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HIGH COURT OF CHHATTISGARH, BILASPUR

Judgment Reserved on : 13.11.2019

Judgment Delivered on : 20.11.2019

Writ Appeal No. 511 of 2019

(Arising out of order dated 23/10/2019 passed by the learned Single Judge in WPCR No. 381 of 2019)

1. The State of Chhattisgarh, through The Secretary, The Ministry of Home Affairs, State of Chhattisgarh, Mantralay, Naya Raipur, Chhattisgarh.
2. The Secretary of Law and Legislative Affairs, State of Chhattisgarh, Mantralay, Naya Raipur, Chhattisgarh.
3. The S.H.O., P.S. Kuakonda, District Dantewada, Chhattisgarh.

---- Appellants

Versus

- National Investigative Agency, New Delhi, through : The CIO, Mr. Raju Thomas, aged about 54 years, S/o Late Mathew Thomas, Dy. S.P. NIA, BO-Raipur (C.G.), R/o D-1, Officers Bungalow, Moulshree Vihar, Raipur, Chhattisgarh.

---- Respondents

For Appellants/State : Shri Satish Chandra Verma, Advocate General with Shri Sudeep Agrawal, Deputy Advocate General and Shri Ghanshyam Patel, Government Advocate.
For Respondents/NIA: Shri Kishore Bhaduri, Shri B. Gopa Kumar, Shri Pankaj Singh and Shri Sabhyasachi Bhaduri, Advocates

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

CAV JUDGMENT

Per P. R. Ramachandra Menon, Chief Justice

1. Appeal is at the instance of the State. Grievance is against the verdict passed by the learned Single Judge, whereby the order dated 06.06.2019 passed by the Special Court, NIA Cases, Jagdalpur, C.G. in NIA Case No. RC-11/2019/NIA/DLI rejecting the application preferred by the writ petitioner to handover the records of the case to the National Investigating Agency (for short 'the NIA') came to be set aside; simultaneously directing



the 3rd Respondent/ SHO, P.S. Kuakonda, District - Dantewada, Chhattisgarh to hand over the entire case record with documents pertaining to investigation of the said Crime to the writ petitioner for further investigation within 15 days. Various grounds have been raised, both legal as well as factual.

2. We heard Shri Satish Chandra Verma, the learned Advocate General appearing on behalf of the State/Appellants and Shri Kishore Bhaduri, the learned counsel representing the Respondent/NIA.

3. The subject matter relates to an organized crime committed by some unidentified Naxalites/Maoists, whereby the sitting MLA of Dantewada by name Mr. Bhima Mandavi was ambushed at about 4.30 p.m on 09.04.2019 within the local ambit of the Police Station Kuakonda. This led to registration of FIR by the 3rd Respondent on 10.04.2019 against 20-25 unknown Naxalites / Maoists as Crime No. 11 of 2019 in respect of offences under the following four different enactments :

- (i) Indian Penal Code (under Sections 149, 148, 149, 302, 396, 307 and 120-B);
- (ii) The Arms Act (under Sections 25 and 27);
- (iii) The Explosive Substance Act (under Sections 3 and 5);
- (iv) The Unlawful Activities (Prevention) Act (under Sections 13(1)A, 38(2) and 39.

4. The offences committed under the Unlawful Activities (Prevention) Act, 1967 are admittedly Scheduled Offences under the National Investigation Agency Act, 2008 (for short, 'the NIA Act'). In the said circumstances, on registering the FIR, information was forwarded by the 3rd Respondent to the State Government as to commission of the Scheduled Offences in



terms of Section 6(1) of the NIA Act, based on which, a report was sent by the State Government to the Central Government under Section 6(2) of the NIA Act. On receipt of the said report, the Central Government found it as a fit case to be investigated by the NIA, having regard to the nature and gravity of the Offences and other relevant factors and accordingly, Annexure-P/3 order was passed on 16.05.2019 to have it investigated by the NIA.

5. It is the case of the Respondent that, pursuant to Annexure-P/3 order, the Crime was re-registered as Crime No.RC-11/2019/NIA/DLI on 17.05.2019, as borne by Annexure-P/4. Since the records were not handed over by the State Police, an application was filed by the Chief Investigating Officer of the NIA before the Special Court, NIA Cases, Jagdalpur, Chhattisgarh on 21.05.2019, seeking to direct the State Police to handover the records along with documents in relation to the Crime already registered by the 3rd Respondent. The prayer was opposed by the State Police and a report was filed to the effect that the investigation was at an advanced stage; that the State had already constituted a Single Member Judicial Enquiry Committee headed by the former Chief Justice of the Sikkim High Court (Mr. Justice Satish K. Agnihotri) and further that the State Government had already moved the Central Government by filing a representation to reconsider the decision taken on 16.05.2019 to have the investigation entrusted with the NIA, which was still pending.

6. The learned Magistrate observed that, since the Crime was registered by the 3rd Respondent and investigation was being carried out by the State



Agency in accordance with Section 10 of the NIA Act, it would be inappropriate to handover the investigation at that stage and accordingly, the application preferred by the NIA was dismissed.

7. The above order was sought to be challenged by the Respondent in Writ Petition (CR) No. 381 of 2019, seeking to set aside the said order and to direct the State Police to handover the records along with the documents, to be investigated by the NIA, in view of Annexure-P/3 order. The prayers raised in the writ petition are in the following terms :

"i. Issue an appropriate Writ or order or direction in the nature of Certiorari or any other writ for quashing/ setting aside the order dated 06.06.2019 passed by the Special Court of Mr. D.N. Bhagat, NIA Cases, Jagdalpur, C.G. in NIA case No. RC-11/2019/NIA/DLI arising out of PS-Kuakonda, Case No.11 of 2019 titled as State (NIA, New Delhi) Vs. 20-25 unknown Maoist and ors.

ii. Issue an appropriate writ or order or direction in the nature of mandamus or any other writ directing the respondent No.3 to handover the entire case records and documents of NIA Case No.RC-11/2019/NIA/DLI arising out of PS - Kuakonda, Case No. 11 of 2019 to the petitioner and provide the concerned information at the earliest as mandated by the National Investigation Agency Act, 2008.

iii. That, the Hon'ble Court may further be pleased to pass any other order in favour of the petitioner as it may deem fit and proper under the facts and circumstances of the case along with cost."

8. The above prayers were resisted by the State on various grounds including that the petition filed before the Magistrate itself was not maintainable; that if at all aggrieved by the said order, the remedy was by way of appeal in terms of Section 21 of the NIA Act; that the investigation was almost completed and charge-sheet was about to be submitted; that there was no reason to have taken over the investigation by the Central



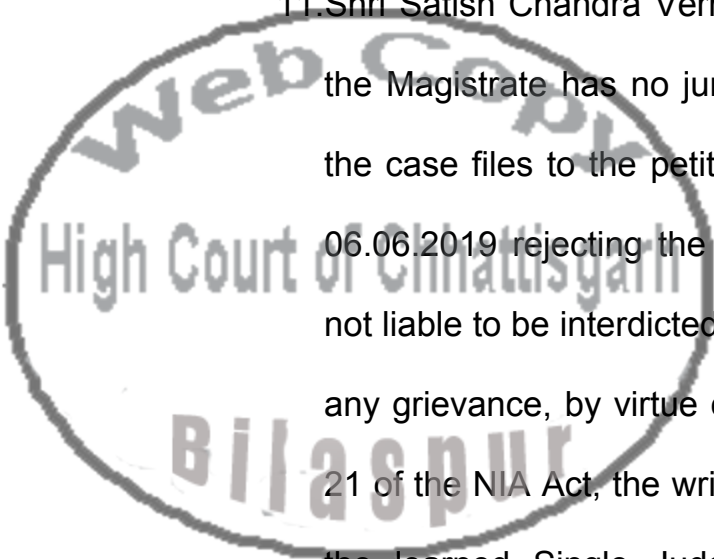
Government; that the representation preferred by the State Government to reconsider Annexure-P/3 was not finalized and pending; and further that the very *vires* of the NIA Act was under challenge in the Writ Petition (C) Nos. 2717/2019 and 2998/2019, which are pending before a Division Bench of this Court; thus praying that hearing of the writ petition might be deferred till the law is declared by the Division Bench.

9. The Respondent / writ petitioner sought to assert their rights to proceed with the investigation by virtue of the specific mandate of the relevant provisions under the NIA Act; particularly the bar under sub-Section (6) of Section 6 of the NIA Act, prohibiting the State Agency from investigating the matter, once an order was passed entrusting the investigation with the Central Agency. It is also pointed out that, the impugned order was only an interlocutory order, having not decided the issue finally by the Special Court; more so when the charge-sheet was still to be submitted, and hence the remedy by way of appeal under Section 21 of the NIA Act was not available; which made the NIA to file writ petition under Article 226 of the Constitution of India.
10. The preliminary objection raised from the part of the State with reference to maintainability was repelled by the learned Single Judge as per order dated 22.07.2019 and thereafter, the matter was finally heard elaborately. Placing reliance on the judgment passed by the Apex Court in ***Pradeep Ram Vs. State of Jharkhand and another***, reported in **2019 SCC OnLine SC 825**, the learned Single Judge held that, having passed an order in terms of Section 6 of the NIA Act, by the Central Government, entrusting the investigation with the NIA, it was not possible for the State



Investigating Agency to proceed with the investigation. It was accordingly, that the order under challenge was set aside and the writ petition was disposed off directing the 3rd Respondent/SHO in the writ petition to handover the entire case records with documents in relation to the Crime concerned for further investigation within 15 days. This made the Appellants to approach this Court seeking to interdict the verdict on various grounds, as raised in the reply filed in the writ petition.

11. Shri Satish Chandra Verma, the learned Advocate General submits that the Magistrate has no jurisdiction to direct the State Police to handover the case files to the petitioner and as it stands so, the order passed on 06.06.2019 rejecting the application filed by the NIA in this regard was not liable to be interdicted by the learned Single Judge. If at all there was any grievance, by virtue of the statutory remedy available under Section 21 of the NIA Act, the writ petition ought not to have been entertained by the learned Single Judge. It is further pointed out that the statute contemplates appointment of 'Special Prosecutor' under Section 15 of the NIA Act. Though the proceedings were sought to be presented before the Special Court through the Special Prosecutor, the writ petition was not being presented and prosecuted through any such Prosecutor, but through a private counsel, which hence was not liable to be entertained by the learned Single Judge. It is further pointed out that the 'reason' for entrusting the investigation with the NIA or the 'application of mind' in formulating an opinion in this regard is not reflected from Annexure-P/3 order. It is the further case of the State, that as many as 58-59 cases involving Scheduled Offences have been registered by the





State and the matters have been intimated to the Central Government, but no other case has been decided to be taken over to be investigated through the NIA. The present exercise as per Annexure-P/3 order, in the said circumstance, is clearly discriminatory and arbitrary in all respects. The learned Advocate General submits that, Policing is a State subject, by virtue of List I Entry 2 of the VIIth Schedule and as such the statute itself is *ultra vires* to the Constitution; which issue is still pending before Division Bench of this Court in Writ Petition (C) Nos. 2717/2019 and 2998/2019. The Advocate General also points out that the State is having authority to investigate even Scheduled Offences as clearly discernible from Section 10 of the NIA Act and it is always possible for the NIA to obtain assistance from the State machinery as envisaged under Section 9 of the NIA Act. The taking over of the investigation by the NIA from the State authority is with ulterior motive and for political mileage, which will adversely affect the morale of the State Police and lower the image of the State among the general public and hence the challenge.

