

Petition(s) for Special Leave to Appeal (Crl.) No(s). 17214/2024

[Arising out of impugned final judgment and order dated 30-08-2024 in CRLA No. 827/2024 passed by the High Court of Karnataka at Bengaluru]

SHABBAR KHAN

Petitioner(s)

VERSUS

NATIONAL INVESTIGATIVE AGENCY

Respondent(s)

FOR ADMISSION and IA No.284591/2024-EXEMPTION FROM FILING O.T. and IA No.285395/2024-EXEMPTION FROM FILING O.T. and IA No.285392/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 13-02-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. P Vishwanath Shetty, Sr. Adv.
Mr. Nizam Pasha, Adv.
Mr. Mushtaq Salim, Adv.
Mr. Vibhav Chaturvedi, Adv.
Mr. Sidharth Kaushik, Adv.
Ms. Awstika Das, Adv.
Mr. Saiful Haque, Adv.
Mr. Aditya Samaddar, AOR

For Respondent(s) :Mr. Suryaprakash V.Raju, A.S.G.
Mr. Annam Venkatesh, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Hitarth Raja, Adv.
Mr. Abhinav Mishra, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. G.Siddiramulu, Adv.

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

We have heard Shri P Vishwanath Shetty, learned senior counsel for the petitioner and Shri Suryaprakash V. Raju, learned A.S.G. for the respondent at length.

We are not inclined to interfere in the matter.

The Special Leave Petition is hence dismissed.

However, during the course of submissions, learned senior counsel appearing for the petitioner brought to our notice the fact that the High Court of Karnataka in the case of Shoheb Ali & Ors. Vs. State of Karnataka (Criminal Appeal No.72/2023), has recorded in paragraphs 48 and 50 of the order dated 20.04.2023 that there are as many as thirty one N.I.A. cases pending before the Special Court pertaining to different years. It is useful to extract the paragraphs below:

"48. Keeping in view the aforesaid principle, we got the information and statistical data from the Registrar (Judicial) about pendency of cases before the Special Court which is dealing with NIA cases. The Statement dated 12th April 2023 furnished by the Registrar (Judicial) depicts that as on 28th February 2023, 31 NIA cases are pending before the Special Court pertaining to different years, the details of which are as under:

Year to which NIA case relates to	Number of NIA cases pending	Approximate number of years from which NIA case is pending
2014	1	9 years
2015	2	8 years
2016	2	7 years
2017	3	6 years
2018	3	5 years
2020	3	5 years
2021	8	2 years
2022	5	1 year
2023	4	

Apart from 31 NIA cases, 53 Sessions Cases and 2 Crl. Misc. matters are pending before the said Special Court as on 31st March 2023.

50. ... It is high time for the State Government to fulfil the scope and object of the UA(P) Act and ensure speedy trial and disposal by constituting/establishing three more Special Courts for trial of NIA cases in other revenue Divisions of Karnataka viz., Mysore Division, Belagavi Division and Kalburgi Division. The present Special Court at Bengaluru assigned with the work of trial of NIA cases alongwith Sessions and other cases. If the NIA cases are less in the newly proposed Special Courts, the said Courts may be assigned with Sessions and other cases as has been done in respect of Special Court at Bangalore established for speedy disposal of NIA cases. If the newly proposed Special Courts are not constituted/established, one Special Court in the entire State would be overburdened and will lead to inordinate delay in trial and disposal of NIA cases, which is against the constitutional mandate as contemplated under Article 14 and 21 of the Constitution of India."

Learned senior counsel for the petitioner submitted that apart from thirty one N.I.A. cases, fifty three sessions cases and two criminal miscellaneous matters were pending before the Special Court as on 31.03.2023.; That in the instant case in respect of the incident which is said to have taken place on 11.08.2020, as many as 254 witnesses have been listed before the Special Court in respect of this trial by the N.I.A. under the Unlawful Activities (Prevention) Act, 1967 (UAPA).

In the circumstances, we direct that there shall be compliance with Section 11 of the National Investigation Agency Act, 2008 both by the Central Government as well as by the State Government.

In this regard, our attention was drawn by learned A.S.G. to the proposal of the Ministry of Home Affairs for setting up of exclusive courts for trial of NIA cases and communication issued by the said Ministry dated 07.10.2024 to the Karnataka State

Government and the Registrar General of the Karnataka High Court seeking their comments or consent for constitution of an exclusive Special Court at Bengaluru.

It was also brought to our notice that pursuant to order dated 20.04.2023 passed in Criminal Appeal No.72/2023 connected with Criminal Appeal No.183/2023, the recommendation issued to the State Government to establish three Special Courts in Mysore, Belagavi and Kalaburgi within a period of six months from date of that order has not yet been complied with.

Having regard to the aforesaid submissions advanced by the learned senior counsel for the petitioner who has emphasized on the inordinate delay that this matter would take in disposal and bearing in mind the submission of learned A.S.G., we find that the direction issued by the High Court in Criminal Appeal No.72/2023 connected with Criminal Appeal No.183/2023 must be complied with in letter and spirit as expeditiously as possible.

It is needless to observe that the learned Registrar General of the High Court in consultation with the State Government, and after obtaining orders from Hon'ble the Chief Justice of Karnataka High Court, coordinate for the establishment of additional N.I.A. Courts exclusively for UAPA offences which are being investigated either by the State Government or by the N.I.A. The said exercise shall be completed within a period of three months from today.

Both sides are directed to render their co-operation to the concerned Court for expeditious disposal of the case under consideration.

A copy of this order to be dispatched by the Registry of this

Court to the Chief Secretary, Government of Karnataka and learned Registrar General of the High Court of Karnataka.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)