



2026:CGHC:5417



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRREF No. 3 of 2025

State Of Chhattisgarh Nil

... Applicant

versus

Yogesh Singh S/o Kumar Singh R/o Gram Bhaismudi, Thana-Nawagarh, District Janjgir-Champa, C.G.

.... Respondent(s)

(Cause-title taken from Case Information System)

For State(s) : Mr. Anand Gupta, Dy. GA

For Respondent(s) : Mr. Paras Mani Shriwas, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

31.01.2026

1. This is an office reference.
2. This Court has received a reference under Section 436(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 from the Court of Sessions Judge, Janjgir-Champa, seeking opinion on questions of law arising out of order dated 17.09.2025 passed by the Special Court (NIA), Bilaspur, whereby the said Court returned the case to



the Sessions Court, Janjgir-Champa on the ground that the offence was committed prior to enforcement of the National Investigation Agency (Amendment) Act, 2019 i.e. dated 24.7.2019.

3. Facts in brief, are that the accused persons are facing trial for offences under Sections 489-A, 489-B, 489-C, 201 and 34 of the Indian Penal Code. The FIR was registered on 20.01.2018 and supplementary charge-sheet was filed. The Special Court took cognizance on 05.01.2022, framed charges and recorded evidence of about four prosecution witnesses. Subsequently, by order dated 17.09.2025, the Special Court held that since the offence was committed prior to enforcement of the NIA (Amendment) Act, 2019, it lacked jurisdiction and transferred the case back to the Sessions Court. Thereafter, by the PUD under reference, the Sessions Court, Janjgir-Champa sought opinion of this Court by referring following questions :

A. Whether the case is triable by the Special Court (NIA), Bilaspur?

B. If so, whether the case is required to be transferred to the said Special Court?

C. In case the Sessions Court, Janjgir-Champa is competent, whether the trial is to commence *de novo* or continue from the stage already reached?

4. From a perusal of the Schedule to the NIA Act, 2008, it is manifest that Sections 489-A to 489-E IPC were included as Scheduled



Offences even prior to the Amendment Act of 2019. The Amendment Act of 2019 merely added certain additional offences and rearranged the serial numbering of the Schedule. Therefore, the offences involved in the present case were always Scheduled Offences under the NIA Act.

5. Section 22(1) of the NIA Act empowers the State Government to designate a Court of Session as a Special Court for trial of Scheduled Offences investigated by the State Agency. In exercise of such power, the State Government had already notified the Sessions Judge, Bilaspur as the Special Court for the rest of the districts including Janjgir-Champa. Further, Section 22(4) of the NIA Act mandates that upon designation of a Special Court, all pending trials relating to Scheduled Offences shall stand transferred to such Special Court.
6. From perusal of schedule prescribed under the NIA Act, it appears that Sections 489-A to 489-E of the IPC were already included as Scheduled Offence even prior to Amendment Act of 2019. The Amended Act 2019 merely added certain additional offences by rearranging the serial number of the schedule. Hence, the view taken by the Special Court, Bilaspur, that it lacked jurisdiction merely because the offence was committed prior to the Amendment Act, 2019 is therefore legally unsustainable.
7. Additionally, once the Special Court, Bilaspur had taken cognizance, framed charges and recorded evidence, it could not have returned the case to the Sessions Court, Janjgir-Champa in



absence of reasons contemplated under Section 20 of the NIA Act. Any judicial order passed by a Special Court can be interfered with only by the High Court in exercise of its supervisory jurisdiction.

8. Accordingly, this Court answers the reference as under:

(A) The present case relating to offences under Sections 489-A to 489-E IPC is triable exclusively by the Special Court (NIA), Bilaspur.

(B) The case is required to be tried by the Special Court (NIA), Bilaspur, and not by the Sessions Court, Janjgir-Champa.

(C) Since the trial had already commenced before the Special Court, Bilaspur and substantial evidence has been recorded, the trial shall continue from the stage at which it was interrupted, and no *de novo* trial is required.

9. In view of the above, the order dated 17.09.2025 passed by the Special Court (NIA), Bilaspur returning the case to the Sessions Court, is set aside and the case shall stand restored to the file of the Special Court (NIA), Bilaspur. It is directed that the Special Court shall proceed with the trial from the existing stage.

10. The reference is answered accordingly.

Sd/-

(Bibhu Datta Guru)
Judge