects the judicial officers to be so nominated. The State of Gujarat has, in its suggestions, stated that it has no objection to constitution of such “Fast Track Courts”, and has also suggested that this may be left to Hon’ble the Chief Justice of the High Court.
- f

- (v) Experienced lawyers familiar with the conduct of criminal trials are to be appointed as Public Prosecutors. In the facts and circumstances of the present case, such Public Prosecutors shall be appointed in consultation with the Chairman of SIT. The suggestions of the State Government indicate acceptance of this proposal. It shall be open to the Chairman of SIT to seek change of any Public Prosecutor so appointed if any deficiency in performance is noticed. If it appears that a trial is not proceeding as it should, and the Chairman of SIT is satisfied that the
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situation calls for a change of the Public Prosecutor or the appointment of an Additional Public Prosecutor, to either assist or lead the existing Public Prosecutor, he may make a request to this effect to the Advocate General of the State, who shall take appropriate action in light of the recommendation by SIT. a

(vi) If necessary and so considered appropriate SIT may nominate officers of SIT to assist the Public Prosecutor in the course of the trial. Such officer shall act as the communication link between SIT and the Public Prosecutor, to ensure that all the help and necessary assistance is made available to such Public Prosecutor. b

(vii) The Chairman of SIT shall keep track of the progress of the trials in order to ensure that they are proceeding smoothly and shall submit quarterly reports to this Court in regard to the smooth and satisfactory progress of the trials.

(viii) The stay on the conduct of the trials are vacated in order to enable the trials to continue. In a number of cases bail had been granted by the High Court/Sessions Court principally on the ground that the trials had been stayed. Wherever considered necessary, SIT can request the Public Prosecutor to seek cancellation of the bails already granted. c

(ix-i) For ensuring of a sense of confidence in the mind of the victims and their relatives, and to ensure that witnesses depose freely and fearlessly before the court, in case of witnesses following steps shall be taken: d

(a) Ensuring safe passage for the witnesses to and from the court precincts.

(b) Providing security to the witnesses in their place of residence wherever considered necessary, and e

(c) Relocation of witnesses to another State wherever such a step is necessary.

(ix-ii) As far as the first and the second is concerned, SIT shall be the nodal agency to decide as to which witnesses require protection and the kind of witness protection that is to be made available to such witness. f

(ix-iii) In the case of the first and the second kind of witness protection, the Chairman, SIT could, in appropriate cases, decide which witnesses require security of the paramilitary forces and upon his request same shall be made available by providing necessary security facilities.

(ix-iv) In the third kind of a situation, where the Chairman, SIT is satisfied that the witness requires to be relocated outside the State of Gujarat, it would be for the Union of India to make appropriate arrangements for the relocation of such witness. The Chairman, SIT shall send an appropriate request for this purpose to the Home Secretary, Union of India, who would take such steps as are necessary to relocate the witnesses. g

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(ix-v) All the aforesaid directions are to be considered by SIT by looking into the threat perception, if any.

a (x) SIT would continue to function and carry out any investigations that are yet to be completed, or any further investigation that may arise in the course of the trials. SIT would also discharge such functions as have been cast upon them by the present order.

b (xi) If there are any matters on which directions are considered necessary (including by way of change of Public Prosecutors or witness protection), the Chairman of SIT may (either directly or through the amicus curiae) move this Court for appropriate directions.

(xii) It was apprehension of some learned counsel that unruly situations may be created in court to terrorise witnesses. It needs no indication that the court shall have to deal with such situations sternly and pass necessary orders. SIT shall also look into this area.

c (xiii) Periodic three monthly reports shall be submitted by SIT to this Court in sealed covers.

41. List after four months.

(2009) 6 Supreme Court Cases 791

d (BEFORE TARUN CHATTERJEE AND H.L. DATTU, JJ.)

BASANTI PRASAD

.. Appellant;

Versus

CHAIRMAN, BIHAR SCHOOL

EXAMINATION BOARD AND OTHERS

.. Respondents.

e Civil Appeal No. 3564 of 2009[†], decided on May 14, 2009

A. Constitution of India — Art. 226 — Maintainability — Delay/laches — Condonation of delay where it is satisfactorily explained and in the meantime no third-party rights have been created — Held, High Court can consider the writ petition on merits — Termination order which was passed in 1992, challenged by employee's widow in 2007 after employee's conviction was set aside by appellate court — Maintainability of the challenge — Held, the employee or the widow could not have challenged termination order until the conviction which was the basis of termination order was set aside — Delay was therefore satisfactorily explained — Writ petition ought to have been entertained by High Court — However, the position would have been otherwise if termination had been the outcome of a departmental enquiry and termination was not challenged in time — In such a case, writ petition might have been dismissed on the ground of delay/laches — Service Law — Termination — Challenge to — Delay/laches

g B. Constitution of India — Art. 136 — Exercise of power — Final disposal when warranted — Remand — When not to be done — Poor widow fighting for about a decade to get service benefits of her husband — Quietus given to litigation by deciding the matter by Supreme Court itself — Service Law — Pension — Entitlement

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[†] Arising out of SLP (C) No. 9263 of 2008. From the Judgment and Order dated 12-7-2007 of the High Court of Judicature at Patna in LPA No. 521 of 2007

<u>Post Godhara Riot - 2002</u>								
List of cases which are not to be reopened								
Sr. No.	Distice	Police Station	C.R. No.	Sections and Acts	Name of Complainant	“A” Final approved again (Y / N) /Charge Sheeted ?	Remark's	Section Identifier
1	2	3	4	5	6	7	8	9
1	Ahmedabad City	Madhavpura	I-128/02	I.P.C 143.147.148.149324.302. 34.153(1) tqaa B.P.Act 135(1)	Mahendrabhai himmatlal parmar	Y		153(1)
2	Ahmedabad City	Madhavpura	I-143/02	I.P.C 143.147.149.153(1).324. B.P.Act135(1).	Rameshbhai juhaji thakor	Y		153(1)
3	Ahmedabad City	Madhavpura	I-157/02	I.P.C 143.147. 153(1) 326	Psi j.r.yak	Y		153(1)
4	Ahmedabad City	Madhavpura	I-159/02	I.P.C 143.147.149.148.325153 (1) B.P.Act135(1)	Allrakha gulamrasul dhobi	Y		153(1)

5	Ahmedabad City	Madhavpura	I-163/02	I.P.C 143.147.149.148.153 (1) .336. 427.436.295	Akbarbapu siddikbhai mubar	Y		153(1) & 295
6	Ahmedabad City	Madhavpura	I-168/02	I.P.C 143.147.149.148.153 (1) . 427.	Manharbhai Thakurbhai patel	Y		153(1)
7	Ahmedabad City	Madhavpura	I-187/02	I.P.C 143. 147. 153(1) . 149 395. 427 188 B.P.Act 135(1)	Abduljabbar ramjanji gori	Y		153(1)
8	Ahmedabad City	Madhavpura	I-188/02	I.P.C 143. 147.148 153(1) .436. 395. 188 B.P.Act 135(1)	Akbarbhai abdulajij shekh	Y		153(1)
9	Ahmedabad City	Madhavpura	I-189/02	I.P.C 143. 147. 153(1) . 149 395. 427 188 B.P.Act 135(1)	Aasif bachubhai vora	Y		153(1)
10	Ahmedabad City	Madhavpura	I-190/02	I.P.C 143. 147. 148 . 153(1) . 149 436 B.P.Act 135(1)	Mahomaad usmanbhai shekh	Y		153(1)

