



CNR: KAHC010416412026

NC: 2026:KHC:40373-DB
WP No. 18879 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

WRIT PETITION NO. 18879 OF 2026 (GM-RES)

BETWEEN:

1. GHAYUR AHMED JAMALI
S/O NASRULLA JAML JAMALI,
S/O MOHAMMED JAFAR,
AGE ABOUT 35 YEARS,
R/AT SAKRI VILLAGE,
SAKRI TANE,
MADHUBHANI DISTRICT
BIHAR STATE.
2. AFTAB ALAM @ FAROOQ
S/O SHEIK MOHAMMED AYUB,
AGE ABOUT 38 YEARS,
R/AT DINESH BALWA POST,
ADHANG JALALGARH THANA
PURMIA DISTRICT
BIHAR STATE.
3. MOHAMMED THARIKH ANJUMAHSAN @ TARIQ
S/O MOHAMMED BADRUZZAMA
AGED ABOUT 42 YEARS,
R/AT AHMEDABAD VILLAGE,
MEHANOWDA POST,
NALANDA DISTRICT
BIHAR STATE.

Digitally
signed by
LAKSHMI T
Location:
High Court
of Karnataka



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AND RESIDENT AT FLAT NO. F-210,
F BLOCK, ABDU FAZAL ENCLAVE 2,
SHAHINBAGH,
OKHLA, JAMIYANAGAR,
NEW DELHI.

...PETITIONERS

(BY SRI. MOHAMMED TAHIR.,ADVOCATE)

AND:

STATE BY CUBBON PARK POLICE
BANGALORE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX BUILDING,
BANGALORE - 560 001

...RESPONDENT

(BY SRI. B N JAGADEESHA.,SPP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1. TO ISSUE WRIT OF MANDAMUS BY DIRECTING THE LEARNED XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, (SPECIAL JUDGE FOR TRIAL OF NIA CASES), (CCH-50), AT BENGALURU TO CONCLUDE THE TRIAL AND PASS THE JUDGMENT IN SC No.8712013 PENDING ON THE FILES OF XLIX ADDL. CITY CIVIL JUDGE FOR TRIAL OF NIA CASES, (CCH-50), AT BENGALURU WITHIN SHORTEST POSSIBLE TIME AS ALL THE STAGE IS OVER AND FORMAL JUDGMENT NEEDS TO BE DELIVERED, WHEREIN THE PETITIONERS ARE ARRAYED AS ACCUSED NO.3,4 AND 6 IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE G BASAVARAJA



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ORAL ORDER

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

Petitioners are accused Nos.3, 4 and 6 in S.C.No.871/2013 and connected matters, pending on the file of XLIX Additional City Civil and Session Judge (Special Court for trial of NIA cases) at Bengaluru (CCH-50), registered for the offences punishable under Sections 121, 121A, 123, 201, 212, 435, 307, 120B of Indian Penal Code, 1860 and Sections 13(1)(a), 13(1)(b), 16(1)(b), 18, 19 and 20 of Unlawful Activities (Prevention) Act, 1967 read with Section 120B of Indian Penal Code, 1860 and Sections 4(a), 5(b) and 6 of the Explosive Substance Act, 1908 read with Section 120B of Indian Penal Code, 1860 and Section 4 of Prevention of Damage of Public Property Act, 1984.

2. The instant petition is filed seeking a writ of mandamus by directing the trial Court to conclude the trial within shortest possible time, on the ground that the



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entire trial is over and only formal judgment needs to be delivered.

3. The material on record reveals that accused Nos.3 and 4 initially pleaded guilty to the charges. Challenging the inadequacy of sentence imposed against them, the State approached this Court in Criminal Appeal No.859/2020 connected with Criminal Appeal Nos.860/2020, 861/2020, 862/2020 and 863/2020. The said appeals were allowed and the matter was remitted back to the trial Court. Thereafter, the trial Court modified the sentence and appellant Nos.3 and 4 were sentenced to undergo life imprisonment. The said order was challenged by accused Nos.3 and 4 before this Court in Criminal Appeal No.1881/2021. This Court vide judgment dated 23.06.2022, set aside the impugned order and directed appellant Nos.3 and 4 to face trial. The State challenged the said order in SLP.(Crl).No.14666/2023 and connected matters.



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4. The grievance of the learned counsel for the petitioners is that, because of the pendency of the SLP before the Hon'ble Apex Court, the trial Court is not concluding the trial, which is causing great hardship to the petitioners, who are languishing in judicial custody for more than a decade. Learned counsel for the petitioners submitted that the entire trial is over and the case is now transferred from the Court of XLIX Additional City Civil and Session Judge (Special Court for trial of NIA cases) at Bengaluru (CCH-50) to the Court of XCIII Additional City Civil Judge and Sessions Judge (Special Court for trial of NIA cases) at Bengaluru (CCH-94).

5. Learned State Public Prosecutor Sri. B.N.Jagadeesha, submitted that the SLP preferred by the State is pending before the Hon'ble Supreme Court and the said case have a direct bearing on the trial of the case.

6. However, it is pointed out by the learned counsel for the petitioners that the Hon'ble Supreme Court by its



order dated 30.07.2026 has made it clear that there is no stay operating in SLP and therefore, the trial Court is at liberty to proceed with the matter. The said submission is not disputed by the learned State Public Prosecutor.

7. Section 19 of the National Investigation Agency Act, 2008 stipulates that *the trial under the said Act of any offence by a Special Court shall be held on day-to-day basis on all working days and have precedence over the trial of any other case against the accused in any other Court (not being a Special Court) and shall be concluded in preference to the trial of such other case.*

8. The Hon'ble Apex Court has made it clear that there is no stay operating in the SLP pending before it and further observed that the trial Court is at liberty to proceed with the matter that is being pending before the XLIX Additional City Civil and Session Judge (Special Court for trial of NIA cases) at Bengaluru (CCH-50), which is now transferred to the XCIII Additional City Civil Judge



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and Sessions Judge (Special Court for trial of NIA cases) at Bengaluru (CCH-94).

9. Considering the long pendency of the case and the fact that the entire trial is over, and in view of the order passed by the Hon'ble Supreme Court, the Writ Petition is ***disposed of***, with a direction to the learned trial Court to conclude the trial expeditiously and to make all endeavors to dispose of the case within a period of two(2) months from the date of receipt of a copy of this order.

Registry is directed to communicate this order forthwith, to the trial Court.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(G BASAVARAJA)
JUDGE**

PHM
List No.: 1 Sl No.: 13