IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CR) NO ___

In the matter of

NATIONAL HUMAN RIGHTS COMMISSION… PETITIONER

VERSUS

STATE OF GUJARAT AND OTHERS …RESPONDENTS

WRITTEN SUBMISSIONS/SUGGESTIONS IN RESPECT OF THE REPORT OF THE SPECIAL INVESTIGATION TEAM (SIT) APPOINTED BY THIS HON'BLE COURT

The Special Investigation Team (SIT) appointed by this Hon'ble Court on 26th March 2008, finally submitted its report on the 3rd of March 2009, as per the orders of this Hon'ble Court copies of the report were handed only to the Amicus Curiae and the State of Gujarat.

The matter was listed for the 13th of April 2009, whereby this Hon'ble Court was pleased to invite suggestions from the Government of Gujarat, the Amicus Curiae and the affected parties.

In light of the same, produced below are the suggestions aimed at assisting this Hon'ble Court to set out guidelines and directions which shall ensure that the ends of justice are met in *toto.*

Free and Fair Trial

WITNESS PROTECTION PROGRAMME – It is common knowledge that in the state of Gujarat in a large number of instances the witnesses' have/had been threatened and have/had been forced either not to depose before the competent courts or detract from their statements. It is an established fact that witnesses form the key ingredient in a criminal trial and it is the testimonies of these very witnesses, which establishes the guilt of the accused beyond reasonable doubt. It is imperative to point out, that for justice to be done, the protection of witnesses and victims becomes essential, as it is the reliance on their testimony and complaints that the actual perpetrators of heinous crimes like those committed during the communal violence in Gujarat can be brought to book.

In light of the above it is hard to over see the out come in the Zahira Shiekh case, whereby due to incessant threats and despite being an eye witness to the incidents at the Best Bakery, she was declared hostile and eventually prosecuted for contempt by this Hon'ble Court. This strengthens the need

and call for a stronger witness protection programme in Gujarat to avoid the repetition of any similar incident.

Vide an order dated 8th August 2003 in the matter of National Human Rights Commission v. State of Gujarat, this Hon'ble Court regretted *that "no law has yet been enacted, not even a scheme has been framed by the Union of India or by the State Government for giving protection to the witnesses.*"

Further in the case of Zahira v. State of Gujarat, while transferring what is known as the Best Bakery Case, to Mumbai vide its Order dated 12th April, 2004, directed: *"The State of Gujarat shall also ensure that the witnesses are produced before the concerned court, whenever they are required to attend them, so that they can depose freely without any apprehension of threat or coercion from any person. In case any witness asks for protection, the State of Maharashtra shall also provide such protection as deemed necessary, in addition to the protection to be provided for by the State of Gujarat."*

Recommendations by Law Commissions

4.4 The Law Commission in its 14th Report (1958) referred to 'witness-protection', but that was in a limited sense. That related to proper arrangements being provided in the Courthouse, the scales of traveling allowance, their daily allowance etc.

The National Police Commission Report (1980) again dealt with the inadequacy of daily allowance for the witnesses, but nothing more.

The 154th Report of the Law Commission 1996 contained a chapter on *Protection and facilities to Witnesses*. The recommendations mostly related to allowances and facilities to be made available for the witnesses. However, one of the recommendations was: "*Witnesses should be protected from the wrath of the accused in any eventuality", but, again, the Commission did not suggest any measures for the physical protection of witnesses.*

The 178th Report of Law Commission, again, referred to the fact of witness turning hostile, and the recommendations were only to prevent witnesses from turning hostile. The Report suggested an amendment to insert S.164 A to the Code of Criminal Procedure.

