

To,

The Hon'ble Chief Justice,

Date: - 1<sup>st</sup> Feb 2020

Bombay High Court,

Mumbai.

**Subject: - Request to extend tenure of designated National Investigation Agency Court Judge, Vinod Padalkar, hearing Malegaon 2008 Bomb Blast Case at City Civil & Session Court at Greater Bombay.**

Respected Hon'ble Chief Justice of Supreme Court of India,

Under the instructions of Victims of Malegaon 2008 Bomb Blast Case who are desperately waiting for justice since 2008, I am most respectfully addressing your Honor as underneath.

That, The hapless Victims of Malegaon 2008 Bomb Blast Case wish to seek your intervention for extension of the designated NIA Court Judge at City Civil and Sessions Court Mumbai (NIA SPECIAL CASE NO 1 of 2016 Court No 26). The ghastly Malegaon bomb blast occurred on 9<sup>th</sup> September 2008 during the holy month of Ramzan at the crowded Bhikku Chawk vicinity of Malegaon, Maharashtra in which 6 innocent men and women lost their lives and over a hundred persons were severely injured. The cowardly bomb blast has not only leaded to the destruction and loss of life and property but it has also resulted in a psychosis of fear among the residents of Malegaon which continues till date. The Son of Petitioner was killed in the said blast. As an aggrieved person he is approaching your Honor.

The Presiding officer Mr. Vinod Padalkar, judge, is going to vacate office on 28<sup>th</sup> Feb 2020. By a notification dated 18<sup>th</sup> April 2018 by the Ministry of Home Affairs, he took charge of office on 22<sup>nd</sup> of June 2018. After seven years of practically nothing happening in the matter, Supreme Court took cognizance and asked the Hon'ble High Court of Bombay on 16<sup>th</sup> April, 2016 to pass appropriate orders ***either for posting these cases before a learned Judge by way of special order or appoint a Presiding Officer exclusively for deciding these cases in order to ensure speedy trial (Criminal Appeal no 1969-70/2010)***. In pursuance of the said order, on the 10<sup>th</sup> July, 2015, in accordance to the powers conferred by sub-section (1) of Section 11 of the National Investigation Agency Act, 2008, the Central Government, vide notification no. S.O. 1862(E), appointed S.D. Tekale, Judge, City Civil Court and Additional Sessions Judge, Greater Bombay as the Judge to preside over the said Special Court, the City Civil Court and Additional Sessions Judge, Greater Bombay (Court No. 26) as Special Court for trial of criminal case No. 1 of 2009 (Malegaon Bomb Blast) and all other matters arising therein, related to the said case. On 18<sup>th</sup> April, 2018, S.D. Tekale, Judge was transferred vide notification no. S.O. 1667(E) and on the recommendation of the Hon'ble Chief Justice, High Court, Bombay S.V. Padalkar, Judge, was appointed. (said Notifications has been attached herewith for kind perusal)

That, the incident took place in 2008. For a decade, the matter was moving at a snail's pace and there was no sign of the trial proceeding despite several orders by the Hon'ble Bombay High Court and Supreme Court for expeditious hearing. The victims were beginning to lose hope in the trial process, but once Hon'ble Judge Vinod Padalkar took charge, he immediately proceeded with the trial tackling all the tactics of the accused persons to keep the trial in abeyance despite Apex Court's direction to conduct trial expeditiously.

That, as one is aware some very high profile personalities are facing some serious charges of terrorism in the present case including BJP Member of Parliament, Sadhvi Pragaya Singh Thakur, Col Shrikant Purohit, Ramesh Upadhyay, Sameer Kulkarni, Ajay Eknath Rahikar, Sudhakar Dhar Dwivedi and Sudhakar Omkar Chaturvedi.

That, despite the immense effort by the accused persons to derail the trial, the present presiding officer, Hon'ble Judge V Padalkar, has managed to depose 140 prosecution witnesses in a fair and just manner. There is no complaint against the Judge even by the accused persons.

