



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Reserved on: March 12, 2024***

***Pronounced on: April 29, 2024***

+ CRL.A. 947/2023

**MANSOOR ASGHAR PEERBHOY** ..... Appellant

Through: Mr. Mehmood Pracha, Mr.Sanawar  
Choudhary, Mr. Jatin Bhatt,  
Mr.Mohd. Faisal, Ms. Nujhat Naseem  
& Mr. Mohd. Shameem, Advocates

Versus

**STATE** .....Respondent

Through: Mr. Tarang Srivastava, Additional  
Public Prosecutor for State

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**JUDGMENT**

**SURESH KUMAR KAIT, J**

1. The present appeal under Section 21 of the National Investigation Agency Act, 2008 read with Article 226 of the Constitution of India and Section 439 of Code of Criminal Procedure, has been filed by the appellant seeking setting aside of order dated 08.04.2022, whereby his application seeking bail was dismissed by the learned Special Court in view of statutory



bar contained under Section 43D (5) of Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to 'UAPA').

2. The appellant in the present appeal has averred that he has been falsely implicated in FIR No.166/2008, for offences under Sections 121/307/323 IPC, Sections 3/4/5 of Explosive Substance Act and Sections 10/12/13 of UAPA.

3. The appellant was arrested by Mumbai police in the year 2008 in relation to DCB CR No.52/2008 dated 23.09.2008, which was registered under Sections 295A/505 IPC r/w Sections 120-B/121/122/286 IPC r/w Sections 2/25 Arms Act r/w 6/9B of Explosive Act 1884 r/w Sections 4/5 of Explosive Substances Act, Sections 10/13 of UAPA, Section 66 of I.T. Act 2000 r/w Section 3(i)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act (MCOCA), 1999 (hereinafter referred to 'MCOCA').

4. Thereafter, he was arrested by Special Cell, Delhi in the present FIR No.166/2008. The prosecution filed charge-sheet before the learned Special Court on 06.09.2009 wherein it has been alleged that appellant is an active member of terrorist outfit 'Indian Mujahideen' and led the 'Media Cell' group and also that he, in conspiracy with other accused persons, sent e-mails to electronic and print media on 13.09.2008 in respect of serial bomb blasts which occurred in Ahmedabad, Mumbai and Delhi.

5. The case of the prosecution is that in respect of serial bomb blasts, which took place in Delhi on 13.09.2008, a specific raid was conducted at Flat No.108, Batla House, Delhi from where accused Mohd. Saif was apprehended, who revealed the names of other accused as Arif @ Junaid, Shahzad @ Pappu, Mohd. Atif Amin @ Bashir and Mohd. Sajid @ Pankaj



Sharma. Mohd. Saif further revealed that there was one 'Media Group' which was responsible for sending e-mails, before the blasts, to electronic and print media.

6. During further investigation, it revealed that the appellant, in conspiracy with other accused persons, hacked the wireless fidelity ('wifi') installed at M/s Kamran Power Control Pvt. Ltd. At 201/202, Etic House, 16<sup>th</sup> Road, Chembur, Mumbai-400071 to send e-mail dated 13.09.2008 on the day of serial blasts. The Mumbai Police arrested appellant and recovered laptop, Wi-Fi hot spot finder, R.F (Radio Frequency) signal detector, one hard disc make seagate, one spy hidden camera locator and a Reliance net connector, from his possession, which were used in sending the e-mails in question. Also, out of the two recovered laptops from co-accused, one laptop was purchased by appellant herein.

7. During further investigation, it got revealed that in February-March, 2007, the appellant had met Iqbal Bhatkal and Riyaz Bhatkal at the house of Asir Bashir Shaikh in Pune, who in the name of *Jihad* inspired him to join into this conspiracy and assigned him the task of sending e-mails. Further revealed that he along with co-accused Mubin Khadar Shaikh had visited Hyderabad to attend the course of ethical hacking including *wifi* hacking.

8. In the supplementary charge-sheet dated 06.06.2009, the prosecution has alleged that the appellant along with other co-accused had visited Bombay for about four times to search for wireless network and with other co-accused conspired to send alleged threatening e-mail. On 13.09.2008, he along with co-accused left from Pune and reached Mumbai around 03:00 PM and stopped car in a lane and connected the wireless laptop and created



e-mail id [al\\_arbi\\_delhi@yahoo.com](mailto:al_arbi_delhi@yahoo.com). Thereafter, he attached the pdf file and sent the alleged e-mail.

