

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). 8799/2025

[Arising out of impugned judgment and order dated 10-01-2025 in CRLA No. 871/2023 passed by the High Court of Delhi at New Delhi]

MD HEYDAITULLAH

Petitioner(s)

VERSUS

NATIONAL INVESTIGATION AGENCY

Respondent(s)

(IA No. 129923/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 10-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. Kartik Murukutla, Adv.
Mr. Farrukh Rasheed, AOR
Mr. Abu Bakr Sabbaq, Adv.
Ms. Shifa, Adv.

For Respondent(s) : Ms. Aishwarya Bhati, A.S.G.
Ms. Poornima Singh, Adv.
Ms. Shagun Thakur, Adv.
Mr. Anirudh Singh, Adv.
Ms. Ruchi Kholi, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Raman Yadav, Adv.
Ms. Chitrangda Rashtravara, Adv.
Mr. Gyanendra Singh, Adv.
Mr. Digvijay Dam, Adv.
Mr. Anmol Chandan, Adv.
Mr. Rohit Khare, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. S.D. Sanjay, ASG
Ms. Disha Thakker, Adv.
Mr. Khushal Kolwar, Adv.
Mr. Akshat Aggarwal, Adv.
Ms. Nikita Sethi, Adv.
Mr. Shubham Prakash Mishra, Adv.

Dr. Sudhir Bisla, Adv.
Mr. Jayant Mohan, AOR

Mrs. Sumitra Bisla, Adv.
Ms. Meenakshi Chatterjee, Adv.
Ms. Adya Shree Dutta, Adv.
Ms. Dorjee Ongmu Lachungpa, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. In view of paragraph 3 of the order dated 16.12.2025, the Registry is directed to register a Suo Motu Writ Petition (Criminal) titled *in re: Creation of Special Exclusive Courts*. After the same is registered and a case number is assigned, the Registry is further directed to inform the learned ASGs and thereafter entertain the status report(s) that may be filed on behalf of the Union of India.

2. Ms. Aishwarya Bhati, learned Additional Solicitor General of India, has filed a status report along with some official communications. Vide Office Memorandum dated 07.01.2026, which is appended with the State Report, the Government of India through the Ministry of Home Affairs has laid down the norms for reimbursement of the expenditure incurred by the States for setting up and maintaining special courts exclusively for trial of NIA cases.

3. The aforesaid norms, *inter-alia*, provide as follows:

"(a) The norms do not envisage reimbursement of cost of land and/or the cost of construction. In view of the security concerns, it is not advisable to construct separate court complex for this purpose. It is, however, suggested that State Government may earmark one existing court for setting up special court, exclusively for trial of NIA cases.

(b) A decision may be taken at the level of the concerned States/UTs to ascertain whether creating a permanent facility for establishment of a Special Court exclusively for trial of NIA cases would be more

feasible for them, or for the time being they may continue with temporary establishment.

(c) Expenditure incurred by the State Government on setting up and the functioning of the court(s) will be reimbursed by the Central Government from the budgetary grant of the NIA, after receipt of the audited figures from the State Government, along with the necessary AG(Audit)/Internal Audit Certificate from the competent authority. Expenditure on the following items will be reimbursable:

(i) In case establishing a Special Court exclusively for trial of NIA cases is not feasible within the existing court complex due to administrative/space constraints, option for hiring suitable accommodation for setting up such courts in a secure building/complex under the possession of State Govt/Govt Enterprises may be explored. Hiring a building outside govt premises may be resorted to only under exceptional circumstances. In case, if the hiring of building is resorted to outside govt premises, the State Govt should provide necessary security from the State Police forces.

(ii) Necessary expenditure on making a court room suitable for a court of this nature through necessary infrastructure improvisation by renovation and maintenance.

(iii) Recurring expenditure on salary of the staff of the court as per established scales (Model of the staff pattern is mentioned in Para (d) below).

(iv) Purchasing/Hiring of a car for use of the Presiding Officer and necessary expenditure incurred on its running and maintenance.

