

**Interference in judiciary not acceptable**

Date: 11/07/2022

On the 24<sup>th</sup> of June 2022, the Hon'ble Supreme Court of India delivered its verdict in the case of 'Zakia Ahsan Jafri v. State of Gujarat and Anr.'. It dismissed the appeal preferred against the closure report of the Special Investigation Team ("SIT") and made scathing remarks against the conduct of Ms. Teesta Setalvad, Mr. Sanjiv Bhatt and Mr. R.B. Sreekumar.

The whole world knows and also recorded in various judicial orders passed by the Hon'ble Supreme Court that it was *on the* request coming from Teesta Setalvad (and whichever anti India forces working through her) that Supreme Court constituted Special Investigation Team (SIT). It was not constituted by Gujarat Government. The members of SIT were also selected by the Hon'ble Supreme Court at Court's sole discretion. This SIT was answerable only to the Hon'ble Supreme Court and no one else. The entire investigation by Court appointed SIT was conducted under direct monitoring and supervision of the Hon'ble Supreme Court. It is this SIT which has found Teesta Setalvad and her accomplices *involved in various crimes*. The Hon'ble Supreme Court has, therefore, rightly observed in its judgment dated 24th June 2022 what it observed. There must be accountability for malicious prosecution and fabrication of evidence.

The Hon'ble Supreme Court remarked that Ms. Teesta Setalvad and others were vindictively *pursuing* this *suit* for her ulterior design by exploiting the emotions of Smt. Zakia Ahsan Jafri, *aggrieved by the events*. The Hon'ble Supreme Court also took note of the misadventures of Ms. Teesta Setalvad when she forwarded letters written by her to the SIT to the Office of the High Commissioner of Human Rights at the United Nations (OHCHR) for oblique motives and made insinuations against the Hon'ble Supreme Court for accepting the work of the SIT as fair and complete investigation. Additionally, it was also submitted to the Hon'ble Supreme Court that Ms. Teesta Setalvad tutored Smt. Zakia Ahsan Jafri to give false evidence before the Nanavati-Shah Commission and that nineteen witnesses insisted *upon* to take on signed statements prepared by Ms. Teesta Setalvad.

In the concluding paragraphs of the judgement, the Hon'ble Supreme Court specifically observed that "it appears to us that a coalesced effort of the disgruntled officials of the State of Gujarat along with others was to create sensation by making revelations which were false to their own knowledge. The falsity of their claims had been fully exposed by the SIT after a thorough investigation. Intriguingly, the present proceedings have been pursued for last 16 years (from submission of complaint dated 8.6.2006 running into 67 pages and then by filing protest petition dated 15.4.2013 running into 514 pages) including with the audacity to question the integrity of every functionary involved in the process of exposing the devious stratagem adopted (to borrow the submission of learned counsel for the SIT), to keep the pot boiling, obviously, for ulterior design. As a matter of fact, all those involved in such

abuse of process, need to be in the dock and proceeded with in accordance with law.”

In light of such observations, an FIR has been lodged against Ms. Teesta Setalvad along with two Indian Police Services (“IPS”) Officers under Sec. 120B, 194, 211, 218, 468 and 471 of the Indian Penal Code (“IPC”) on the 25<sup>th</sup> of June 2022. Ms. Teesta Setalvad and Mr. R.B. Sreekumar were also arrested by the Gujarat Police. This FIR is not only based upon the said judgment but independent of it also.

Registration of an FIR is strictly in accordance with Code of Criminal Procedure and Ms. Teesta Setalvad and other accused can always take resort to the provisions of the Code and the Constitution. There is no prejudice to anyone in view of the robust judicial system in the country. Neither Ms. Teesta Setalvad, R. B. Sri kumar nor Sanjiv Bhatt can selectively use court proceedings against others and not face the process of law themselves.

Since the lodging of FIR and arrest of Ms. Teesta Setalvad, a politically motivated section of civil society has made attempts to cast aspersions on the integrity of the judiciary at large *and in this case relating to Ms. Teesta Setalvad*, this section has attempted to pressurise the judiciary to expunge remarks which are unfavourable to Ms. Setalvad and the two guilty IPS Officers who have fabricated evidence. *This section should realise that SCI acted in a matter which was within its jurisdiction and any action for modification of Court proceedings, like its ‘clarification’ etc., must take form of a regular motion, not merely by the asking of it, and even as they pretend that the Citizens are ‘totally disturbed and dismayed’, so also the law abiding Citizens are disturbed and dismayed at the former’s attempt to disrupt the Rule of Law.*

The signatories of this letter, who are law abiding citizens having faith in the legal system, urge that the SCI *need* not expunge any of its remarks in the case of ‘Zakia Ahsan Jafri v. State of Gujarat and Anr.’ *or* be intimidated by the tactics of such institutional disruptors. Rather, the SCI would allow the law to take its own course and uphold the majesty and dignity of the Court by ensuring that the public’s confidence in the judicial system stays intact.

### Coordinators

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-----**List of Signatories attached**-----