

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

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

Friday the 8th day of July, 2022/ 17th Ashadha, 1944

Crl.MP No.52 /2022

in

S C No.02/2021/NIA/KOC

Petitioner/Complainant:-

Union of India represented by National Investigation Agency, Kochi

**By Adv. Arjun Ambalapaatta
Public Prosecutor, NIA,Kochi**

Accused/Respondent:-

Iyyappan @ Hari @ Ravanan(A-19) , Age-32/2022, S/o. T.Ganesan, Door No. 1/300, New Door No. 1/268/3, East Street, Thammanaickenpatti, Viridhunagar Taluk and District, Tamil Nadu

By Adv. Thushar Nirmal Sarathy

This Criminal M.P coming on for hearing before me on 08.07.2022 and the Court on the same day passed the following:-

ORDER

1. This is an application filed by the National Investigation Agency, Kochi under 43(D)(2)(B) of the Unlawful Activities (Prevention) Act, 1967 in short UA(P) Act, 1967, seeking police custody of A19 Iyyappan for five days.
2. Notice served to the defence counsel. Further, A19 Iyyappan was produced on V.C.
3. Heard both sides. A19 is said to be a person suffering from multiple ailments, including Kidney and Heart disease. It is also informed that he is having high blood pressure. In view of the same, learned defence

counsel would submit that it is better to avoid police custody, and if NIA is so particular, they can interrogate him from the jail. The learned prosecutor agreed for the same. Prosecution limited their request for permission to interrogate A19 from the jail for the period of 5 days.

4. The above case was initially registered by Kerala Police, then the investigation was handed over to ATS. After investigation, ATS filed final report against five accused persons, on its basis, the case was taken on file by Principal Sessions Court, Manjeri. Later, the investigation was handed over to NIA. Then the case transferred to this court. NIA continued further investigation. After completing the same, they filed report before this court. On its basis, 15 more persons were added as additional accused which includes A19-Iyyappan, who was absconding at the time of filing the final report. The offences charged against the accused are u/s.120B 121, 121A, 122 and 471 of IPC, section 27(1) (e) (iv) of Kerala Forest Act 1961, Section 7 r/w 27(2) of Arms act besides section 18, 18A, 20, 38 and 39 of UA(P) Act, 1967.

5. In execution of the non bailable warrant issued by this court, A19 Iyappan was arrested on 24.06.2022, and upon his production before this court he is remanded in Judicial custody to High Security Prison, Viyyur.

6. In view of the arrest of the absconding accused A19, NIA applied and obtained permission of this court to conduct further investigation in this

crime to verify the role played by A19 in this case. It is submitted that, A19 Iyyappan is to be thoroughly questioned to unearth his involvement and the larger conspiracy involved, and for that purpose NIA moved the above application for police custody. It is accompanied with an affidavit sworn by the investigating officer.

7. In the affidavit, the investigating officer set out in detail the prior history of the investigation and the purpose for which the investigating agency is seeking the custody of A19-Iyyappan. Upon perusing the affidavit sworn by the investigating officer and the case records, I am satisfied that there is good ground for granting permission to interrogate A19 for five days in NIA custody. Since the prayer is now limited and modified, permission is to be granted to interrogate A19 for five days from the jail itself.

In the result, the petition allowed as follows:-

- a) Permission granted to the Investigating officer in RC.02/2021/NIA/KOC to interrogate A19-Iyyappan who is in the judicial custody of this court detained in High Security Prison, Viyoor, from the jail, for a period of 5 days starting from 12.07.2022.
- b) At a stretch the interrogation shall not continue beyond 4 hrs and thereafter a minimum one hour break shall be given. The interrogation shall be done only during day time in between

10.00 a.m. and 5.00 p.m.

- c) Jail Superintendent High Security Prison shall provide all the required assistance to the investigating officer for examination/interrogation of A19-Iyyappan from the Jail premises.
- d) Issue free copy of the order to both sides and forward a copy to the Jail superintendent via email for information and compliance.

Dictated to the Confidential Asst., typewritten by her directly to computer system, corrected and pronounced by me in open court on this the 08th day of July, 2022.

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

Appendix: Nil

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

//True Copy//

Sd/-
Sheristadar.