

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3658/2024

[Arising out of impugned final judgment and order dated 01-12-2023 in WPCRL No. 1044/2023 passed by the High Court of Kerala at Ernakulam]

ASHARAF S. @ KARAMANA ASHRAF MOULAVI & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

[TO BE TAKEN UP IN FIRST FIVE CASES]
(IA NO.64694/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA NO.64695/2024 - EXEMPTION FROM FILING O.T., IA NO.245464/2024 - APPLICATION FOR VACATION OF INTERIM ORDER AND IA NO.122960/2025 - WITHDRAWAL OF CASE/ APPLICATION)

WITH

SLP(Crl) No. 4384/2024 (II-B)
FOR ADMISSION and I.R.

(IA NO.150836/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA NO.122977/2025 - WITHDRAWAL OF CASE / APPLICATION)

Date : 20-05-2025 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s): Dr. Aditya Sondhi, Sr. Adv.
Mr. Vishnu P, Adv.
Mr. Haris E A, Adv.
Mr. Anubhav Kumar, Adv.
Mr. A. Karthik, AOR

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Vishnu P, Adv.
Mr. Harris Ea, Adv.
Mr. Ashray Chopra, Adv.
Mr. Rohan Sharma, Adv.
Ms. Rashmi Singh, Adv.
Mr. Manu Krishnan G, AOR

For Respondent(s): Ms. Aishwarya Bhati, A.S.G.
Mr. Rajat Nair, Adv.
Ms. Chitranga Rastvara, Adv.

Mr. Suyansh Pandey, Adv.
Mr. Tacho Eru, Adv.
Mr. Aditya Shankar Dixit, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. G. Siddiramalu, Adv.

Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakot, Adv.
Ms. Ashly Harshad, Adv.
Mr. Anshul Saharan, Adv.

Mr. Shaji P Chaly, Sr. Adv.
Mr. Shivam Sharma, Adv.
Mr. P.S. Sudheer, AOR
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Mr. Jai Govind M J, Adv.
Ms. Sunaina Phul, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. At the outset, Dr. Aditya Sondhi, learned senior counsel and Shri Huzefa Ahmadi, learned senior counsel, appearing for the petitioners in SLP (Crl.) No.3658/2024 and SLP (Crl.) No.4384/2024 respectively state that petitioner nos.1 (Ashraf S. @ Karamana Ashraf Moulavi), 4 (Ansari E.P. @ Ansari) and 9 (Muhammedali @ Kunjappu) in SLP (Crl.) No.3658/2024 and petitioner nos.3 (Saddam Hussain M.K.), 4 (Ashraf) and 9 (Noushad M) in SLP (Crl.) No.4384/2024, desire to withdraw the Petitions unconditionally. Ordered accordingly. SLP (Crl.) No.3658/2024 and SLP (Crl.) No.4384/2024 stand dismissed as withdrawn only insofar as the above-mentioned petitioners are concerned. Accordingly, IA Nos.122960/2025 and 122977/2025 seeking withdrawal of the Petitions concerning the above petitioners stand disposed of. Needless to add that the interim relief granted earlier by this Court in these Petitions will not operate to the benefit of the aforementioned

petitioners who have withdrawn the Petitions.

2. There is one more issue which can be resolved. The Superintendent of Police of the National Investigation Agency by a letter dated 20th December, 2022 had requested to transfer the case records pertaining to FIR No.318/2022 of Palakkad Town South Police Station pending before the learned Additional District and Sessions Court-I, Palakkad (as Sessions Case No.982/2022) and the committal proceedings i.e., CP No.41/2022 and CP No.61/2022 pending before the learned Judicial First Class Magistrate-III, Palakkad, to the Special Court for trial of NIA cases at Ernakulam.

3. On the administrative side, the High Court acceded to the request of transfer made by the Superintendent of Police, NIA by his letter dated 20th December, 2022. It was revealed during the course of hearing that the order of transfer on the administrative side was not passed by the Hon'ble Chief Justice of the Kerala High Court, but by the Judge in-charge of the Administration of District Palakkad. Pursuant to an order passed by this Court, the issue was placed before the Hon'ble Chief Justice of the Kerala High Court on the administrative side. The Hon'ble Chief Justice of the Kerala High Court has passed an order on 25th November, 2024 stating that if any request is addressed to the Registry from any litigants/Courts which entails exercise of judicial powers or powers of superintendence under Article 227 of the Constitution of India, the Registrar General will first place the same before the Chief Justice to decide appropriate course of action. In view of the administrative order of the Hon'ble Chief Justice, we deem it appropriate that the earlier order dated 23rd January, 2023 passed

on the letter dated 20th December, 2022 sent by the Superintendent of Police, NIA, should be nullified. We are not saying so on merits. The reason is that the request should have been kept before the Hon'ble Chief Justice of the Kerala High Court to take a call whether the request can be considered on the administrative side or on the judicial side. We are not going into the merits of the decision taken by the Hon'ble Judge in-charge of the Administration of District Palakkad. Therefore, by the setting aside the order dated 23rd January, 2023, we direct the Registrar General of the Kerala High Court to place the letter dated 20th December, 2022 sent by the Superintendent of Police, NIA and the letter dated 12th January, 2023 sent by the Additional District & Sessions Judge-1, Palakkad, before the Hon'ble Chief Justice of the Kerala High Court on the administrative side. It is for the Hon'ble Chief Justice of the Kerala High Court to take a call on the request made by the Superintendent of Police, NIA in accordance with law. We are sure that once this order is placed before the Hon'ble Chief Justice of the Kerala High Court, an appropriate order will be passed. As the High Court is represented by a learned senior counsel, we are not issuing any direction to forward a copy of this order to the Registrar General of the Kerala High Court.

4. List for directions on 21st July, 2025.

5. The administrative order passed by the Hon'ble Chief Justice of the Kerala High Court shall be kept in a sealed envelope.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)