

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL CONFIRMATION CASE NO. 2 of 2022**

STATE OF GUJARAT

Versus

JAHID @ JAVED KUTUBUDDIN SHAIKH

Appearance:

MR MITESH AMIN, PUBLIC PROSECUTOR assisted by MS JIRGA

JHAVERI, APP for the Appellant(s) No. 1

for the Respondent(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,27,28,29,3,30,31,32,
33,34,35,36,37,38,4,5,6,7,8,9**CORAM: HONOURABLE MS. JUSTICE SONIA GOKANI**

and

HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 09/03/2022

ORAL ORDER**(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)**

1. For confirmation of order of death sentence to the accused, passed on 18.02.2022 under the provisions of Section 366 of the Criminal Procedure Code read with para 317 of the Criminal Manual, with the submission of copies of judgment of Sessions Case No. 38 of 2009 from the file of Special Designated Judge who has conducted the trial of the said Sessions Case at the City Civil and Sessions Court, learned Principal District Judge has forwarded his communication dated 02/03.03.2022 along with the letter no. 63 of 2022.

2. It is a case where in all 38 accused have been awarded the death sentence after convicting them under Sections 302 read with Section 34 and 109 of the Indian Penal Code and Sections 10, 16(1)(A)(B) of the Unlawful Activities (Prevention) Act, 1967.

3. Noticing both the provisions of Section 366 of the Criminal Procedure Code as also para 317 of the Criminal Manual, after hearing learned Public Prosecutor Mr. Mitesh Amin assisted by learned Additional Public Prosecutor Ms. Jhaveri, we deem it appropriate to issue **Notices to all, making it returnable**, on expiry of appeal period which shall be calculated from 18.02.2022, **on 09.06.2022**. The registry shall, on the returnable date, place before this Court the details of appeals which may have been preferred by then. The service of notice shall be effected through the jail authority to each convict. The Registrar (Judicial) shall ensure the due service to each one of the by coordinating with the Superintendents of concerned Central Jails.

3.1. As per the submission of learned Public Prosecutor, the convicts are since housed at different Central Jails, the details of which have been provided by a separate annexure. The service shall be effected to each one of them as under:-

Sr. No.	Accused No.	Accused Name	Jail
1.	A-1	Zahid @ Javed S/O Qutbuddin @ Mamu Sheikh (31) R/O Sindhi Avenue Opp.Lovely Park, Near Ice Factory Juhapura, Ahmedabad .	Sabarmati Central, Ahmedabad Gujarat
2.	A-2	Imran S/O Ibrahim Sheikh (23) R/O Wadi, Taiwada, Opp Panjrighar Masjid, Baroda & T/3, Al-Qamar Complex, Opp. Bawaman Dargah, Bawanpura, Pani Gate, Baroda.	Sabarmati Central, Ahmedabad Gujarat
3.	A-3	Iqbal @ Ikrar S/O Qasam Bhai Shaikh (31) R/O H.No.G/3, Kabeer Complex, Bhoiwada Naka, Yakoobpura, Baroda.	Sabarmati Central, Ahmedabad Gujarat
4.	A-4	Shamshuddin @ Shamshu S/O Sahabuddin Sheikh (32) R/O H.No 3100/3 Lakhotapol, Near Popatiyawad, Dariyapur, Ahmedabad.	Sabarmati Central, Ahmedabad Gujarat
5.	A-5	Gayasuddin @ Gayasu S/O Abdul Saleem Ansari (29) R/O H.No.2, Chaudhry Chali, Kamdar Ground, Gomtipur, Ahmedabad.	Sabarmati Central, Ahmedabad Gujarat
6.	A-6	Mohammad Arif S/O Mohammad Iqbal Kagzi (34) R/O H.No 179, Sagarwad, Behind Patharwali Masjid, Shahpur, Ahmedabad.	Sabarmati Central, Ahmedabad Gujarat
7.	A-7	Mohammad Usman @ Usman S/O Mohammad Anees Mansoori (Agarbatiwala) (24) R/O Mahant Khacha, Waditaiwada, Baroda.	Sabarmati Central, Ahmedabad Gujarat
8.	A-8	Yunus Mohammad Bhai Mansoori (31) R/O C/132, Ajeet Mill Society, Ajeet Mill Char Rasta, Bapunagar, Ahmedabad.	Sabarmati Central, Ahmedabad Gujarat
9.	A-9	Qamruddin @ Abdullah @ Raju S/O Chand Mohammad Nagori (35) R/O H.No 11/2 Nagori Mohalla, Ujjain, M.P.	Bhopal Central Jail, MP
10.	A-10	Amil Parwaz S/O Qazi Safiuddin Shaikh (34) R/O Chota Bazar, Jama Masjid Road, Thana Unhel, Dist.Ujjain, M.P.	Bhopal Central Jail, MP
11.	A-11	Shibily @ Sabit S/O Abdul Kareem Muslim (30) R/O Peedikackal House,	Bhopal Central Jail,

