

ITEM NO.18

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) 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 &amp; 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 : 23-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

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

For Respondent(s) Mr. Raja Thakare, ASG  
Mr. Rohit Khare, Adv.  
Ms. Swarupama Chaturvedi, Adv.  
Mr. Digvijay Dam, Adv.  
Mr. Anmol Chandan, Adv.  
Mr. Arvind Kumar Sharma, Adv.

Mr. Aniruddha Deshmukh, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR

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

1. This case is not an exception as there are hundreds of trials in different parts of the country under the Special Statutes like UAPA, Indian Explosives Act, MCOCA and other similar statutes

in different States. The cases which are entrusted to the National Investigation Agency also primarily relate to heinous crimes having pan-India ramifications with serious consequences. It is oftenly openly seen that every case contains a list of hundreds of witnesses proposed to be examined. However, the trials are not commencing because the Presiding Officers are also occupied with several other criminal and civil cases. In the absence of a judicial audit of the matters, which are actually or likely to be generated with the enactment of a new law, the trials pertaining to heinous offences, have brought an enormous burden on the existing sytem. In a situation where the under-trial is languishing in jail for years on one hand and on the other, the trial is yet to commence, there is a dilemma before the courts. The release or denial on bail is indirectly a breach of Article 21 of the Constitution.

2. The most effective recourse can be the establishment of dedicated courts to whom the trials under the special statutes can be entrusted, without giving them any other civil or criminal cases. Ideally, the trial should take place on a day-to-day basis. Creation of additional courts, along with requisite infrastructure, is the domain of the Executive and also a part of their policy decision, which can be taken in consultation with the Chief Justice of the High Court, after securing complete data regarding pendency of the trials in the State.

3. Learned Additional Solicitor General of India seeks and is granted four weeks' time to have categorical instructions in this regard.

4. Post the matter for hearing on 18.07.2025.

(SATISH KUMAR YADAV)  
ADDITIONAL REGISTRAR

(PREETHI T.C.)  
ASSISTANT REGISTRAR