

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

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

Wednesday the 22nd day of January, 2025/ 2nd Magha, 1946

Crl.M.P. No.543/2024

In

SC No.02/2021/NIA/KOC

Petitioner/Accused No. 14 : B.G. Krishnamurthy @ Vijay @ Babanna @ Bhaskar @ Kumara @ Vijay @ Gangadhara @ Gopal Rao (**A14**), age 46 years, S/o. B.K. Gopal Rao, Nemmar Estate, near Bukkadibylu, Shringeri Taluk, Chikkamagaluru District, Karnataka.

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).

Sri. Sreenath.S (Public Prosecutor, NIA).

This Criminal M.P coming on for hearing before me on 22.01.2025 and the Court on the same day passed the following:

ORDER

This is an application filed by the 14th accused in the case.

2. According to the petitioner, he is undergoing detention in connection with the above case at High Security Prison, Viyyur since 11.11.2021. It is submitted that Department of Parliamentary Studies of the

Kerala Legislative Assembly conducting a P G Diploma course in Parliamentary Studies for the year 2024-25 through Distant Education Program. He is eligible to pursue the course as he has completed the required degree course. Therefore, the petitioner seeks a direction to the Superintendent of High Security Prison, Viyyur, to make necessary arrangements to pursue his study and attend the examination.

3. Heard the Special Public Prosecutor and the counsel for the petitioner and perused the report of the Superintendent.

4. The Superintendent of High Security prison reports that as per the Kerala Prisons Rules, the Superintendent may allow a prisoner to enroll for a recognized course from a private or open university or through a distant education scheme. However, in the rules there is no provision for granting permission to attend regular or full-time college courses, whether in person or online.

5. It is stated in the report that as per the Model Prison Manual, high-security prisoners are divided into two categories: Category-1 for those charged under UAPA, and Category-2 for those convicted of serious crimes like murder or robbery. The manual limits Category-2 prisoners to basic education within their confinement, restricting access to canteens and private cash to prevent gatherings. According to him, the petitioner allegedly committed the offence under the UAPA and it requires heavy police escort for any transportation related to the course.

6. The petitioner wants to pursue his studies. He has been

undergoing detention for over three years. Now the petitioner wants to apply for P G Diploma course in Parliamentary Studies through Distant Education. There is no sufficient reason to deny the request of the petitioner. Hence, I am of the view that the petitioner can be permitted to apply for the P G Diploma in Parliamentary Studies.

Hence, the petition is allowed. The petitioner is permitted to apply for the P G Diploma course in Parliamentary Studies conducted by the Kerala Legislature Secretariat, Thiruvananthapuram and to attend the examination. It is made clear that this shall not be treated as permission to attend any full-time course in regular college while undergoing detention in the case. Copy of the order shall be communicated to the petitioner.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 22nd 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