

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

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

Monday the 18th day of March, 2025/27th Phalguna, 1946

Crl.M.P. No. 487/2024

In

SC.02/2021/NIA

Petitioner/Accused No.5 : T.K. Rajeevan, S/o. Krishnan, Thottumkara House, Pookkode, Chandrasekhara Street, Koothuparamba, Kannur, Kerala.
(UT No. 6, High Security Prison, Viyyur).

By Adv. Sri. Thushar Nirmal Sarathy.

Respondent/ Complainant 1. Union of India represented by National Investigation Agency, Kochi.
By Sri. Arjun Ambalappatta (Senior Public Prosecutor, NIA) and Sri. Sreenath.S (Public Prosecutor, NIA)
2 Superintendent of High Security Prison, Viyyur.

This Criminal M.P coming on for hearing before me on 18.3.2025 and the Court on the same day passed the following:

ORDER

This application is filed by the 5th accused complaining that he is being locked-up in the cell for 21 hours a day.

2. The petitioner has been undergoing detention in connection with

this case at the High Security Prison, Viyyur, for 4 years. According to him, he was allowed to remain unlocked in the veranda of the block from 6:30 a.m. to 5:30 p.m. for four years. However, since 04.11.2024, he has been confined to his cell for 21 hours a day without any notice or reason. The petitioner who is only a remand prisoner, his cell is locked and unlocked by convicted prisoners, and he receives his meals inside the cell through the prison bars, which is violation of prison rules. Therefore, he seeks a direction from this court to restore his freedom of movement like other remand prisoners.

3. The Superintendent of the High Security Prison filed a detailed report. It is stated that as per the provisions of the Kerala Prison and Correctional Services (Management) Rules, 2014, prisoners, including those involved in cases relating to Maoists, PFI, UAPA, KAPA cases and other prisoners as directed by the Head of the Department, are accommodated in the High Security Prison. The High Security Prison is working in a three-storied building with cells opening outward and has distinct security features, unlike in the other prisons. There is no barred verandas in the ground floor of the jail, which allows prisoners access upto the outer wall on opening the cells, which requires additional security measures. He has also stated other reasons for not unlocking the petitioner during the day time.

4. This court has already considered similar complaints filed by other remand prisoners. Detailed orders have been issued in such petitions on 14-02-2025 in Crl.M.P.474/2024 and other petitions regarding compliance of Rule 229 of the Prisons and Correctional Institutions (Management) Rules in the case of

“*Special Security Prisoners*”. The petitioner being an accused in UAPA case, is a special security prisoner and he is to be treated in par with similar remand prisoners. Hence the Superintendent of High Security Prison, Viyyur can be directed to follow the directions issued in that order in the case of the petitioner also.

Hence the petition is allowed. The Superintendent of High Security Prison, Viyyur shall follow the directions in the order dated 14.2.2025 in Crl.M.P. 474/2024 and connected petitions, in the case of the petitioner also. Copy of this order shall be communicated to the Superintendent of High Security Prison, Viyyur for compliance.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 18th day of March, 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.