

ITEM NO.11

COURT NO.2

SECTION II-D

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).1422/2025

[Arising out of impugned final judgment and order dated 13-11-2024 in BA No.4110/2024 passed by the High Court of Delhi at New Delhi]

MAHESH KHATRI @ BHOLI

Petitioner(s)

VERSUS

STATE NCT OF DELHI

Respondent(s)

FOR ADMISSION

IA No. 25948/2025 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

Date : 24-07-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) Mr. Ishan Kapoor, Adv.  
Ms. Joshini Tuli, Adv.  
Mr. Joginder Tuli, Adv.  
Mrs. Gargi Khanna, AOR  
Mr. Lalit Khanna, Adv.

For Respondent(s) Mr. S. D. Sanjay, A.S.G.  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Udai Khanna, Adv.  
Mr. Piyush Beriwal, Adv.  
Mr. Raman Yadav, Adv.  
Ms. Sunanda Shukla, Adv.  
Mr. Jagdish Chandra, Adv.

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

1. The petitioner has approached this Court seeking enlargement on bail in FIR No. 96/2021, registered at P.S. Narela under Sections 307, 386, 506 and 34 of the IPC and Sections 25 and 27 of the Arms Act.

2. The petitioner was branded as a hardened criminal as there were 55 criminal cases registered against him, mostly involving heinous crimes. He was also convicted in two such cases.

It is in this backdrop that we declined him bail vide the order dated 03.02.2025. At the same time, having regard to the right to speedy trial, flowing from Article 21 of the Constitution, we directed the prosecution to show cause as to why a mechanism for speedy trial be not in place. It is in furtherance of the orders passed by this Court from time to time that an Additional Affidavit has been filed by the DCP, Outer North District, Delhi, *inter alia*, pointing out that a total of 288 cases are pending trial in NCT of Delhi, out of which charges have been framed in only 108 cases. In 180 cases, the charges are yet to be framed. It is further explained that only 25% of the cases have reached the stage of commencement of prosecution evidence. It is candidly acknowledged that there is a gap of three to four years between the framing of charges and commencement of the prosecution evidence.

3. The affidavit highlights that due to multiplicity of offences, jurisdictions, and legal classifications, different criminal cases involving members of the same gang are being tried before different courts, including regular Sessions Courts, Special NDPS Courts, and Special MCOCA Courts. One of the factors prolonging the trials, as mentioned in the affidavit, is that the designated courts handle other routine matters such as IPC/BNS offences, EOW matters, ED cases etc. and, thus, these courts are burdened with multiple sensitive matters. A pointed reference has been made to the provisions of the new Criminal Procedure Law to underscore the importance of speedy trial.

4. The affidavit further seeks a direction from this Court for the establishment of Dedicated Court Complexes within the jail premises to conduct the trial of criminal gang-related cases and to issue directions for :

- (a) Speedy trial and conviction of the UTP gang members and kingpins.
- (b) Fewer opportunities or grounds for seeking bail on the ground of delays in trial proceedings.
- (c) Better control over safety and security measures at dedicated court premises, enabling better safety

for witnesses as well as accused persons.

(d) Expeditious cognizance in chargesheets filed by police against gang members etc.

(e) Reducing the opportunities for the generation of reels and other social media content glamourizing the criminals' lives, which are observed when gang-related criminals are transported from jails to court complexes at various locations.

5. We have heard learned Additional Solicitor General of India with reference to the above-mentioned affidavit.

6. While there can be no doubt that the establishment of dedicated courts for speedy trial of hardened criminals or professional gangsters so that the courts are not confronted with a situation to release them on bail; enhanced control over safety and security including of the witnesses; expeditious cognizance of a matter where the chargesheet has been filed, and reduction in generation of social media contents are some of the effective steps which are a need of hour. However, a holistic view is required to be taken by all the stakeholders, especially the Union of India, the Government of NCT of Delhi, and the High Court of Delhi (with reference to the cases pending in the NCT of Delhi). While the High Court would never object to providing speedy trial by establishing dedicated courts for this purpose, this can only happen provided that the Union of India and the Government of NCT of Delhi resolve to establish Fast Track Courts for trial of these cases. For this, additional posts of Judicial Officers in the Superior Judicial Services will have to be created; alternatively, a separate *ad hoc* cadre for such courts may have to be evolved. The infrastructural facilities, secretarial assistance, and other requisite staff that may be required for the Presiding Officer of the Court must also be provided.

7. It goes without saying that, keeping in view the pendency of 288 trials against gangsters etc., there will have to be an appropriate strength of courts to ensure that these cases can be

equitably distributed and then trials can be taken on a day-to-day basis. If such a decision is taken by the appropriate authorities, it seems to us that all the pending trials can be brought to an end for which some more directions like compulsory appearance of the defence counsel, dispensation of adjournments, and a time-line for the purpose of completion of investigation, filing of chargesheet, framing of charges, proper use of IPC Rules etc. will also be issued at an appropriate stage.

8. For the purpose of effectivity of this order, let notice be issued to the Union of India through the Secretary, Ministry of Home Affairs, returnable on 12.09.2025.

9. On our asking, Mr. S.D. Sanjay, learned Additional Solicitor General, accepts notice on behalf of the Union of India.

(SATISH KUMAR YADAV)  
ADDITIONAL REGISTRAR

(PREETHI T.C.)  
ASSISTANT REGISTRAR