

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

Present: Sri. P.K. Mohandas, Judge for NIA Cases

Monday the 23rd day of September, 2024/1st Aswina, 1946.

Crl.M.P. No.398/2024 in SC No.01/2020/NIA/KOC

Petitioner/Accused No. 4:

Vijith Vijayan @ Pachha @ Balu @ Musafir @ Ajay, aged 27 years, S/o. Vijayan V.K., Chaithram House, Puzhamudi Post, Kalpetta, Wayanad District, Kerala.

By Adv. Sri. Thushar Nirmal Sarathy

Respondent/Complainant

Union of India represented by National Investigation Agency, Kochi.

**By Sri. Arjun Ambalappatta
Senior Public Prosecutor, NIA**

This Criminal M.P coming on for hearing before me on 23.09.2024 and the Court on the same day passed the following:

ORDER

This is an application filed by the 4th accused in SC No.01/2020/NIA seeking permission to appear for counseling for LL.B. admission.

2. According to the petitioner, he is undergoing detention in connection with the above case from January 2021. As per the permission of this court, the petitioner appeared for Kerala Law Entrance Examination on 18.08.2024 with required police escort and has secured 35th rank. Based on seat availability and eligibility criteria, the petitioner will receive allotment in one of the Government Law Colleges of his choice and he is expecting an

allotment memo within three weeks. The petitioner is required to be present himself for counseling before the Principal of the college where he may get allotment. Hence the petitioner seeks a direction to the Superintendent of High Security Prison, Viyyur to take him to the college for completing his admission formalities.

3. Heard the Special Public Prosecutor and the counsel for the petitioner. The Superintendent of High Security Prison, Viyyur filed a report.

4. The Superintendent of High Security Prison has reported that the petitioner has informed that he has secured 35th rank in the Kerala Law Entrance Examination for admission to the 3-year LL.B. course. This court had permitted the petitioner to appear for the entrance exam on the condition that the permission shall not be treated as a permission to attend the full time course in regular college while undergoing detention in the case. According to prison rules, the Superintendent may allow a prisoner to enroll for a recognized course from a private or open university or through a distant education scheme. However, in the case of admission to a regular course, it is not practical to provide a daily escort, and there are no provisions in the prison rules.

5. The petitioner wants to pursue his studies. Whether he can be permitted to attend the course online and whether he will be able to attend the regular classes conducted by the college, etc. are matters to be

considered after completing the admission formalities. Now the petitioner wants to attend the counseling to complete the admission formalities. He has secured 35th rank in the entrance examination. Considering the request of the petitioner, I am of the view that the petitioner can be permitted to appear before the College authorities for completing the admission to the course.

Hence, the petition is allowed. The petitioner is permitted to appear before the Principal of the Law College, which will be allotted to him by the Commissioner of Entrance Examinations. The Superintendent shall taken necessary steps to provide escort parole to the petitioner to take him to the Law College on the date and place allotted to him so as to complete the admission formalities. This order shall not treated as a permission to attend the full time course in regular college while undergoing detention in the case. Communicate copy of the order to the petitioner.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 23rd day of September, 2024.

Sd/-
P. K. Mohandas
Judge, Special Court for NIA Cases

Appendix: Nil

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

// True Copy//

Sd/-
Sheristadar