

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

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

Monday the 21st day of July, 2025 /30th Ashada, 1947.

Cri.M.P. No.295/2025

In

SC.02/2021/NIA

(RC.02/2021/NIA/KOC)

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

**Represented by Sri. Arjun Ambalapatta
(Senior Public Prosecutor, NIA) and
Sri. Sreenath S (Public Prosecutor, NIA)**

Respondent/Accused No. 12 : A. Santhosh Kumar @ Santhosh @ Ravi,
S/o. Arjunan, aged 32 Years, No. 10/533,
New Colony, Angalakurichi, Anamalai
Block, Pollachi Tehsil, Coimbatore, Tamil
Nadu.

**By Adv. Sri. Yasar Arafath and
Adv.Smt. Soya**

This petition coming on for hearing before me on 21.07.2025 and the Court on the same day passed the following:

ORDER

This is an application filed by the investigating officer for police custody of the accused No.12 in this case.

Prosecution case:

2. The prosecution case is that the petitioner along with the other

accused voluntarily convened a meeting and training camp during month of September 2016 in the reserve 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. The case was registered on the basis of the information tendered by the first accused, Kalidas @ Mani @ Sekhar, when he was arrested by the then DySP, Agali on 21.09.2017 in connection with crime No.153/2017 of Sholayur P.S. Investigation was conducted by the Edakkara Police by registering Crime No.249/2017 on 30.09.2017 against 19 persons. Later, the case was handed over to the Anti Terrorist Squad PS, Ernakulam and renumbered as crime No.32/2020/ATS on 19.03.2020.

2. During 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 the Edakkara Police Station crime, 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.

3. During the investigation of this case by the Kerala Police and ATS Kerala, they arraigned 25 accused in the case. Out of them, 8 were died in different incidents and 4 are absconding. The ATS filed charge sheet against 5 accused before the District and Sessions Court, Manjeri on 18.05.2021. The

court took cognizance of the case. In the meanwhile, 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. Subsequently, the investigation was taken over from ATS, Kerala and FIR was submitted before this court.

4. Digital devices seized in Crime No. 536/2016 of Edakkara Police Station proves the active participation of the petitioner in the arms and physical training conducted by CPI (Maoist). Investigation by the NIA revealed that accused Nos.1 to 28 conspired with the proscribed association and conducted/attended training camps at various places in India to further the activities of the terrorist organization. Investigation was conducted against all the 28 accused and supplementary final report was submitted on 23.04.2022. This Court took cognizance on the same. The case pending before the Sessions Court, Manjeri was transferred to this court and taken on file as SC 02/2021. The petitioner along with other accused committed the offence punishable u/s.120B, 121, 121A, 122 of the IPC, S.18, 18A, 20, 38 and 39 of the UAPA, S.7 r/w.s.27(2) of the Arms Act and Section 27(1)(e)(iv) of the Kerala Forest Act.

5. The 12th accused was arrested and produced before this court on 18.03.2025 and he was remanded to judicial custody. Now, this application for police custody is filed along with an affidavit sworn by the investigating officer setting up the prior history of investigation and the likelihood of further clues

which the investigation agency expect to derive by having the accused in custody.

6. It is stated that, during the investigation by NIA the incriminating role played by this accused behind the larger conspiracy in the instant crime has been revealed. According to the investigating officer, there are sufficient grounds to believe that accused No.12, Shri A. Santhosh Kumar, is associated with the proscribed terrorist organization CPI (Maoist) and had conspired to organize and conduct training camps across India to further the activities of the proscribed terrorist organisation CPI (Maoist). As part of the conspiracy, the accused participated in physical and weapons training for the People Liberation Guerrilla Army (PLGA- the military wing of CPI (Maoist)), including the use of sophisticated arms and IEDs, and practiced different tactics used in the guerrilla warfare under the supervision of co-accused Vikram Gowda (A8).

7. It is stated that custodial interrogation of the 12th accused, who attended CPI (Maoist) training camps, is essential to unearth the larger conspiracy involving various accused/suspects from different states of India. Further, the digital devices seized during the investigation contain various incriminating materials which are to be confronted with the accused by taking him into police custody. Police custody of the accused is inevitable to know the whereabouts of the absconding accused, Sharmila (A10). It is stated that there was a delay in seeking police custody of accused is due to his involvement in other cases and owing to the legal formalities of this case and

other cases, it was not intentional.

8. I have heard the Public Prosecutor and the counsel for the accused.

9. The learned counsel for the the accused opposed the application stating that the application for police custody is filed after 99 days of the first remand of the accused. According to him, as the application is filed beyond the first remand period, no police custody can be given. It is also stated that no sufficient reason is made out to remand the accused to police custody. According to the counsel, the reason stated in the affidavit for the delay in making the application is not genuine and at any rate is not owing to the fault of the accused. The learned Public Prosecutor on the other hand submitted that the respondent is involved in many cases and he was detained in a jail out side the state. The accused was either in police custody or judicial custody in other cases and hence the investigating officer could not file an application for police custody in this case. It is also stated that custodial interrogation of the respondent is necessary to collect important evidence.

10. The offence alleged against the accused is serious in nature. The main contention of the respondent is that there is delay in submitting the application for custody. In the decision reported in *Gautam Navlakha v. National Investigation Agency (2021 KHC 6278)* the Hon'ble Supreme Court has held that *"As far as the second proviso in S.43(D)(2)(b) is concerned, it*

does bring about an alteration of the law in Anupam Kulkarni (supra). It is contemplated that a person who is remanded to judicial custody and NIA has not been given police custody during the first 30 days, on reasons being given and also on explaining the delay, Court may grant police custody. The proviso brings about the change in the law to the extent that if a person is in judicial custody on the basis of the remand, then on reasons given, explaining the delay, it is open to the Court to give police custody even beyond 30 days from the date of the first remand." This makes it clear that police custody can be given even beyond the first remand period. In this case, as submitted by the learned Public Prosecutor, the accused was remanded in a jail outside the state and he is involved in other cases also. So, the petitioner could not file any application for custody in this case. The delay in making the application is explained by the investigating officer.

11. On going through the records of the case and hearing the counsel for both sides, I am satisfied that custodial interrogation is necessary to facilitate the recovery of evidence and to ascertain the identity and details of the absconding accused and to confront the accused with the evidence collected so far. I am satisfied that the accused is mentally and physically fit and good grounds are made out to remand the accused to police custody.

Hence, the accused is remanded to the custody of the petitioner from 1.00 p.m. today till 5.00 p.m. on 25.07.2025. The petitioner shall not harass the accused while he is in police custody and shall get him examined by

medical practitioner and shall also comply the directions of the Hon'ble Supreme Court regarding police custody.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 21st day of July, 2025.

Sd/-
P. K. Mohandas
Judge, Special Court for NIA Cases

Appendix: Nil

Id/-
Judge, Special Court for NIA Cases
(By Order)

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Sd/-
Sheristadar