

ITEM NO.4 Court 5 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 600/2020

MAULANA ALA HADRAMI & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ANR. Respondent(s)

IA No. 84683/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 80750/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 84681/2020 - EXEMPTION FROM FILING O.T.
IA No. 80751/2020 - EXEMPTION FROM FILING O.T.
IA No. 58426/2020 - INTERVENTION/IMPLEADMENT)

WITH

W.P. (C) No. 604/2020 (X)

(FOR

FOR impleading party ON IA 68528/2020

FOR INTERVENTION/IMPLEADMENT ON IA 68528/2020

IA No. 68528/2020 - INTERVENTION/IMPLEADMENT)

W.P. (C) No. 603/2020 (X)

(FOR ADMISSION)

W.P. (C) No. 605/2020 (X)

(FOR

FOR impleading party ON IA 68558/2020

FOR INTERVENTION/IMPLEADMENT ON IA 68558/2020

IA No. 68558/2020 - INTERVENTION/IMPLEADMENT)

W.P. (Crl.) No. 295/2020 (X)

(FOR

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 98863/2020

FOR EXEMPTION FROM FILING O.T. ON IA 98865/2020

IA No. 98863/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 98865/2020 - EXEMPTION FROM FILING O.T.)

Date : 13-01-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Dr. Menaka Guruswamy, Sr. Adv.

Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Ibad Mushtaq, Adv.

Ms. Akanksha Rai, Adv.

Mr. Salman Khurshid, Sr. Adv
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Zafar Khurshid, Adv.
Mr. Abdul Quadir, Adv.
Mr. Ibad Mushtaq, Adv.
Ms. Aadya Mishra, Adv.

Mr. Chander Uday Singh, Sr. Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Ms. Ila Sheel, Adv.
Mr. Ibad Mushtaq, Adv.
Ms. Akanksha Rai, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv
Ms. Fauzia Shakil, AOR
Mr. Faisal Allam, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. B.V. Balaram Das, AOR

Uttar Pradesh Ms. Garima Prashad, AOR

T.Nadu Mr. M. Yogesh Kanna, AOR
Mr. Raja Rajeshwaran S., Adv.
Mr. Aditya Chadha, Adv.

M.P. Mr. Arjun Garg, AOR
Mr. Sandeep Sharma, Adv.
Ms. Rati Tandon, Adv.

Assam Mr. Debojit Borkakati, AOR
Mr. Vivek Sonkar, Adv.
Mr. Nalin Kohli, AAG

Andaman & Nicobar Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR

Karnataka Mr. V.N. Raghupathy, AOR

Haryana Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Sanjay Kumar Visen, AOR

Bihar Mr. Sahil Raveen, Adv.
Mr. Manish Kumar, Adv.

Bihar Mr. Gopal Singh, AOR
Mr. Manish Kumar, AOR

Mr. Abhinav Mukerji, AOR
Mrs. Bihu Sharma, Adv.
Ms. Pratishtha Vij, Adv.

Mr. Keshav Mohan, Adv.
Mr. R.K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Piyush Vatas, Adv.
Ms. Ritu Arora, Adv.
Mr. Santosh Kumar-I, AOR

Kerala Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. G.Prakash, AOR

Chhattisgarh Mr. Pranav Sachdeva, AOR
Ms. Neha Rathi, Adv.
Mr. Jatin Bhardwaj, Adv.

Goa Mr. Arun R. Pedneker, Adv.
Mr. Sachin Patil, AOR

Maharashtra Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

Gujarat Ms. Vishakha, Adv.
Ms. Deepanwita Priyanka, AOR

Uttarakhand Mr. Atul Sharma, Adv.

Tripura Mr. Shuvodeep Roy, AOR
Mr. Rahul Raj Mishra, Adv.

Mizoram Ms. Astha Sharma, AOR
Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.

For Petitioner(s) Mr. Salman Khurshid, Sr. Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Abdul Qadir, Adv.
Mr. Zafar Khurshid, Adv.
Mr. Ibad Mushtaq, Adv.

Ms. Aadya Mishra, Adv.

Mr. Chander Uday Singh, Sr. Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Ibad Mushtaq, Adv.

Ms. Ila Sheel, Adv.
Ms. Akansha Rai, Adv.

Dr. Meneka Guruswamy, Sr. Adv.

For Respondent(s)

Mr. Tushar Mehta, SGI
Mr. K. M. Nataraj, ASG
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Sahil Raveen, Adv.
Mr. Manish Kumar, AOR

Mr. V. N. Raghupathy, AOR

Mr. Debojit Borkakati, AOR
Mr. Vivek Sonkar, Adv.
Mr. Nalin Kohli, Adv.

Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. G. Prakash, AOR

Ms. Uttara Babbar, AOR
Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.

