

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

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

Monday the 30th day of September, 2024/8th Aswina, 1946

Cri.M.P. No.344/2024

In

SC 02/2021/NIA/KOC

Petitioner

: Superintendent HSP, Viyyur

Represented by

Sri. Arjun Ambalappatta,

Senior Public Prosecutor, NIA

Accused Nos. 4, 13 & 20

1. Dr. Dinesh D. (A4), age 32 years,
S/o. Dhanapalan, No. 1, Thulla Arumugam
street, Puliyamkulam, Coimbatore– 641 045
(UT No. 03, High Security Prison, Viyyur).
2. Aneesh Babu (A20), S/o. Maniyarasu, No. 49,
North Street, Ambikapuram, Melapalayam,
Thirunelveli District – 627 005.
(UT No. 52, High Security Prison, Viyyur).
3. P. Thiruvengadam @ Chandu @ Chandru @
Manohar (A13), Aged 30 years, S/o. Paneer
Selvam, Door No. 14, Muruthuvampadi
Village and post, Thiruvannamalai Taluk,
Tamilnadu.
(UT No. 55, High Security Prison, Viyyur)
**A4 – represented by Adv. Smt. Shyna P. A.,
A13 and A20 represented by Adv. Sri.
Thushar Nirmal Sarathy.**

This Criminal M.P coming on for hearing before me on 22.01.2025
and the Court on 30.01.2025 passed the following:

ORDER

This is a report filed by the Superintendent of High Security Prison, Viyyur seeking permission to transfer some of the accused remanded in that jail.

2. The Superintendent of High Security Prison reports that the prison has currently accommodated 220 prisoners including those involved in NIA and Maoist cases. Due to shortage of staff, additional restrictions have been imposed for safety and security in the jail. It was reported before the court that on 24/07/2024, the 15th accused was taken to Thrissur Government Medical College for treatment and after returned to jail, he refused to cooperate with the IRB officers for a routine body search and obstructed the discharge of duties of officers and later began fasting, alleging ill-treatment.

3. The superintendent has reported various reasons for shifting the 4th accused, Dinesh, S/o.Dhanapal (UT No.03), the 20th accused, Aneesh Babu S/o. Maniyarass (UT 52) and the 13th accused, Chandru @ Chanthu @ Thiruvengadam (UT 55) to some other prisons.

4. This court, after considering the matter in detail, allowed the petition permitting the Superintendent of High Security Prison, Viyyur to shift the 4th accused to the Central Prison, Kannur, the 20th accused to the Central Prison, Thavanoor and the 13th accused to the Central Prison, Thiruvananthapuram as per order dated 30-08-2024.

5. The order of this court was challenged by the accused before the Hon'ble High Court in Crl.M.C. 8268/2024. The Court, as per order dated 25-10-2024 was pleased to set aside the order of this court and directed this court to reconsider the matter afresh after providing copy of the report filed by the Superintendent to the accused concerned. The accused were also directed to be restored to the original position till a decision is taken by this court on the report. It is reported that as directed by the Hon'ble High Court, the accused were re-transferred to the High Security Prison, Viyyur.

6. On the basis of the directions issued by the Hon'ble High Court, copy of the report was given to the accused concerned.

7. The learned counsel for the accused Nos. 4, 13 & 20 filed detailed objection stating that the allegations made by the Superintendent are misleading, false and intended to defame the respondents. The intention of the report is to take revenge on the respondents for questioning the prison authorities' actions and filing complaints with the court. The respondents have no involvement in the alleged incidents. The 4th accused is a dentist and 20th accused is pursuing his engineering degree. Several other contentions are also raised in the objection, which are not germane for consideration in this petition, in view of the order I propose to pass in this matter.

8. The accused were produced before this court in person on 22.01.2025. I have heard the Senior Public Prosecutor and the accused concerned and their counsel.

9. This report is filed to shift the accused to other jails in the state. On 22-01-2025, when the accused produced before this court, charge was framed against them after hearing both sides. The case is now ripe for trial and the same is proposed to be scheduled for trial in February – March, 2025. If the accused are shifted to some other jail at this stage, that may cause difficulties in producing them before the court at the time of trial. The Superintendent has no case that the accused are creating any sort of difficulties after their re-transfer to the jail as per the order of the Hon'ble High Court. So, I am of the view that considering the present stage of the case, the report need not be allowed. If, in future, any other problem is created by the accused concerned, he may approach this court with similar petition and the same will be considered at that stage. The present report can be closed with such an observation.

Hence the report is closed for the time being with liberty to the Superintendent to approach the court in case any necessity arises in future.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 30th 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