The Law Commission of India's 198th Report has also voiced similar concerns and has categorically stated *"it is accepted today that WIP is necessary in the case of all serious offences wherein there is danger to witnesses and it is not confined to cases of terrorism or sexual offences"*

Recently, the Delhi High Court in the Nitish Katara Murder Case issued guidelines to the police on providing protection to witnesses to curb the menace of witnesses turning hostile leading to acquittal of accused in heinous crimes. This decision was given on a petition filed by Neelam

Katara whose son Nitish was kidnapped and murdered by Vikas Yadav. These guidelines focused on the providing protection to the witnesses by a competent authority. These guidelines are commendable and must be taken into consideration at the time of framing a witness protection programme in Gujarat.

International Laws

Under the English law, threatening a witness from giving evidence, is contempt of Court. So also any act of threat or revenge against a witness after he has given evidence in Court, is also considered as contempt. Recently the U.K. Government enacted a law known as Criminal Justice and Public Order Act, 1994 which provides for punishment for intimidation of witnesses. S.51 of the Act not only protects a person who is actually going to give evidence at a trial, but also protects a person who is helping with or could help with the investigation of a crime. Under a similar law in Hong-Kong, Crimes Ord. (Cap 200) HK, if the threat or intimidation is directed even as against a friend or relative of the witness, that becomes a punishable offence

The United States, the Organised Crime Control Act, 1970 and later the Comprehensive Crime Control Act, 1984 authorised the Witness Security Program. The Witness Security Reform Act, 1984 provides for relocation

and other protection of a witness or a potential witness in an official proceeding concerning an organised criminal activity or other serious offence. Protection may also be provided to the immediate family of, or a person closely associated with, such witness or potential witness if the family or person may also be endangered on account of the participation of the witness in the judicial proceeding.

The Attorney General takes the final decision whether a person is qualified for protection from bodily injury and otherwise to assure the health, safety and welfare of that person. In a large number of cases, witnesses have been protected, relocated and sometimes even given new identities. The Program assists in providing housing, medical care, job training and assistance in obtaining employment and subsistence funding until the witness becomes self-sufficient. The Attorney General shall not provide protection to any person if the risk of danger to the public, including the potential harm to innocent victims, overweighs the need for that person's testimony. A similar program is in Canada under Witness Protection Act, 1996. The purpose of the Act is "to promote law enforcement by facilitating the protection of persons who are involved directly or indirectly in providing assistance in law enforcement matters" [Section 3]. Protection given to a witness may include relocation, accommodation and change of identity as well as counselling and financial support to ensure the security

of the protectee or to facilitate his becoming self-sufficient. Admission to the Program is determined by the Commissioner of Police on a recommendation by a law enforcement agency or an international criminal court or tribunal [Sections 5 and 6]. The extent of protection depends on the nature of the risk to the security of the witness, the value of the evidence and the importance in the matter.

The Australian Witness Protection Act, 1994 establishes the National Witness Protection Program in which (amongst others) the Commissioner of the Australian Federal Police arranges or provides protection and other assistance for witnesses [Section 4]. The witness must disclose a wealth of information about himself before he is included in the Program. This includes his outstanding legal obligations, details of his criminal history, details of his financial liabilities and assets etc. [Section 7]. The Commissioner has the sole responsibility of deciding whether to include a witness in the Program.

The Witness Protection Act, 1998 of South Africa provides for the establishment of an office called the Office for Witness Protection within the Department of Justice. The Director of this office is responsible for the protection of witnesses and related persons and exercises control over Witness Protection Officers and Security Officers [Section 4]. Any witness who has reason to believe that his safety is threatened by any person or

group or class of persons may report such belief to the Investigating Officer in a proceeding or any person in-charge of a police station or the Public Prosecutor etc. [Section 7] and apply for being placed under protection. The application is then considered by a Witness Protection Officer who prepares a report, which is then submitted to The Director [Section 9]. The Director, having due regard to the report and the recommendation of the Witness Protection Officer, takes into account the following factors, inter alia, [Section 10] for deciding whether a person should be placed under protection or not:

The nature and extent of the risk to the safety of the witness or related person.

The nature of the proceedings in which the witness has given evidence or may be required to give evidence.

The importance, relevance and nature of the evidence, etc.

