

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

Crl.M.P. No.402/2024 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.9** : 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 recording the moving image of 9th accused in the case for comparison at State Forensic Science Laboratory.

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. It is submitted that the court had issued NBW against 6 accused persons in the case on 04.08.2024. On 28.07.2024 the 9th 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, Viyur as RP NO-862/24. On 30.08.2024 the 9th accused was produced before this Court through V.C and remanded to judicial custody.

4. It is further submitted that investigation so far has given sufficient evidence to prove that the 9th 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 9th 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 persons including 9th accused had practiced different tactics being used in the Guerrilla warfare, as in this case.

5. In the matter of Crime No. 536/16 (Karulai Encounter) of Edakkara Police Station, currently under investigation in Crime branch Malappuram, it has come to light that digital devices seized from the crime scene contains incriminating arms training videos. These include footage recorded on the dates 04.06.2016 and 09.07.2016, as detailed in FSL Report No. DD-46/17 and DD-524/16. The videos, identified as Video Nos. 20160604-094256, VID-20160709-141109, VID-20160709-141117, 20160709-141146, VID-20160709-141409, VID-20160709-142124, and VID-20160922-100119, depict the accused, including A-9, engaged in arms training activities. This

visual evidence is crucial for substantiating the charges against the accused and establishing their involvement in prohibited activities under the UAPA.

6. The investigating officer seeks permission for the recording of video and take photographs of the 9th accused Soman, who is presently lodged in judicial remand at the Viyyur Central Prison. The recorded video then need to be sent to the Forensic Science Laboratory, Trivandrum, for comparison with the aforementioned video evidence obtained from the seized digital device in crime 536/16 of Edakkara P.S. This comparison is essential for identifying the accused as the individual captured in the arms training videos, thereby linking him to the unlawful activities and involvement in this case. This ensures that crucial scientific evidence is available to aid the Court in deciding the case on its merits.

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 ensure vital scientific evidence, it is necessary to record the photograph and video of the 9th accused in the presence of jail authorities for the purpose of comparison with the digital devices seized in Crime No.536/2016 which contain prohibited arms training videos involving all accused individuals.

9. The learned Special Public Prosecutor on behalf of the petitioner submitted that comparison of video evidence from the seized digital device is

highly necessary for further investigation of the case.

10. On going through the petition and the case records and considering the facts and circumstances of the case, I am of the view that comparison of digital evidence at SFSL is necessary for the proper decision in the case and permission can be granted to record photograph and videograph of the accused as requested.

Hence, the petition is allowed. The petitioner is permitted to record the video and take photograph of the 9th 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 day before 25.10.2024.

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