9. The appellant's first bail application was dismissed by the learned Special Court vide order dated 23.04.2015. Thereafter, the appellant moved his second bail application, which was also dismissed vide impugned order dated 08.04.2022, which has been assailed in the present appeal.

10. The challenge to the impugned order dated 08.04.2022 passed by the learned Special Court is on the ground that the learned Special Court has failed to consider that the only alleged incontrovertible scientific evidence available against him was the CFSL report for establishing the dispatch of e-mail in question, but there was nothing to show that such e-mail had been sent by the appellant.

11. Learned counsel for the appellant submitted that there is nothing available in the charge-sheet and CFSL report which may show the complicity of the appellant.

12. It was also contended that the Special Court has failed to correctly appreciate the ratio given in *Mohd. Hakim Vs. State (NCT of Delhi) 2021* SCC OnLine Del 4623 whereby co-accused in the present FIR has been granted bail by this Court and therefore, the appellant also deserves to be released on bail.

13. Learned counsel submitted that the learned Trial Court has committed grave error in relying upon the testimony of PW-226 with regard to the use of secure disk wiping software in one of the recovered laptops, as he is not an expert and has erred in returning the finding that the evidence of PW-207 reveals that three PDF files were recovered from the laptops, which is



falsified from the evidence of PW-207 himself, who has refused to bring notes during cross-examination despite opportunity given.

14. Also submitted that even if all material evidence and testimonies of witnesses recorded is seen, it conclusively establishes the innocence of the appellant. The investigation in the present case has been conducted by the Maharashtra police and testimony of the Investigating Officer establishes innocence of the accused. The learned Special Court has failed to consider that appellant has already been acquitted in a similar case by the learned Trial Court in Gujarat and another co-accused Mohd. Hakim has been granted bail by this Court *vide* order dated 06.10.2021.

15. Lastly, learned counsel submitted that the learned Special Court has refused to grant bail to the appellant by observing that his role cannot be viewed in isolation and material witnesses are yet to be examined and so, it would be pre-mature to return a finding upon the issue of guilt or innocence of the applicant/accused. Also that there has been undue delay in trial and there is no possibility of its conclusion in near future. The appellant has suffered nearly 13 years in custody, which has taken a tremendous toll on his well-being, health and family ties and so, he deserves the concession of bail.

16. Learned counsel relied upon decision of Hon'ble Supreme Court in ***Union of India Vs. K.A. Najeeb*** (2021) 3 SCC 713 to submit that if conclusion of trial is likely to take long time, the accused can be granted bail, irrespective of statutory bar.

17. To the contrary, learned Additional Public Prosecutor appearing on behalf of the respondent-State opposed the present appeal by submitting that



the impugned order dismissing the bail application of the appellant by the learned Special Court, is well-merited and is not required to be interfered with.

18. Further submitted that the role attributed to the appellant is of hatching a conspiracy alongwith other co-accused for the serial bomb blasts. The appellant is a member of 'Media Group' of the terror outfit 'Indian Mujahideen'. During the investigation of the case, co-accused Mohd Saif, Zeshan Ahmed, Mohd Shakeel @ Shakeel, Zia-ur-Rehman and Saquib Nisar have disclosed about the media cell, which was responsible for sending e-mail claiming responsibility of blasts. At the time of his arrest, a laptop, Wi-Fi hot spot finder, R.F. (Radio Frequency) signal detector, one hard disc make SEAGATE, one spy hidden camera locator and a reliance net connector were recovered from his possession. Out of the two laptops recovered from the co-accused-Mubin Kadar Shaikh, one was purchased by the appellant herein.

19. Learned Additional Public Prosecutor for State submitted that the Special Court is conducting trial of the present case on every Saturday and **substantial number of witnesses has already been** examined and there is sufficient material to establish that the appellant, alongwith his associates, hatched the conspiracy for serial bomb blasts in Delhi and sent e-mail dated 13.09.2008 to electronic/print media claiming responsibility of blasts, which caused killing of 26 people and injury to 135 people in the blast incidents. Hence, rejection of the present appeal is sought.

20. Learned Additional Public Prosecutor for State relied upon decision of Hon'ble Supreme Court in *Gurwinder Singh Vs. State of Punjab and*



*Another* 2024 SCC OnLine SC 109 to submit that mere delay in trial cannot be used as a ground to grant bail.

21. It was also contended that the Unlawful Activities (Prevention) Amendment Act, 2008 came into force on 31.10.2008 whereby Section 45 D(5) was introduced, which merely prescribes the procedure regarding consideration of bail and it is settled position of law that any amendment which is procedural in nature, can operate retrospectively.

22. **We have heard the submissions and carefully perused the material on record.**

23. Relevantly, the appellant had filed bail application No.76/2016 before a Single Bench of this Court seeking bail which was withdrawn by him on 04.06.2021. The said order dated 04.06.2021 would indicate that the petitioner (appellant herein) had come to the High Court directly seeking bail without approaching the learned Trial Court and it was in that context he was permitted to withdraw his said application with liberty to file the same before the learned Trial Court as per law. Thereafter, he had moved another bail application No.77/2016 which was dismissed by this Court vide order dated 27.10.2021. The appellant preferred S.L.P.(Crl) No.3527/2022 before the Hon'ble Supreme Court, which was taken up by the Hon'ble Supreme Court on 13.09.2023. On the said date, the appellant submitted that he would apply for grant of regular bail before the High Court and it was directed by the Hon'ble Supreme Court that any such application be heard by a Division Bench of this Court, notwithstanding the pendency of the above Special Leave Petition.





24. The allegations against the appellant is that he was leading the “MEDIA GROUP” of banned terror outfit ‘Indian Mujahideen’ and with the help of his associates, he had sent the email to Electronic and Print media claiming responsibilities of Delhi serial bomb blasts dated 13.09.2008. On 28.09.2008, Mumbai Police arrested the appellant and one laptop, Wi-Fi hot spot finder, R.F (Radio Frequency) signal detector, one hard disc make SEAGATE, one spy hidden camera locator and a reliance net connector were recovered from him. On 09.03.2009, the appellant was arrested by the Special Cell with the allegations of conspiring and hatching a conspiracy for the serial blasts which took place on 13.09.2008. Since then the appellant is in custody.

25. The charge sheet in the present case was filed on 17.12.2008. As per supplementary charge sheet dated 06.06.2009, appellant has been accused of committing offences under Sections 121/121A/122/123/302/307/323/427/120B IPC; Sections 3/4/5 of the Explosive Substances Act; Sections 16/18/20/23 of the Unlawful Activities (Prevention) Act, 2004 and Section 66 Information & Technology Act.

26. The learned Trial Court on 05.02.2011 framed charge in the present appeal wherein the role attributed to the appellant herein is as under:-

*“17.ix. Accused Mohd. Mansoor Ashgar Peerbhoy (A-9), Mubin Kadar Shaikh (A-10) and Asif Bashiruddin Shaikh (A-11) are alleged to be the members of “Media Cell” which was responsible for preparing and sending the terror mail in the name of “Indian Mujahiddin” taking responsibility of serial blasts in Delhi on 13.09.2008 by hacking “Wi-Fi” connection. The evidence against the accused Mohd. Mansoor Ashgar Peerbhoy (A-9) includes recovery of “Wi-Fi*





*Hot Spot Finder”, one RF Signal Detector, one Reliance Net Connector, a spy finder, a hard disk make Seagate and a lap top of Accer Company. All these articles were sent for analysis to Directorate of Forensic Science Laboratory at Mumbai and the result of analysis shows that the hard disk and laptop were mainly filed with Hex ‘00’, which indicates the use of a secure file erasing or disk wiping software in them.”*

27. The appellant had filed first bail application on 15.11.2014, which was dismissed by the learned Trial Court vide order dated 23.04.2015 holding that the material on record discloses *prima facie* case against him and the gravity of charge and severity of punishment in event of conviction, no case for grant of bail was made out.

