

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

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

Friday the 10th day of January, 2025 / 20th pousha, 1946.

Cri.M.P. No.544/2024

in

SC. 02/2021/NIA

Petitioner/Complainant

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

**By Adv. Sri. Arjun Amblappatta.
Public Prosecutor, NIA**

Respondent/Accused

Kalidas @ Sekhar @ Mani (A1) age 50 and 27 others

This Criminal M.P coming on for hearing before me on 10.01.2025 and the Court on the same day passed the following:-

ORDER

This petition is filed for call for document from the Sessions Court, Manjeri.

2. The petitioner is the chief investigating officer of this case. The case was registered on the basis of the voluntary disclosure of 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 conspired and conducted arms training

camps in the forest of Karulai in Malappuram district for 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. During the investigation, Danish @ Krishna (A-7) was identified as a key accused who, along with Kalidas (A-1) and others, conspired to wage war against the Government and facilitated the activities of the CPI (Maoist) through armed training camps.

3. During the investigation, the ATS filed charge sheet against 5 accused including the 7th accused before the District and Sessions Court, Manjeri on 18.05.2021. Later, Ministry of Home Affairs, Government of India directed the NIA to take over the investigation and the case was re-registered in the present number on 20.08.2021.

4. It is submitted that during the interrogation of 27th accused Iyyappan @ Ravanan, he disclosed his prior arrest in Pookkottumpadam Crime No. 444/2016, where police seized handwritten documents, including a letter handed over by the 7th accused intended to be delivered to his family. Based on that it was informed that Crime No. 444/2016 was registered at Pookkottumpadam PS under UAPA and on 16.02.2017 Iyyappan was arrested and during his body search, a handwritten document suspected to be written by Danish bearing his name and signature was recovered. The seized document

was submitted before the Hon'ble District and Principal Sessions Court, Manjeri, by Sri. Mohanachandran, DySP, Perinthalmanna, on 30.01.2019.

5. The seized handwritten document is crucial for the investigation to link accused Danish to the proscribed organization and it reveals his intention and motive to join the terrorist organisation. The comparison and subsequent forensic examination report of the handwriting document will substantiate the charges against him. As per court orders, the investigating officer obtained handwriting sample of Danish for comparison with the recovered document. This comparison, along with forensic analysis, will strengthen the prosecution's case in RC-02/2021/NIA/KOC, currently under investigation. Hence, the investigating officer seeks an order to call for the original handwritten document seized from the accused Iyyappan, which currently remains in the custody of the District and Sessions Court, Manjeri, to this court

6. I have heard the Public Prosecutor and the defence counsel and perused the records of the case.

7. The learned Special Public Prosecutor on behalf of the petitioner submitted that comparison of the handwriting in the document is highly necessary for further investigation of the case. On going through the records and on hearing both sides, I am satisfied that the original document is necessary for comparison with the admitted handwriting of the accused. The petition is to be allowed.

Hence the petition is allowed. Issue letter of request, requesting the

District and Sessions Judge, Manjeri to transmit the original handwritten document recovered from the accused Iyyappan, which contains the name and signature of Mr. Danish, seized in Crime No.444/2016 of Pookottumpadam PS and produced before that Court on 30-01-2019 by Sri.Mohanachandran, DySP, Perinthalmanna, to this court at the earliest.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 10th day of January, 2025.

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.