

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

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

Monday the 30th day of September, 2024/8th Aswina, 1946

Cri.M.P. No.378/2024

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).**

**Respondent/Accused
No.4** : Soman @ Shahid @ Akbar (A9), S/o
Ramankutty, House No. 5/19 C, Chuzhali,
Near KSRTC Garage, Kalpetta, Wayanad.

By Adv. Sri. Thushar Nirmal Sarathy

This Criminal M.P coming on for hearing before me on 30.09.2024 and the Court on the same day passed the following:

ORDER

This is an application for permission to examine/interrogate the 4th accused who is in remand in connection with the case.

2. The petitioner is the chief investigating officer of this case. According to the petitioner, 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. 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. NBW was issued against 6 accused persons in the case on 04.08.2024. On 28.07.2024 the 4th accused Soman @ Akbar @ Shahid @

Vayanad Soman @ Soman P K @ Chuzhali Soman has been arrested by DySP Agali in connection with crime 619/2014 and was remanded to judicial custody at Central Prison, Viyyur as RP NO-862/24. On 30.08.2024 the 4th accused was produced before this Court and remanded to judicial custody.

4. Investigation so far has given sufficient evidence to prove that the 4th accused is associated with the proscribed terrorist organization CPI (Maoist) and had conspired and conducted training camps at various places in India to further the activities of the proscribed terrorist organization CPI (Maoist). In furtherance of the conspiracy, the 4th accused participated in physical and weapon training for People Liberation Guerrilla Army (PLGA-the military wing of CPI Maoist) to get well versed in using sophisticated weapons and IEDs, as in this case. Moreover under the supervision of Vikram Gowda the accused had practiced different tactics being used in the Guerrilla warfare, as in this case.

5. It is essential to conduct an in-depth interrogation of the 4th accused, who is currently in judicial custody at Viyyur High-Security Prison. The accused has actively participated in multiple operations for the proscribed organization CPI (Maoist), with over 54 cases registered against him, highlighting his significant role and influence within the group. Recent incidents demonstrate his criminal mentality and strong opposition to the established system of law, government, and society. Interrogating the accused within the jail premise is crucial to unearthing the larger conspiracy

related to this case. This interrogation will also assist in gathering vital information regarding his absconding period and the individuals who aided him. As A-4 is an important functionary of the banned organization.

6. The 4th accused possesses critical information regarding the hideout locations of other absconding accused, as well as the details of lethal weapons that have been dumped and used by the banned organization over the years. There is a significant risk that these absconding individuals may retrieve these weapons, posing a grave threat of future attacks. Examining of 4th accused is essential to prevent such potential dangers and ensure public safety.

7. No objection is filed. I have heard the Public Prosecutor and perused the records.

8. The investigating officer has reported that, in order to unearth the larger conspiracy and find out hideout locations, it is necessary to examine/interrogate the 4th accused, who is currently detained as per the order of this court.

9. 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.

10. 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.

Hence, the petition is allowed. The petitioner is permitted to interrogate/examine 4th accused Soman @ Akbar @ Shahid @ Vayanad Soman @ Soman P K @ Chuzhali Soman who is detained in Central Prison, Viyyur in connection with this case in the presence of the Superintendent of the jail, between 08.00 a.m. and 6.00 p.m. on any three days before 20.10.2024.

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