(v) Necessary recurring and non-recurring expenditure on (a) Furniture (b) Information Technology items including Phones, Fax, Computers, including all software and peripherals, and broadband connection, photocopiers, duplicators etc. Annual

maintenance contracts are also covered.

(vi) Other items necessary for proper working conditions like Air conditioners and heaters etc. are included. Expenditure may be incurred on both purchasing the same wherever necessary and for their running and maintenance.

(vii) Running and maintenance costs like that on petrol, TA, electricity, water or any other such expenses and the annual maintenance costs, for example, Air conditioners or computers etc.

(viii) The recurring expenditure on normal office expenses including stationery, books and journals."

4. In paragraph 4(d), a model of the staff pattern for the Special Courts exclusive for trial of NIA cases has also been approved, which is reproduced below.

<i>S.N.</i>	<i>Name of the Post</i>	<i>Nos. of Post</i>
<i>1</i>	<i>Special Judge</i>	<i>01</i>
<i>2</i>	<i>Sheristadar</i>	<i>01</i>
<i>3</i>	<i>Stenographer Gd-II</i>	<i>01</i>
<i>4</i>	<i>UD Asstt. Including one Bench Asstt.</i>	<i>02</i>
<i>5</i>	<i>LD Asstt.</i>	<i>02</i>
<i>6</i>	<i>Typist</i>	<i>02</i>
<i>7</i>	<i>Driver</i>	<i>01</i>
<i>8</i>	<i>Process Server</i>	<i>01</i>
<i>9</i>	<i>Peon for office & officer</i>	<i>03</i>
<i>10</i>	<i>Chowkidar/Security Guard</i>	<i>01</i>
<i>11</i>	<i>Sweeper</i>	<i>01</i>

5. Paragraphs 5 and 7 of the Office Memorandum has also direct bearing on the issue, which are to the following effect:

"5. There shall be an overall limit of Rs.1 Crore on recurring expenditure per annum, and overall limit of

Rs.1 Crore on non-recurring expenditure (which will be incurred within a period of maximum 24 months after designation of a Special Court exclusively for trial of NIA cases). The reimbursement, however, shall be subject to actual expenditure on ground against the list of items prescribed in Para 4(c) & (d).

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7. In order to enable NIA to process the reimbursement of expenditure in time, it is requested that audited figures of expenditure incurred in the previous Financial Year may be sent to NIA by 31st July of every year, along with an audit certificate from AG (Audit)/Internal Audit."

6. What appears is that the Union of India has agreed in principle to reimburse a recurring expenditure of Rs.1 crore each year along with an overall amount of Rs.1 crore on non-recurring expenditure for a period of 24 months after the designation of a special court. However, in view of paragraph 4 (a) and (b), the exclusive court room is required to be provided by the State Governments, for which the Central Government has committed itself to reimburse the expenditure in terms of paragraph 4(c) above.

7. In this view of the matter, let notice be issued in the newly registered suo-moto case to the 17 States where 10 or more trials pertaining to NIA are pending, namely, Assam, Bihar, Chhattisgarh, Delhi, Gujarat, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Punjab, Tamil Nadu, West Bengal, Andhra Pradesh, Rajasthan and Telangana, through their respective Chief Secretaries.

8. The respective learned Advocates General of the above-mentioned States are directed to remain present in Court, either

personally or virtually.

9. Ms. Bhati, Learned Additional Solicitor General of India, assures us that the NIA authorities will inform the State Governments, which will be taken as service of notice on them.

10. With regard to the other central statutes, which envisage the creation of special courts for trial of criminal cases, Mr. S.D. Sanjay, learned Additional Solicitor General of India, states that the matter is under active consideration and a similar policy decision is likely to be taken.

11. Post this matter for consideration on the prayer for bail, as well as the Suo Motu Writ Petition, on 24.03.2026.

12. Meanwhile, all the status reports filed from time to time may be compiled by Union of India and be placed on record in the suo-moto matter.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR