

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

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

Friday the 6th day of September, 2024 / 15th Bhadra, 1946.

Crl.M.P. 333/2024 in SC No.02/2023/NIA

Petitioner/Accused No.30

Ashraf @ Ashraf Moulavi, Age-49/2023,
S/o.Kunjappu Mussaliyar, Chappangathodi
House, Near Juma Masjid, Maruthur Post,
Pattambi, Palakkad District, Kerala.

**By Adv. M/s.Abdul Latheef, Abdurahiman P.K
and Wakarulislam K.S.**

Respondent/Complainant :

Union of India represented by National
Investigation Agency, Kochi.

**By Sri. Ajith Kumar.S
(Special Public Prosecutor, NIA) and
Sri. Sreenath.S (Public Prosecutor, NIA).**

This petition is coming on for hearing before me on 06.09.2024 and the
Court on the same day passed the following:

ORDER

This is an application filed by the 30th accused, seeking permission to
visit his mother.

2. The petitioner's case is that he has been undergoing detention for
2 ½ years. According to him, his 80-year-old mother is suffering from breathing
difficulties and cardiac problems and she is now unable to travel. At this stage,
she is not in a position to visit him in jail. During these two and a half years, the
petitioner has seen his mother only once and his request to visit her in August

2023 was dismissed by this court. Therefore, the petitioner seeks permission to visit his mother at his house to spend some time with her and relieve her mental stress.

3. I have heard the counsel for the petitioner and the Prosecutor.

4. The investigating officer filed an objection stating that the petitioner is a member and the Unit Secretary of proscribed organisation, Popular Front of India (PFI), Karumbilly Branch, Palakkad, which committed terrorist act of murder of Srinivasan. There is possibility of law and order/communal issues and it will be difficult to control the situation, if such situation arises. It is also submitted that the family members of the accused have opportunity to meet him in jail and there is no emergency situation for granting escort parole. Moreover, the petitioner was previously granted escort parole to attend a relative's funeral and his daughter's wedding vide orders in Crl.M.P. No. 177/2023 and Crl.M.P. No. 175/2024 respectively and during that time he met his mother. Additionally, as per the order in Crl.M.P. No.84/2024, the court allowed a jail transfer from Palakkad to Viyyur for the convenience of his relatives to visit him. Frequent escort parole petitions which are not of emergency nature creates burden on security matters and may also cause disturbance to the law and order.

5. The petitioner is undergoing detention for 2 ½ years. He wants to meet his mother as she is suffering age related and other ailments. His mother is not in a position to meet her son in jail at this situation. Spending some time

with the petitioner will be a great relief for her. Considering the facts stated in the petition and on hearing both sides, I am of the view that the petitioner can be permitted to visit his house and spend some time with his mother.

In the result, the petition is allowed as follows :-

1. The Superintendent, Central Prison, Viyyur, is directed to do necessary arrangements and to provide adequate police escort to take the petitioner to his residence on any day before 25-09-2024. He may be permitted to remain with his relatives for 2 hours.
2. During the journey and the period of stay at his residence, the petitioner shall not contact any outsiders, except his parents, siblings, close relations and he shall not attend or make any phone calls.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 6th day of September, 2024.

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.