In European countries such as Italy, Germany and Netherlands, the Witness Protection Programme covers organised crimes, terrorism, and other violent crimes where the accused already know the witness/victim.

International Criminal Court

The need for setting up separate victim and witness protection units in the trial of mass crimes has been acknowledged in the setting up of international tribunals to deal with them. The International Criminal Tribunal for Rwanda has formulated rules for protection of victims and witnesses. Similar provisions exist in the Statute for the creation of an International Criminal Court (ICC). In most of the cases, witnesses are the victims of the crime. And the most vulnerable amongst them are women and children. Under the existing system they are mere pawns in a criminal trial and there is very little concern for protecting their real interests. The protection is necessary so that there is no miscarriage of justice; but protection is also necessary to restore in them, a sense of human dignity which stands shattered in a situation like Gujarat carnage.

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power was adopted by the United Nations General Assembly in resolution 40/34 of 29 November 1985. According to the first paragraph of this declaration, victims of crime are described as *persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of*

criminal laws operative in Member States, including those laws proscribing criminal abuse of power. It is they who need protection.

In light of the above it is essential that this Hon'ble Court provides a blanket protection to all the witnesses recognized by the SIT for the upcoming trials, stay on which stands vacated. It is also necessary that the said protection for the witnesses in Gujarat should be handed over to the Central Reserve Police Force (CRPF) and not the Gujarat Police as some of their officers have been indicted by the SIT and are being prosecuted in several related cases.

5. SUGGESTION FOR ESTABLISHING A DIRECTORATE OF PROSECUTION

That the victims' *locus standi* in the courts is more often than not acknowledged. This leaves the victim entirely at the mercy of the Public Prosecutor who in several instances have been found to be acting in a biased manner and to be members or participants in the activities of organizations involved in communal violence, which has resulted in a large number deficient prosecutions. Even where the public prosecutors are not biased they face tremendous pressure in the face of states complicity in the communal violence and the natural drive of the accused and his attorney to influence the public prosecutor. The issue can be resolved by creating a

Directorate of Prosecution, under the control of the Ministry of Justice (State), which entails that there is a separate cadre for the functioning of the Prosecutors which would in turn demarcate the working and the investigation of the police from the prosecutors. This Hon'ble Court had in the case of S.B Shahane and Others V. State of Maharashtra and Another, 1995 Supp (3) SCC 37 had stressed that

Separation of prosecution agency from investigation agency- Police prosecutors functioning under the control of Inspector general of Police appointed as Assistant Public Prosecutors by a Notification under Section 25 issued by the State Government- Held, such Assistant Public Prosecutors could not be allowed to continue s personnel of the Police Department and to continue to function under the control of the head of the Police Department. State Government directed to constitute a separate cadre of Assistant Public Prosecutors by creating a separate prosecution Department making its head directly responsible to the State Government.

That many commonwealth countries like Australia have a Commonwealth Director of Public Prosecutions, which was set up by the Director of Public Prosecutions Act 1983 and started operations in 1984. The nine States and territories of Australia also have their own DPPs. Ultimate authority for authorizing prosecutions lies with the Attorney General. However, since that is a political post, and it is desired to have a non-political (public

service) post carry out this function in most circumstances, the prosecutorial powers of the AG are normally delegated to the DPP. However, in South Australia, the AG may direct the DPP to prosecute or not to prosecute. This is a very rare occurrence. It is common for those who hold the office of Commonwealth or State DPP later to be appointed to a high judicial office. In Canada, each province's Crown Attorney Office (Canada) is responsible for the conduct of criminal prosecutions. In Ontario, local Crown Attorney in the Criminal Law Division is in charge of criminal cases. Only British Columbia, Nova Scotia and Quebec (a civil code jurisdiction) have a Director of Public Prosecutions office. Recent legislation passed by Parliament split the conduct of federal prosecutions from the Department of Justice (Canada), and created the Office of the Director of Public Prosecutions (officially to be called as Public Prosecution Service of Canada). This legislation came into effect December 12, 2006.The Director of Public Prosecutions of Hong Kong, China heads the Prosecutions Division of the Department of Justice, which is responsible for prosecuting trials and appeals on behalf of the Hong Kong Special Administrative Region, providing legal advice to law enforcement agencies, acting on behalf of the Secretary for Justice in the institution of criminal proceedings, and providing advice and assistance to bureaux and departments in relation to any criminal law aspects of