Ms. Garima Prashad, AOR

Mr. Anil Grover, Sr. AAG
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. K. V. Jagdishvaran, Adv.
Mrs. G. Indira, AOR

Mr. Pranav Sachdeva, AOR
Mr. Jatin Bhardwaj, Adv.
Ms. Neha Rathi, Adv.

Ms. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Mr. Nirnimesh Dube, AOR

Mr. M. Yogesh Kanna, AOR
Mr. Raja Rajeshwaran, Adv.
Mr. Aditya Chadha, Adv.

Mr. Arjun Garg, AOR
Mr. Sandeep Sharma, Adv.

Rati Tandon, Adv.

Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Nikhil parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.

M/S. Plr Chambers And Co., AOR
Mr. Santosh Kumar - I, AOR

Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

Mr. Arun R. Pedneker, Adv.
Mr. Sachin Patil, AOR

Mr. V. G. Pragasam, AOR
Mr. S. Prabu Ramasubramanian, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Rahul Raj Mishra, Adv.

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Barr, Adv.

Mr. Abhinav Mukerji, AOR
Mrs. Bihu Sharma, Adv.
Ms. Pratishtha Vij, Adv.

Ms. Deepanwita Priyanka, AOR

Mr. P. Venkat Reddy, Adv.
Mr. Prashant Tyagi, Adv.
Mr. P. Srinivas Reddy, Adv.
M/S. Venkat Palwai Law Associates, AOR

Mr. Atul Sharma, AOR

Dr. Manish Singhavi, Sr. Adv.
Mr. Sandeep Kumar Jha, AOR
Ms. Ana Upadhyay, Adv.

Manipur

Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Anupama Ngangom, Adv.
Mr. Karun Sharma, Adv.

Rajasthan

Dr. Manish Singhvi, Sr. Adv.
Mr. Sandeep Kumar Jha, Adv.

West Bengal	Mr. Suhaan Mukerji, Adv. Mr. Vishal Prasad, Adv. Mr. Abhishek Manchanda, Adv. Mr. Sayandeep Pahari, Adv. M/s. PLR Chambers & co.
Punjab	Ms. Uttara Babbar, Adv. Ms. Bhavana Duhoon, Adv. Mr. Manan Bansal, Adv.
Jharkhand	Ms. Pragya Baghel, Adv. Ms. Pallavi Langar, Adv.
Arunachal Pradesh	Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv.
Nagaland	Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv.
Puducherry	Mr. V.G. Pragasam, Aor Mr. S. Prabhu Ramasubramanian, Adv.
Telangana	Mr. P. Venkat Reddy, adv. Mr. Prashant Tyagi, Adv. Mr. P. Srinivas Reddy, Adv. M/s. Venkat Palwai Law Associates, AOR

UPON hearing the counsel the Court made the following
O R D E R

Dr. Meneka Guruswamy, learned senior counsel, on instructions, submits that 8 petitioners of the larger group of 35 petitioners from Delhi, whose discharge order had been confirmed by the Revisional Court vide order dated 06.11.2020, had been allowed to travel to their home countries upon giving undertaking before the Revisional Court. The rest of the petitioners have also been discharged but no revision application has been

filed against them so far.

Mr. K.M. Natraj, learned Additional Solicitor General, on instructions, submits that the Department is exploring feasibility of filing revision against those petitioners. But, in all fairness, he submits that even these petitioners may give undertaking/bond, as given by other 8 petitioners before the Revisional Court, whereupon their request to permit them to return to their home country can be considered appropriately, subject to compliance of conditions specified in the undertaking/bond.

Dr. Meneka Guruswamy, learned senior counsel, on instructions, submits that the remaining petitioners in the present proceedings, who have been discharged by the Trial Court, will also follow the same suit and give undertaking/bond incorporating the same terms and conditions.

Learned Additional Solicitor General has no objection to follow this course of action. Accordingly, the stated petitioners who desire to return to their home country (having been discharged by the Trial Court, but no revision application has been filed by the Department), are free to file undertaking/bond in the Registry of this

Court and thereafter make representation to the Nodal Officer who would facilitate their return to home country after due verification and being satisfied about the filing of relevant undertaking/bond in this Court in the present proceedings.

We are also informed that some of the petitioners/intervenors have filed petition(s) under Section 482 of Criminal Procedure Code against the order refusing to allow prayer of plea bargaining, before the High Court of Judicature at Allahabad pertaining to criminal cases registered in the State of Uttar Pradesh. We request the High Court to dispose of the stated petitions expeditiously, preferably within eight weeks from today.

It will be open to the petitioners to bring this order to the notice of the concerned court.

The rest of the issues raised in these petitions will be taken up for consideration in the last week of March, 2021 on a non-miscellaneous day, at the bottom of the miscellaneous list.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