		Erattupetta, Dist. Kottayam, Kerala.	MP
12.	A-12	Safdar Husain @ Husain Bhai @ Iqbal Bhai S/O Zaherul Hasan @ Zaheruddin Nagori (38) R/O H.No.48 Nagori Colony, Maheedpur City, Dist Ujjain, M.P.	Bhopal Central Jail, MP
13.	A-13	Hafiz Hussain @ Adnan S/O Tajuddin Mulla (27) R/O Remand Home, Behind Bus Stand, Station Road, Bijapur, Karnataka.	Bhopal Central Jail, MP
14.	A-14	Mohammad Sajid @ Sajad @ Saleem @ Saad S/O Gulam Khwaja Mansoori (35) R/O 4/3013, Begumpura Ahmednassiri Street, Mrugwan Tekara, Surat.	Sabarmati Central, Ahmedabad Gujarat
15.	A-15	Abu Bashar @ Abdul Rasheed @ Abdullah @ Mufti S/O Abu Bakar Shaikh (27) R/O Village Binapara, Ta. Nizamabad, Thana Saraimeer, Dist.Azamgarh, U.P.	Sabarmati Central, Ahmedabad Gujarat
16.	A-16	Abbas S/O Umer Sameja (36) R/O Opp. Pawan Chakki, Old Kutch Mitra Press Road, Camp Area, Bhuj (Kutch).	Sabarmati Central, Ahmedabad Gujarat
17.	A-18	Javed Ahmed S/O Sageer Ahmed Shaikh (25) R/O 744/19, Patasapoll, Kamdar Maidan, Gomtipur, Ahmedabad.	Sabarmati Central, Ahmedabad Gujarat
18.	A-27	Mohd. Ismail @ Abdul Razik @ Musaf @ Furqan S/O Mohd. Ishaq Mansori (28) R/O A/8, Al-Aman Apartment, Rajpur, Gomtipur Toll Naka, Ahmedabad.	Sabarmati Central, Ahmedabad Gujarat
19.	A-28	Afzal @ Afsar @ Raja @ Ajit Singh @ Sanjay Pandey @ Usmani S/O Muttalib S/O Ahad Usmani, R/O: Shivaji Nagar Plot No: 43, Room No: L-1, Above Faiz Bakery Store, Mumbai-43, Native: C/O Ibrat Bano, Dhilai Ferozpur, Post Mariyadpur, Thana Madhuban, Dist : Mhow, U.P.	Sabarmati Central, Ahmedabad Gujarat
20.	A-31	Mohd. Arif @ Arif Badar @ Laddan S/O Badruddin Shaikh @ Late Jumman, R/O Azmi Unani Store, Shop No-6, E-Building, Shimla Park, Kuasa, Mumbra, Thane, Maharashtra Native: Mauza Isroli, Post Thane Saraimeer, Ta. Nizamabad, Dist. Azamgarh, U.P.	Sabarmati Central, Ahmedabad Gujarat

