

IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM
Present: Sri. Anil.K.Bhaskar, Judge for NIA Cases

Friday the 18th day of September, 2020/ 27th Bhadrapada, 1942

Crl.MP No.36/2020 in SC 01/2020/NIA

Petitioner: Union of India represented by National Investigation Agency, Kochi.

By Adv. Sri. Arjun Ambalappatta
Public Prosecutor, NIA

Accused :

1. Allan Shuhaib @ Mamu @ Mammu @ Vivek, aged 20 years, S/o. Muhammed Shuhaib, Manipuri House, Palat Nagar, Thiruvannur, Kozhikode (A1)
2. Thwaha Fasal @ Thaha @ Fasal @ Kishan, aged 24 years, S/o. Aboobacker, Kottummal House, Palangattu Parambu, Moorkanad, Pantheerankavu, Kozhikode (A2)
3. C.P. Usman @ Mahesh, aged 40 years, S/o. Aboobacker, House No. 8/226A, Melethil House, Odompatta, Chembarassery, Pandikkad, Malappuram (absconding) (A3)

A1 by Adv. Sri.Isac Sanjay
A2 by Adv. Sri.Thushar Nirmal Sarathy

This petition is filed for forwarding Questioned and Specimen Writings of accused Thwaha Fasal (A2) to RFSL, Kakkanad.

This Criminal M.P coming on for hearing before me on 18.09.2020 and the Court on the same day passed the following:

ORDER

1. Respondent/A2 filed objection.
2. Heard both sides. Prosecution would say that the Note Books/Writings seized from the possession of the accused provide material clues to prove the

nexus the accused had with the banned terrorist organisation. To substantiate this fact, Prosecution prays for sending the questioned writings and the specimen writings of the accused (already taken) to the Handwriting Expert for getting scientific opinion on this aspect.

3. Respondent opposed the application, mainly challenging the legality of the search and seizure.

4. The stage to decide the legality and validity of the search and seizure has not yet reached. Prosecution has the widest discretion to collect all type of evidence to substantiate its case. It will be wholly inappropriate to make any interference in this regard. Objection raised by respondent stands overruled.

In the result, petition allowed.

Forward the questioned document and specimen writings (mentioned in the petition) to RFSL, Kakkanad, complying all the required formalities.

Pronounced by me in open court on this the 18th day of September, 2020.

Sd/-
Anil.K.Bhaskar
Judge, Special Court for NIA Cases

Appendix: Nil

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

Id/-
Sheristadar

Typed by: Sindhu.S.T.
Comp.by:

Order in CrI.MP No.36/2020
in
SC No.01/2020
Dated: 18.09.2020

