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**(2011) 04 SC CK 0013**

**In the Supreme Court Of India**

**Case No :** Writ Petition (Criminal) No's. 310 of 2005, 94 of 2008 and 82 of 2010

Bhim Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

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**Date of Decision :** 05-04-2011

**Acts Referred:**

**Citation :** (2012) 2 SCALE 434

**Hon'ble Judges :** R.M. Lodha, J;Aftab Alam, J

**Bench :** Division Bench

**Final Decision :** Disposed Of

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## **Judgement**

Crl. M.P. No. 10428/2010:

1. In some of the cases transferred out of the State of Jammu and Kashmir for trial pursuant to this Court's order dated November 10, 2008, a request is made by some of the accused, who are Indian nationals, to transfer back those cases to the respective courts in Jammu and Kashmir in view of the hardship faced by them in effectively defending themselves in courts outside the State. On this issue, affidavits have been Filed on behalf of the State of Jammu and Kashmir. In the last affidavit filed on March 12, 2011, it is stated that in compliance with the earlier order passed by the Court, the records of all those cases have already been transferred to the respective courts where this Court directed the trials to be held. Nevertheless, the State expresses its readiness to hold trials of those cases at a suitable place in the State itself in case this Court so directs.

2. We would like to take a final decision on this matter after examining it on a case-to-case basis and also on getting the views of the State Government, through the Home Secretary.

3. We, accordingly, wish the Advocate General and the Home Secretary of the State of Jammu and Kashmir to be personally present when we take up this matter on the next date. W.P. (Crl.) No. 310/2005, W.P. (Crl.) No. 82/2010, W.P. (Crl.) No. 94/2008:

4. Mr. Parag Tripathi, learned Addl. Solicitor General states that all the foreign-national detainees, whose lists were furnished to this Court in different writ petitions/Crl.M.Ps., excepting 29, have by now been repatriated. Out of the 29, who continue to be in Indian jails, 21 are under-trials, 3 are undergoing sentences and 5 are awaiting the establishment of their nationality and travel documents from their home country.

5. On the next date, the learned Addl. Solicitor General will give the detailed breakup in regard to the 29 detainees who continue to remain in Indian prisons.

6. Put up on May 04, 2011.