11	Ahmedabad City	Shaherkotda Police Sation	I-62/02	IPC 143, 147, 148, 149, 435, 336, 427, 295, 153, 188 BPA 135(1)	NASRUDIN MOHMAD HUSEN PRAMUKH GEBAN SHAH PUR AND MAGID	N		153 & 295
12	Ahmedabad City	Vejalapur	I-52//02	IPC Sections-143. 147. 148. 149. 337. 153(K). 255. 454. 427. 380. 307and B.P.ACT-135(1)	Shri sarkar tarfee PSI B.R.PATEL vejalpur police station	Y		153(K)
13	Ahmedabad City	Vejalapur	I-107/02	IPC Sections- 143. 147. 148. 151. 152. 153. 188. 436. 511 and B.P.ACT-135(1)	Shri sarkar tarfee PSI K.J.SONI Vejalpur police station	Y		153

14	Vadodara City	Panigate	I - 147-02	IPC 143, 147, 148, 149, 153 A, B, 295, 427, 188, B.P. Act 135, U/s. 3 of place of worship Act 1991	Aiyubbbhai Sulemanbhai Taidiwala, R/o. Laheripura New Road, Miya Abbas Khancha, Vadodara City.	Y		153(A) & 295
15	Vadodara City	Raopura	I - 36-02	IPC 143, 147, 148,149, 153 A, 427, 435, 436, 295, 188, B.P.Act 135	Mukeshbhai Haribhai Patel, R/o.Nandanva n Society, Part - II, F 7, Tarsali Ring Roa, Vadodara City.	Y		153(A) & 295
16	Vadodara City	Karelibaug	I - 48/02	IPC 143,147,149,153 K, 295,436, BPA 135		Y		153(K) & 295
17	Vadodara City	Karelibaug	I - 49-02	IPC 443, 147, 148, 149, 452, 436, 427, 395, 153(A),188 B.P.Act 135	P.I. V.D. Rathod Karelibaug Pst, Vadodara City.	Y		153(A)
18	Vadodara City	Karelibaug	I - 69/02	IPC 143, 147, 148, 149, 436, 153, 295,452, 427, BPA 135		Y		153 & 295

19	Vadodara City	Karelibaug	I- 50/02	IPC 143,147,149,153 (K), 188,452,436, BPA 135		Charge sheeted		153(K)
20	Surat City	Pandesara	I 37/2002	IPC 143,147,149,153(A),447, 188	PSI M.N.Valavy Pandesara Police Station Surat city	Y		153(A)
21	Surat City	Rander	I-66/2002	IPC 143,147,148,149,427,435 ,436,153(A) BPA - 135	SULEMAN MAHAMAD SHEKH	Y		153(A)
22	Surat City	Athawa	I-80/2002	IPC 143,147,149,,153(A)295, BPA 188	Vaghajibhai Poojabhae Solnki age-48 Resi-Badekha Chakla Pkhaliwad Hause 1/3058 Shanteswer mahadev Chal Surat	Y		153(A) & 295

23	Rajkot City	Pradhyuman nagar	I-112/2002	IPC 143, 146, 146, 147, 148, 149, 188, 153(A)	Police Sub Ins. B.D.Dangar Pranagar police station Rajkot city	Y		153(A)
24	Rajkot City	Pradhyuman nagar	I-113/2002	IPC 143. 146. 147. 149. 436. 188. 153(A)	Hanifbhai Umarbhai	Y		153(A)
25	Rajkot City	Pradhyuman nagar	I-115/2002	IPC 143. 147. 149. 436. 188. 153(A)	Saifudin Yahyabhai	Y		153(A)
26	Rajkot City	Pradhyuman nagar	I-116/2002	IPC 143. 146. 147. 149. 436. 188. 153(A)	Moiya Akbarali	Y		153(A)
27	Rajkot City	Pradhyuman nagar	I-117/2002	IPC 143. 146. 147. 149. 436. 188. 153(A)	Yusufbhai Abubakarbai	Y		153(A)
28	Rajkot City	Pradhyuman nagar	I-118/2002	IPC 143. 146. 147. 149. 436. 188. 153(A)	Basir Mahmad	Y		153(A)
29	Rajkot City	Pradhyuman nagar	I-119/2002	IPC 143. 146. 147. 148. 149. 436. 188. 153(A)	Ali Sagal Hasamudin	Y		153(A)
30	Rajkot City	Pradhyuman nagar	I-124/2002	IPC 143. 146. 147. 148. 149. 436. 188. 153(A)	Abbasbhai Hatimbhai	Y		153(A)

31	Rajkot City	Pradhyuman nagar	I-126/2002	IPC 143. 146. 147. 148. 149. 436. 188. 153(A)	Firoz Babubhai	Y		153(A)
32	Rajkot City	Pradhyuman nagar	I-130/2002	IPC 143. 146. 147. 149. 436. 188. 153(A)	Bahadursinh Vajubha	Y		153(A)
33	Rajkot City	Pradhyuman nagar	I-137/2002	IPC 143. 146. 147. 149. 436. 188. 153(A)	Mustufa Sarafali	Y		153(A)
34	Rajkot City	Pradhyuman nagar	I-155/2002	IPC 143. 146. 147. 148. 149. 436. 188. 153(A)	HAMID gulam Husain	Y		153(A)
35	Rajkot City	Gandhigram	I-82/02	IPC 436,143, 153(A)	Dilsha Hamirbhai Sadeki	Y		153(A)
36	Rajkot City	Gandhigram	I-95/02	IPC 436,143, 153(A)	Maheebub Umarbhai Mulaniya	Y		153(A)
37	AHMEDA BAD RURAL	Dholka	I - 21/2002	IPC 147, 148, 149, 435, 153	Bharatbhai Mangabhai Thakor	N		153
38	Ahmedabad Rural	Viramgam Twon	I -30/02	IPC 153(A), 369, 255, 427,		Charge Sheeted		153(A)

39	Vadodara Rural	Vadodara Taluka	I 29/02	IPC 143, 147, 148, 149, 436, 427, 295, 153(A) B.P.Act 135	Shri J.K.Jaiswal, II PSI Vadodara Taluka PS	Y		153(A) & 295
40	Vadodara Rural	Vadodara Taluka	I 31/02	IPC 143, 147, 148, 436, 427, 295, 153(A)	APC.Rameshbhai Zaverbhai, B.No.287 Vadodara Taluka PS	Y		153(A) & 295
41	Vadodara Rural	Vadodara Taluka	I 35/02	IPC 435, 427, 153(A)	Siraj Abdul Vohra, R/o.Aasoj Ta.Dit.Vadodara	Y		153(A)
42	Vadodara Rural	Vadodara Taluka	I 38/02	IPC 427, 435,436,153(A)	Pankajbhai Thakorbbhai Patel R/o.Aashoj Ta.Dist.Vadodara	Y		153(A)
43	Vadodara Rural	Varnama	I 24/02	IPC 143, 147, 395, 436, 427, 153(A)	Harunbhai Basirbhai Sindhi R/o. Karjan, Subhmangal Society Ta.Karjan	Y		153(A)

