

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. No.462/2024

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).**

**Approver/
A20 in RC 2/21/NIA** : Shobha @ Savitha,
D/o.Chinnappa, Melsunga, Ulathiga Village,
Edur P O, Hosanagara Taluk, Shimoga,
Karnataka.

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 for permission to examine/interrogate the Approver, Shoba @ Savitha (A20 in RC), 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. During investigation by NIA three more persons were arrayed as accused Nos. 26 to 28 respectively. The investigation was conducted against A1 to A28 and charge

sheet was submitted before this court on 23.04.2022 as SC.02/2021 and the court rearranged the accused from A1 to A20 by excluding expired accused.

3. On 03.11.2021, the accused Shoba @ Savitha was produced before this Court and remanded to judicial custody. During her custodial interrogation, she disclosed significant information about a terrorist training camp held from June to September 2016. She voluntarily provided details about other accused individuals, including those involved in organizing, attending, and supporting the unlawful training camp. Her statement under Section 164 CrPC was already recorded on 29.03.2021 as per her willingness to disclose all case-related facts before a judicial officer.

4. On 07.01.2022, a video identification parade was conducted before the Tahsildar of Kanayannur Taluk, during which Shoba @ Savitha identified several accused individuals from incriminating video evidence, including (1) Aneesh Babu @ Thambi @ Anand (A-20) (2) Iyyappan @ Hari @ Ramanan (A-19) and (3) Ramesh @ Tamilnadu Ramesh (A-18) among others. As per the order in CMP No. 139/21 dated 30.03.2022, tender of pardon was granted to Sobha by this court.

5. On 07.11.2023, Maoists, including Srimathi B. P. @ Unnimaya @ Savitha (A-6) and P. Thiruvengadam @ Chandu @ Chandru (A-13), were apprehended in a firefight with the Thunder Bolts of Kerala Police, registered as Crime No. 743/2023 at Thalappuzha PS, Wayanad. Srimathi was remanded by the Court on 06.01.2024 and Chandu on 19.01.2024. During

the investigation, Aneesh Babu @ Thambi @ Anand (A-20) was apprehended on 08.11.2023 and remanded to judicial custody.

6. Based on the collected evidence and statements, it is crucial to conduct a jail interrogation of approver Shoba @ Savitha to verify the identities of the recently apprehended accused Srimathi B. P. (A-6), P. Thiruvengadam (A-13), Anish Babu (A-20), and Soman (A-9) and to examine relevant documents connected to the case and to ascertain their roles and involvement in the case.

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 ascertain the role and involvement of the recently arrested individuals, it is necessary to examine/interrogate the approver, Smt. Shoba @ Savitha, 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 said person 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 Smt.Shoba @ Savitha is necessary for the proper investigation of the case and permission can be granted to interrogate her for further investigation.

Hence, the petition is allowed. The petitioner is permitted to

interrogate/examine the approver Shoba @ Savitha (20th accused in RC) who is detained in Central Prison for Women, Coimbatore 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 two days before 30.11.2024.

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.

Appendix: Nil

//True copy//

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

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

Sd/-
Sheristadar.