12. Shri Kishore Bhaduri, the learned counsel representing the Respondent/NIA submits that, admittedly no cognizance has been taken by the Magistrate as no charge-sheet has been submitted. The investigation has just begun and it is never at an advance stage. It was ordered to be taken over just after one month of its registration on 10.04.2019 as per Annexure-P/3 dated 16.05.2019. The learned counsel submits that, as per the scheme of the statute, no consent or NOC of the State is necessary to takeover the investigation under Section 6 and no reasons are required to be shown in the order to be passed in this



regard. Specific reference is made to the object of the enactment and the Constitution of the NIA, with a duty to protect the sovereignty and security including that of the State, which is upon the Central Government. It is pointed out that 'Naxalism' is not a problem of the State of Chhattisgarh alone and as conceded by the Appellants in Ground 'L' of the writ appeal; it is a local problem having national importance. The learned counsel further points out that, on filing writ petition before the learned Single Judge, an interim order of stay was granted on 25.06.2019, by virtue of which no further investigation was possible and hence it is not correct to say that investigation was at an advanced stage. Reference is also made to Article 355 of the Constitution of India, whereby a duty is cast upon the Union to protect the States on instances of external aggression and internal disturbance. Since such internal disturbance is conceded; that too with involvement of 'Naxalism' as stated in Ground 'L' and elsewhere in the writ appeal, the Central Government has every reason and right to interfere and hence Annexure-P/3 order is not assailable. The learned counsel also points out that the Central Government / writ petitioner is not attributing anything against the State or State Police and the investigation has been taken over only because of the gravity of the Scheduled Offences involving murder of a sitting MLA and four of his armed guards in the explosion arranged by unidentified Naxalites / Maoists, followed by brutal attack and injuries inflicted upon them leading to their death. Reliance is sought to be placed on the verdict passed by the Apex Court in **Pradeed Ram's case** (supra) [paragraphs 41, 42 and 43] and the rulings rendered by



Division Bench of Karnataka High Court in ***Union of India, Ministry of Home Affairs Vs. Axim Shariff and Others***, reported in ***ILR 2018 KAR 2915*** [paragraphs 30, 31 and 32] and a decision of the Full Bench of the Patna High Court in ***Bahadur Kora and Others Vs. State of Bihar***, reported in ***2015 (2) MWN (Cr.) 305 (FB) (Pat.)*** [paragraphs 17, 18 and 19]. In response to the submission made by the learned Advocate General that matter ought to have been deferred, in view of the challenge as to the *vires* of the NIA Act and the relief to be given, reliance is sought to be placed in ***Narmada Bachao Andolan Vs. Union of India and Others***, reported in ***(2000) 10 SCC 664*** [paragraph 233] to the effect that no relief can be given without setting aside the provision under challenge and hence as on date, no relief can be claimed merely with reference to the challenge against the NIA Act raised before this Court.

13. With regard to the maintainability of the writ petition, in view of the remedy by way of appeal under Section 21 of the NIA Act, it is to be noted that, insofar as nothing prevents the Respondent/writ petitioner from approaching this Court in exercise of the jurisdiction under Article 226 of the Constitution of India, if there is any resistance / refusal or inaction on the part of the State / State Police in handing over the investigation along with relevant records, despite the order passed in terms of Section 6 of the NIA Act. For filing such writ petition, it is not at all necessary that the Lawyer representing the writ petitioner should be a Public Prosecutor or Special Prosecutor appointed in terms of Section 15 of the NIA Act. As such, the contention raised from the part of the State in relation to these aspects are having absolutely no relevance or any merit to be considered



while deciding the actual *lis* involved. The question is whether the action pursued by the Central Government in taking over the investigation and entrusting the same with the NIA under the NIA Act is valid and proper and whether the State Government could have pursued the investigation any further ?

14. For easy understanding of the case, Section 6 of the NIA Act is reproduced below :

"6. Investigation of Scheduled Offences.-

(1) On receipt of information and recording thereof under section 154 of the Code relating to any Scheduled Offence the officer-in-charge of the police station shall forward the report to the State Government forthwith.

(2) On receipt of the report under sub-section (1), the State Government shall forward the report to the Central Government as expeditiously as possible.

(3) On receipt of report from the State Government, the Central Government shall determine on the basis of information made available by the State Government or received from other sources, within fifteen days from the date of receipt of the report, whether the offence is a Scheduled Offence or not and also whether, having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the Agency.