28. Thereafter, appellant filed second bail application before the learned Trial Court. The learned trial Court while dismissing appellant’s bail application vide order dated 08.04.2022 took note of the fact that the charge of the conspiracy are invoked against the appellant and so, his role cannot be viewed in isolation since the material witnesses are yet to be examined. Further observed that prosecution witness PW-226, in his testimony has proved recovery of laptops, hard discs, *wifi* hot spot finder, RF signal detector, net connector, spy finder camera etc. were recovered at the instance of co-accused Mansoor Peerbhoy. Further, ACP Tukaram Duraphe (PW-226) has testified the CA reports which reveal that both the e-mails were sent through the laptops recovered from the Mubin Kadar Sheikh and Mansoor Asghar Peerbhoy and he had found a secure file erasing and disk wiping software present in one of the recovered laptops. Also, another witness (PW-207) in his evidence has stated that upon forensic analysis of



the recovered laptops, three PDF files were found which matched with the reference documents given with the case file i.e. the e-mails claiming responsibility of the blasts. The analysis also revealed about the date of over writing / wiping activity on 13.09.2008 at about 06:48 PM soon after the serial bomb blast. The learned Trial Court also took note of the testimony of PW 231 who stated that appellant with co-accused Mubin Kadar Sheikh had purchased the laptops in question in July, 2008.

29. The learned Trial Court, considering the nature and seriousness of allegations and statutory bar under Section 43 D(5) of UAPA, dismissed appellant's bail application, while ensuring to take up the trial on every Saturday for expeditious disposal.

30. The dismissal of his second bail application vide order dated 08.04.2022 has been challenged by the appellant in the present appeal.

31. Relevantly, to consider the case of the appellant for bail, it is required to be seen whether the role attributed to him in the present FIR case brings him within the ambit of the expression '*prima-facie true*'.

32. The grounds of bail raised by the appellant before this Court are not distinct than the one raised before the learned Trial Court. The appellant has sought parity with co-accused Mohd. Hakim who has been granted bail by this Court vide order dated 06.10.2021. Pertinently, in the case of **Mohd. Hakim**, this Court has taken note of his role by observing that *a limited role has been ascribed to the appellant in the offences alleged, namely, that he had carried a certain quantity of cycle ball-bearings from Lucknow to Delhi, which, according to the allegations, were subsequently used to make Improvised Explosive Devices (IEDs), which were employed in the series of*



*bomb blasts that occurred in Delhi in 2008. While observing so, the Court held that once charges under the provisions of UAPA have been framed against the appellant, the reasonable grounds to believe that the accusations against the accused are prima facie true, does not arise; which finding of learned Trial Court has not been challenged before this Court and so, the bar engrafted in the proviso to Section 43- D(5), as expatiated upon by the Hon''ble Supreme Court in **Watali (supra)**, would operate.*

33. The Hon'ble Supreme Court in **Watali (Supra)**, in an appeal preferred by the NIA against the order and judgment of the High Court, whereby the order rejecting bail to the accused of committing offences under UAPA passed by the Trial Court was reversed, observed that *the High Court did not appreciate the material which found favour with the Designated Court to record its opinion that there are reasonable grounds for believing that the accusation against the respondent is prima facie true and that the High Court ought to have taken into account the totality of the materials/evidences which depicted the involvement of the respondent in the commission of the stated offences and being a member of a larger conspiracy.* The Hon'ble Supreme Court further observed and held as under :-

*53. .... The High Court ought to have taken into account the totality of the material and evidence on record as it is and ought not to have discarded it as being inadmissible. The High Court clearly overlooked the settled legal position that, at the stage of considering the prayer for bail, it is not necessary to weigh the material, but only form opinion on the basis of the material before it on broad probabilities. The court is expected to apply*



*its mind to ascertain whether the accusations against the accused are prima facie true. Indeed, in the present case, we are not called upon to consider the prayer for cancellation of bail as such but to examine the correctness of the approach of the High Court in granting bail to the accused despite the materials and evidence indicating that accusations made against him are prima facie true.”*

34. Thus, the ratio of law laid by Hon’ble Supreme Court in *Watali (Supra)* is that for grant and non-grant of bail, the elaborate examination or dissection of the evidence is not required and the Court is expected to merely record a finding on the basis of broad probabilities.

35. The appellant has placed reliance upon decision in *K.A. Najeeb (Supra)* wherein the appeal preferred by the appellant- Union of India against the order passed by the High Court of Kerala granting bail to accused facing trial for offences under Explosive Substances Act, 1908; UAPA and provisions of IPC, was rejected by the Hon’ble Supreme Court observing as under:-

*“17. It is thus clear to us that the presence of statutory restrictions like Section 43-D(5) of the UAPA per se does not oust the ability of the constitutional courts to grant bail on grounds of violation of Part III of the Constitution. Indeed, both the restrictions under a statute as well as the powers exercisable under constitutional jurisdiction can be well harmonised. Whereas at commencement of proceedings, the courts are expected to appreciate the legislative policy against grant of bail but the rigours of such provisions will melt down where there is no likelihood of trial being completed within a reasonable time and the period of incarceration already undergone has*



*exceeded a substantial part of the prescribed sentence. Such an approach would safeguard against the possibility of provisions like Section 43-D(5) of the UAPA being used as the sole metric for denial of bail or for wholesale breach of constitutional right to speedy trial.”*

36. In ***K.A. Najeeb (Supra)*** the facts were little different. In that case, concerned accused had earlier absconded and the trial proceeded against his other co-accused who were eventually sentenced to imprisonment for term, not exceeding eight years. The accused therein had already served under-trial incarceration for more than five years and there was no likelihood of completion of trial in near future, bail was granted to him.

37. There is no dispute to the settled proposition of law that at the time of grant or refusal of bail, each case has to be seen on its own facts and the role of accused has to be considered individually as well, especially in cases where a larger conspiracy is involved.

38. The appellant was working in Yahoo India Pvt. Limited having office at Pune and his job was to develop email software's like-proxy servers, web proxy servers. In February-March 2007, he met Iqbal Bhatkal and Riyaz Bhatkal, both residents of Bhatkal, Karnataka at the house of his known Asif Bashir Shaikh (also arrested in present case) in Pune where he got inspired by them and joined them for Jihad. They gave him the task of sending emails claiming the responsibility of blasts by secure means. Further, in May 2007, he along with co-accused Mubin Kadar Shaikh had visited Hyderabad where appellant attended course on Ethical Hacking including wireless hacking (wi-fi hacking) from E-2



Labs, Hyderabad. He was leading the Media Group of terrorist outfit “Indian Mujahiddin” and at the time of his arrest, Mumbai Crime Branch recovered a laptop, Wi-Fi hot spot finder, RF (Radio Frequency) signal detector, one hard disc make ‘Seagate’, one spy hidden camera locator were from his possession.

39. The allegation against the appellant are that in respect of serial bomb blasts occurred in Delhi on 13.09.2008, the terrorist group “Indian Mujahedeen” had sent an e-mail from email ID al\_arbi delhi@yahoo.com, claiming *intense, accurate and successive attacks exactly 5 minutes from now* to various electronic and print media of Pakistan, India and other countries including Darul Uloom Deoband, Central Waqf Council, Al Jamia Tussalafiah (Markazi Darul-Uloom Varanasi) with the heading - **MESSAGE OF DEATH**, which also contained pdf files of 13 pages claiming responsibility of present and previous serial blasts in Rajasthan, Gujarat blasts. Immediately pursuant to such email, serial blasts in Karol Bagh, M Block market Greater Kailash and Connaught Place (Central Park and Barakhamba Road) took place and three live bombs, from Central Park and Regal Cinema, Connaught Place and one at Children Park, Delhi, were detected.

40. During investigation, alleged email al arbi [delhi@yahoo.com](mailto:delhi@yahoo.com) was found sent from IP- 59, 184.129.2 of MTNL Mumbai, which was allotted to M/s Kamran Power Control Pvt Limited, 201-202, Eric House, 16 Road, Chembur Mumbai. On 19.09.2008 a raid was conducted at Flat No. 108 of L-18 Batla House, Delhi and the surrendered accused Mohd Saif disclosed



that one “Media Group” is responsible for sending e-mails before blasts to electronic and print media.

41. The Mumbai Police Crime Branch arrested appellant on 28.09.2008 and a laptop, Wi-Fi hot spot finder, R.F (Radio Frequency) signal detector, one hard disc make SEAGATE, one spy hidden camera locator and a reliance net connector were recovered from his possession. Two laptops & other items were also recovered from the co-accused Mubin Kadar Sheikh, out of which one laptop was purchased by the appellant. It was revealed during investigation that appellant who was working in Yahoo India Pvt. Ltd. and his job was to develop proxy software. In May 2007, he along with co-accused Mubin Kadar Sheikh had visited Hyderabad to attend course of ethical hacking including wireless hacking. On 13.09.2008 appellant along with other accused had gone to Mumbai and hacked Wi-fi network of Kamran Power Ltd. at Chembur and sent the alleged e-mail.