21.	A-32	Asif @ Hasan S/O Bashiruddin Shaikh (22) R/O: 303, Kumar Pragati, Nibm Road, Kondhwa Khurd, Pune.	Sabarmati Central, Ahmedabad Gujarat
22.	A-36	Mohd.Arif S/O Naseem Ahmad Mirza R/O Vill. Sanjarpur, Ta.Nizamabad, P.S. Saraimeer, Dist Azamgarh, U.P.	Sabarmati Central, Ahmedabad Gujarat
23.	A-37	Qayamuddin @ Rizwan @ Ashfaq S/O Safruddin Kapadiya R/O: Bagechistiyawadi, Taiwada, Kumbharwada, Baroda.	Sabarmati Central, Ahmedabad Gujarat
24.	A-38	Mohd.Saif @ Rahul S/O Shadab Ahmed @ Mister Shaikh (21) R/O Vill. Sanjarpur, Ta.Nizamabad, Thana Saraimeer, Dist. Azamgarh, U.P. Present Add. Flat No-108, H.No.L-18 Near Khalilullah Masjid, Batla House, Jamia Nagar, Okhla, New Delhi.	Jaipur Central, Rajasthan
25.	A-39	Zeeshan Ahmed @ Zeeshan S/O Ehsan Ahmed Shaikh (23) R/O H.No 311, Mohl.Bazbahadur, Kote Quila Road, Azamgarh City, Dist Azamgarh, U.P. Present: Flat No-108, H.No.L-18 Near Khalilullah Masjid, Batla House, Jamia Nagar, Okhla, New Delhi-25.	Sabarmati Central, Ahmedabad Gujarat
26.	A-40	Zia-Ur-Rehman @ Montu @ Zia S/O Abdul Rehman Taili (22) R/O Late Raheem Baksh, Vill. Agwanpur, Thana Quila Parikshitgarh Dist Meerut, U.P. Present Add: H.No.A/15, Jogabai Extn. Okhla, New Delhi-25.	Sabarmati Central, Ahmedabad Gujarat
27.	A-42	Mohd.Shakeel S/O Yameen Khan Lohar (24) R/O D/130/5, Sangam Vihar, New Delhi.	Sabarmati Central, Ahmedabad Gujarat
28.	A-44	Mohd. Akbar Ismail Choudhry @ Sayeed (26) R/O: 49 Manisha Complex, Flat No 3, Mithanagar, Kondhwa Khurd, Pune.	Taloja Jail, Maharashtra
29.	A-45	Fazal Rehman @ Salahuddin S/o Musaddik Khand Durrani (23) R/O : II Y, Minar Flat, No.9, 3rd Floor, Kondhwa Khurd, Mithanagar, Pune.	Sabarmati Central, Ahmedabad Gujarat
30.	A-47	Ahmedbava S/O Abu Bakar Bava (33) R/O Aliagadi, Wolur, Near Mas Masjid,	Central Prison, Bengaluru

		Ta: Mangalore, Dist: Dakshina Kannada, Karnataka.	
31.	A-49	Sarffudin @ Sharif S/O. Etti Sainuddin @ Abdul Sttar@ Salim (29) R/O. Noorie Manzil, Karwan Kallu, Post: Karipol, Thirurangadi, Dist: Mallapuram, Kerala State.	Central Prison, Bengaluru
32.	A-50	Saifur Raheman @ Saifu @ Saif S/O Abdul Rehman Age-2 R/O: House No.246, Badaraka, Ajamgarh, Ta: Sadar Dist:Ajemgarh(U.P.)	Jaipur Central, Rajasthan
33.	A-60	Shahduli S/O Abdul Kareem R/O Hiratupetta, Peedikackal House, Dist:Kotayam, Kerala.	Bhopal Central Jail, MP
34.	A-63	Mo.Tanvir Mo.Akhtar Pathan R/O F/1 River View Society Part-1 Fulwadi Bhari mata road choke Bazar Surat, Nativ- Nazimabad Pathanpura Dist. Biznore U.P.	Sabarmati Central, Ahmedabad Gujarat
35.	A-69	Aamin @ Raja S/O Aiyubnazir Sheikh, Age-29, R/O House tNo.13, Khajrana Palace, Khajrana, Indore, M.P.	Sabarmati Central, Ahmedabad Gujarat
36.	A-70	Mohammed Mobin @ Mubin @ Irfan S/ O Abdulsakurkhan Age- 32, R/O Plot No.66, Shershah Surinagar, Khajrana, Indore, M.P.	Sabarmati Central, Ahmedabad Gujarat
37.	A-75	Mohammad Rafik @ Javeed @ Alamzeb S/O Mashkoo Ahmed Afridi, R/O: 3 New Ashiyana Society, Near AlFarookh Masjid, Juhapura, Ahmedabad.	Central Prison, Bengaluru
38.	A-78	Tauseef Khan S/O Sageer Ahmad Khan Pathan R/O: A15 C-Block, United Apartment, Juhapura, Ahmedabad.	Central Jail, Gaya, Bihar

3.2. The Jail Superintendent shall ensure that each one of them is given to understand the availability of free legal aid under the statute and shall also make the same available to them.

3.3. The e-mail ID of the High Court Legal Service Committee (HCLSC) legalaid-hcguj@nic.in shall also be made available to them. In the event of their desire to avail such legal aid, the Secretary, High Court Legal Service Committee, and in the event of such request shall respond on urgent basis and make such legal aid available.

(SONIA GOKANI, J)

(MAUNA M. BHATT, J)

Bhoomi

