

IN THE COURT OF THE SPECIAL JUDGE (SPE/CBI)-I, ERNAKULAM

Present: Sri. P.K. Mohandas, Special Judge (SPE/CBI) -I,
Ernakulam

Thursday the 8th day of January, 2026 / 18th Pousha, 1947.

Crl.M.P. No.01/2026

In

CC No. 06/2012

Petitioner/Complainant-

: CBI/ACB Cochin

**Represented by Smt. Ramya Prasad (Public
Prosecutor, CBI).**

Respondent/Accused

- 1 N. Velmurugan, Aged 37/2012 S/o. Late Nagarathinam, Assistant Director, (U/S), India Tourism, Residing at Cochin Port Trust Quarters N-IV/4, Wellington Island, Cochin-682009.
- 2 K.S. Sabu, Aged 48/2012, S/o. K. Sreedharan Nair, Tourist Information Officer (ADHOC), India Tourism , Residing at Sivasannidhi, Kizhuvalam.P.O, Mamom, Attingal, Trivandrum- 695104.
- 3 M/s. Sreebala Developers and Hotels (P)Ltd., Soorya Towers, Kunnathurmedu, Palakkad, Kerala represented by Sri. Nithin Radhakrishnan.
- 4 Nithin Radhakrishnan.M, Aged 28/2012, S/o V.M. Radhakrishnan, The then Managing Director of Sreebala Developers and Hotels (P)Ltd., Residing at Verkote Manjeri Thodi House, Nivethitha, DPD Road, Palakkad, Kerala- 678 014

A1 by Adv. M/s. S. Sreekumar Associates

A2 by Adv. M/s. S. Sreekumar Associates

A3 by Adv. Sri. Manu Tom Cheruvally

A4 by Adv. Sri. Prathapachandran Pillai

This petition is came up for hearing before me on 07.01.2026 in the presence of the counsel for the petitioner and respondent and Court on 08.01.2026 passed the following:

ORDER

This is an application filed under section 311 CrPC for summoning additional witness.

2. The case was taken on file against the accused for offence U/s. 120B IPC r/w.s.7, 13(2) r/w.s.13(1) (d) of the PC Act, 1988. The case of the prosecution is that the first and second accused entered into criminal conspiracy to obtain pecuniary advantage in connection with issuance of star classification to hotels. In furtherance of the conspiracy with the 3rd and 4th accused, M/s.Hotel Soorya Galaxy, Kozhikode and its Managing Director, they demanded and accepted illegal gratification by way of cash and gifts from the 3rd and 4th accused through the CEO of the 3rd accused Company.

3. This petition is filed by the Prosecutor to summon additional witness. Now the trial of the case is in progress. According to the Prosecutor, during the surprise check, two Titan watches accepted by the 1st and 2nd accused as illegal gratification from the 4th accused were seized by the CBI. The purchase bills of the said watches were also seized from the A3 hotel. To prove the technicalities in the watch model inscribed in the watch and the entries of such details in the guarantee cards and purchase bills seized, examination of Sri.Tamil Selvan, Service Engineer, Titan company, Area Office, 3rd floor, opposite North Police Station, Chittoor Road,

Kacheripadi, Cochin is necessary.

4. According to the learner Prosecutor, summoning of the additional witness is necessary to prove the prosecution case and to bring the truth before the court and it will not cause any prejudice to the accused.

5. The counsel for the accused filed objection stating that the prosecution has already examined PW7, PW8, PW12, and PW16, who were asked about the details regarding the purchase, identification and technical aspects of the alleged watches and sufficient evidence has already adduced covering all material aspects. The proposed witness was not questioned during the investigation and no explanation has been given for the omission. The attempt to summon the said witness at this belated stage, after examination PW18 witnesses, is intended to cure defects and fill lacunae in the prosecution case by collecting fresh evidence, which is impermissible by law. Summoning of additional witness at this stage would cause serious prejudice to the accused and trial will be prolonged.

6. I have heard the Public Prosecutor and counsel for the accused and perused the record of the case.

7. The case is of the year 2012. The Hon'ble High Court as per order dated 19.08.2025 in Crl.R.P. No.18/2022 has directed this court to expedite the trial and finish the same at the earliest, at any rate within a period of 3 months from the date of receipt of copy of the order. The copy of the order was received in this court on 09.09.2025.

8. While the trial was in progress the learned Public Prosecutor filed

Crl.M.P. No.263/2025 for receiving additional witness list and the same was dismissed by this court as per order dated 21.10.2025. The order was challenged before the Hon'ble High Court in Crl.R.P. No.1180/2025 and the Hon'ble Court as per order dated 20.11.2025 allowed the same and directed this court to summon and examine additional witness. The time for disposal of the case is extended till 31.01.2026.

9. Now, the trial is at its fag end. The present petition is filed by the Public Prosecutor to summon an additional witness to prove the technicalities in the model number of the watches, on the units and guarantee cards allegedly seized from the Indiatourism office and the watches stated to have purchased from the shop. The learned Prosecutor submitted that in order to establish the fact that the watches purchased from the shop at Manjeri and those seized from the office are one and the same, examination of the witness is highly necessary. The learned counsel for the accused on the other hand contended that the intention of the Prosecution is to fill-up the lacunae in the prosecution evidence and the same cannot be permitted by invoking the power u/s.311 of CrPC.

10. As stated above, the allegation against the accused is that the first and 2nd accused obtained illegal gratification in the form of money, wrist watches and liquor bottles from the 3rd and 4th accused. As per the prosecution case two Titan watches involved in this case were recovered from the office table of the 2nd accused. It is alleged that those watches were purchased by the other accused from the shop at Manjeri. According to the Prosecutor, on examination of the witnesses before the court, there is some confusion regarding the model number and the same

is to be clarified by examining an expert witness. On a consideration of the entire facts and materials placed before me, I am of the view that identification of the watches involved in the case is highly necessary in the case. As rightly pointed out by the learned Public Prosecutor, the confusion, if any, in the evidence is to be clarified by examining a witness who is competent to speak about the same. So, I am of the view that examination of the additional witness named in the petition is necessary for a just and proper disposal of the case. No prejudice will be caused to the accused by the examination of the witness. It cannot be said that the prosecution is trying to fill-up the lacunae. So, the petition is only to be allowed.

In the result, the petition is allowed. Issue summons to the additional witness to appear before the court and give evidence.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 8th day of January, 2026.

Appendix: Nil

//True Copy//

Sd/-
P. K. Mohandas
Special Judge (SPE/CBI)-I

Id/-
Special Judge (SPE/CBI)-I
(By Order)

Sd/-
Sheristadar.