

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

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

Wednesday the 18th day of June 2025/28th Jaishta, 1947

Crl.M.P. 286/2025 in SC.01/2020/NIA

Complainant

Union of India represented by National Investigation Agency, Kochi.

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

Accused No. 1 to 4

1. Allan Shuaib @ Mamu @ Mammu (A1), age 20 years, S/o. Mohammed Shuaib, Manipoori House, Palattu Nagar, Thiruvannur, Kozhikode.

2. Thwaha Fasal (A2), age 24 years, S/o. Abubacker, Kottummal House, Moorkanad, Pantheerankavu, Kozhikode.

3. M. Usman (A3), Aged 42 years, S/o Aboobacker, Melethil House, Odampatta, Chembrassery, Pandikkad, Malappuram.(Now remanded at High Security Prison ,Viyyur.

4. Vijith Vijayan @ Pachha @ Balu @ Musafir @ Ajay (A4), aged 27 years, S/o. Vijayan V.K., Chaithram House, Puzhamudi Post, Kalpetta, Wayanad District, Kerala.

A1 and A2 by Adv. Sri. Isaac Sanjay.

A3 and A4 By Adv. Sri. Thushar Nirmal Sarathy

This petition is coming on for hearing before me on 18.06.2025 and the Court on the same day passed the following:

ORDER

This application is filed by the Public Prosecutor for issuing directions to the Directors of FSL, Thiruvananthapuram & RFSL, Thrissur, to issue copies of extracted data.

2. The case of the prosecution is that the accused are members of the proscribed terrorist organisation CPI (Maoist), and that books, pamphlets, and publications, both digital and hard copy supporting the activities of the said organisation were recovered from their possession. The prosecution evidence is proceeding rapidly, and almost all of the proposed evidence has already been completed.

3. It is stated that certain documents recovered from the digital devices seized in Edakkara Police Station Crime No. 536/2016 (CBCID Crime No.158/CR/ISIT/EKM/16) show similarity and connection with documents recovered from the digital devices seized in the present case. Sri. Shaji P., Assistant Director (Documents), Forensic Science Laboratory, Thiruvananthapuram, conducted the Cyber Forensic Examination and submitted Cyber Forensic Analysis Report No. DD-524/16 (Supplementary) dated 19.04.2017 to the Hon'ble District and Sessions Court, Manjeri. The Hon'ble District and Sessions Court, Manjeri, vide CMP No. 1186/2021 dated 13.08.2021, permitted the Investigating Officer to obtain the extracted soft data of the Q53 SanDisk 4GB pen-drive mentioned in the said report, along

with the necessary certificate in a sealed cover, and issued directions to the Director, SFSL, Thiruvananthapuram, in this regard. The data was copied into a sterile hard disc by one Gopika of SFSL. Sri. Radhakrishnan, ASI, NIA, collected the sealed cover containing the extracted data in a pen-drive from SFSL and handed it over to the Investigating Officer. The extracted data, along with FSL letter No. B2-12746/FSL/2016 dated 03.09.2021, was forwarded to this Court on 06.09.2021.

4. It is stated that certain documents recovered from the digital devices seized in Agali Police Station 291/2019 (Crime No. 495/2019 of Crime Branch HQ, Thiruvananthapuram), show similarity and connection with certain documents/audio files recovered from the digital devices and other documents seized in the present case. Sri. Sanoj M. A., Assistant Director (Documents), Regional Forensic Science Laboratory, Ramavarmapuram, Thrissur, conducted the Cyber Forensic Examination and submitted Cyber Forensic Analysis Report No. DD-345/19 dated 17.03.2020 to the Hon'ble District and Sessions Court, Palakkad. During the investigation, the Chief Investigating Officer obtained permission from the Hon'ble District and Sessions Court, Palakkad vide CMP No. 1732/2021 dated 11.08.2021, to obtain the extracted soft data of digital devices Q3, Q6, Q7, Q16, and Q28 mentioned in the forensic report. Accordingly, Sri. Sanoj M. A. copied the data, which was collected in a sealed cover by Sri. Radhakrishnan, ASI, NIA, and handed over to the Investigating Officer. The

sealed cover containing the soft copy of the retrieved data from the questioned items Q3, Q6, Q7, Q16, and Q28 in Cr. No.459/2019, along with RFSL Thrissur Letter No. B1-4624/RFSL/TSR/2019 dated 02.09.2021, was forwarded to this Court on 06.09.2021.

5. The prosecution intends to prove the contents of the pendrives, and the above mentioned persons need to be examined as witnesses by filing a separate petition. As the pendrives received from the FSLs were submitted to the court in sealed covers, neither the prosecution nor the defence has received copies of the same. Certified digital copies of the pen drives are required for both sides, so that the same can be exhibited during witness examination. Hence, the petitioner prays that the Court may be pleased to issue directions to the Director, FSL, Thiruvananthapuram, and the Director, RFSL, Thrissur, to issue five copies each of the extracted soft data of the pen drives submitted under FSL Letter No. B2-12746/FSL/2016 dated 03.09.2021 (Q53 SanDisk 4GB pen drive in Cyber Forensic Analysis Report No. DD-524/16 (Supplementary) dated 19.04.2017) and RFSL Letter No. B1-4624/RFSL/TSR/2019 dated 02.09.2021 (retrieved data of Q3, Q6, Q7, Q16, and Q28 in Crime No. 495/2019 of Crime Branch HQ, Thiruvananthapuram/Crime No. 291/2019 of Agali Police Station), respectively, along with necessary certificates under Section 65B of the Indian Evidence Act, and further to issue certified copies of the said pen drives to the prosecution and the defence.

6. I have heard the learned Special Public Prosecutor and the counsel for the accused.

7. The learned defence counsel opposed the application contending that the prosecution is trying to produce fresh evidence at the fag end of the trial. According to him, the application cannot be allowed at this stage. The learned Public Prosecutor submitted that the pendrives containing the soft copies are already produced before this court in sealed cover and available in this case. He submits that since the prosecution is not in possession of copy of the same, it became necessary to get additional copies for the use of the prosecution and also to supply to the accused. He submits that the apprehension of the defence counsel is not correct.

8. The application is filed to direct the Director, FSL and RFSL to supply copies of the report already produced before the court. The petitioner had filed an application for obtaining certified copies of the pendrives already produced. Since there is no facility in this Court to issue copies of the pendrive certifying its hash value and correctness, the application could not be complied. The present petition is only to get copies of the reports already produced before the court from the Labs concerned. There is nothing affecting the rights of the accused. On going through the petition and the documents and hearing both sides, I am of the view that the issuance of certified copies of the extracted data is necessary in this case. Hence I am of the view that direction can be issued to the Directors concerned to issue copies of the same at the earliest.

Hence the petition is allowed and the Director, State Forensic

Science Laboratory, Thiruvananthapuram and the Director, RFSL, Thrissur are directed to issue five copies each of the extracted data of the pendrives mentioned in paragraph 5 of this order, make copies of the same in pendrives, ensuring the integrity and produce the same before this court with necessary certificate u/s.65B of the Indian Evidence Act with hash value certification of each file.

As the trial of the case is almost over and two of the accused are in remand, the Directors shall try to produce the copies without delay.

The petitioner shall produce sufficient number of sterile pendrives to be forwarded to the FSL and RFSL for copying the data.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 18th day of June, 2025.

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