

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

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

Monday the 23rd day of September, 2024/1st Aswina, 1946.

CrI.M.P. No.399/2024

In

SC No.02/2021/NIA/KOC

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

Represented by Sri. Arjun Ambalappatta (Public Prosecutor, NIA)

Respondents/Accused Nos. 14 and 7 1. B.G. Krishnamurthy @ Vijay @ Babanna @ Bhaskar @ Kumara @ Vijay @ Gangadhara @ Gopal Rao, age 46 years, S/o. B.K. Gopal Rao, Nemmar Estate, near Bukkadibylu, Shringeri Taluk, Chikkamagaluru District, Karnataka. (RP No. 144, HSP, Viyyur).

2. Savithri @ Rajitha, Age 36/2021, D/o.Lokappa Gowda, Jarimane, Mavinakere, Kalasa, Mudigere Taluk, Chikkamagalur District, Karnataka (SRP 101/21, Vanitha Jail Thrissur).

By Adv. Sri. Thushar Nirmal Sarathy

Crl.M.P.399/24 in SC No.02/2021/NIA

This petition coming on for hearing before me on 23.09.2024 and the Court on the same day passed the following:

ORDER

This is a petition seeking permission to interrogate the accused in this case.

2. The petition is filed by the Additional Superintendent of Police, National Investigation Agency, Hyderabad, who is the investigating officer of RC/01/2024/NIA/HYD.

3. The case of the petitioner is that on 15.09.2023, KPHB PS, Telangana Police based on credible formation intercepted one person suspected to be a member of the banned organization, CPI (Maoist), while moving in Malaysian Township area. On questioning, he disclosed his name as Sanjay Deepak Rao hailing from Thane Dist., Maharashtra State. He voluntarily disclosed that he has worked in different groups of the said organization and at present he is a Central Committee Member of CPI (Maoist) and he along with other associates have been waging war against the State. The Telangana Police seized a revolver with 6 live rounds, forged Aadhar card, cash of Rs.7,280/- etc. along with other materials from his possession. A case as FIR No.819/2023 dated 15.09.2023 for offence under Sections 467, 468, 471, 121, 121A, 120B r/w.s.34 of Indian Penal Code and Section 8(I) (II) of TSPS Act, Section 25 of Arms Act

Crl.M.P.399/24 in SC No.02/2021/NIA

and Sections 10, 13, 16, 17, 18A, 18B & 20 of UA(P) Act was registered at KPHB Colony Police Station, Cyberabad, Telangana against him and others.

4. Considering the gravity of the offence and its national security ramifications and its inter-state linkages, the Ministry of Home Affairs, Government of India, in exercise of the powers conferred under sub-section 5 of section 6 read with section 8 of the NIA Act, 2008, as per order No. 011/07/2023/NIA dated 01.01.2024, directed the NIA to take up the investigation of the case. Accordingly FIR No 819/2023 dated 5.09.2023 was re-registered as RC-01/2024/NIA/HYD on 03.01.2024 for offence under Sections 467, 468, 471, 21, 121A, 120-B r/w.s. 34 of Indian Penal Code, Section 8(I) (II) of TSPS Act, Section 25 of Arms Act, Sections 10, 13, 16, 17, 18, 18A, 18B & 20 of UA(P) Act at NIA Police Station, Hyderabad.

5. That during the course of investigation it was revealed that BG Krishna Murthy @ BGK @ Vijay, a Central Committee Member of CPI (Maoist) and Savitri @ Rajitha, a member of CPI (Maoist) were closely associated with the accused, Sanjay Deepak Rao (A-1) and accused CP Moideen (A-10) in furthering the activities of the proscribed organization CPI (Maoist). The investigation conducted so far in the case as well as the intelligence inputs gathered in this regard indicate that the said B G Krishna Murthy @BGK @ Vijay and Savitri @ Rajitha would be having the first-hand knowledge about the criminal activities of

Crl.M.P.399/24 in SC No.02/2021/NIA

the accused persons, Sanjay Deepak Rao (A-1), C P Moideen (A-10) and others involved in the case.

6. It is essential to examine the said Mr.B G Krishna Murthy @ BGK @ Vijay and Smt.Savitri @ Rajitha in order to collect evidence against the accused persons. They are in judicial custody under the orders of this court in RC-02/2021/NIA/KOC and are lodged in High Security Prison, Viyyur, Thrissur and Vanitha Prison, Thirssur as RP 144 and SF 101/21 respectively.

7. The petitioner seeks permission to examine the above persons for the purpose of RC-01/2024NIA/HYD.

8. I have heard the learned Senior Public Prosecutor and perused the affidavit filed by the petitioner and the record of the this case.

9. The petitioner is the investigating officer in RC-01/2024NIA/HYD of NIA, Hyderabad branch. The petitioner wants to interrogate/examine Mr.B G Krishna Murthy @ BGK @ Vijay and Smt.Savitri @ Rajitha who are in judicial custody under the orders of this court for the purpose of the case under investigation.

10. On hearing the Public Prosecutor and going through the affidavit, I am of the view that permission can be given to the petitioner to interrogate/examine the accused from the jail.

Crl.M.P.399/24 in SC No.02/2021/NIA

Hence the petition is allowed. The petitioner is permitted to interrogate/examine Mr. B G Krishna Murthy @ BGK @ Vijay (RP 144 detained in High Security Prison, Viyyur) and Smt.Savitri @ Rajitha (SRP 101/21 detained in Vanitha Jail, Thrissur) under the orders of this court in RC-02/2021/NIA/KOC in the presence of the Superintendent of the respective jails on any working day between 9.00 am and 5.00 pm before 30-09-2024.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 23rd day of September, 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