42. The laptop and hard disc recovered from the appellant was filled with Hex “00” which indicates use of a secure file erasing software to erase the contents. Even though the data could not be traced from the laptop or router by the FSL, however, three pdf files, including the pdf file, namely, 3.pdf and slide containing photographs of the persons killed in the blasts sent in e-mail on 13.09.2008 Delhi blast were retrieved by FSL, Mumbai from one of the laptop of co-accused Mubin Kadar Shaikh. Even from the second laptop of accused Mubin Kadar Shaikh, self generated log of secure file erasing and disk wiping software STELLER was recovered, which was self generated on 13.09.2008 and the 3.pdf message was sent through alleged mail.





43. The said 3.pdf file had the video clip titled as “*EYE FOR AN EYE THE DUST WILL NEVER BE SETTLED DOWN RELEASED BY INDIAN MUJAHIDEEN IN THE LAND OF HIND*”

44. Attention of this Court was drawn to the evidence of PW- 231, namely, Deepak Vanigota, owner of computer shop Modern Technology, Mumbai correctly identified the appellant as the person who along with co-accused retrieved by FSL, Mumbai from one of the laptop of co-accused Mubin Kadar Sheikh had purchased the recovered laptop.

45. PW-207 FSL Expert has also deposed that the documents recovered from the laptops were the same files as sent by accused in threatening e-mail claiming responsibility of Delhi Serial Blasts. Even though the appellant in his present bail application raised the objection that PW-207 had not brought his handwritten notes before the Court at the time of his cross-examination despite opportunity given, however, on perusal of his cross-examination recorded on 21.03.2015 this Court finds that this witness had stated that these notes were with the FSL Mumbai and so, he could not produce them. Moreover, at the time of grant or rejection of bail during the trial of the case, the Court is not required to evaluate the material placed on record as if final decision is being given but has to only form an opinion whether the accusations against the accused are “*prima facie true*”.

46. After careful consideration of the material on record, we are unable to hold that the bar of Section 45 D(5) UAPA does not stand attracted.

47. We have already referred to *K.A. Najeeb (Supra)* and there is no dispute that irrespective of the bar contained under Section 43D(5) of UAPA, the Constitutional Court can still consider the request for grant of



bail in case of any violation and infringement of fundamental right of Part III of the Constitution of India. However, there cannot be any hard and fast rule and any straight jacket formula as to when any such person would become entitled to bail.

48. In *Gurwinder Singh (Supra)*, the accused had spent five years behind bars and his bail application was rejected while observing that mere delay in trial pertaining to grave offences, cannot be used as a ground for grant of bail.

49. This Court is conscious that speedy trial is appellant's valuable right. The Hon'ble Supreme Court in *Shaheen Welfare Association Vs. Union of India* while emphasizing the need for speedy trial in offences under the Special Act, has observed as under:-

*“17. When stringent provisions have been prescribed under an Act such as TADA for grant of bail and a conscious decision has been taken by the legislature to sacrifice to some extent, the personal liberty of an under trial accused for the sake of protecting the community and the nation against terrorist and disruptive activities or other activities harmful to society, it is all the more necessary that investigation of such crimes is done efficiently and an adequate number of Designated Courts are set up to bring to book persons accused of such serious crimes. This is the only way in which society can be protected against harmful activities. This would also ensure that persons ultimately found innocent are not unnecessarily kept in jail for long periods.”*

50. This Court prior to dictating of the present appeal raised a query to learned Additional Public Prosecutor for State with regard to specific stage



of the trial. We are informed that total 497 witnesses were cited, out of which 198 witnesses were dropped and so far 282 witnesses have already been examined and only 17 witnesses are left to be examined. We are informed that the learned Special Court is conducting proceedings on every Saturday so as to expedite conclusion of trial, which is already at its fag end. However, in the peculiar facts of the present case and keeping in view that the appellant is behind bars since the 2008, we direct the concerned Special Court to conclude the trial in the present matter by taking it up at least twice a week.

51. In view of our afore-noted discussion, the present appeal is hereby dismissed. We, however, add that the observations made hereinabove are tentative in nature and learned Trial Court shall not take the same as final expression on the merits of the case.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(MANOJ JAIN)**  
**JUDGE**

**APRIL 29, 2024**

r/rk