44	Vadodara Rural	Varnama	I 29/02	IPC 435, 436, 427,153(A)	Mutupadi Mutubir Krichene R/o.Diwalipura Ta.Dist.Vadodara	Y		153(A)
45	Vadodara Rural	Savali	I 17/02	IPC 143, 147, 148, 149, 435, 447, 427, 153(A)	Jasvantsinh Prabhatsinh Chauhan R/o. Bedhiya Ta.Kalol Dist. Panchmahal	Y		153(A)
46	Vadodara Rural	Savali	I 29/02	IPC 143, 149, 436, 188, 295, 153(A) B.P .Act 135	Shikandarmiya Hamidmiya Shikh R/o.Sihora bhagol, Savli	Y		153(A) & 295
47	Vadodara Rural	Pandu (Desar)	I 16/02	IPC 143, 147, 148, 149, 427, 436, 395, 153(A), 295	Shri J.J.Chudhri PSI Pandu (Desar)	Y		153(A) & 295
48	Vadodara Rural	Padara	I 49/02	IPC 436, 153(A)	Salimbhai Shakurbhai Meman R/o.Padra Ta.Padra	Y		153(A)

49	Vadodara Rural	Padara	I 53/02	IPC 143, 147, 148, 149, 427, 436, 153 (A), 120(B) B.P .Act 135	Isubbhai Ahemadbhai Malek R/o.Padra Town Ta.Padar	Y		153(A)
50	Vadodara Rural	Padara	I 54/02	IPC 143, 147, 148, 149, 436, 153(A), 295	PC Khanabhai Khengarbhai B.No.1888 Padara PS	Y		153(A) & 295
51	Vadodara Rural	Padara	I 55/02	IPC 436, 153(A)	Iqbal Abdulbhai Vohara R/o.Vorvad Padara Ta.Padra	Y		153(A)
52	Vadodara Rural	Padara	I 56/02	IPC 143, 147, 148, 149, 436, 153 (A), 427, 395, 295, 297, 395, 120(B) B.P.Act 135	Shri J.R.Chavda PSI Padara PS	Y		153(A) & 295
53	Vadodara Rural	Dabhoi	I 30/02	IPC 143, 147, 148, 435, 436, 295, 153(A) B.P.Act 135	Muzmil Abdulbhai Shikh R/o. Chanod Bazar Char Rasta Ta.Dabhoi	Y		153(A) & 295

54	Vadodara Rural	Dabhoi	I 31/02	IPC 147, 148, 435, 153(A), 295(A), B.P .Act 135	Gopalbhai Govindbhai Vasava R/o.Dabhoi Ta.Dabhoi	Y		153(A) & 295(A)
55	Vadodara Rural	Dabhoi	I 38/02	IPC 435, 436, 427, 153(A) B.P .Act 135	Rasulbhai Mohamadbbhai Pathan R/o. Karvan Ta.Dabhoi	Y		153(A)
56	Vadodara Rural	Dabhoi	I 39/02	IPC 427, 435, 153(A) B.P .Act 135	Nazmaben W/o. Rasulbhai Nurabbhai Mansuri R/o.Ten Talav Ta.Dabhoi	Y		153(A)
57	Vadodara Rural	Karjan	I 52/02	IPC143,147,148,149,452, 435,427,295, 336, 153(A) B.P .Act 135	Hamidabibi W/o Mahebubsha Ibrahimsha Diwan R/o.Kothav Ta.Karjan	Y		153(A) & 295
58	Chhotaudepur	Jetpur Pavi	I 17/02	IPC 143, 147, 149, 336, 435, 153(A), 188 BP ACT 135	Shri B.M.Vasava, PSI Jetpurpavi PS	Y		153(A)

59	Chhotaudepur	Jetpur Pavi	I 23/02	IPC 143, 147, 149, 436, 153(A)(1)(KH),	Abdul Rahim Basirbhai Ghor R/o.Nanakatwa Ta.Jetpurpavi	Y		153(A)(1)(KH)
60	Chhotaudepur	Jetpur Pavi	I 43/02	IPC 143, 147, 148, 149, 153(A), 295(A), 427,436, B.P.ACT 135	Niyaz Mohamad Amirbhai Mirza R/o. Shuskal Ta.Jetpurpavi	Y		153(A) & 295(A)
61	Chhotaudepur	Chhotaudepur	I 30/02	I.P.C. 323, 324, 153(A), 114 B.P.ACT 135	Abdul Husian Mohmad Husian Maniyar R/o.Jobat Dit.Jabua MP	Y		153(A)
62	Chhotaudepur	Chhotaudepur	I 32/02	I.P.C.147, 148, 149, 435, 436, 395, 153(A), 114	Samsuddin Ahemadamiya Malek R/o.Chhotaudepur Ta.Chhotaduepur	Y		153(A)

63	Chhotaudepur	Chhotaudepur	I 34/02	I.P.C.147, 149, 436, 153(A)	Haji Mustufa Abdul Gani Khatri R/o. Tejgadh Ta.Chhoatadue pur	Y		153(A)
64	Chhotaudepur	Chhotaudepur	I 35/02	I.P.C.147, 148, 149, 395, 427, 436, 153(A)	Abdul Razak Abdul Sattar Pathan R/o. Chhotaudepue Ta.Chhotaduep ur	Y		153(A)
65	Chhotaudepur	Chhotaudepur	I 36/02	I.P.C.436,153(A)	Ayubhai Ahemadbhai Adhi R/o.Chhotadue pur Ta.Chhoatudep ur	Y		153(A)
66	Chhotaudepur	Chhotaudepur	I 37/02	I.P.C.147, 148, 149, 395, 427, 436, 153(A)	AHC Rupchand Chajuram B.No.404 Police Head Quarter, Vadodara Rural	Y		153(A)

67	Chhotaudepur	Chhotaudepur	I 38/02	I.P.C.436,153(A)	Haquimkhan Hasadkhan Pathan R/o.Tejgadh Ta.Chhoataude pir	Y		153(A)
68	Chhotaudepur	Chhotaudepur	I 40/02	I.P.C.147, 148, 149, 395, 436, 153(A)	Haquimuddin Saifuddin Dehawatvala R/o.Bhilpur Ta.Chhoataude pir	Y		153(A)
69	Chhotaudepur	Chhotaudepur	I 41/02	I.P.C.143,147,148,435,43 6,153 (A),B.P.ACT.135	Shri M.K.Katariya, PI LCB Vadodara Rural	Y		153(A)
70	Chhotaudepur	Chhotaudepur	I 43/02	IPC.143, 147, 148, 149, 436, 295, 395, 336, 353, 153(A), B.P. Act.135	UHC Ramanbhai Ranchhodbhai B.No. 1651 Zhoj Outpost Chhotauepur PS	Y		153(A) & 295

