

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

Present: Sri. Anil.K.Bhaskar, Judge for NIA Cases

Tuesday the 2nd day of February, 2021/ 13th Magha, 1942

Cri.M.P No.10/2021

In

SC 1/2020 NIA

Petitioner/Accused No.2:

Thwaha Fasal , 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 Sri. Arjun Ambalappatta
Public Prosecutor, NIA**

This Criminal M.P coming on for hearing before me on 01.02.2021 and the Court on 02.02.2021 passed the following:-

ORDER

1. Petitioner the second accused a remanded prisoner, moved this application through his counsel seeking necessary directions to facilitate the petitioner to change the already registered IGNOU study centre and to pursue the post graduation course, which he had already enrolled with IGNOU.

2. Notice served to the learned Special Public Prosecutor. A report was called for from the Welfare Officer, High Security Prison, Viiyoor, wherein the petitioner is undergoing judicial custody. A detailed report prepared by Smt.Dhanya

A, the Welfare Officer, was forwarded to this court by the Jail Superintendent.

3. Learned Special Public Prosecutor doesn't oppose the application. The Welfare Officer reported that, in this regard, as directed by the Jail Superintendent, she had discussions with the Ernakulam Co-ordinator of IGNOU as well as the Co-ordinator attached to the study centre functioning in Central Jail, Viyyoor. It is submitted that if sufficient escort police men are made available, the petitioner can pursue his studies and appear for exam, utilising the facilities available at the centre attached to Viyyoor Central Prison which situates in the same compound.

4. The Jail Superintendent, High Security Prison, Viyyoor also submitted that if this court make provision for providing sufficient escort police, the petitioner can be permitted to continue his studies from the study centre attached to Central Prison, Viyyoor.

5. In fact, the petitioner was given permission to join Post Graduation course offered by IGNOU for the year 2020 as per order in Crl.M.P. No.53/2020. Immediately after that, petitioner was released on bail. Thereafter he joined the course. His Enrollment number is 2006028884. He got registered with the local study centre (Code 1403) coming under Vadakara region (RC Code 83), which is nearest to his place of abode.

6. In the appeal preferred by NIA, Hon'ble High Court reversed the order granting bail to the petitioner. In compliance of that order he surrendered before this court on 05.01.2021 and was remanded in judicial custody to High Security Prison, Viyyoor. He continues to be in judicial custody.

7. To pursue his studies without break, two things are to be done. Firstly, since no separate sub centre of IGNOU is available in the High Security Prison, it requires permission from the court to attend the contact classes and to write exams from the study centre of IGNOU available in the Viyyoor Central Jail which situates in the same compound. In the earlier order passed in CrI.M.P.No.53/2020, this court made it clear that the petitioner can attend the contact classes in the IGNOU centre attached to Central Prison, Viyyoor only if the Jail Superintendent, High Security Prison, permits him to do so after considering the security issues involved. Secondly, petitioner has to change the study centre registered with IGNOU from Vadakara Region to Ernakulam Region.

8. Regarding the first aspect, both Jail Superintendent as well as Welfare officer reported that if sufficient provision is made to get escort police men on duty, the security issue can be resolved. Coming to the second aspect the Welfare officer had informal discussions with the Co-ordinators of IGNOU. The report submitted by the Welfare officer would clearly indicate that changing the study centre is not a serious issue and it is permissible to do so.

9. Petitioner is a young man. He is a graduate holding a degree in BSc Geography. Since a study centre of IGNOU is available in the Central Jail which situates in the same compound and the security issue involved can be addressed by providing required escort men, I find it proper to allow this petition and issue necessary directions to facilitate the petitioner to pursue his studies without a break.

In the result, petition allowed as follows:-

1. The petitioner is given permission to pursue his post graduation course enrolled with Indira Gandhi National Open University (IGNOU) bearing Enrollment No.2006028884, by changing the already registered study centre (Code 1403) coming under Vadakara region (RC Code 83), to the study centre attached to Central Prison, Viyyoor coming under Ernakulam region.

2. Petitioner is also given permission to attend the contact classes from the IGNOU centre attached to Central Prison, Viyyoor and to appear for the exams from the same centre.

3. The Welfare Officer, High Security Prison, Viyyoor shall process all the required applications for the change of study centre as mentioned above, and shall make all necessary arrangements to facilitate the petitioner to pursue his studies which includes attending contact classes and writing exams.

4. That the Jail Superintendent, High Security Prison is hereby accorded permission to apply to the concerned authorities and avail the service of escort police men, to ensure the safety and security of the petitioner while attending the IGNOU study centre attached to Central Prison, Viyyoor.

5. If situation demands, Jail Superintendent, High Security Prison can move this court for issuing necessary directions to the concerned police authorities for getting the service of escort police men.

6. Forward a copy of the order to the Jail Superintendent, High Security Prison, Viyyoor by email for compliance and further action. The Jail Superintendent shall serve a copy to the Welfare Officer and also to the petitioner.

Dictated to the Confidential Asst., typewritten by her directly to computer system, corrected and pronounced by me in open court on this the 2nd day of February, 2021.

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

Appendix:-Nil

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

//True Copy//

Sd/-
Sheristadar