That undersigning Victim, along with other victims, have vested full faith in the Judiciary of the Country and believe that although justice has been delayed, it will not be denied to us. We request that the tenure of the present Presiding Judge Padalkar may be extended till the completion of trial.

That, with the recent growth in the jurisprudence governing victim's right to intervene, the victims of the bomb blast has been able to intervene in the case through their lawyers. We can say that the Judge is conducting the high-profile trial in a praiseworthy and dignified manner despite the surmounting influence of some of the accused persons. The poise with which Judge Padalkar has presided over the cases since he took charge is applaudable. Every day, he sits on the dais at 11am sharp and starts proceeding despite little or no cooperation from accused and also the NIA who have allegedly used every tactic to slow down the trial.

That, The Malegaon 2008 bomb blast case has been traversing through complex litigation processes and Judge Padalkar is minutely aware of every detail of the case. The case was first investigated by Martyr-Officer Hemant Karkare of Anti Terrorist Squad who filed the first Charge Sheet against all the accused. Later, the case was transferred to the National Investigation Agency for further

investigation after which they filed a supplementary charge sheet and exonerated few accused including the present sitting MP, Sadhvi Pragaya Singh Thakur. There has been multilayered litigation at the Special Court, High Court and the Supreme Court over the years, Judge Padalkar applied his judicial mind and framed the charges on 30/10/2018 against all the accused despite the unwillingness of the NIA to prosecute all the accused, especially accused No.1, Sadhvi Prgaya Singh Thakur. He is unfazed and spirited Judge and in a short span of time has examined 140 witnesses without any fear or favour.

Section 11(3) of the National Investigation Agency Act states that: ***A Special Court shall be presided over by a judge to be appointed by the Central Government on the recommendation of the Chief Justice of the High Court.*** Hence under these pressing circumstances in the interest of Justice, we victims urge you to recommend the extension of tenure of NIA Court Judge until the trial is completed within a fixed time frame.

Since, on the direction of Hon'ble Supreme Court of India and on the recommendation of Hon'ble Bombay High Court Ministry of Home Affairs appointed Special Judge, a Copy of the request letter is being sent to Hon'ble Chief Justice of India and Ministry of Home Affairs for kind consideration.

Nisar Ahmed Sayyed Bilal

Victim/Intervenor

Shahid Nadeem

Advocate for Victim(s)

**Enclosed:-**

1. Direction Passed by Supreme Court of India in Criminal Appeal No 1969-1970 of 2010
2. Notification dated 10<sup>th</sup> July 2015 issued by Ministry of Home Affairs
3. Notification dated 18<sup>th</sup> April 2018 issued by Ministry of Home Affairs

**V E R I F I C A T I O N**

I, Nisar Ahmed Sayed Bilal, an adult Indian inhabitant, Aged 60, do here by declare and state that whatever stated herein above in the forgoing paragraphs are true and correct to the best of my knowledge and belief and I believe the same to be true.

Deponent/Victim

Read, Explained, Interpreted and identified by me:-

Date:- 1<sup>st</sup> of February 2020

Place: - Malegaon

**CC:-**

1. Hon'ble Chief Justice Supreme Court of India, New Delhi
2. The Registrar of Hon'ble Bombay High Court, Mumbai
3. The Ministry of Home Affairs Government of India, New Delhi
4. The Home Minister Government of Maharashtra, Mantralaya, Mumbai
5. The National Investigation Agency Judge at City Civil and Sessions Court, Mumbai.

To,

The Hon'ble Special NIA Judge,

City Civil and Sessions Court,

Mumbai.

Sir,

We the Victims of Malegaon 2006 Bomb Blast Case have requested the Chief Justice of Supreme Court, Bombay High Court, and Ministry of Home Affairs etc for extension in your tenure to proceed further in Malegaon 2006 Trial. The said request letter is attached herewith.

We respectfully with folded hand requests you to consider it, we would be indebted forever.

Date:- 1<sup>st</sup> February 2020

Place:- Mumbai

Nisar Ahmed Sayed Bilal