

ITEM NO.3 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)  
I.A. No. 130391 of 2020- FOR IMPLEADMENT  
IA NO. 130395/2020 - FOR DIRECTIONS  
IA NO. 124203/2020 - FOR DIRECTIONS

WITH

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

(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 : 18-12-2020 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. Ibad Mushtaq, Adv.  
Ms. Ashima Mandla, 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  
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 Pedneker, Adv. Mr. Sachin Patil, AOR Mr. Geo Joseph, Adv.
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.
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. Mrs. Liz Mathew, Adv. Mr. Vishal Prasad, Adv. Mr. Nikhil Parikshith, 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

Application (I.A. No. 130391 of 2020) for impleadment  
is allowed.

Counsel for the applicants-petitioners is directed to  
deposit the requisite court fee within two weeks from  
today.

I.A. No. 124203/2020

Ms. Menaka Guruswamy, learned senior counsel for the  
applicants-petitioners submits that 36 foreign nationals,  
who are applicants-petitioners in the present proceedings  
have been discharged/acquitted by the concerned Trial  
Court. If so, they may make representation to the Nodal

Officer for facilitating their return to home country which may be processed appropriately and in accordance with law.

This observation does not come in the way of the concerned Department, if they intend to question the correctness of the discharge/acquittal. Subject to that, the representation can be taken forward by the Nodal Officer expeditiously.

Our attention was also invited to the fact that two FIRs have been registered in the State of Jharkhand against similarly placed foreign nationals, namely, FIR Nos. 105 of 2020 registered at PS Govindpur, Dhanbad and FIR No. 0022 of 2020 registered at PS Jadugoda, District Jamshedpur, Jharkhand.

Learned counsel for the State of Jharkhand submits that the trial has commenced only in respect of one FIR and not the other registered at Jadugoda, District Jamshedpur. We direct the concerned Trial Court to ensure that the trial of the criminal cases arising from FIR No. 105 as also FIR No. 0022 of 2020 shall be concluded not later than two months from receipt of copy of this order. The prosecution is directed to ensure that the trial is concluded within such time and report compliance to this

court. The Superintendent of Police of the concerned area shall be personally responsible to monitor the progress of the trial to facilitate expeditious completion thereof.

In case, any foreign national who has been discharged/acquitted has any difficulty in travelling back to his/her country, the advocate appearing in the matter may get in touch with the office of the learned Solicitor General, who has assured to extend necessary assistance, subject to other compliance and formalities as per law.

I.A. No. 130395 of 2020

Learned counsel for the applicant may get in touch with office of the Solicitor General/Advocate for the State concerned, who may look into the matter and issue appropriate instructions to the concerned officials for expediting the pending plea bargaining application moved before the concerned Court, if any.

List the matters on 05.01.2021, at the end of the Board.

Mr. Salman Kurshid, learned senior counsel has requested the Court to place on record appreciation of the logistical help and guidance given by the learned

Solicitor General in every case brought to his notice concerning the return of foreign national(s) who are petitioners before this Court. We place that on record.

Copy of this order be forthwith forwarded to the trial Court/Superintendent of Police of the concerned districts referred to above through email, for information and necessary action.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)