

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 Karthikia, 1946

Crl.M.P. No.469/2024

In

SC No.02/2021/NIA

Petitioner/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).**

**Respondent/
Accused No. 15** : Deepak, Age 35, S/o Ramlu Korsa,
Patelpara Mankelli, Bijapur. (RP No. 837,
High Security Prison, Viyyur).

By Adv. Sri. Thushar Nirmal Sarathy

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 obtain the specimen hand writings of the 15th accused Deepak @ Sinik, who is in remand in connection with the case.

2. The petitioner is the chief investigating officer of this case. 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.

3. 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. Of which, 6 were absconding. The ATS filed charge sheet against 5 accused before the District and Sessions Court, Manjeri on 18.05.2021. 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.

4. During the video identification proceedings on 07.01.2022 accused No. 20 identified three more persons and arrayed them as accused Nos. 26 to 28 respectively. The videos of arms/physical training etc. by the accused, conducted by CPI (Maoist), found in the digital devices seized in Crime No. 536/2016 of Edakkara PS (MO-86 & MO-87) will prove that the arrested accused had actively participated in the arms/physical training conducted by CPI (Maoist).

5. It is submitted that the NIA formally arrested the accused Deepak on 29.10.2021 and remanded to judicial custody. Investigation conducted revealed that the accused is associated with the proscribed terrorist organization CPI (Maoist) and had conspired and conducted/attended training camps at various places in India to further the activities of the proscribed terrorist organization CPI (Maoist). In furtherance of the conspiracy, the 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.

6. During the investigation, it was revealed that the accused Nos. 1 to 28 are the members of proscribed terrorist organisation "CPI Maoist" and rendering support for furthering the activities of CPI(Maoist). They also associated, conducted and participated in physical and arms training for waging war against the state and also conspired and associated themselves for furthering the activities of proscribed terrorist organisation CPI(Maoist).

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

8. The investigating officer has reported that, as per the custodial interrogation and jail interrogation of newly arrested four accused, it was revealed that the hand writings in Hindi in the materials seized from the scene of Crime 536/16 (Document No.118) of Edakkara PS is likely written by the accused Deepak. In order to verify the facts disclosed by arrested accused during their interrogation, it is necessary to scientifically compare the sample hand writings of the 15th 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 collection of sample hand writings of the accused 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 scientific comparison of the handwriting with the sample handwriting of the 15th accused is necessary for a proper decision in the case and permission can be granted to take the hand writings of the accused as requested.

Hence, the petition is allowed. The petitioner is permitted to collect specimen hand writings of the 15th accused, Deepak who is detained in High Security 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 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.