proposed legislation. The DPP is superintended by the Secretary for Justice, who is also accountable for the decisions of the DPP. The Director of Public Prosecutions in the Republic of Ireland has been responsible for prosecution, in the name of the People, of all indictable criminal offences in the Republic of Ireland since the enactment of the Prosecution of Offences Act 1974. Before 1974 all crimes and offences were prosecuted at the suit of the Attorney General. The DPP may also issue a certificate that a case should be referred to the Special Criminal Court; a juryless trial court usually reserved for terrorists and organized criminals. In South Africa public prosecutions are conducted by an independent National Director of Public Prosecutions (NDPP). The NDPP is supported by a Chief Executive Officer, Marion Sparg, Deputies, regional Directors of Public Prosecutions (DPP's), and several Special Directors. The National Director is also head of the controversial Directorate of Special Operations (DSO) - commonly known as the Scorpions - which deals with priority and organized crime. In 2005, the unit instituted proceedings against the country's Deputy President, Jacob Zuma, leading to his dismissal. In England and Wales, the office of Director of Public Prosecutions was first created in 1880 as part of the Home Office, and had its own department from 1908. The DPP was only responsible for the prosecution of a small number of major cases until 1986 when responsibility for prosecutions

was transferred to a new Crown Prosecution Service with the DPP as its head. He/she is appointed by the Attorney General for England and Wales. In Northern Ireland a similar situation existed, and the DPP now heads the Public Prosecution Service for Northern Ireland.

That the Law Commission in 1958 had recommended that a Director of Prosecutions be set up having its own cadre, though this recommendation was not included in the Cr. Pc. then. Again in 1996 the Law Commission under the chairman ship of Justice K Jayachandra Reddy in its 154th report identified as Independent Prosecuting Agency as one of the several areas within the Cr.Pc. which required redesigning and restructuring. The Law Commission supported most of the proposed amendments to the Code as contained in the proposed Code of Criminal Procedure Amendment Bill 1994. Recommendations related to the structure of a Directorate of Prosecutions at the State level, to be adopted by a State Government in the event it decided to set up a cadre of prosecutors. The Law commission further recommended that the structure of State level Directorates of Prosecution be given statutory status through an amendment to the Cr.Pc.

That despite the absence of such a requirement and inadequacy of the Provisions in the Cr. Pc. a number of states mainly, Delhi, Andhra Pradesh, Bihar, Goa, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Orissa, Tamil Nadu and Uttaranchal, established a Directorate of Prosecution.

That by an amendment in 2006 section 25 A was inserted in the Cr.Pc. which categorically legislated for the creation of a Directorate of Prosecution in every state.

"25-A. Directorate of Prosecution.—(1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.

(2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

(3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.

(4) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.

(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8), of Section 24 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.

(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3), or as the case may be, sub-section (8), of Section 24 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of Section 25 shall be subordinate to the Deputy Director of Prosecution.

(7) The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(8) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor

That the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, was adopted by the General Assembly through a resolution 40/34 of 29 November 1985.That Articles 4 and 5 of the above mentioned United Nations Declaration categorically states:

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

That the State of Gujarat be directed to create a Directorate of Prosecution. Keeping in mind that the victims of the Gujarat carnage have not only suffered during the riots, but even seeking the much needed justice adds to their on going suffering. The same can to an extent be resolved by the creation of the Directorate of Prosecution.

