

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

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

Friday the 30th day of August, 2024 / 8th Bhadra, 1946.

Cri.M.P. No. 344/2024

in

SC No.02/2021/NIA

Petitioner

: Superintendent HSP, Viyyur

Union of India represented by National Investigation Agency, Kochi.

By Sri. Arjun Ambalappatta, Senior Public Prosecutor, NIA

Accused Nos. 4, 13 & 20

- 1. Dr. Dinesh D. (A4), age 32 years, S/o. Dhanapalan, No. 1, Thulla Arumugam street, Puliyamkulam, Coimbatore– 641 045 (UT No. 03, High Security Prison, Viyyur).**
- 2. Aneesh Babu (A20), S/o. Maniyarasu, No. 49, North Street, Ambikapuram, Melapalayam, Thirunelveli District – 627 005. (UT No. 52, High Security Prison, Viyyur).**
- 3. P. Thiruvengadam @ Chandu @ Chandru @ Manohar (A13), Aged 30 years, S/o. Paneer Selvam, Door No. 14, Muruthuvampadi Village and post, Thiruvannamalai Taluk, Tamilnadu. (UT No. 55, High Security Prison, Viyyur)**
A4 – represented by Adv. Smt. Shyna P. A., A13 and A20 represented by Adv. Sri. Thushar Nirmal Sarathy.

This Criminal M.P coming on for hearing before me on 30.08.2024 and the Court on the same day passed the following:-

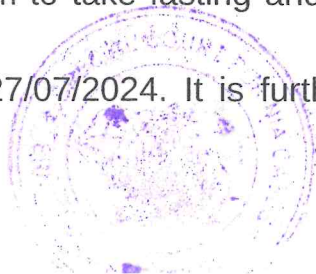


ORDER

This is a report filed by the Superintendent of High Security Prison, Viyyur, Thrissur for shifting accused Nos.4, 13 & 20 in this case to some other Prison in Kerala.

2. The Superintendent has reported that the High Security Prison, Viyyur has currently accommodating 220 prisoners, including those involved in NIA and Maoist cases. Due to limited staff, additional restrictions have been imposed for safety and security in the jail. A report was submitted to the court that on 24/07/2024 the 15th accused was taken to the Government Medical College, Thrissur for treatment and after return to jail, he refused to co-operate with the Indian Reserve Battalion (IRB) officers for routine body search and obstructed the duties of officers and later started fasting, alleging ill-treatment. He continued fasting till 26/07/2024 and he was taken to the Medical College Hospital.

3. The Superintendent has reported that it was the 4th accused herein who persuaded him to take fasting and he also involved in similar protest by refusing food on 27/07/2024. It is further reported that the 4th accused has



been consistently disobeying the orders of the officers and is trying to influence the inmates to act against prison rules. The 13th and 20th accused have been providing support to 4th accused in these activities. It is also reported that seven remand prisoners who belongs to CPI (Maoist), including the said persons, did not participate in the flag hoisting ceremony in connection with the independence day and organized a 12 hour fasting. It is also reported that as per the guidelines it is necessary to restrict interaction of the accused involved in NIA and UAPA cases among themselves and with other prisoners. As there is shortage of staff, it is not possible to comply such protocols. It is reported that the activities of these accused may cause a challenge for the smooth functioning of the jail. The Superintendent seeks transfer of the above mentioned prisoners to other different jails.

4. The accused were produced online. I have heard the Special Public Prosecutor. The 13th accused submitted that there is no such problem in the jail and there is no reason to shift the accused to some other jail. They demanded for copy of the report of the Superintendent. In SC 2/2021 there are 15 accused in remand. Out of that 8 are detained in the High Security Prison, Viyyur. The report of the Superintendent shows that the unruly



behavior of the prisoners causes hindrance in the smooth functioning of the Prison. The Public Prosecutor also submitted that in order to avoid law and order situation in the jail and to ensure the smooth functioning of the prison and for the safety of the other inmates, it is necessary to shift the accused persons to different jails. The accused have objected the shifting to other jails. According to them there is no problem as alleged in the report and they shall not be shifted to other prison. The accused have no right to chose the jail in which they are to be detained. The court which remanded the accused has every right to order shifting of the accused to some other prison when situation warrants. In this case, the case is not ripe for trial and immediate physical presence of the accused continuously is not required in this case. Considering the apprehension pointed out by the Superintendent of the High Security Prison in his report and the submission of the learned Public Prosecutor and other facts and circumstances of the case, I am of the view that this is a fit case in which permission can be granted to the prison authorities to shift accused Nos. 4, 13 & 20 to other Prisons.

Hence, the Superintendent of High Security Prison, Viyyur is permitted to shift the 4th accused, Dinesh, S/o.Dhanapal (UT No.03) to the



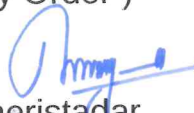
Central Prison, Kannur, the 20th accused Aneesh Babu S/o. Maniyarass (UT 52) to the Central Prison, Thavanoor and the 13th accused Chandru @ Chanthu @ Thiruvengadam UT No.55 to the Central Prison, Thiruvananthapuram, subject to the availability of space in those jails. Communicate copy of the order to the Superintendent of High Security Prison, Viyyur, Thrissur.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 30th day of August, 2024.

Sd/-
P. K. Mohandas
Judge, Special Court for NIA Cases

Appendix: Nil

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


Sheristadar

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