



Sessions Case No. 57/2023
State -v- Surendra & ors.
MHGA130001432023

ORDER ON EXH. 304
(Passed on 13.03.2026)

1. Hon'ble Supreme Court in Criminal Appeal No. 3742/2023 (Surendra -versus- State) passed order dated 21.01.2026 and allowed accused Surendra to inspect record of Special Case No.414/2020 pending in Special Court, NIA, City Civil and Sessions Court, Mumbai. It is further directed that NIA Court should send the record of the said case to this Court. The record and properties have been received by this Court. As per directions of Hon'ble Supreme Court, within the period of three weeks, advocate of accused Surendra was permitted to inspect the record. It is further directed that upon inspection of the record, the case would be fixed for framing of charge. Within four weeks therefrom, after framing of charges, record will have to be transmitted back to NIA Court, Mumbai. Thus, time limit has been set out within which inspection of record and hearing on charge or discharge application will have to be concluded.

2. Shri Mahadevan was appointed as amicus curiae. It is submission of accused Surendra that he has been appearing in person. He was taken before different courts and was taken to JJ Hospital because of which he could appear through VC. He

has been well versed facts of the case and Mr. Mahadevan has not been aware of the facts of the case. Therefore, it is prayed that appointment of Mr. Mahadevan as amicus curiae be cancelled.

3. The case was fixed for hearing on charge on 06.03.2026. On that day, accused, Surendra was not produced through VC because he had gone to JJ Hospital. On 07.03.2026, he was not produced through VC because he was produced before City Civil Court, Mumbai. On 09.03.2026, he was not produced through VC as he was produced in Panvel Court. On 10.3.2026, he was not produced through VC because he was taken to JJ Hospital Mumbai. On 11.3.2026, accused Surendra was asked whether he wanted to argue his discharge application, he declined. Note to that effect was taken in order below Exhibit No.1. On 12.3.2026 accused Surendra was not produced because he was taken to City Civil Court, Mumbai. Today I asked whether accused Surendra wanted to argue his discharge application, he declined saying that he wanted court to cancel appointment of amicus curiae. Conduct of accused Surendra right after inspection of record points out that he is not interested in arguing application for discharge. He filed one application or the other and did not want to argue discharge application. In that back ground, amicus curiae came to be appointed. Ever after appointment of amicus curiae

on 11.3.2026 and today I asked accused Surendra whether he wants to argue discharge application but on both occasions, he declined. It is crystal clear that accused Surendra does not want to appoint advocate for himself. He does not want to argue his discharge application. He did not want this court to appoint amicus curiae. Thus, it is clear that accused Surendra does not want the case to move forward and wants the case to remain as it is. In these circumstances, no case is made out for cancellation of appointment of amicus curiae. Hence, I pass following order.

ORDER

Application (Exhibit No.304) is rejected.

Aheri.
Dated – 13.03.2026.

(Rohan B. Rehpade)
Additional Sessions Judge,
Aheri.