

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

TrP (Crl) No. 20/2024

National Investigation Agency

.... Petitioner (s)

Through:- Mr. Vishal Sharma, DSGI

V/s

UT of J&K & Ors.

.....Respondent(s)

Through:- Mrs. Monika Kohli, Sr. AAG
Mr. Saqib Javed Khan, Advocate
Mr. Lawanya Sharma, Advocate
Mr. Zulkernain Sheikh, Advocate

CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

27.09.2025

1. Petitioner, through the medium of this petition, has sought transfer of the trial in Challan titled '*State vs. Nissar Ahmed & Ors*', arising out of FIR No. 0042/2023 dated 20.04.2023, registered with Police Station Gursai, District Poonch, pending before the Court of learned Additional District & Sessions Judge, Poonch, to the Court of the learned Presiding Officer, National Investigation Agency Court, Jammu, which exclusively deals with the trial of scheduled offences investigated by the National Investigation Agency.

2. The said FIR was registered with Police Station Gursai, of District Poonch for commission of offences under Sections 302, 307, 436 IPC, 120 B, 121, 122, IPC Sections 3 and 4 of the Explosive Substances Act, as well as Sections 7, 25, and 27 of the Arms Act and Sections 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967, regarding the attack on army personnel. Charge-sheet was laid against eight accused persons on

21.10.2023 and the case is at the stage of examining the prosecution witnesses. Out of eight accused persons against whom charge-sheet was filed on 21.10.2023, four persons have been charge-sheeted in NIA cases RC-01/2023/NIA/JMU and RC-02/2023/NIA/JMU, which are pending adjudication before the NIA Court at Jammu.

3. On 27.09.2024, vide Order No. 11011/80/2024/NIA, Ministry of Home Affairs, Government of India, New Delhi, in exercise of the powers conferred under Section 6(5) of the NIA Act, 2008, directed the NIA to take over the investigation into the said case and accordingly, on 03.10.2024, NIA registered the said case as RC-03/2024/NIA/JMU. On 03.10.2024, a copy of the newly registered FIR by NIA was submitted before the NIA Court at Jammu and on 25.10.2024, notification bearing No. S.O. 4697 (E) dated 25.10.2024 was issued by the Ministry of Home Affairs, according to which the Central Government, in consultation with Hon'ble The Chief Justice of the High Court of Jammu & Kashmir and Ladakh and Government of Jammu and Kashmir designated the NIA Court at Jammu as Special Court for the purpose of Sub-Section (1) of Section 11 of the said exclusively Act for trial of the Scheduled Offences investigated by the National Investigation Agency.

4. Since the offences investigated by the NIA are required to be tried by the Special NIA Court constituted under Section 11 of the NIA Act, therefore, the petitioner on that ground, is seeking transfer of the said case from the Court of learned Additional District and Sessions Judge, Poonch to the Court of the learned Presiding Officer, NIA Court, Jammu.

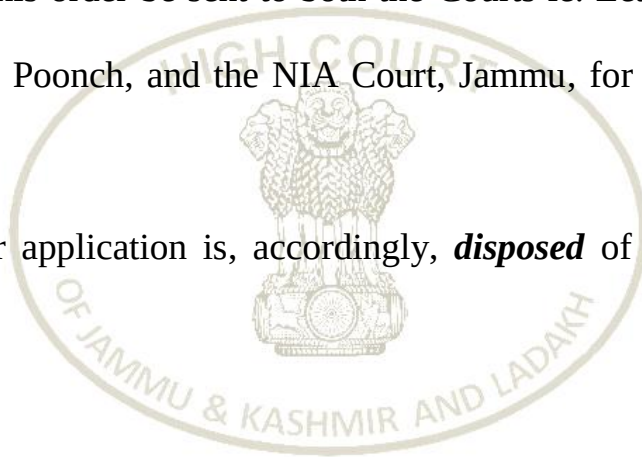
5. Learned counsel for the respondents and all accused state that they have no objection to the transfer of the proceedings to the from learned

Additional District and Sessions Judge, Poonch to Presiding Officer NIA Court, Jammu.

6. In view of the aforesaid submissions made by the learned counsel for the petitioner and in the absence of any opposition, from other side, this transfer application is disposed of by directing the learned Additional District and Sessions Judge, Poonch to forthwith transfer the entire case record, including all seized articles, to the National Investigation Agency Court, Jammu. The parties are directed to appear before the NIA Court, Jammu on **17.10.2025** and the accused be also produced, either physically or through virtual mode, on that date.

7. A copy of this order be sent to both the Courts ie. Learned Additional Sessions Judge, Poonch, and the NIA Court, Jammu, for information and compliance.

8. The transfer application is, accordingly, ***disposed*** of in the aforesaid terms.



(Vinod Chatterji Koul)
Judge

Jammu:
27.09.2025
Javid Iqbal