(4) Where the Central Government is of the opinion that the offence is a Scheduled Offence and it is a fit case to be investigated by the Agency, it shall direct the Agency to investigate the said offence.

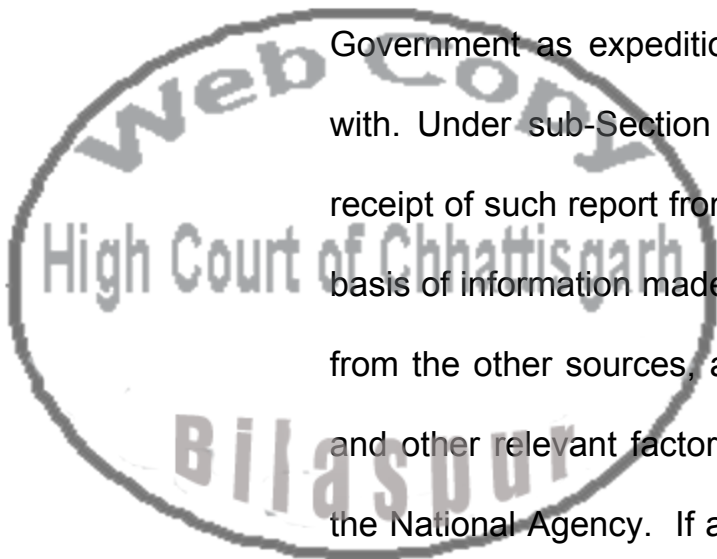
(5) Notwithstanding anything contained in this section, if the Central Government is of the opinion that a Scheduled Offence has been committed which is required to be investigated under this Act, it may, *suo motu*, direct the Agency to investigate the said offence.

(6) Where any direction has been given under sub-section (4) or sub-section (5), the State Government and any police officer of the State Government investigating the offence shall not proceed with the investigation and shall forthwith transmit the relevant documents and records to the Agency.



(7) For the removal of doubts, it is hereby declared that till the Agency takes up the investigation of the case, it shall be the duty of the officer-in-charge of the police station to continue the investigation."

Sub-Section (1) of Section 6 clearly stipulates that, on registering the FIR in terms of Section 154 of the CrPC in respect of the Scheduled Offence, the police officer has to report the matter to the State Government forthwith. Under sub-Section (2) of Section 6, on receipt of the such report, the State Government shall forward the report to the Central Government as expeditiously as possible; which is stated as complied with. Under sub-Section (3) of Section 6, the Central Government, on receipt of such report from the State Government, shall determine on the basis of information made available by the State Government or received from the other sources, also with reference to the gravity of the offence and other relevant factors, whether it is a fit case to be investigated by the National Agency. If an opinion is formed by the Central Government in this regard finding it as a fit case, it shall direct the National Agency to investigate the offence as provided under sub-Section (4). Sub-Section (5) contains a 'non-obstante clause' holding that 'Notwithstanding anything contained in this Section', if the Central Government is of the opinion that a Scheduled Offence has been committed and is required to be investigated under this Act, it may, *suo motu*, direct the Agency to have such investigation. Sub-Section (6) of Section 6 casts a specific bar on the State Government and any police officer of the State Government investigating the offence, if direction has been given by the Central Government under sub-Sections (4) or (5) and the State





Government / State Police shall forthwith transmit the relevant documents and records to the National Agency.

15. The undisputed fact and position is that, in connection with the brutal killing of the sitting MLA and four other armed guards, the State itself has registered a Crime on 10.04.2019 involving various offences under four different statutes including the Unlawful Activities (Prevention) Act, 1967 involving Scheduled Offences. To understand the seriousness and nature of the offences, as dealt with in the Schedule in terms of Section 2(1)(f) of the NIA Act, we find it appropriate to extract the Schedule as such, as given below :

1. The Atomic Energy Act, 1962 (33 of 1962);
2. The Unlawful Activities (Prevention) Act, 1967 (37 of 1967);
3. The Anti-Hijacking Act, 1982 (65 of 1982);
4. The Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982 (66 of 1982);
5. The SAARC Convention (Suppression of Terrorism) Act, 1993 (36 of 1993);
6. The Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 (69 of 2002);
7. The Weapons of Mass Destruction and their Delivery System (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005);
8. Offences under -
 - (a) Chapter VI of the Indian Penal Code (45 of 1860) [sections 121 to 130 (both inclusive)];
 - (b) Sections 489-A to 489-E (both inclusive) of the India Penal Code (45 of 1860).

