

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

Present: Sri. Anil.K.Bhaskar, Judge for NIA Cases

Friday the 16th day of June, 2023/26th Jaishtha, 1945.

Crl.M.P No.277/2023

in

SC.02/2023/NIA

Petitioner/Accused No.11 : Yahiya Koya Thangal (**A11**), S/o. M.K. Thangal, Athaniyail, Padinjarakath Veedu, Perumpilavu P.S, Kunnamkulam P.S, Thrissur District.
By Adv. Sri. P.C. Noushad.

Respondent/Complainant : Union of India represented by National Investigation Agency, Kochi.
Represented by Sri. Ajith Kumar.S (Special Public Prosecutor) and Sri. Sreenath.S (Public Prosecutor)

This petition coming on for hearing before me on 16.06.2023 and the Court on the same day passed the following:

ORDER

1. This application is filed by A11 Yahiya Koya Thangal a remand prisoner, through the Jail Superintendent, seeking permission to appoint his son as his duly authorised representative to encash the FD in his name and utilising the said amount to close the liability towards the chitty and the gold loan.

2. Notice served to NIA. Petition not opposed.

3. Heard both sides. The petitioner is a subscriber of the chitty bearing no.41/2021/14 of KSFE, Kunnamkulam Branch. He had auctioned the chitty and

the auctioned amount was deposited for a fixed period in the very same branch and its reference numbers are:- 1. FD No:00120050030740, 2. CSDT No.00120070005777. At the same time, he had availed a gold loan bearing No.00120120003220. Due to his detention in jail, he is not in a position to generate sufficient income to make payment towards gold loan as well as chitty subscription. In this circumstance, he propose to encashed the amount covered by the FD receipt, then to close the liability towards the chitty as well as the gold loan, For the said purpose, he seeks the permission of the court to authorise his 19 year old son, Ahammed Saied Shahad to do all the necessary acts on his behalf. Since the petitioner is under detention, he needs an agent do all these acts.

In the result, petition allowed as follows:-

1. Petitioner is accorded permission to appoint his son Ahammed Saied Shahad as his duly authorised agent to do all the required acts for encashing the FD receipts mentioned above and to withdraw the amount, and utilising the said amount to close the liability towards the chitty and Gold loan referred above.
2. Petitioner is given permission to prepare the authorisation letter through his son and to produce it before the jail authorities.
3. The Jail Superintendent, High SP, Viyyur shall verify the same and if it is in order, permit the petitioner and his son to sign the authorisation letter in his presence. It shall be counter signed by the Jail Superintendent and hand it over to the petitioner's son.

Communicate the order via E-mail to the Jail Superintendent, High Security Prison, Viyyur for information and compliance. He shall furnish a copy of the order to the petitioner.

Dictated to the Confidential Asst., typewritten by her directly to computer system, corrected and pronounced by me in open court on this the 16th day of June, 2023.

Sd/-
Anil K. Bhaskar
Judge, Special Court for NIA Cases

Appendix: Nil

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

//True copy//

Sd/-
Sheristadar.