

PRESS RELEASE

April 19, 2016

Randeep Singh Surjewala, Incharge Communications, AICC has issued the following statement to the press today:-

“Prime Minister, Shri Narendra Modi and BJP President, Shri Amit Shah are shamelessly misleading the country and obstructing judicial process by blocking trial of accused in Ishrat Jahan fake encounter case pending in the court at Ahmedabad, Gujarat. Modi government is using a web of selective news leaks, deceptive statements of its ministers and non-grant of sanction for prosecution of the accused to ensure mistrial and reinvestigation through pliable investigating agencies. PM, Shri Narendra Modi and BJP President, Shri Amit Shah need to tell 125 crore Indians the real motive behind desperation to shut down the trial in Ishrat Jahan case. What is it that they seek to hide or are scared of needs to be placed before the Nation.

Modi government is not only economical with the truth but is also relying upon patent falsehood to hide the facts that the findings of ‘fake encounter’ of Ishrat Jahan and three others is a ‘judicially recorded conclusion’ by District Judge of Ahmedabad Metropolitan Court as also by a Division Bench of Gujarat High Court. Modi government also deliberately omits to point out that a case of murder and other offences under Indian Penal Code was registered in Ishrat Jahan fake encounter case on the direction of Division Bench of Gujarat High Court. What is also being intentionally hidden is that charge sheet after investigation has been filed before the trial court in accordance with a court monitored CBI enquiry and court directive. Once, two courts i.e. Metropolitan Court, Ahmedabad and Gujarat High Court monitored enquires have returned a finding of fake encounter, registered a case of murder and a charge sheet to try the accused has been filed accordingly; Modi government seeks to falsely hide behind the language of pleadings before the High Court to ensure that no trial takes place and truth does not come out. This itself makes the motive of Prime Minister, BJP President and their ministers clearly circumspect.

In this regard, following facts may be noted:-

- (i) On 15th June, 2004; Ishrat Jahan and three others namely Pranesh Pillai, Zeeshan Johar and Amjad Ali Rana were executed by Crime Branch of Ahmedabad Police in Ahmedabad.

Allegation was that they were LeT operators and wanted to assassinate the then Chief Minister of Gujarat, Shri Narendra Modi. This version put out by State of Gujarat was severally contested by family members of Ishrat Jahan and others, who were killed besides various civil society groups questioning the Gujarat government.

- (ii) Death of Ishrat Jahan and others was investigated by Ahmedabad Metropolitan Court i.e. the Judge, Shri S.P. Tamang, who came to the conclusion that it was a fake encounter.

This decision of Ahmedabad Metropolitan Court was challenged by Government of Gujarat in the Gujarat High Court.

- (iii) A Division Bench of Gujarat High Court constituted an SIT. SIT comprised of two Gujarat cadre IPS officers i.e. Shri Mohan Jha (Gujarat Police), Shri Satish Verma (Gujarat Police) and one outside officer Shri J.V. Ramudu. This SIT submitted a unanimous report in November, 2011 to the High Court returning a finding that it was a fake encounter.
- (iv) Based on the report of SIT, Gujarat High Court ordered registration of an FIR under Section 302 and other relevant sections of IPC against all officers involved in the fake encounter. Gujarat High Court handed over the matter to CBI for a court monitored further investigation in December, 2011.

From year 2011 to 2013, this case was monitored by Division Bench of Gujarat High Court. In July, 2013; CBI filed a charge sheet in Ahmedabad Court clearly stating that Ishrat Jahan and others were killed in fake encounter. Pursuant to filing of charge sheet by CBI, the then Leader of Opposition in Rajya Sabha, (present Finance Minister), Shri Arun Jaitley wrote a detailed letter to the then PM, Dr. Manmohan Singh defending the accused found guilty of fake encounter and alleging that a conspiracy was being hatched to make the then Chief Minister, Shri Narendra Modi an accused in the matter. Shri Jaitley also wrote two blogs in the media under his own name.

- (v) Clearly, Ishrat Jahan fake encounter case has no connection to the then Congress government in any manner.

Findings of fake encounter have been recorded in a judicial inquiry of the encounter by Ahmedabad Metropolitan Court after examining the entire evidence. Shri Narendra Modi was then the Chief Minister of Gujarat. Gujarat government challenged the findings of fake encounter recorded by Ahmedabad Metropolitan Court before Gujarat High Court. SIT constituted and monitored by Gujarat High Court (comprising of two officers of Gujarat Police) returned the findings of fake encounter. Then, a Gujarat High court monitored CBI inquiry affirmed the findings of fake encounter. This led to filing of a charge sheet before Ahmedabad trial court, which was based upon court monitored SIT findings and CBI inquiry. Admittedly, these findings have become final. How can Modi government in hindsight allege a conspiracy when there is a clear cut finding by two court monitored inquiries?

People of India want to know the motive, the conspiracy and the real reason for successive and sinister attempts to derail the judicial process from reaching a final conclusion in Ishrat Jahan case. Is it to hide something that BJP is afraid of or to protect the accused officers, one of whom has now been appointed as DG of Gujarat Police despite pendency of trial? Or is it to divert attention from the massive scam in Gujarat State Petroleum Corporation in which nearly 20,000 crore of public exchequer's money has been put at stake? Or is it to divert attention from the illegal land allocation to Anar Patel, daughter of present Gujarat CM, Smt. Anandiben Patel by the then State Cabinet headed by Shri Narendra Modi causing a clear-cut loss to the exchequer? Or is it a poor ploy to divert attention from paralysis of governance and abject failure to tackle rampant unemployment and widespread rural distress by Modi government? Prime Minister, Shri Narendra Modi must answer these questions to the people of India.”