

ORDER
ANNEXURE - C

Court of the chief Judicial Magistrate, Bhopal (M.P.)
Before Shri Gulab Sharma

State ----- Plaintiff

versus

Warren Anderson

and others ----- Accused

Order

(Passed today on 1.2.92)

State represented through Mr. U.S. Prasad, Advocate

Accused Nos. 1, 10 and 11 were not present

Accused No.8 and 9 through Mr. Rajendra Singh, Advocate
and Mr. Vijay Gupta, Advocate

Accused No.12 through Mr. Mitra

Rest of the accused represented through Mr. Rajendra
Singh

1. Mr. Prasad submits that the Proclamation about
accused No.1, Warren Anderson, was duly issued under the
Article 82 of Cr.PC and published in the Washington Post
dated 1.1.1992, the photocopy of which was presented in
the Court, and that despite the proclamation Warren
Anderson has not presented himself before the Court.

2. Since accused No.1, Warren Anderson, remained absent
from the Court despite the efforts of the State and the
proclamation issued by it, it becomes necessary to issue
orders, under article 83 of Cr. PC, to attach his
property as prayed by Mr. Prasad in his submission. The
Court therefore, orders that the movable and immovable
properties of accused No.1, Warren Anderson, be attached
and the detailed account of his property be presented at
the next hearing.

3. Accused No. 10 and 11 are absent. Advocate Mr. Prasad has submitted that both the accused have been issued summons but they still have not appeared before the Court. The warrant issued against them have not brought results. Therefore, they should be declared as absconders and under Article 82 of Cr.PC a proclamation to this effect be issued.

4. The evidence shows that the administration had made efforts to bring the above mentioned accused before the Court and that the Warrants against them have remained un-enforced. Therefore, taking into account the entire set of circumstances accused No. 11, Union Carbide, Hong Kong are declared absconders in this case.

5. The summons against accused no.10 and 11 were received by John Macdonald and Peter J. Whittle as their representatives duly authorized by Union Carbide Corporation. The notification be issued that both the accused present themselves before the Court on the 27th of March 1992, and the notification be displayed in the premises of the court, the Union Carbide, Bhopal, and that it the premises of the Court, the Union Carbide, Bhopal, and that it be published in popular newspapers of Hong Kong and USA where the two accused reside. Besides, the notification be published in a popular Indian newspaper as Union Carbide has some other branches in India, so that in the event of the accused not turning up before the court, the property of Union Carbide be attached, as prayed for in the submission, and a directive to this effect be issued against the accused No.10 and 11. 6. On behalf of the other accused

the advocate requested that the documents be made available and submitted a list of the same. Mr. Prasad needed time to respond to the request. Copies of the photographs of the tanks have already been given to the advocate of the accused. The Court asked Mr. Prasad to produce the remaining at the next hearing.

7. Request made by the advocate of the accused that they have not been provided with copies of the past as well as ongoing investigation undertaken in this case. Time desired by Mr. Prasad to respond to the request given, but was asked to present the requested material at the next hearing.

8. Advocate Mr. Rajendra Singh has requested on behalf of the remaining accused that since the accused No.1, 10 and 11 have remained absent from the Court, they be detached from the case and the case against the rest be declared and they be asked to commit themselves as requested in a submission on 30.09.88. Mr. Prasad has objected to it. According to him, since the main accused in the case are not present and since the proceedings are on during the course of efforts being made to produce them, they should not be detached from the case.

9. As for the objection that the proceedings in the case against the remaining accused, who are present cannot be kept suspended for an indefinite period on the ground of the non-appearance of the accused No.1, 10 and 11 the need for the committal of the remaining accused would be through about.

10. As a result, orders given to attach the movable and immovable property of the accused No.1 and the administration to produce the list of the same.

11. Accused No.11 and 11 declared absconders, the proclamation to this effect be issued.

12. Mr. Prasad to respond to the request of the accused at the next hearing.

The next hearing in this case for considering the petition and the issue of committal, will be on 27.3.1992.

1 February, 1992

Bhopal

Gulab Sharma

Chief Judicial Magistrate.