71	Chhotaudepur	Chhotaudepur	I 45/02	I.P.C.395, 436, 429, 153(A)	Abdul Razak Ibrahim Foda R/o. Chhotaudepur Ta.Chhotaduepur	Y		153(A)
72	Chhotaudepur	Chhotaudepur	I 47/02	I.P.C.436,153(A) ,B.P.ACT.135	Samirali Hatamali Makrani R/o.Chhotaudepur Ta.Chhotaudepur	Y		153(A)
73	Chhotaudepur	Chhotaudepur	I 48/02	I.P.C.143, 147, 148, 149, 395, 427, 153(A)	Janmohamad Normohamad Makrani R/o. Chhotaudepur Ta.Chhotaudepur	Y		153(A)
74	Chhotaudepur	Chhotaudepur	I 49/02	I.P.C.147, 148, 149, 436, 153(A)	Sadikh Husian Ahemad Husin Shikh R/o.Chhotaudepur Ta.Chhotaudepur	Y		153(A)

75	Chhotaudepur	Chhotaudepur	I 51/02	I.P.C.147, 148, 149 436, 153(A) B.P.ACT.135	Manvarbhai Badharbhai Chauhan (Muslim) R/o.Jaloda Ta.Chhotaudepur	Y		153(A)
76	Chhotaudepur	Chhotaudepur	I 53/02	I.P.C.143, 147, 148, 149, 395, 427, 336, 436, 153(A) B.P.ACT.135	Shabirbhai Fakruddin Khokhra Vohra R/o.Chhotaudepur Ta.Chhotaudepur	Y		153(A)
77	Chhotaudepur	Chhotaudepur	I 55/02	I.P.C.147, 148, 149, 395, 435 153(A) B.P.ACT.135	Thavrbhai Bhurkabhai Rathwa R/o. Motizher Ta.Chhotaudepur	Y		153(A)
78	Chhotaudepur	Chhotaudepur	I 56/02	I.P.C.143, 147, 148, 149, 435, 153(A) B.P.ACT.135	Shirajkhan Lalkhan Pathan R/o.Station Road Chhotaudepur Ta.Chhotaduepur	Y		153(A)

79	Chhotaudepur	Chhotaudepur	I 62/02	I.P.C.143, 147, 148, 149, 336, 436, 188, 153(A)	Nazir Ahemad Gulam Rasul Somra R/o. Chhotaudepur Ta.Chhotaudepur	Y		153(A)
80	Chhotaudepur	Chhotaudepur	I 63/02	I.P.C.143, 147, 148, 149, 395, 427, 436, 153(A) B.P.ACT.135	Govindbhai Chhotabhai Shah R/o. Tejgadh Ta.Chhotaudepur	Y		153(A)
81	Chhotaudepur	Chhotaudepur	I 66/02	I.P.C.435,153(A)	Ranjitbhai Mangabhai Gorkha R/o.Chhotaudepur Ta.Chhotaudepur	Y		153(A)
82	Chhotaudepur	Chhotaudepur	I 69/02	I.P.C.143, 147, 148, 436, 427, 435, 153(A)	Mohamd Yusuf Abdulbhai Mala R/o. Chhotaudepur Ta.Chhotaudepur	Y		153(A)
83	Chhotaudepur	Chhotaudepur	I 72/02	I.P.C.147, 148, 395, 435, 436, 153(A)	Salimbhai Ganibhai Soni R/o.Shihada Ta.Kawant	Y		153(A)

84	Chhotaudepur	Chhotaudepur	I 76/02	I.P.C.143, 144, 145, 146, 147, 148, 149, 392, 395, 436,153(A)	ASI Chaganbhai Bhundabhai, B.No.1548 Tejgadh Outpost Chhoataudepur PS	Y		153(A)
85	Chhotaudepur	Chhotaudepur	I 89/02	I.P.C.436,188,153(A),324,B.P.ACT.135	Abbasbhai Shaifuddi Vohra R/o.Chhotadepur Ta.Chhotaudepur	Y		153(A)
86	Chhotaudepur	Chhotaudepur	I 102/02	I.P.C.436,153(A)	Masumbhai Basirbhai Chauhan R/o.Tejgadh Ta.Chhotaduepur	Y		153(A)
87	Chhotaudepur	Chhotaudepur	I 105/02	I.P.C.153(A)	ASI Chaganbhai Bhundabhai, B.No.1548 Tejgadh Outpost Chhoataudepur PS	Y		153(A)

88	Chhotaudepur	Chhotaudepur	I 109/02	I.P.C.153(A)	ASI Chaganbhai Bhundabhai, B.No.1548 Tejgadh Outpost Chhoataudepur PS	Y		153(A)
89	Chhotaudepur	Chhotaudepur	I 129/02	I.P.C.295, 435, 153(A)	Siraj Mohamad Normohamad Makrani R/o.Chhotaudepur Ta.Chhotaudepur	Y		153(A) & 295
90	Chhotaudepur	Naswadi	I 24/02	I.P.C. 143, 147, 148, 149, 153(A), 427, 436, B P Act 135	Khubanbhai Ibrahimbhai Towervala R/o.Naswadi Ta.Naswadi	Y		153(A)
91	Chhotaudepur	Rangpur	I 12/02	IPC-143, 436, 153(A)	Gulsingbhai Subhashbhai Harijan R/o.Rangpur Ta.Chhotaudepur	Y		153(A)

92	Chhotaudepur	Rangpur	I 13/02	IPC-143, 436, 153(A)	Amarsingbhai Mangaliyabhai Rathwa R/o.Jhodawat Ta.Chhotaudepur	Y		153(A)
93	Chhotaudepur	Rangpur	I 14/02	IPC-143, 436, 153(A)	Hasinali Abbasbhai Vohra R/o.Chisadiya Ta.Chhotaudepur	Y		153(A)
94	Chhotaudepur	Rangpur	I 15/02	IPC-143, 436, 153(A)	Kutbali Akbarali Vohra R/o.Rangpur Ta.Chhotaudepur	Y		153(A)
95	Chhotaudepur	Rangpur	I 16/02	IPC 143, 436, 153(A)	Saifuddin Akbarali Vohra R/o.Kumbhani Ta.Chhotaduepur	Y		153(A)

96	Chhotaudepur	Rangpur	I 20/02	IPC 143, 147, 149, 395, 436, 153(A)	Ajgarali Hajiali Mohamad Vohra R/o.Gunata Ta.Chhotaudepur	Y		153(A)
97	Chhotaudepur	Sankheda	I 18/02	IPC 143, 345, 435, 153(K)	Rafiyuddin Nasruddin Makrani R/o. Sardiya Ta.Shankheda	Y		153(K)
98	Chhotaudepur	Karali	I 7/02	IPC 143, 147, 149, 395, 436, 295, 153(A) B.P. ACT.135	ASI Laxmanbhai Mangalbhai, B.No.1209 Chalamli Outpost Karali PS	Y		153(A) & 295
99	Chhotaudepur	Karali	I 10/02	IPC 143, 147, 148, 149, 395, 436, 427. 153(A) B.P.ACT.135	ASI Laxmanbhai Mangalbhai, B.No.1209 Chalamli Outpost Karali PS	Y		153(A)
100	Chhotaudepur	Karali	I 12/02	IPC 143, 147, 148, 149, 435, 395, 436, 295, 427. 153(A) B.P.ACT.135	UHC Vithalbhai Bhayabhai B.No.1391 Karali PS	Y		153(A) & 295

