



2026:CGHC:30003



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRREF No. 1 of 2026

In Reference Of State Of Chhattisgarh

... Applicant

versus

1 - Bhupendra Vishwakarma S/o Banshilal Vishwakarma Aged About 32 Years R/o Runiyadih, Police Chowki- Karanji, Thana- Bishrampur, District : Surajpur, Chhattisgarh

2 - Chain Singh Paraste S/o Purshottam Gond Aged About 28 Years R/o Karwan, Thana- Jainagar, District : Surajpur, Chhattisgarh

... Non-Applicants

For Applicant/State	:	Mr. D.R. Minj, Dy. Advocate General.
For Non-Applicant No.1	:	Mr. Sunil Verma, Advocate.
For Non-Applicant No.2	:	Mr. Chain Singh Paraste in person.

Hon'ble Shri Justice Naresh Kumar Chandravanshi, J

Order on Board
(15th July, 2026)

This reference has been preferred by the Principal District & Sessions Judge, Surajpur under Section 436(2) of BNSS, 2023 in respect of



Crime No.483/2017 for the offence under Sections 489-A read with 34, 489-C of IPC. {registered as Special Case (NIA) No.14/2021 in Special Court, Bilaspur and Special Case (NIA) No.35/2024 in Special Court, Ambikapur}, for decision on the following questions of law:

- “1. Whether the present case is triable by the learned Special Court (NIA), Ambikapur?
2. If the answer is in the affirmative, it is prayed that the case be transferred to the said Special Court for trial.
3. If the present case is triable by Sessions Court, Surajpur, whether it is necessary to conduct the trial afresh (*de novo*), or whether the proceedings/trial already conducted by the learned Special Court (NIA), Bilaspur and the learned Special Court (NIA), Ambikapur may be treated as a continuation of the trial and be proceeded with from the stage already reached?”

02. Facts, in brief, giving rise to making of this reference are that accused persons have been charged with offences under Sections 489-A read with Section 34 and 489-C of IPC. The First Information Report was registered on 08.11.2017. Upon completion of the investigation, the Police Station-Surajpur, filed charge-sheet before the Court of the Chief Judicial Magistrate, Surajpur. After committal, the case was tried by the Court of the Third Additional Sessions Judge, Surajpur, where charges were framed against the accused persons and the statements of a total of nine prosecution witnesses were recorded. Thereafter, in light of the National Investigation Agency



(Amendment) Act, 2019, the case was transferred to the Court of the Special Judge (NIA), Bilaspur. The learned Special Court (NIA), Bilaspur, recommenced the proceedings, framed charges afresh against the accused persons, and recorded the statements of two witnesses. Subsequently, in view of Notification No. 3406/3100/XXI-B/C.G.2024 dated 24.09.2024 issued by the Law and Legislative Affairs Department, Government of Chhattisgarh, Raipur, all cases relating to districts falling within the territorial jurisdiction of the Special Court (NIA), Surguja (Ambikapur) were transferred for trial to the said Court by the Special Court (NIA), Bilaspur. Accordingly, the present case was also transferred to the Special Court (NIA), Surguja (Ambikapur).

03. The Special Court (NIA), Surguja (Ambikapur), registered the matter as a Special Case (NIA) No.35/2024 and, after taking into consideration the proceedings already conducted by the Special Court (NIA), Bilaspur, continued with the trial and recorded the statements of three additional witnesses. Thus, the statements of a total of twelve witnesses have been recorded in the case. However, by order dated 15.10.2025 the learned Special Court (NIA), Surguja (Ambikapur), observed that the alleged offence had been committed prior to 25 July 2019, i.e., before the National Investigation Agency (Amendment) Act, 2019 came into force, and therefore held that it lacked jurisdiction to try the case. Accordingly, it ordered that the case be remitted/transferred back to Sessions Court, Surajpur, within whose territorial jurisdiction



the cause of action arose. Hence the learned Principal District & Sessions Judge, Surajpur, has made this reference for decision on the questions of law mentioned in the opening paragraph of this order.

04. While making this reference, the learned Sessions Judge, Surajpur observed that the Amendment Act, 2019 came into force on 02.08.2019; by the said amendment, the Schedule to the principal Act was amended and Entries (b), (c), (d) and (e) were inserted under S.No.8. From perusal of the Schedule before and after the Amendment Act, 2019 it is evident that the offences under **Sections 489-A to 489-C of IPC** were already included in the Schedule even prior to the Amendment Act, 2019. By the Amendment Act, 2019, certain additional offences under the Indian Penal Code were also included in the Schedule. The amendment merely re-numbered the existing Entry (b) for the purpose of incorporating the newly added entries, and the earlier Entry (b) relating to **Sections 489-A to 489-E of IPC** continued to remain in the Schedule.

