

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL APPELLATE/ORIGINAL JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO.7951 OF 2002

VIRAJ TRA DESAI

Petitioner

VERSUS

STATE OF GUJARAT & ORS.

Respondents

WITH

TRANSFER PETITION (CRIMINAL) NO.194-202 OF 2003
SPECIAL LEAVE PETITION (CRIMINAL) NO.2833 OF 2015
WRIT PETITION (CRIMINAL) NO.37-52 OF 2002
WRIT PETITION (CRIMINAL) NO.284 OF 2003
TRANSFER PETITION (CRIMINAL) NO.43 OF 2004
TRANSFER PETITION (CRIMINAL) NOS.66-72 OF 2004
WRIT PETITION (CRIMINAL) NO.216 OF 2003
SPECIAL LEAVE PETITION (CRIMINAL) NO.4409 OF 2003
WRIT PETITION (CRIMINAL) DIARY NO.17953 OF 2003
SPECIAL LEAVE PETITION (CRIMINAL) NO.3770 OF 2003

O R D E R

Prayer for transfer of investigation to Central Bureau of Investigation having been negated by the Division Bench of the High Court vide its Order dated 05.04.2002 in Special Civil Application No.3755 of 2002, the instant petition was preferred.

Around the same time, Writ Petition (Criminal) No.109 of 2003 at the instance of the National Human Rights Commission was also filed in this Court.

While considering these matters, directions were issued by this Court constituting a Special Investigating Team which was entrusted with the task of investigating and prosecuting nine major trials in the State of Gujarat.

Mr. Mukul Rohatgi, learned Senior Advocate has invited our attention to the Order dated 23.07.2018 passed by this Court which noted that the purpose of the petition having been served, no further orders were required and accordingly, Writ Petition (Criminal) No.109 of 2003 was disposed of.

Mr. Rohatgi submits that eight out of these nine major trials were concluded by the Trial Court and the matters are either pending in the High Court or in this Court in the form of appeal or further appeals arising therefrom. It is submitted that only one matter, namely,

matter pertaining to Naroda Gaam area, the trial is still pending and is at the stage of final arguments.

Ms. Aparna Bhat, Mr. Ejaz Maqbool and Mr. Amit Sharma, learned Advocates appearing for the petitioners in connected matters have fairly accepted that the matters have now become infructuous.

According to Ms. Bhat, only one issue where a prayer for restoration of protection to Ms. Teesta Setalvad was made, may still require consideration.

In view of these submissions and the developments indicated above, this Court is of the view that this Court need not entertain these petitions any longer.

The matters are therefore disposed of as having become infructuous.

It is however directed that the trial with respect to Naroda Gaam be taken to logical conclusion in accordance with law and to that extent, the Special Investigating Team appointed by this Court shall

certainly be entitled to take appropriate steps in accordance with law.

As regards the issue of protection which was prayed by Ms. Teesta Setalvad, we give liberty to her to make an appropriate application before the concerned authorities. As and when such an application is made, the same shall be dealt with in accordance with law.

With these observations, the Special Leave Petitions and other connected matters are disposed of.

.....CJI.
(Uday Umesh Lalit)

.....J.
(S. Ravindra Bhat)

.....J.
(J.B. Pardiwala)

New Delhi,
August 30, 2022