101	Chhotaudepur	Kawant	I 11/02	IPC 153(A), 436, 427, 435 & B.P.Act 135	Shukhlal Mohanlal Rohit R/o.Kawant Ta.Kawant	Y		153(A)
102	Chhotaudepur	Kawant	I 13/02	IPC 143, 147, 148, 149, 153 (A), 427,436& B.P. Act 135	Shikandarbhai Hayatbhai Mirza R/o.Ashar Ta.Kawant	Y		153(A)
103	Chhotaudepur	Kawant	I 14/02	IPC 143, 147, 148, 149, 395, 153(A), 427, 436 B.P.Act 135	Doshmohamad Ishmilbhai Lafawala R/o.Kadipani Ta.Kawant	Y		153(A)
104	Chhotaudepur	Kawant	I 15/02	IPC 143, 147, 148, 149, 332, 337, 153(A),427, 436, 395 B.P.Act 135	UHC Dinubhai Shankarbhai, B.No.1680 Kawant PS	Y		153(A)
105	Chhotaudepur	Kawant	I 16/02	IPC 302, 201, 143, 147, 148, 149, 427, 506)2), 336, 341, 395, 436, 153(A), B.P.Act 135	Shri S.D.Damore, PSI Kawant PS	Y		153(A)

106	Chhotaudepur	Kawant	I 17/02	IPC 143, 147, 148, 149, 353, 395, 153 (A) , 427,436 B.P. Act 135	UHC Bipinbhai Raijibhai, B.No.1007 Kawant PS	Y		153(A)
107	Chhotaudepur	Kawant	I 18/02	IPC 143, 147, 148, 149, 295(A), 153 (A), 427, 436 B.P.Act 135	Mojibhai Ahemadali Daruwala R/o.Umthi Ta.Kawant	Y		153(A) & 295(A)
108	Chhotaudepur	Kawant	I 19/02	IPC 143, 147, 148, 149, 153(A), 436, 395, B.P.Act 135	Firozbhai Alihusain Vohra R/o.Kawant Ta.Kawant	Y		153(A)
109	Chhotaudepur	Kawant	I 28/02	IPC 143, 147, 148, 149, 188, 435, 295(A), 395, 153(A), 427, 436, 188 & B.P.Act 135	Shri S.D.Damore, PSI Kawant PS	Y		153(A) & 295(A)
110	Chhotaudepur	Kawant	I 55/02	IPC 143, 147, 148, 149, 153(A), 337,338 & B.P.Act 135	Hasanbhai Suleman Soni R/o. Panvad Ta.Kawant	Y		153(A)

111	W.Railway Vadodara	Vadodara Rly. Police Station	I 32/02	U/s 302,307,324,147,148, 149, 153(A) of IPC & 135 of B.P. Act	Shri L.B.Bariya, PSI, Vadodara Railway PS	Y		153(A)
112	W.Railway Vadodara	Anand Railway Police Station	I 01/02	U/s 302, 324, 325, 337, 323, 114, 153(A).of IPC & 135 of B.P. Act	Abdul Aziz Kalubhai Masita Bhisti Shikh R/o.Anand Near Water Tank	Y		153(A)
113	W.Railway Ahmedabad	Sabarmati Rly. Police Station	I 05/02	U/s 147,148,149,436,153 (A), 295, 395, 427 of IPC and U/s 135(1) of B.P. Act	ASI Gandabhai Nathaji, B.No.644 Sabarmati Railway PS	Y		153(A) & 295
114	W.Railway Ahmedabad	Sabarmati Rly. Police Station	I 06/02	U/s 147,148,149,436,427, 153 (A) of IPC and U/s 135(1) of B.P. Act	ASI Marutsinh Raijibhai, B.No.967 Sabarmati Railway PS	Y		153(A)

115	W.Railway Ahmedabad	Sabarmati Rly. Police Station	I 07/02	U/s 302, 147,148,149,436, 435, 427, 153 (A), 295, 452 of IPC and U/s 135(1) of B.P. Act	Jayantilal Bansilal Bhavsar, R/o. Juna Acher Sabarmati Ahmedabad	Y		153(A) & 295
116	W.Railway Ahmedabad	Ahmedabad Rly. Police Station	I 50/02	U/s 324, 153 (A), 114 of IPC and U/s 135(1) of B.P. Act	Darayes Karehashya Bharuch (Parsi) R/o.Aleshwari ya Blcok Khanpur, Ahmedabad	Y		153(A)
117	Vadodara Rural	Dabhoi	I 37/02	IPC 143,147,435,427,153(A), 395		Charge Sheeted		153(A)
118	Vadodara Rural	Jetpur	I 12/02	IPC 143,144, 147,395,436, 153(A) B.P.Act 135		Charge Sheeted		153(A)
119	Vadodara Rural	Jetpur	I 20/02	IPC 141,143,148,435,436,337 ,153(A),B,337,532,553, BPA 135		Charge Sheeted		153(A)

120	Vadodara Rural	Jetpur	I- '28/02	IPC 143,147,148,149,504,153 (A),B,120B,435,436,427		Charge Sheeted		153(A)
121	Vadodara Rural	Kavant	I 10/02	IPC 143, 147, 148, 149, 153(A), 337, 452, 427, BP Act 135		Charge Sheeted		153(A)
122	Vadodara Rural	Kavant	I 12/02	IPC 153(A), 436, 427.		Charge Sheeted		153(A)
123	Vadodara Rural	Kawant	I- '21/02	IPC 143, 148,149,332 153(A)435, 436, 427 B.P.Act 135		Charge Sheeted		153(A)
124	Vadodara Rural	Kawant	I- '25/02	IPC 143,147 148,149, 153(A), 435, 436, 427 B.P.Act 135		Charge Sheeted		153(A)
125	Vadodara Rural	Kavant	I 31/02	IPC 143,147,148,149, 436,395,427,153 (A) BPAct 135		Charge Sheeted		153(A)

126	Vadodara Rural	Chota Udepur	I 50/02	IPC 143,457,380,427,436,153 (A)		Charge Sheeted		153(A)
127	Vadodara Rural	Chota Udepur	I 58/02	IPC 436,153(A)		Charge Sheeted		153(A)
128	Mahisagar	Lunavada	I 30/02	Ipc 143,147, 148,149,436,427,188,120 (b) 153(a),295 BP Act 135	Shri Kutubbbhai Nomanbhai Boriyawala R/o. Huseni chock Lunawada dist-Mahisagar	Y		153(A) & 295
129	Mahisagar	Ditvas	I 29/02	Ipc 395,398,436,120(B),153((A),BPAct.135	Shri Ibrahim Abdulrahim Sheikh R/o.Velanvada Ta- Kadana, dist-Mahisagar	Y		153(A)
130	Dahod	Fatepura	I 39/02	Ipc 143,147,148,149,395,435 ,436,188,153(A),BPA 135	Shri V.J. Kataara CPI. Zalod Camp Sukhasar	Y		153(A)
131	Dahod	Fatepura	I 40/02	Ipc 143,147,148,149, 395,435, 436,336,188,153(A), BP Act 135	Shri V. J. Katara CPI. Zalod Camp Sukhasar	Y		153(A)