05. Learned counsel appearing for the State would submit that the National Investigation Agency (Amendment) Act, 2019, which came into force on 02.08.2019, merely amended the Schedule to the principal Act by inserting additional offences under S.No. 8 and re-numbering the existing Entry (b). It was contended that the offences under **Sections 489-A to 489-E IPC** had already been included in the Schedule in the form of Entry (b) under S.No.8 even prior to the 2019



Amendment. Therefore, the amendment did not bring offences under **Sections 489-A to 489-E IPC** within the ambit of the Schedule for the first time, but only retained them while incorporating additional scheduled offences. Hence, the competent Court to hear and decide the present case is Special Court (NIA), Ambikapur, Distt. Surguja.

06. Learned counsel appearing for Non-applicant No.1 also supported the aforesaid contention of the State counsel.

07. Heard learned counsel for the parties and perused the material on record.

08. As per copy of charge sheet sent by the Principal District & Sessions Judge, Surajpur, the date of incident, in the present case, was 8.11.2017. The learned Special Court (NIA), Ambikapur, by order dated 15.10.2025, declined jurisdiction solely on the ground that the alleged offence was committed prior to the coming into force of the National Investigation Agency (Amendment) Act, 2019. It would be worthwhile to reproduce S.No.8 of the Schedule prior to the Amendment Act, 2019 and subsequent thereto, which is as under:

“S.No.8 of the Schedule [Section 2(1)(g)] prior to the Amendment Act, 2019

8. Offences under—

(a) Chapter VI of the Indian Penal Code [Sections 121 to 130 (both inclusive)];



(b) Sections 489A to 489E (both inclusive) of the Indian Penal Code.”

“S.No.8 of the Schedule [Section 2(1)(f)] after the Amendment Act, 2019:

8. Offences under—

(a) Chapter VI of the Indian Penal Code (45 of 1860) [Sections 121 to 130 (both inclusive)];

(b) Sections 370 and 370-A of Chapter XVI of the Indian Penal Code (45 of 1860);

(c) Sections 489-A to 489-E (both inclusive) of the Indian Penal Code (45 of 1860);

(d) Sub-section (1-AA) of Section 25 of Chapter V of the Arms Act, 1955 (54 of 1959);

(e) Section 66-F of Chapter XI of the Information Technology Act, 2000 (21 of 2000).”

09. A plain reading of the Schedule appended to the National Investigation Agency Act, 2008, as it existed prior to the Amendment Act, 2019, makes it abundantly clear that offences punishable under **Sections 489-A to 489-E of IPC** were already specified as Scheduled Offences under **S.No. 8(b)**. The Amendment Act, 2019 did not introduce these offences into the Schedule for the first time. Rather, it expanded the Schedule by incorporating certain additional offences and, as a consequence, re-numbered the existing entries. It is clear that S.No.8(b) of the unamended NIA Act was substituted by S.No.8(c) of the amended NIA Act. Thus, the offences under **Sections 489-A to 489-E IPC** continued to remain Scheduled Offences both before and



after the amendment, without any interruption. Therefore, it seems that the learned Special Judge, NIA, Ambikapur, has misunderstood the amended provisions of the NIA (Amendment) Act, 2019. The learned Sessions Judge, Surajpur has rightly noticed this legal position while making the present reference.

10. The jurisdiction of the Special Court over the present offences, therefore, did not emanate from the Amendment Act, 2019, but existed under the unamended provisions of the NIA Act itself. Consequently, the fact that the alleged offence was committed prior to the enforcement of the Amendment Act, has no bearing on the jurisdiction of the Special Court to try the present case.

11. On the basis of aforesaid discussions, the order dated 15.10.2025 passed by the learned Special Court (NIA), Ambikapur in Special Case (NIA) No.35/2024 holding that it lacked jurisdiction to try the present case, is unsustainable in law and is hereby set aside. It is held that since the Principal District & Sessions Judge, Surajpur, has not been designated as a Special Court under the NIA Act, it is not competent to try the present case. Rather the Special Court (NIA), Ambikapur is competent to hear and decide the present case. Therefore, Principal District & Sessions Judge, Surajpur is directed to transmit the records to the Special Court (NIA), Ambikapur, which shall proceed with the trial from the stage at which it stood prior to passing of the impugned order dated 15.10.2025, in accordance with law.



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Questions No. 1 & 2 referred to this Court for decision are answered accordingly. Since the present case is not triable by the Sessions Judge, Surajpur, there is no need to answer Question No.3. The Reference is answered accordingly.

**Sd/
(Naresh Kumar Chandravanshi)
Judge**

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