

JVS.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL (ST) NO. 211 OF 2026
WITH
INTERIM APPLICATION NO. 47 OF 2026**

Rajendra Chaudhary S/o. Vikram Singh	}	
Chaudhary @ Dashrath @ Samander	}	
@ Badal Yadav @ Laxman Das Maharaj	}	
& Anr.	}	Petitioners
Versus		
Union of India & Ors.	}	Respondents

Mr. Kaushik Mhatre (through VC) with Mr. Sanjeev Deshpande, Mr. Vivek Nishad & Mr. Prakash S., Advocates for the Petitioners.

Ms. M. M. Deshmukh, In-Charge Public Prosecutor with Mr. J. P. Yagnik, APP for Respondent-State.

Mr. Kuldeep Patil with Mr. Digvijay S. Kachare, Advocates for Respondent Nos. 5 & 6-CBI.

Mr. Anil Singh, Additional Solicitor General with Mr. Chintan Shah, Ms. Rama Gupta and Mr. Adarsh Vyas, Advocates for Respondent Nos. 7 & 8-NIA.

**CORAM: SHREE CHANDRASHEKHAR, CJ. &
SUMAN SHYAM, J.**

DATE: 22nd JANUARY 2026

P.C.:

Interim Application No. 47 of 2026 :-

This interim application has been filed seeking condonation of delay of 49 days in filing Criminal Appeal (St) No. 211 of 2026 challenging the order framing charge made on 30th September 2025.

2. Having regard to the fact that the Appeal has been filed pursuant to the statutory provision under section 21 of the National Investigation Agency Act, 2008, Interim Application No. 47 of 2026 is allowed.

Criminal Appeal (St.) No. 211 of 2026 :-

3. Call for the original records pertaining to Special Case No. 8 of 2013 through a Special Messenger.
4. A crime was registered on 8th September 2006 under the provisions of the Indian Penal Code, Unlawful Activities (Prevention) Act etc. against unknown persons. In course of the investigation, 12 accused were arrested and on conclusion of investigation, the Anti-Terrorist Squad of the State of Maharashtra filed a charge-sheet vide Crime No.7 of 2006 on 21st December 2006. Later on, the investigation in this case was transferred to the Central Bureau of Investigation (CBI) on 5th February 2007 and the case was re-registered as RC Case No. 3 of 2011. However, after the further investigation carried out by the National Investigation Agency (NIA) the appellants along with the other persons were arrayed as accused persons and the charge-sheet was filed.
5. The learned counsel for the appellants contends that there is no eye witness referred to by the NIA who has claimed himself as an eye witness. The discharge of other accused persons against whom a charge-sheet was laid is patently illegal and a challenge to their discharge has been made in Criminal Appeal Nos. 440 of 2016 and 441 of 2016.
6. After having examined the materials on record, we find that a *prima facie* case for interference has been made out.
7. Having regard to the facts and circumstances of the case, there shall be an ad-interim stay in terms of prayer clause (b) and the Court concerned shall not proceed further with the trial in Special Case No. 08 of 2013.
8. Post the matter on 26th February 2026.

[SUMAN SHYAM, J.]**[CHIEF JUSTICE]**