

IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM

Present: Smt. Mini S Das, Judge for NIA Cases

Monday the 13th day of November, 2023/22nd Karthika, 1945

Crl.M.P. No. 506/2023 in SC.01/2020/NIA

Petitioner/Accused No. 1 : Allan Shuaib @ Mamu @ Mammu (A1), age 20 years, S/o. Mohammed Shuaib, Manipoori House, Palattu Nagar, Thiruvannur, Kozhikode.

By Adv. Sri. Issac Sanjay

Respondent/Complainant : Union of India represented by National Investigation Agency, Kochi.

**By Smt. Sindhu Ravishankar
Public Prosecutor, NIA.**

This Criminal M.P coming on for hearing before me on 13.11.2023 and the Court on the same day passed the following:

ORDER

1. This is a petition filed by the the Counsel for the First accused to adjourn scheduling of the examination of the witnesses stating that the petitioner is the tenth semester student of LLB in School of Legal Studies, Paliyad Campus of Kannur University at Thalassery, that the petitioner has to undergo Psychotherapy due to disc issues and that due to hectic Academic schedule till March 2024, the petitioner may not be able to concentrate on trial proceedings.

2. The learned Public Prosecutor filed objection mainly contending that that the 3rd and 4th accused are in judicial custody from 2021 onwards that the case under consideration is one affecting the security of our nation that the trial is to be expedited on a day to day basis, that the adjournment if allowed would cause prejudice to the prosecution and that the delayed trial would be a ground to secure bail for the accused in custody.

3. Heard both sides.

4. According to the learned Counsel for the petitioner, till the completion of the tenth semester, the petitioner has to concentrate on his studies and hence he cannot cooperate with the trial proceedings. It is also submitted that the petitioner is having some Psychological and other health issues. The examination of witnesses in this case is already started. PWs 1 to 4 were examined and the trial is scheduled till 17.11.2023. Accused No.3 & 4 are in judicial custody from 2021 onwards. The learned counsel for Accused No.3 & 4 submitted that the trial of the case is to be completed at the earliest. The documents furnished by the petitioner would show that he is a tenth semester LLB student. The Psychological evaluation report would indicate his poor copings and emotionality. He is taking medicines as suggested by Orthopedist. The learned counsel for the petitioner seeks adjournment of trial till march 2024. As the 3rd and 4th accused are in custody, the trial of this case is to be completed at the earliest. The reasons put forward by the counsel for the petitioner cannot be taken as a ground to delay the trial. Therefore the application is liable to be dismissed.

In the result, the petition stands dismissed. It is made clear that if the petitioner has to dispense with his personal attendance due to compelling reasons he is at liberty to file proper application to that effect as per rules.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 13th day of November, 2023.

Sd/-
Mini S Das
Judge, Spl. Court for NIA Cases

Appendix: Nil

Id/-
Judge, Spl. Court for NIA Cases
(By Order)

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Sd/-
Sheristadar