

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

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

Monday the 1st day of July, 2024/ 10th Ashada, 1946

Crl.M.P. No.283/2024

in

SC No.02/2021/NIA

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

**By Sri. Arjun Ambalappatta
(Senior Public Prosecutor, NIA) and
Sri. Sreenath.S (Public Prosecutor, NIA).**

Accused No.19 : Iyappan @ Hari @ Ramanan (A19), Age 32/2022, S/o. T.Ganesan, D. No. 01/300, New Door No. 01/268/3, East Street, Thammanaickenpatti , Virudhunagar Dist, Tamilnadu.

By Sri. Thushar Nirmal Sarathy.

This Criminal M.P coming on for hearing before me on 01.07.2024 and the Court on the same day passed the following:-

ORDER

This is an application for permission to examine/interrogate the 19th accused who is in remand in connection with the case.

2. The petitioner is the chief investigating officer of this case. The case was registered on the basis of the information tendered by the first

accused, Kalidas @ Mani @ Sekhar, when he was arrested by then DySP, Agali on 21.09.2017 in connection with crime No.153/2017 of Sholayur P.S. It was revealed that the accused had voluntarily convened a meeting and training camp in the forest of Karulai in Malappuram district with arms, including automatic rifles for the purpose of furthering the activities of proscribed terrorist organization, CPI (Maoist), in order to wage war against Government of India. Investigation was conducted by the Edakkara Police by registering Crime No.249/2017. Later, the case was handed over to the Anti Terrorist Squad of State Police and further investigation was conducted by the DySP, Crime Branch.

2. During the investigation it was revealed that Crime No.536/2016 was registered by the Edakkara Police in connection with the exchange of fire between the Maoists and the security forces on 24.11.2016, in which 2 Maoists died. During the investigation of that case, various electronic gadgets, including laptop, pendrive, etc were recovered from the scene of incident. On examination of these gadgets, the role of some of the accused were revealed. During investigation by the Kerala Police, involvement of 25 persons in the crime was disclosed. Of which, 7 were absconding. The ATS filed charge sheet against 5 accused before the District and Sessions Court, Manjeri on 18.05.2021. Later, Government of India as per order dated 19.08.2021 directed the NIA to take over the investigation and the case was re-registered in the present number on 20.08.2021. The investigation was

conducted against A1 to A28 and charge sheet was submitted before this court on 23.04.2022 as SC.02/2021.

3. During the video identification proceedings on 07.01.2022 and during police interrogation, accused Nos. 20 and 14 identified 19th accused and disclosed their activities in the proscribed organisation and the locations of their training and meetings from May to September 2016. Digital devices seized in Crime No. 536/2016 of Edakkara Police Station proves the active participation of the accused in the arms and physical training conducted by CPI (Maoist).

4. During the investigation, it was revealed that the accused conspired with the proscribed association and conducted/attended training camps at various places in India to further the activities of the terrorist organization. The accused also participated in physical and weapons training for the People's Liberation Guerrilla Army (PLGA), the military wing of the CPI(Maoist), to become proficient in using sophisticated weapons and practicing guerrilla warfare tactics under the supervision of the 5th accused.

5. This court issued non-bailable warrants on 13.06.2011 against some accused, including 19th accused, who had been absconding for many years and was involved in various other cases. Later, on 24.06.2022, his arrest was recorded and he was remanded to judicial custody. However, due to the investigating officer's involvement in the investigation of the newly registered PFI case and other related cases in other states, he could not

interrogate 19th accused in jail on the permitted days as per the court order dated 08.07.2022. Therefore, the investigating officer seeks permission to interrogate 19th accused, Iyyappan, in jail.

6. I have heard the Public Prosecutor and perused the records.

7. The investigating officer has reported that, in order to verify the facts disclosed by accused Nos. 20, 14 and one Aneesh Babu @ Thambi during their interrogation, it is necessary to examine/interrogate the 19th accused, who is currently detained as per the order of this court. The investigating officer also requested to record photograph and videograph of the accused in the presence of jail authorities for the purpose of video comparison with the digital devices seized in Crime No.536/2016 which contain prohibited arms training videos involving all accused individuals.

8. The learned Special Public Prosecutor on behalf of the petitioner submitted that interrogation of the above accused is highly necessary for further investigation of the case.

9. On going through the petition and the case records, I am of the view that interrogation of the accused is necessary for the proper investigation of the case and permission can be granted to interrogate him for further investigation and to record photograph and videograph the accused as requested.

Hence, the petition is allowed. The petitioner is permitted to interrogate/examine the 19th accused, Iyyappan @ Hari @ Ramanan who is

detained in Central Prison, Viyyur in connection with this case and to record his statement, photograph and videograph as requested, in the presence of the Superintendent of the jail, between 08.00 a.m. and 6.00 p.m. on any day before 30.07.2024.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 1st day of July, 2024.

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.