That the victims' *locus standi* in the courts is more than often not acknowledged. This leaves the victim entirely at the mercy of the Public Prosecutor who in several instances have been found to be acting in a biased manner and to be members or participants in the activities of organizations involved in communal violence. Even where the public prosecutors are not biased they face tremendous pressure in the face of the fact of states complicity in the communal violence and the natural drive of the accused and his attorney to influence the public prosecutor. [Page 18 of C.R. MP. 6767 of 2006, para k.]

That with the creation of the Directorate of Prosecution, headed by a Judge, for the State of Gujarat, the solutions to many problems can be found.

That in the State of Andhra Pradesh, a Directorate of Prosecution already exists, however prior to 2001 the Director of the Directorate of Prosecution was headed by a police officer generally holding the post of the Inspector General of the State. This was changed by an order of the State Government through the Ministry of Law and Justice (State) in the year 2001 which came into effect in the year 2002, the post of the Director was replaced by a Judicial Officer, preferably a Grade 1 District Judge. The Director of

Prosecution has direct control over the APP.s, the Senior APP.s and the Additional APP's. The so mentioned PP's are answerable directly and only to the Director of Prosecution. Further still the APPs and the Senior APPs can under no circumstances withdraw from a case without the permission of the Director. Finally, the DOP so created, is under the control of the Home Ministry, thus preventing any direct interference on the part of the Police.

That in the State of Delhi the Directorate of Prosecution is headed by the Director of Prosecutions, Delhi. The post is filled on promotion from amongst the Chief Prosecutors who have completed 5 years regular service, by a DPC chaired by the Chairman of the UPSC is necessary for amendment or relaxation of any of the requirements of the recruitment Rules. Unfortunately this position has remained largely vacant for at least eight years with one of the Chief Prosecutors "acting" as director on an ad hoc basis in addition to his own position.

That the State of Gujarat in light of the afore mentioned be directed to use the Directorate of Prosecution for the State of Andhra Pradesh as a model

structure for the creation of a Directorate of Prosecution in Gujarat to ensure that the ends of justice are met.

Specific Suggestions with regards to the Prosecutors :

The appointment of Prosecutors to these trials be made in consultation with victims/victims groups who have been active in the Supreme court as done in the case of Zahira Sheikh.

That the said consultation with the victims and witnesses should be carried out by the SIT and post which, this Hon'ble Court and the SIT could consider the proposed amendment to Section 24 (8) of the Code of Criminal Procedure vide the Code of Criminal Procedure (Amendment) Bill, 2006 – which reads as follows, "*Provided that the Court may permit the victim to engage an advocate of his choice to co-ordinate with the prosecution in consultation with the Central Government or the State Government, as the case may be, under this sub-section*.". This Hon'ble Court may consider this legal remedy in the present cases to ensure the due course of justice. The rational behind the said Bill, is to enact a public policy in relation to the victims *inter alia* protect the fundamental rights of the victims and same should not be overlooked by this Hon'ble Court and the SIT

SIT to ensure that the names of the Prosecutors so suggested by them are free from any political allegiance to the Political party in power and conduct the trials in a fair manner.

7. Suggestions for balancing the rights of the accused and the right of the victims

The state to ensure that summons reach the victim on time without any intimidation.

Victims are able to reach the court without any physical restraint, restrict the number of supporters who will remain present in the court with option given to victims to take 2-3 support persons with them, ensure separate, secure transport and access for the victims to reach the court and provide protection to the victims till the final outcome of the trial.

In cases where a victim's security is of concern, she/he may be allowed to depose through video conferencing.

In order to ensure that the trials are conducted in a fair manner and within the realm of protecting the rights of the victims it is important that the decorum of the court is maintained at all times. In order to balance the need for a public trial with the need to ensure that victims are not

intimidated within the court rooms, it is necessary for the court to impose reasonable restrictions on the entry of certain elements from the court room. For the afore said purpose it would be necessary for the Court to ensure that the premises are kept free from mobs .