132	Dahod	Fatepura	I 43/02	Ipc 143,147,336,337,395,435 ,436,427,148,149,153(A) ,188 BPA,135	Shri Shavajibhai Bijiyabhai Damor R/o.Mota Sarniya Ta.Santarampu r	Y		153(A)
133	Panchmahal	Kalol	I 36/02	IPC 143,147,148, 149,427,335,436,302,153 K, 295,323, 504,506,(2), B.P.Act 135		Charge Sheeted		153(K) & 295
134	Panchmahal	Kalol	I 42/02	IPC 143, 147,148, 149, 435,436, 427, 395,397, 153(A) & U/s 135 of BPACT		Charge Sheeted		153(A)
135	Panchmahal	Kalol	I 60/02	IPC 143,147,148, 149,341,325,153(K),302, 376,120B, B.P.Act 135		Charge Sheeted		153(K)

136	Panchmahal	Kalol	<i>I 222/03</i>	IPC 143,147,148, 149,302,201,153(K)B.P. Act 135		Charge Sheeted		153(K)
137	Panchmahal	Kalol	<i>I 223/03</i>	IPC 143,147,148, 149,302,201,153(K)B.P. Act 135		Charge Sheeted		153(K)
138	JUNAGAD H	MANAVADAR	I-07-2002	IPC SEC.447, 153, 295, 297,	UMRASA @ ALABHAI KASAMSA FAKIR AGE.65 R/O SARDARGA DH	Y		153 & 295
139	JUNAGAD H	MANAVADAR	I-08-2002	IPC SEC. 295, 297, 153,	GIGASA KARASA SARVADI FAKIR AGE 60 R/O MANAVADA R PATEL CHOWK	Y		153 & 295

140	JUNAGAD H	MANAVADAR	I-21-2002	IPC SEC. 295, 297, 153,	HUSHEN HASAM THEBA GAMETI AGE 50 R/O MANAVADA R NEAR DENA BANK	Y		153 & 295
141	Bhavnagar	B -DIV Bhavnagar	I/53/2002	IPC Sec 147.148.149 151.153.353.307. 453.188 BP Act 135 .	jitendrabhai kantilal arme pc HQ Bhavnagar	Y		153
142	East Kutch, Gandhidham	Gandhidham A Divi.	I - 114/ 2002	IPC 447,436, 153(A), 188	Jumabhai Ibrahimbhai Rayma, Resi.House No. 136, 137 Jay Jogani Society, Bharat Nagar, Gandhidham.	Y		153(A)
143	Banaskantha	Dhanera	I - 41/2006	IPC 143, 435, 153(A), 188 B.P.Act-135	YASINBHAI KALUBHAI SHEKH R/o. Jadi, Ta.Dhanera	Y		153(A)

144	Patan	Chanasma	I - 34/02	IPC 143,147, 149,436, 427, 295(K), 153(A) BPA 135		Charge Sheeted		153(A) & 295
145	Mahesana	Vasai	I 33/02	IPC 147,149,395,253(a),153(A), 436,506(2),504		Charge Sheeted		153(A)
146	Rajkot Rural	Morbi City	I- 47/02	IPC 143 144 149 323 324 427 295				295
147	Rajkot Rural	Morbi City	I 48/02	IPC 143 147 148 435 436 427 295 B P Act 135				295
148	Ahmedabad City	Madhavpura	I-73/02	I.P.C 143427.295	Mohammadali hali saiyad	Y		295
149	Ahmedabad City	Madhavpura	I-90/02	I.P.C 143147.149.427436.295. 452	Fakrudinh najirahemd	Y		295
150	Ahmedabad City	Madhavpura	I-109/02	I.P.C 143147.149.452427.436. 295	Hafijsakil ahemad matiullasulema n Ansari	Y		295

151	Ahmedabad City	Gomtipur	I-67/02	IPC 143, 147, 149, 436, 336, 53(A), 188, 295	HehamadAli Akbarali saiyad Re: Mariyambibi Masgid, Gomtipur	Y		295
152	Ahmedabad City	BAPUNAGA	I-84/02	IPC 143,147,148,149, 295, 427 BP ACT 135(1)	OMPRAKAS H BHAGVAN GOSWAMI ADD. VISHWANAT H MAHADEV NI CHALI SONI NI CHALI BAPUNAGA R	Y		295
153	Vadodara City	Panigate	I - 116-02	IPC 143, 147, 148, 149, 436, 395, 295, 427, 188, B.P.Act 135	Ganimiya Najumiya Malek, R/o. Gajrawadi, Opp. Old Police Chowki, Vadodara City.	Y		295
154	Vadodara City	Panigate	I - 153-02	IPC 143, 147, 148, 149, 152, 295, 336, B.P.Act 135	PI Shri H. G. Baria, Panigate P. Stn. Vadodara City	Y		295

155	Vadodara City	Wadi	I - 34-02	IPC 143, 147, 148, 149, 436, 427, 395, 295, 188, B.P.Act 135	SRP PC Sunil Pandurang Pol, B.No.12, Gr.12 F Company, Gandhinagar	Y		295
156	Vadodara City	Makarpura	I - 103/02	IPC 143, 147, 148,427,436,454,380,295 ,BPA 135		Y		295
157	Vadodara City	Karelibaug	I - 81-02	IPC 143, 147, 148, 149, 336, 337, 395, 435, 436, 427, 451,295, 188, B.P.Act 135	PSI Shri G.P.Vaghela, Karelibaug P.Stn., Vadodara City	Y		295
158	Surat City	Athawa	I-46/200	2 IPC 143,147,148,149,395,295 ,427	Mahamad Hanif sarafuddin shekh Resi-Nanapura banarasi mahollo, Machhivad Masjid in Gali , house No. 1/2464 surat	Y		295

159	Surat City	Athawa	I-47 /2002	IPC 143, 147,148,436295 BPA135	Mohammad Javed Gulam Nabi shekh Resi- Sakil chembars flet No. 5, B/H old sivil hospital chok bajar surat	Y		295
160	Rajkot City	Gandhigram	I-85/02	IPC 295,427, 114	Abdumajid Abumiya Saiyad	Y		295
161	Rajkot City	Malaviyanagar	I-57/02	#####	PSI CHANIYA	Y		295
162	AHMEDA BAD RURAL	Dholka	I - 13/2002	IPC 147, 148, 149, 323, 324, 326, 436, 295, 337, 302, B.P.Act 135	UPC Aswinkumar Sivabhai B.No. 1061	N		295
163	AHMEDA BAD RURAL	Viramgam Rural	I - 15/2002	IPC 295, 427	PSI H.J.Chauhan	N		295
164	Anand	Anand Rural	I 65/02	IPC Act 147, 148, 149, 436, 295, 326 BPAAct 135	Hasanali Mahammadali Khatri R/o. Boriyavi	Y		295

