



ORDER BELOW EXH. 249
(Passed on 06.12.2025)

1. This application has been moved by the Investigating Officer, seeking the issuance of a Letter of Request to the Hon'ble Special Court (NIA), City Civil & Sessions Court, Mumbai. The specific prayer is to call for the original record and proceedings, including the original, documents, and seized electronic evidence (hard disks/clones), which are mentioned in application and stated to be in the custody of the said Court in connection with **Special Case No. 414/2020**.
2. To put the matter in proper perspective, this application is a direct consequence of the observations made by this Court in the order passed below Exh.1 on 03.11.2025. In that order, this Court had extensively dealt with the objection raised by the accused, Surendra Gadling, regarding the non-availability of original records. It was recorded that the framing of charge is a critical stage in a criminal trial and cannot be mechanically undertaken on the basis of mere xerox copies, especially when the

authenticity of the evidence is to be scrutinized.

3. The learned Assistant Public Prosecutor (APP) submits that the original record of the present crime in respect of involvement of accused Surendra Gadling is with the NIA Court, Mumbai, as the investigation of the connected larger conspiracy was taken over by the National Investigation Agency. Consequently, the physical files and digital evidence are lying in the custody of Court No. 25 at Mumbai. The prosecution, therefore, prays that a requisition be sent to call for these records to this Court for the purpose of the present trial.
4. The accused, Surendra Gadling, who is present before the Court (via Video Conferencing/in person), has been heard on this application. Consonant with his earlier stand, he submits that the production of original records is a prerequisite for him to make effective submissions on the point of charge. He submitted that necessary orders be passed to secure the records.
5. I have given my careful consideration to the situation at hand.

6. The trial in the present case (Sessions Case No. 57/2023 old case No.99/2019) has been pending since 2019. We are at the threshold of framing charges. It is a settled principle of criminal jurisprudence, and indeed a requirement of fair trial under Article 21 of the Constitution, that the court must apply its judicial mind to the best evidence available. As noted in my earlier detailed order, reliance on photocopies is impermissible when the accused contests them and when originals exist.
7. Since the records are not in the possession of the investigating agency but are in the judicial custody of a competent Special Court in Mumbai, the appropriate procedural mechanism is for this Court to issue a formal Letter of Request to the concerned Judge.
8. It is necessary to ascertain whether the original record is required permanently or temporarily. Given that the case in Mumbai (Spl. Case No. 414/2020) is also likely active, we must request the record specifically for the purpose of inspection, verification, and framing of charge in the present case. However, considering the serious nature of the offences under

UAPA and the volume of electronic evidence, the physical presence of these exhibits before this Court is indispensable at this stage.

9. The prosecution shall have to shoulder the responsibility of safe transit if the record is handed over to a special messenger.
10. In view of the urgency of the matter, as the case being more than six years old, and to ensure there is no further delay in the proceedings, I am inclined to allow the application. Hence, I pass the following order :-

ORDER

1. The application is allowed.
2. The Office (Superintendent/Sheristedar) is directed to immediately issue a Letter of Request addressed to the Hon'ble Special Judge (NIA), Court No. 25, City Civil & Sessions Court, Greater Mumbai.
3. The Letter of Request shall state that the original Record and Proceedings, including the original documents, all accompaniments, and the seized Digital/Electronic Evidence (Muddemal)

pertaining to the present crime **as mentioned in the application at Exh. 249**, are required by this Court for the purpose of hearing on the point of Charge in Sessions Case No. 57/2023.

4. The Office is directed to request the Hon'ble NIA Court to transmit the said record to this Court at the earliest convenience, either through a Special Messenger of that Court or by handing it over to the Investigating Officer of the present case, who is authorized to receive it.
5. The Investigating Officer is directed to coordinate with the Registry of the NIA Court, Mumbai, to ensure the safe and secure transit of the record if permitted by the NIA court, particularly the electronic evidence, ensuring that the chain of custody is maintained intact during the transfer.
6. Copy of application Exh. 249 and order thereon be sent to Hon'ble Special Judge (NIA), Court No. 25, City Civil & Sessions Court, Greater Mumbai along with request letter.
7. The investigating officer or his representative to take request letter by hand and submit it before Hon'ble Special Judge (NIA), Court No. 25, City Civil & Sessions Court, Greater Mumbai and act

in accordance with the order thereafter to avoid further delay in this matter, as the case is closely monitored by higher Courts due to the delay in matter on the stage of framing of charge.

Aheri.
Date – 06/12/2025.

(Prakash R. Kadam)
Additional Sessions Judge,
Aheri.

CERTIFICATE

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of Court : Special Judge (UAP Act),
Aheri.

Name of Steno (Gr.-I) : Shri. R.B. Chandekar.