Cross Examination is an essential ingredient within the realm of the Rules of natural justice. However the said cannot be looked into in isolation and has to be viewed from the victim/ witnesses perspective as well. To ensure the same may this Hon'ble Court be pleased to ensure that the victims are cross examined in a systematic and non-intimidating manner. The lawyers for the accused (in cases where there are many) must agree upon who would be the lead counsel and others' cross-examination will be approved by the judge to ensure that the victim is not harassed by many defense lawyers as some of the cases have a large number of accused.

The Supreme Court should appoint an Obesrver to be present during all the trials to ensure there is no intimidation and that due process is followed;

Suggestion -OPPURTUNITY TO VICTIM/WITNESS TO FILE PROTEST PETITION WHEN CLOSURE REPORTS ARE FILED-That victims and witnesses should be provided with an opportunity to file a protest petition as and when a closure report is filed. In most of the cases the victims are kept out of the loop of the proceedings, which entail that a closure report is filed, this is a common phenomenon and defeats the intrinsic values of justice.

That the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly through a resolution 40/34 of 29 November 1985.Categorically through Section 6 (b) provides

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

(b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system

That in the United States of America, the existing Crime Victims Rights Act of 2004, categorically thorough section 3771(4) from chapter 237 provides for "the right to be heard at any public proceeding involving release, pleas or sentencing.

That at a thorough examination of Section 173 of the Cr.Pc. it can be conclusively interpreted to include within its ambit, furnishing of the report to the victim/informant/witness and hearing his/her objections on the same.

That this Hon'ble Court had held in U.P.S.C. v. S. Papiah (1997) 7 SCC 614 that a closure report by the Prosecution cannot be accepted by the court without hearing the informant.

Para 9-There can therefore, be no doubt that when, on a consideration of the report a made by the officer-in-charge-of a police station under sub section 2 (i) of section 173, the Magistrate is not inclined to take cognizance of the offence and issue process, the informant must be given an opportunity of being heard so that he can make his submissions to persuade the magistrate

to take cognizance of the offence and issue process. We are accordingly of the view that in a case where the Magistrate to whom the report is forwarded under sub section (2) (i) of Section 173 decides not to take cognizance of the offence and to drop the proceeding or takes the view that there is no sufficient ground for proceeding against some of the persons mentioned in the first information report, the Magistrate must give notice to the informant and provide him an opportunity to be heard at the time of the consideration of this report

8.5 Further still in J.K International v. State Government of NTC (2001)3 SCC 462, this Hon'ble Court had held that

A person at whose behest an investigation is lunched by the police is not altogether wiped out of the scenario of the trial merely because the investigation was taken over by the police and the charge sheet was laid by them.

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8.6 Also in the case of Dist.Manager, FCI v. Jayashanker 1989 Cr.LJ. 1578 (Ori), it was held that

A protest petition filed by the informant shall be taken to have been filed under this provision and regarded as continuous of the case investigated by the Police.

8.7 And finally in the case of R. Rathinasabpathy v. State, 2004 Cr L.J 2734 (Mad). It was held that-

On principles of natural justice it is just and necessary that the informant/ complainant should be given a copy of the police report filed under Section 173 of the Cr.Pc.

Para 2- The accused in the compliant given by the petitioner which was referred, is the S1 of Police. Under Section 173 (2) (ii), on completion of investigation the officer who forwards a report to the Magistrate shall also communicate the action taken by him to the person by whom the information relating to the commission of the offence was first given. In the case on hand, the petitioners the person who first gave the information regarding the commission of the offence. The very purpose of such communication, which is mandatory, to be given to the complaint is that if he is not satisfied with the police report he can agitate against the same in the proper forum

Para 4…… But we do not think this can be regarded as a valid objection against the view we are taking, because in any case the action taken by the police on the First Information Report has to be communicated to the informant and a copy of the report has to be supplied to him under Sub Section (2) (i) of Section 173 …..

SUGGESTION- Trials in Fast Track Courts With the vacation of the stay on the 9 trials it is imperative that the said trials are conducted by a fast track courts on a day to day basis, set up in every district where the incidents have taken place.

SUGGESTION The cases should be kept pending in the Supreme Court and trials completed within one year.