

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. 507/2023 in SC.01/2020/NIA

Petitioner/Accused No. 2 : Thwaha Fasal (A2), age 24 years,
S/o. Abubacker, Kottummal House,
Moorkanad, Pantheerankavu, Kozhikode.

By Adv. Sri. John S Ralph.

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 an application filed by the the Counsel for the Accused No.2 seeking adjournment of the examination of the witnesses stating that the learned counsel is engaged in the trial of seven other cases.

2. The learned Public Prosecutor filed objection stating 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, the learned Counsel is busy with other trials in different cases. The trial of this case is going on. PWs 1 to

4 were examined and the case is scheduled till 17.11.2023. When the case is taken up for scheduling the remaining witnesses for trial the learned Counsel for the petitioner submitted this application stating that the learned counsel is engaged in the trial of seven other cases. The specific dates scheduled for trial of the said cases are not mentioned. At the time of hearing, it is submitted that the learned Counsel is ready to co-operate with trial and that in case of any difficulty in cross-examination of any of the witnesses, the learned Counsel would file an application in advance so as to adjourn the cross-examination.

5. Considering the facts that the learned counsel for the petitioner has not furnished any specific dates so as to avoid such dates from scheduling, that the examination of the witnesses already started and that the accused No.3 and 4 are in custody, the examination of the remaining witnesses cannot be adjourned indefinitely. Therefore the application is liable to be dismissed.

In the result, the petition stands dismissed.

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.

Appendix: Nil

//True Copy//

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

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

Sd/-
Sheristadar