16. On the basis of materials made available by the State Government and



obtained from such other sources, the Central Government formed an opinion that, it contained Scheduled Offences and having regard to the gravity of the Offence, it was found as a fit case to be investigated by the NIA. This requirement as to involvement of Scheduled Offence; the gravity of the Offence; the necessity to have it investigated by the National Agency and the Opinion formed in this regard as envisaged under sub-Section (3) of Section 6 of the NIA Act are clearly reflected in Annexure-P/3 order passed by the Central Government on 16.05.2019.

Admittedly, Annexure-P/3 order passed by the Central Government is not put to challenge by the State Government. This being the position, since an order has already been passed in terms of Section 6(4) / (5), it is no more open for the State Government or any police officer of the State Government to investigate the Scheduled Offence and shall forthwith transmit the relevant documents and records to the NIA as stipulated under sub-Section (6) of Section 6 of the NIA Act. This position has been made clear by the Apex Court in the decision reported in **Pradeep Ram's case** (supra) the relevant paragraphs of which have already been extracted by the learned Single Judge. As it stands so, there is absolutely no merit on the part of the Appellants in contending that they are entitled to proceed with the investigation.

17. There is another contention for the State Government that power is vested with it to investigate even a Scheduled Offence as provided under Section 10 of the NIA Act; which reads as follows :

"10. Power of State Government to investigate Scheduled Offences.- Save as otherwise provided in this Act, nothing contained in this Act shall affect the



powers of the State Government to investigate and prosecute any Scheduled Offence or other offences under any law for the time being in force."

The said provision starts with an 'exception' carved out, with the words :
"Save as otherwise provided in this Act, nothing contained in this Act shall affect the powers of the State Government to investigate and prosecute any Scheduled Offence or other offences under any law for the time being in force."

It is very much evident from Section 6 of the NIA Act, as to course to be pursued by entrusting the matter with the NIA and sub-Section (6) of Section 6, as mentioned already, clearly prohibits the State Government or any police officer of the State Government from investigating the Scheduled Offence, once an order is passed by the Central Government entrusting the investigation with the NIA, either under sub-Section 4 or 5 of Section 6. This clearly shows that the power of the State Government to investigate the Scheduled Offence, as provided under Section 10 of the NIA Act, is always subject to the power exercised by the Central Government to cause it to be investigated by the National Agency as dealt with under Section 6 of the NIA Act. Hence, the submission made by the learned Advocate General with reference to Section 10 of the NIA Act does not hold any water at all.

18. The learned Advocate General submits that the Central Government could seek for the assistance of the State Government; in view of the specific provision under Section 9 of the NIA Act. The said provision reads as follows :



“9. State Government to extend assistance to National Investigation Agency. - The State Government shall extend all assistance and co-operation to the Agency for investigation of the Scheduled Offences.

The above provision rather alerts the 'duty' of the State Government that, it shall extend all assistance and co-operation to the Agency for investigation of the Scheduled Offences. To make it more clear, when the investigation is done by the Central Agency in terms of Section 6 of the NIA Act, it shall be obligatory for the State Government to extend all assistance and co-operation. The learned counsel for the Respondent/NIA submits that assistance of the State Government will definitely to be sought for, as and when required; more so since the Crime has been committed by Naxalites/Maoists which is a National problem and the State assistance and co-operation have to be effectively utilized

