



India

Bombay High Court dismisses Jundal's plea for physical court appearance

Tuesday, 29 April 2014

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Mumbai, April 29: The Bombay High Court Tuesday dismissed a plea by terror accused Sayyed Zabiuddin Ansari, alias Abu Jundal, to quash a Maharashtra government order banning his court appearances on security grounds, his lawyer said.

Jundal had filed a plea in July 2013 challenging the government resolution (GR), contending that he had a right under the Constitution to appear before courts to defend himself in various cases filed against him, said his lawyer Ejaz Naqvi.

A division bench comprising Justice N. Patil and A. Prabhudesai said that there were several criminal cases pending against Jundal, including the 26/11 Mumbai terror attacks case, the Aurangabad arms haul case and the conspiracy to attack the Nashik police academy.

"In view of the sensitive nature of these cases, there may be danger to Jundal's life, as informed by police to the state government. Therefore, the court cannot interfere by quashing the GR. Moreover, the trial court had the powers to summon him when necessary," the court ruled.



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The judges further asked that if Jundal was allowed to come to the court and something happened, who would be responsible.

Government pleader J.P. Yagnik informed the court that Mumbai Police commissioner had informed the state government of the threats to Jundal's life, following which the state issued the GR May 23, 2013, imposing a ban on his physical appearances in cases where he is an accused.

Moreover, Jundal could be produced whenever required through video-conferencing and his physical appearance was not necessary, Jagnik pointed out.

Naqvi contended that the GR violated the fundamental right of public hearing, a free and fair trial, hence it was arbitrary, unconstitutional and void.

Jundal is currently lodged in isolation at the high security Arthur Road Central Jail since February 2013.

Among other things, police said that he had gone to Pakistan to train the 10 Pakistani terrorists in the 26/11 attack to speak Hindi.

Naqvi said that the rare GR has earlier been issued only on two occasions in recent years - first for Saquib Nachan, an accused in several Mumbai blasts including Ghatkopar, Vile Parle, and later for Pakistani terrorist Ajmal Amir Kasab, who was hanged two years ago.

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