

ITEM NO.24

COURT NO.2

SECTION X

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

Writ Petition(s)(Criminal) No(s).511/2024

D. KESAVA RAO @ DUNNA KESAVA RAO @ AZAD

Petitioner(s)

VERSUS

THE STATE OF ODISHA & ANR.

Respondent(s)

(FOR ADMISSION and IA No.286468/2024-CLARIFICATION/DIRECTION)

Date : 21-07-2025 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mohd. Irshad Hanif, AOR
Mr. K. Delli Rao, Adv.
Dr. Lakshmi Prasanna Komara, Adv.
Mr. Danish Sher Khan, Adv.
Ms. Rifat Ara Butt, Adv.

For Respondent(s) Mr. Subhasish Mohanty, AOR
Ms. Vsakha Raguram, Adv.
Mr. Manaj Sarkar, Adv.
Mr. Rajiv Agnihotri, Adv.
Mr. Pritam Singh, Adv.
Mr. Ravi Kumar Mehta, Adv.
Mr. Shrikant Sharma, Adv.

Ms. Prerna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR
Mr. Dhruv Yadav, Adv.

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

1. In the instant petition filed under Article 32 of the Constitution, the petitioner has sought a direction to the State of Orissa and the State of Andhra Pradesh to disclose all the pending cases against him and to conclude the trial in a time-bound manner. Alternatively, the petitioner has sought transfer of all criminal cases to one Sessions Court, besides seeking a direction to provide

legal aid and to award him compensation etc. for having been incarcerated for almost 14 years as an under-trial.

2. The petitioner is alleged to be a Naxalite, against whom several cases are registered in the States of Andhra Pradesh and Orissa. He is said to have surrendered in terms of a scheme for rehabilitation of Naxalites before the authorities of the State of Andhra Pradesh, but he was handed over to the State of Orissa on 29.05.2011 on account of registration of several cases against him in that State.

3. It was brought to our notice on the previous dates of hearing that as a result of multiple cases, several trials were pending against the petitioner and for reasons like non-appearance of the petitioner at one place while he is in custody and is required in other case, most of the these trials are at a standstill. Further, the Special Judge before whom such trials are pending, is assigned several other cases also and in terms of prioritisation, the Presiding Officer would hardly get any time to exclusively devote to conclude the trial pending against the petitioner. It was in this backdrop that on 17.03.2025, the Orissa State counsel was directed to have instructions regarding establishment of Special Courts in consultation with the Chief Justice of the High Court.

4. On 28.04.2025, learned counsel for the State of Orissa informed that the matter regarding establishment of Special Courts had been discussed with the Chief Justice of the High Court and a formal Notification was likely to be issued. Similar instructions were required to be obtained by learned counsel for the State of Andhra Pradesh also.

5. The State of Andhra Pradesh as well as the State of Orissa have filed their respective affidavits regarding establishment of Special Courts for expeditious disposal of the cases against the petitioner. As regard to the State of Andhra Pradesh, it is informed that approval of the Chief Justice for establishment of Special Courts has been granted on 28.05.2025 and the matter has consequently been forwarded to the Finance

Department for sanctioning of the budget for establishment of Special Courts. The file is still reported to be pending with the Finance Department.

6. Since every day's delay matters, we direct the Secretary, Department of Finance, Government of Andhra Pradesh to accord necessary sanction within one week whereupon the State of Andhra Pradesh will take necessary steps to establish the Special Courts. The needful in this regard shall be done by 31.08.2025.

7. Similarly, the State of Orissa will also complete all formalities and establish the Special Courts by 31.08.2025. The delay, if any, in this regard shall be viewed seriously.

8. All the trials pending within the States of Andhra Pradesh and Orissa shall be entrusted to the newly established Special Courts respectively and the Presiding Officer of the Special Courts shall start taking up the case immediately from the first week of September, 2025. If need be, some of the cases may be clubbed, depending upon the witnesses, nature of allegations, and other relevant factors. This aspect we leave to the entire judicial discretion of the Presiding Officer.

9. Learned State Counsel as well as the Public Prosecutor would ensure full assistance and cooperation to the Presiding Officer of the Special Court to enable them to take the cases on daily basis, if so possible, and in any case, once in a week. The defence counsel, representing the petitioner or his co-accused, are also directed to extend full cooperation to the Special Court for time-bound conclusion of the trial.

10. The Special Courts of the Andhra Pradesh as well Orissa shall make an endeavour to conclude the trial within one year.

11. The Andhra Pradesh State Legal Services Authority as well as the Orissa State Legal Services Authority, through their Member Secretary, are directed to reach out to the petitioner and ensure that quality legal aid is provided to him in the pending trials.

12. With the aforesaid directions, the Writ Petition stands disposed of.

13. As a result, the pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR