

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).4276/2025

[Arising out of impugned final judgment and order dated 05-03-2024 in CRLA No.1249/2023 passed by the High Court of Judicature at Bombay]

KAILASH RAMCHANDANI

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No. 55791/2025 - EXEMPTION FROM FILING O.T., IA No. 55789/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.55787/2025 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 18-07-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Trideep Pais, Sr. Adv.
Ms. Sanya Kumar, Adv.
Ms. Saloni Ambastha, Adv.
Mr. Harsh Jain, Adv.
Ms. Sakshi Jain, Adv.
Ms. Ankita Gupta, AOR

For Respondent(s) :Mr. Aniruddha Deshmukh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

Mr. Arvind Kumar Sharma, AOR
Mr. Raja Thakare, Adv.
Mr. Rohit Khare, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. Digvijay Dam, Adv.
Mr. Anmol Chandan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. In purported compliance of our order dated 23.05.2025, an affidavit sworn by one Vimal Kumar Shukla, who is stated to be an

Undersecretary in the National Investigating Agency, has been filed.

2. Having gone through the contents of the affidavit, we are wholly satisfied that no effective or tangible step has been taken by the Respondent-authorities for conducting expeditious trials in the matters investigated by the National Investigating Agency. The most fitting step in this regard would, of course, be the establishment of exclusive Special Courts. It goes without saying that such an exercise would essentially require:

- (i) Creation of posts in the Superior Judicial Service Cadre;
- (ii) Creation of posts of requisite ministerial staff, which are indispensable for a fully-functioning Court; and
- (iii) The bare infrastructure for housing such a premises: including a suitable Court room and other basic amenities.

3. It is an admitted position that none of such steps have been taken by the Respondent-authorities. Contrarily, we observe at an attempt is being made to create an erroneous equivalency between an exclusive Special Court and a designated Court. In our considered opinion, the designation of an existing Court as a "Special Court" under Section 11 of the National Investigation Agency Act, 2008 (in short, the "NIA Act") would not be sufficient compliance of what has been observed by us in our previous order.

4. We, therefore, outrightly reject such a plea being taken on behalf of the Respondent-authorities. Designation of an existing Court and/or entrustment of exclusive trials under the NIA Act to such designated Courts would incontrovertibly be at the cost of other Court cases including hundreds of under-trials who are

languishing in jail, senior citizens, marginalized persons etc.

5. If the Respondent-authorities fail to establish the aforementioned exclusive Special Courts with the pre-requisite infrastructure for the purpose of conducting time-bound or expeditious trials under the NIA Act, the Courts would invariably be left with no alternative than to release the under-trials on bail. After all, for how long can such individuals be kept in indefinite custody when no effective mechanism exists to ensure the timely conclusion of their trials?

6. Adverting to the case in hand, we deem it appropriate to modify paragraph 2 of our order dated 17.03.2025, making it clear that if the Union of India and the respondent-State fail to establish exclusive Special Courts forthwith, the prayer of the petitioner for release on bail shall be considered on merits on the next date of hearing.

7. Post the matter on 04.09.2025.

8. It is clarified that this will be the last opportunity to the Union of India and the respondent-State to take a final decision in terms of the observations made hereinabove.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR