

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

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

Wednesday the 2nd day of November, 2022/ 11th Karthika, 1944

Cri.M.P No.95/2022

in

SC.02/2021/NIA/KOC

Petitioner/Accused No. 14 : B.G. Krishnamurthy @ Vijay @ Babanna @ Bhaskar @ Kumara @ Vijay @ Gangadhara @ Gopal Rao (**A14**), age 46 years, S/o. B.K. Gopal Rao, Nemmar Estate, near Bukkadibylu, Shringeri Taluk, Chikkamagaluru District, Karnataka.

By Adv. Sri. Thushar Nirmal Sarathy

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 02.11.2022 and the Court on the same day passed the following:-

ORDER

1. The accused B. G. Krishnamoorthi, a remand prisoner (RP No.144), moved this application through Jail Superintendent, High Security Prison, Viyyur seeking permission of this court to join online course Post Graduate Diploma in Criminal Justice conducted by IGNOU, for the academic year 2022-2024.

2. Petitioner is an LLB Graduate. He is eligible to join the Post Graduate course mentioned above. Duration of the course is one year. The course fee is Rs.11,000/-. Petitioner is ready to pay the same. Exam centre is functioning at Central Prison, Viyyur which situates in the very same compound. Making use of these facilities petitioner wants to join the said course to satisfy his quest for knowledge.

3. Notice served to the learned Public Prosecutor (NIA) and a report was also called for from the Welfare Officer, High Security Prison, Viyyur.

4. The prosecution doesn't oppose the application. The Welfare Officer in her report submitted that, if the court permits, all the required assistance will be rendered to the petitioner for joining the online course subject to the payment of required fees by the petitioner. It is submitted that study materials can be made available through post and the petitioner can appear for exam at the IGNOU centre attached to Central Prison, Viyyur which situates in the very same compound.

5. Petitioner an LLB Graduate, is interested in expanding his sphere of knowledge. I find it only proper to allow the petitioner to continue his education.

6. The petitioner who is physically produced today before this court, made a request to permit him to attend the online classes being taken by the resource persons which includes retired judges. He informed that online classes starts at 7.30 P.M. and it covers six papers of the course. The report submitted by the Welfare officer doesn't say anything about the online classes and whether it is permissible for the remand prisoners to attend online classes. It is not clear whether any security issues are involved. Therefore, this question is left for the

consideration of the Jail Superintendent and he shall take a decision in this regard. If any approval is required from Higher authorities of the Jail Department, the Jail Superintendent shall take steps in this regard.

In the result, petition allowed as follows:-

1. Petitioner B.G. Krishnamoorthi the remand prisoner, who is presently undergoing judicial custody in High Security Prison, Viyyur (RP No. 144) is hereby accorded permission to join online course "Post Graduate Diploma in Criminal Justice" conducted by IGNOU for the academic year 2022-2024.
2. The petitioner shall pay the required course fee.
3. The Welfare Officer, High Security Prison, Viyyur shall make all necessary arrangements to facilitate the petitioner to pursue his studies especially ensuring the availability of study materials at regular intervals and shall also take all steps to facilitate the petitioner to appear for exams.
4. That the Jail Superintendent, High Security Prison shall consider and decided upon the request made by the petitioner to permit him to attend the online classes. If any approval is required from Higher authorities of the Jail Department, the Jail Superintendent shall take steps in this regard at the earliest.

5. Forward a copy of the order to the Jail Superintendent, High Security Prison, Viyyur 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 02nd day of November, 2022.

Appendix: Nil

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

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

//True copy//

Sd/-
Sheristadar