

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

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

Monday the 11th day of November, 2024/20th Karthika, 1946

Crl.M.P. 444/2024

In

SC No.02/2021/NIA

Petitioner/Accused No. 3 : Rajan.C.G @ Rajan Chittilappally @ Rafi (A3), age 59 years, S/o. Gangadharan, Nambiyathu House, Chittilapilly, Peramangalam, Thrissur, Kerala.(UT 02, HSP, Viyyur).

By Adv. Sri. Thushar Nirmal Sarathy

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

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

This Criminal M.P coming on for hearing before me on 11.11.2024 and the Court on the same day passed the following:

ORDER

This is an application filed by the 3rd accused in SC No.02/2021/NIA for completing biometric mustering in the ration card.

2. According to the petitioner, he has been undergoing detention in connection with this case in High Security Prison, Viyyur, for 4 years. Currently, the Government has issued an order requiring all individuals whose names are included in the ration card in the State of Kerala to complete bio-metric

mustering. This process is ongoing, and the petitioner is a BPL ration card holder. However, there has been no action from the Superintendent regarding his application requesting facilities to complete bio-metric mustering from the jail. As the time limit for mustering has been extended, the petitioner seeks an escort to the nearest ration shop outside the jail to complete the bio-metric mustering for his ration card.

3. Heard the Special Public Prosecutor and the petitioner and called for a report of the Superintendent of High Security Prison. The learned Public Prosecutor submitted that the mustering is not compulsory.

4. The Superintendent of High Security Prison, Viyyur, filed a report stating that the petitioner's request for permission for ration card mustering was sent to the Thrissur Taluk Supply Office on 21/10/2024 for further action. A reminder was also sent from this office to the Thrissur Taluk Supply Office via email on 06/11/2024. It is reported that the Taluk Supply Officer has informed over phone, that the system for conducting mustering in jails has not yet been implemented.

5. The petitioner has produced copy of ration card No.1841203110 issued in the name of his wife, Subaida, Nambiath House, house No.02/356 of Adat Panchayat. The name of the petitioner appears as the 3rd member in the ration card. The petitioner wants to get the mustering done from the jail or an order not to remove his name from the card.

6. Though the petitioner submitted that mustering is a must to

retain his name in the ration card, he has not produced any such order issued by the Government in this regard. Anyhow, the petitioner is detained in prison and it is not practical to take all the prisoners to the ration shops for the purpose of mustering. The Government has not made any arrangements to conduct the mustering at the jails also. So, as things now stand, it is not practical to conduct the mustering of the petitioner immediately. As there is no facility provided for mustering, the petitioner's name shall not be removed from the ration card without providing an opportunity for the same. Hence the Taluk Supply Officer, Thrissur shall not remove the name of the petitioner from the said ration card only for the reason that he did not appear for mustering, until suitable arrangements are made.

Copy of this order shall be communicated to the petitioner and the Superintendent of High Security Prison.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 11th day of November, 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.