165	Anand	Khambholaj	I. 88/02	IPC Act 147, 148, 149, 436, 295, BPAct 135	Sikandarmiya Manumiya Malek R/o. Kunjrav	N		295
166	Anand	Mahelav	I. 23/02	IPC Act 143, 147, 149, 427, 436, 295, BPAct 135	Ismail Nabiji Vahora R/o. Ramol Ta. Petlad	N		295
167	Anand	Mahelav	I. 25/02	IPC Act 143, 147, 149, 295, 436, 427, BPAct 135	Jaheruddin Imauddin Malek R/o. Bandhani	N		295
168	Anand	Mahelav	I. 26/02	IPC Act 143, 147, 149, 295, 437, BPAct 135	Inayatbhai Adambhai Vahora R/o. Padgol Ta. Petlad	N		295
169	Anand	Mahelav	I. 27/02	IPC Act 143, 147, 149, 295, 436, 427, BPAct 135	Satarbhai Rasulbhai Vahora	N		295
170	Anand	Anklav	I. 26/02	IPC Act 143, 147, 149, 195, 295, 436, 427, 337, BPAct 135	ASI Saburbhai Chhaganbhai B.N. 850 Anklav Pstn.	N		295

171	Anand	Bhadran	I. 16/02	IPC Act 143, 295, 427, BPAAct 135	Maganbhai Velabhai Rabari R/o. Jiravad, Bhadran	N		295
172	Anand	Bhadran	I. 19/02	IPC Act 143, 295, 427, BPAAct 135	Iliyasbhai Karimbhai	N		295
173	Kheda- Nadiad	Matar	I. 43/02	U/s. 143, 295, 436, 435, 427, 457, IPC & B.P. Act. 135	Takhatsinh Amarsinh Mahida R/o. Lawal	N		295
174	Kheda- Nadiad	Matar	I.47/02	U/s. 143, 435, 457, 336, 295, 427, IPC & B.P. Act. 135	Sabbirbhai Ishmailbhai Javaiya R/o. Nr. Bus Stop Nayka	Y		295
175	Kheda- Nadiad	Matar	I. 64/02	U/s. 143, 436, 435, 295, 427, IPC & B.P. Act. 135	Sabbirsha Akabarsha Diwan R/o.Hariyala	Y		295
176	Kheda- Nadiad	Mahudha	I. 24/02	U/s. 147, 149, 436, 295, 452, 506(2), IPC & B.P. Act. 135	Kashambhai Matbarbhai Malek R/o. Chunel	Y		295
177	Kheda- Nadiad	Kheda town	I. 7/02	U/s. 143, 147, 148, 149, 436, 295, IPC & B.P. Act. 135	UHC. Jivabhai Somabhai B.N. 1181 Kheda Town Pstn	Y		295

178	Kheda-Nadiad	Kathlal	I. 31/02	U/s. 143, 147, 148, 149, 120-B, 395, 398, 295(A) IPC & B.P. Act. 135	Ayubbbhai Hazi Ishmailbhai Vahora, R/o. Chhipadi	Y		295(A)
179	Kheda-Nadiad	Kapadwanj rrual	I. 26/02	U/s. 143, 427, 295 IPC	UPC Ranjitsinh Parvatsinh Kapawaj Rural Pstn.	Y		295
180	Kheda-Nadiad	Attarsumba	I. 6/02	U/s. 147, 148, 149, 436, 294, 295 IPC and B.P.Act. 135	PSI Shri V.P.Gohil, Attarsumba Pstn.	Y		295
181	Ahmedabad Rural	Kanabha	I - 31/02	IPC 147, 149, 436, 435, 427, 295 & 135 of BP ACT		Charge Sheeted		295
182	Vadodara Rural	Padara	I 91/02	IPC 295, 297, 436, 427, 114	Rameshbhai Amarsinh Vaghela R/o. Jaspur Ta.Padra	Y		295
183	Panchmahal	Godhra Taluka	I.- 59/02 .	U/s 143, 147, 148, 149, 435, 436, 395, 295, 120B of IPC & 135 of B.P.Act.	Ahemad Husen Ibrahim Sujela R/o. Meda Plot Godhra Per. Add.:- Samli	Y		295

184	Panchmahal	Jambughoda	I-16/02	U/s 448, 295, 427 of IPC	Vikramsinh Digvijaysinh Rana R/o.Jambugho da Palace	Y		295
185	Mahisagar	Kothamba	I 15/02	Ipc 143,147,148,149,295, 395, 427,436,120 (b) ,429	Shri Hayderbhai GafuarBhai Malek R/o. Bethiya Ta- Lunawada dist-Mahisagar	Y		295
186	Mahisagar	Kothamba	I 21/02	Ipc 143,147,148,149,395,435 ,436,427,429,295,120(B) , BP Act 135	Shri Amarsinh kodarbhai ASI B,No.998 Kothamba Ps. dist-Mahisagar	Y		295
187	Mahisagar	Santarampur	I 49/02	Ipc 395,435,436,427,120(B), 295, BPAct.135	Shri Abdulhaqim Abdualmajid Patel R/o.Lunavada. Ta. Lunavada. dist-Mahisagar	Y		295

188	Mahisagar	Santarampur	I 50/02	Ipc 395,435,436,427,120(B), 295, BPAct.135	Shri Saifudin Taherali Vora R/o. Nani Sharsan. Ta.Santarampu r. dist- Mahisagar	Y		295
189	Mahisagar	Santarampur	I 52/02	Ipc 143,295,120(B), BPAct.135	Shri Mahammad Rafik Abdul Sattar Sheikh, R/o. Santrampur. Ta.Santarampu r. dist- Mahisagar	Y		295
190	Mahisagar	Balasinor	I 30/02	IPC 447,435, 427, 295	ABDULGANI MAHMMAD BHAI SHAIKHAT BALASINOR TLAVDARV AJA	Y		295
191	Dahod	Limkheda	I 47/02	Ipc 143,147,148,149,302 435,436,295(A)	Shri Anopshia Valjibhai B.No.1502 A.S.I. Bandibar OP Limkheda P.S.	Y		295(A)

192	Dahod	Limdi	I 23/02	Ipc 147,148,149,435, 436, 395,427,295(A)	Shri Hajihquimudin Hasanbhai Sathliya R/o Kalimahudi Di.Dahod	Y		295(A)
193	Dahod	Zalod	I 33/02	Ipc 147,148,149,435, 436, 395,397,336,427,295 (A) Arms Act,25(1) A,B BP Act 135	Shri Aqbarali Tiybaali Nurbhaiwala R/o Sanjeli Ta.Zalod	Y		295(A)
194	Valsad	Valsad Rural	I-27/2002	IPC 143,147,295,427 BP.Act 135	Hajratbhai kasambhai Shaikh add.Kakvadi village masjid faliya	Y		295
195	Valsad	Umargam	I-76/2002	IPC 295,427	Kasam mahomad Shandan add. Fansa umargam	Y		295