19. With regard to the pleadings and submissions made by the learned Advocate General that the investigation was almost complete and charge-sheet was about to be submitted, as stated in Ground 'L' and elsewhere in the writ appeal, it is to be noted that the incident was on 09.04.2019, Crime was registered by the State Police on 10.04.2019 and Annexure-P/3 order was passed by the Central Government taking over and entrusting the investigation with the NIA on 16.05.2019 i.e. immediately after one month. How the investigation was almost complete and charge-sheet was about to be submitted within 'one month' is not even attempted to be demonstrated by the Appellants anywhere in the proceedings, nor is there any information with regard to the



unidentified Naxalites/Maoists who were of about 20-25 in number. That apart, it cannot be a ground for not taking over the investigation by the Central Government and the power is absolute, to be exercised having regard to the gravity of the Offence and on forming an Opinion that it is a fit case to be investigated by the NIA, if it involves a Scheduled Offence. The said requirement under statute has been satisfied by the Central Government while passing Annexure-P/3 and hence it is not assailable under any circumstance; especially when there is no challenge against the said order.

20. It is submitted by the learned Advocate General that as many as 58-59 cases involving Scheduled Offences have been reported to the Central Government in terms of Section 6 of the NIA Act, but no case has been decided to be investigated by the National Agency so far. Though the said submission is made to illustrate discrimination in the instance case, that by itself is a pointer to the fact that the Central Government has not been finding it necessary to encroach into the field of State Police merely for the reason that a Scheduled Offence is involved, which was possible for the State Government to have investigated by virtue of Section 10 of the NIA Act. But, in the instance case, the Crime committed by a group of unidentified Naxalites/Maoists took the lives of a representative of the people/ the sitting MLA and four armed guards. Though the life of each and every citizen of India is precious and equal, the magnitude of fear and insecurity created in the minds of general public when their representative (MLA or MP) is identified and murdered is much higher than the extent of fear and insecurity felt in respect of any other situation.



This substantial magnitude weighed in the mind of the Central Government to form an Opinion in considering whether it was a fit case to be investigated by the National Agency. That apart, the Appellants have conceded that the problem created by Naxalites / Maoists is of National importance (Ground 'L' and elsewhere). It is also a fact that the State of Chhattisgarh is sharing its border with as many as 'seven' different States and in many cases, the border consists of dense forests and there is infiltration of Naxalites/Maoists from the State of Chhattisgarh to other States as well as similar inflow from the other States to the State of Chhattisgarh. This naturally requires a proper and exhaustive consideration and action at appropriate/wider level, in turn, leading to a decision taken, to have it investigated by the NIA, which cannot be deprecated.

21. With regard to the apprehension expressed by the learned Advocate General that taking over of the investigation and entrusting the same with the NIA will paint a bad picture of the State and the State Police, we find that absolutely no such averment or allegation as to any lapse or incompetence of the State or State Police has even been raised by the Respondent. No such instance is pointed out by the Central Government either in Annexure-P/3 order dated 16.05.2019. It is not there in the petition filed by the Respondent/NIA before the Special Court or even in the writ petition filed before this Court. To take over the investigation, if found as a fit case, it is not necessary to allege or establish any lapse or defect in the investigation conducted by the State / State Police, as the statute provides for taking over with reference to the nature and gravity of



the Office and the Opinion formed by the Central Government whether the Scheduled Offence is to be investigated by the NIA. Insofar as there is no such insinuation or imputation against the State or the State Police, the apprehension expressed by the Appellants is quite out of context and unfounded. We hold that no such insinuation or imputation has been levelled against the State / State Police by Central Government while passing Annexure-P/3 order.

22. With regard to the submission made by the learned Advocate General that the *vires* of the NIA Act is under challenge in some other proceedings pending before this Court and hence the taking over of the investigation by the NIA ought to have been deferred, it is relevant to note that the provisions of the NIA Act stand intact as on date and since no challenge has been raised against Annexure P/3 order dated 16.05.2019, taking over of the investigation and entrusting the same with NIA is within the four walls of law. There cannot be any other choice, but to hand over all the records alongwith the documents by State Police to the Respondent herein in terms of sub-section 6 of Section 6 of the Act; which has been rightly ordered by the learned Single Judge. The verdict passed by the learned Single Judge is not assailable on any ground.

The appeal fails and it is dismissed accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge