
(2004) 03 SC CK 0081

In the Supreme Court Of India

Case No : Special Leave Petition (Criminal) No. 4773 of 2003

Moulvi Hussain Ibrahim Umarji

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 17-03-2004

Acts Referred:

Penal Code, 1860 (IPC) — Section 120, 143, 147, 148, 153
Prevention of Terrorism Act, 2002 — Section 3(2), 3(3)
Railways Act, 1989 — Section 3, 4

Citation : (2004) AIRSCW 3954 : (2004) 2 BLJR 943 : (2004) CriLJ 3348 :
(2004) 2 GLR 1313 : (2004) 4 JT 536 : (2004) 2 PLJR 168 : (2004) 3 SCALE
355 : (2004) 3 SCC 444 : (2004) 1 ShimLC 458 : (2004) 2 Supreme 493 :
(2004) 2 UJ 954

Hon'ble Judges : S. Rajendra Babu, J;G. P. Mathur, J;Arun Kumar, J

Bench : Full Bench

Advocate : Ram Jethmalani, A. Haisan, Yakub, Inklee Barooah, Shomila Bakshi
and Kamini Jaiswal, for the Appellant; Sushil Kumar and Hemantika Wahi, for the
Respondent

Final Decision : Partly Allowed

Judgement

G.P. Mathur, J.—An incident took place at about 7.45 a.m. on 27.2.2002 when the Sabarmati Express was stopped near Godhra Railway Station and a coach was set on fire resulting in death of 59 persons and serious injuries to 48 others. The petitioner herein was arrested in connection with the said offence on 6.2.2003 and is charged for committing offences under Sections 143, 147, 148, 332, 337, 338, 435, 186, 120(b), 153(a), 302, 307, 395, 397 of Indian Penal Code and Section 3(2) and Section 3(3) of the POTA, and Sections 141, 151 and 152 of the Indian Railways Act and Sections 3 and 4 of the Prevention of Damage to Public Properties Act. He moved an application for being enlarged on bail, which was rejected by the learned Special Judge (POTA) on 7.7.2003 and the appeal preferred by him against the said order was dismissed by a Division Bench of the High Court on 2.8.2003. The present SLP has been preferred

challenging the aforesaid orders.

2. We have heard Shri Ram Jethmalani, learned senior counsel for the petitioner, Shri Sushil Kumar, learned senior counsel for the respondent State of Gujarat at considerable length and have perused the record. We do not wish to consider in detail the various aspects of the merits of the case put forth on behalf of parties but bearing in mind the limited scope of the examination of the matter at the stage of grant or refusal of bail on the prima facie view, we are of the opinion that this is not a fit case where the petitioner may be released on bail. The SLP is accordingly dismissed.