196	Rajkot Rural	Upleta	I-24/2002	u/s 143, 147, 148, 324, 337, 427, 504, 436, 295, 114 of IPC & u/s 135 Of B.P.A.	Raheman Ebrahimhai Pinjara R/o. Kolki Tehsil:- Upleta	Y		295
197	Rajkot Rural	Patanvav	I-04/2002	u/s 143, 147, 148, 436, 427, 295, 114 of IPC & u/s 135 Of B.P.A.	Umarbhal AKA Babubhai Nurmahamad Meman, R/o. Moviya TehGondal	Y		295
198	Rajkot Rural	Gondal Taluka	67 / 02	IPC 143 , 295(A) , 436, Atrocity Act. 3(2) 3		Charge Sheeted		295(A)
199	JUNAGAD H	BANTVA	I-05-2002	IPC SEC. 295, 427	M.P.BHOJAN I PSI BANTVA	Y		295
200	GIR SOMNATH	Kodinar	I-27/2002	I.P.C.436,143,295, 435,427	Mr. R.B Ninama PSI Kodinar	Y		295
201	GIR SOMNATH	Kodinar	I-30/2002	I.P.C.143,147,148 ,427,295 ,436 B.P.ACT 135	Faruk ibrahem sorathiya meman Age; 30 add.pipliya dharna	Y		295

202	GIR SOMNATH	Kodinar	I-32/2002	I.P.C.143,147,148 ,427,295 ,436	Faruk abdula panavadhu meman age. 28 add. Aranej	Y		295
203	GIR SOMNATH	Talala	I-23/2002	I.P.C.143,147,149,153(3) ,295,506(1),186,BPACT 135	Rajnikant jamanbhai sanghani Patel age. 18 Vadala	Y		295
204	Bhavnagar	Ghogha	I/17/2002	Ipc 143-427-435-295- 451	Pirbhai Mahmadbhai Qureshi Add- bhavnagar	Y		295
205	West Kachhch Bhuj	Bhuj Taluka	I - 94 /2002	IPC 295, 447	Narshi Mangalbhai Rabari ,Age-60 R/o Lodai village Ta.Bhuj	Y		295
206	East Kutch, Gandhidha m	Anjar	I - 64/ 2002	IPC 295, 295(A), 297, 427	Mithu Abha Sameja Age 59 Resi.Khara Pasavariya Tal.-Anjar	Y		295 & 295(A)

207	Patan	Patan Taluka	I - 31/02	IPC 447, 379, 427, 435, 436, 295 (K),115	SAIYAD FIDA MOHAMAD MIYA MUSTUFA MIYA R/O PADI TA. PATAN	Y		295
208	Patan	Harij	I - 21/02	IPC 147,148, 149,406, 427, 295(k)	PATHAN JIVABHAI SAHEBKHAN R/O SOKARA TA.HARIJ	Y		295
209	Patan	Patan city	I - 37/02	IPC 143,436, 427,188, 454,380, 295(K)	HC DHANJIBHAI DEVAJIBHAI B.N.273 PATAN CITY PST	Y		295
210	Patan	Chanasma	I - 27/02	IPC 147,148, 149,436, 295(K), 336,427,BPA 135	HC .PUNJABHAI SANKARBH AI B.N.273 CHANSMA PST	Y		295

211	Gandhinagar	Kalol City	I- 30/2002	IPC 147,148,427,188,295, BP Act-135	Police Inspector Shree R.A.Patel Kalol City p.s. Distict- Gandhinagar	Y		295
212	Gandhinagar	MANSA	I - 24/2002	IPC - 143,147, 447, 148, 149, 427, 295, 153C, Bp Act - 135	KHANUBEN W/OF HANIFBHAI AJMERI AT- KHARNA	Y		295
213	Gandhinagar	Dahegham	I - 40/2002	IPC - 143 , 147, 148 , 149 , 435, 427, 295 BP Act- 135	Kalumiya Abdulmiya malek R/o Bahiyal, Taluka Dahegam Dist- Gandhinagar.	Y		295
214	Gandhinagar	Dahegham	I - 65/2002	IPC - 143 , 147, 148, 149, 435, 295, BP Act- 135	Ahemadkhan Sardarkhan Pathan R/o Karoli	N		295
215	Gandhinagar	Pethapur	I - 52/2002	IPC - 427, 335, 295 BP Act- 135	Rajubhai Gafurbhai Mansuri	Y		295
216	Mahesana	Kadi	I. 62/02	IPC 147,148,436, 295,188 B.P. Act 135	A. PC Kantibhai Dahyabhai , 2010	Y		295

217	Mahesana	Kadi	I. 73/02	IPC 427,295,114, B.P. Act 135	Ghanchi Darveshbhai Daudbhai R/O. Kadi	Y		295
218	Mahesana	Kadi	I. 75/02	IPC 295,427,114, B.P. Act 135	Mansuri Usmangani Mohmadbhai R/O. Kadi	Y		295
219	Mahesana	Meh- A Divi	I. 70/02	IPC 147,148,149,436,295,323 , B.P. Act 135	ASI Fatesinh Rabhuji , Meh, PSTN	Y		295
220	Mahesana	Vijapur	I. 110/02	IPC 457,143, 436,295(3), B.P. Act 135	UPC Ramanlal Kantilal Vijapur PSTN	Y		295
221	SABARKA NTHA	A DIVISION	I-88/2002	IPC U/S 143 295 427 435 BP ACT 135	ABADUL RAHIM HAJIR IBRAHIM HASANJI	Y		295
222	SABARKA NTHA	A DIVISION	I-160/2002	IPC U/S 435 427 295	ABDULRAHI M HAJI ISMAIL HASANJI	Y		295
223	SABARKA NTHA	GAMBHOI	I-14/2002	IPC- ,147,148,436,395,295,42 7,457,380,	SADIKBHAI USMANBHAI MANASURI ADD.AGIYO L	Y		295

224	SABARKA NTHA	GAMBHOI	I-20/2002	IPC- ,147,148,454,457,427,38 0,435,295	ABDULRAFI K ABDULKARI M MANI ADD.BERAN A	Y		295
225	SABARKA NTHA	IDAR	I-43/2002	IPC-454,457,280,295 ,427	GAFURABH AI HAJIBHAI MEMAN	Y		295
226	SABARKA NTHA	IDAR	I-46/2002	IPC- 143,147,148,295,427 B.P.ACT-135	FAKIR MAHMAD AMIBHAI MANSURI	Y		295
227	SABARKA NTHA	IDAR	I-55 /2002	IPC 147,148,435,427,295 ,34 B.P.ACT-135	MAHAMAD HUSEN USMANBHAI MEMAN	Y		295
228	Arvalli	MODASA RURAL PO.STE	I.37/02	IPC ACT 147,148,427,436,295,, MUJAB	SHREE SIKANDARB HAI SIDIKABHAI MANSURI AT- MEDHASAN	Y		295
229	Arvalli	SHAMLAJI	I -36/02	IPC Act. 295, 147, 148, 436, 34	Shri D.M.JADEJA P.S.I. Shamlaji Po.Ste.	Y		295

230	Arvalli	Megharaj	I-90/2002	i.p.c se. 295 b ,466,435,134,427,	Sabibakhan mahammd khan At.sisodara (meghae)	Y		295
231	Arvalli	BHILODA	I.40/2002	IPC147,148,149,332,435, 436, 395,295, ,188,etc	Shree M.V.ZALA PSI BHILODA	Y		295
232	Arvalli	Bhiloda	I 95/02	IPC 147, 148, 436, 435, 295(a), B.P. Act 135		Charge Sheeted		295(A)