

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

Criminal Appeal No. 3742/2023

SURENDRA PUNDALIK GADLING

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(IA No. 172147/2025 - EARLY HEARING APPLICATION and IA No. 199153/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 199158/2023 - EXEMPTION FROM FILING O.T. and IA No. 73131/2025 - EXEMPTION FROM FILING O.T. and IA No. 184427/2024 - EXEMPTION FROM FILING O.T. and IA No. 184426/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 73130/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 21-01-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Appellant(s) : Mr. Anand Grover, Sr. Adv.
Mr. Paras Nath Singh, Adv.
Mr. Rohin Bhatt, Adv.
Ms. Nupur Kumar, AOR

For Respondent(s) : Mr. S.V. Raju, A.S.G.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

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

1. *Apropos* the last order, the Additional Sessions Judge, Aheri¹ vide order dated 06.12.2025 in Sessions Case No. 57 of 2023 has decided the application of the prosecution seeking issuance of a letter of request to Special Court (NIA),

1 Hereinafter referred to as 'Trial Court, Aheri'

City Civil & Sessions Court, Mumbai² with respect to calling for the original record including the seized electronic evidence which are lying in Special Case No. 414 of 2020 in NIA Court, Mumbai and directed as under:

1. *The application is allowed.*
2. *The Office (Superintendent/Sheristedar) is directed to immediately issue a Letter of Request addressed to the Hon'ble Special Judge (NIA), Court No. 25, City Civil & Sessions Court, Greater Mumbai.*
3. *The Letter of Request shall state that the original Record and Proceedings, including the original documents, all accompaniments, and the seized Digital/Electronic Evidence (Muddemal) pertaining to the present crime as mentioned in the application at Exh. 249, are required by this Court for the purpose of hearing on the point of Charge in Sessions Case No. 57/2023.*
4. *The Office is directed to request the Hon'ble NIA Court to transmit the said record to this Court at the earliest convenience, either through a Special Messenger of that Court or by handing it over to the Investigating Officer of the present case, who is authorized to receive it.*
5. *The Investigating Officer is directed to coordinate with the Registry of the NIA Court, Mumbai, to ensure the safe and secure transit of the record if permitted by the NIA court, particularly the electronic evidence, ensuring that the chain of custody is maintained intact during the transfer.*
6. *Copy of application Exh. 249 and order thereon be sent to Hon'ble Special Judge (NIA), Court No. 25, City Civil & Sessions Court, Greater Mumbai along with request letter.*

2 Hereinafter referred to as 'NIA Court, Mumbai'

7. The investigating officer or his representative to take request letter by hand and submit it before Hon'ble Special Judge (NIA), Court No. 25, City Civil & Sessions Court, Greater Mumbai and act in accordance with the order thereafter to avoid further delay in this matter, as the case is closely monitored by higher Courts due to the delay in matter on the stage of framing of charge.

2. At this stage, Mr. Anand Grover, learned senior counsel representing the appellant, submits that even after the order dated 06.12.2025 passed by Trial Court, Aheri directing transmission of the said original records, the same may take some time as records might also be required with respect to the trial that is going on at the NIA Court, Mumbai. It is also informed that regular presiding officer in Trial Court, Aheri where the case is pending is not posted, hence, without such regular posting of the presiding officer of the said Court, the charges cannot be framed and the trial cannot be proceeded with. Moreover, it is also submitted that on account of probable delay in framing of charges due to transmission of the records from the NIA Court, Mumbai to the Trial Court, Aheri where the present trial is being conducted, and also considering the fact that Appellant has been in custody for almost seven years, he may be enlarged on bail.

3. Mr. S.V. Raju, Additional Solicitor General of India opposing the above prayer submits that after the recent order of the Trial Court, Aheri, the framing of charges will not take much time and enlargement of Appellant on bail would not be appropriate.

4. After hearing learned counsel for the parties and in view of the contentions as advanced and being cognizant of the fact that the appellant is in custody since last about seven years and his request for grant of bail is pending before this Court since more than two and a half years, we direct the Registrar General of the High Court of Judicature at Bombay to take following steps:

- (i) In case, the Additional Sessions Court where the Sessions Case No. 57/2023 is pending is vacant and in-charge Judge is looking after the said trial, the regular posting of a competent judge be made having absolute integrity within a period of seven days.
- (ii) As directed, vide order dated 06.12.2025 by the Additional Sessions Judge, Aheri, the record of Special Case No. 414/2020 pending at Special Court (NIA), City Civil & Sessions Court, Mumbai be transmitted safely by appointing appropriate officer of the district having consultation with the District and Sessions Judge of the said District within 10 days.
- (iii) On receiving the record, the Additional Sessions Judge, Aheri, shall permit the inspection of the record to the appellant through counsel within a period of three weeks.
- (iv) After completion of such inspection, the case be fixed for framing of charges at Trial Court, Aheri and after framing of such charges

within four weeks, the record be transmitted back to NIA Court, Mumbai in safe custody.

- (v) It is further directed that the Courts shall ensure the appearance of the accused virtually through video conferencing without any hindrance therein.

5. List after 10 weeks.

(NIDHI AHUJA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR