

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

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

Friday the 29th day of August, 2025/7th Bhadra, 1947.

Crl.M.P. No. 354/2025

In

SC.03/2023/NIA
(RC No.01/2011/NIA/DLI)

Petitioner/Accused No. 2 : Shafeer C, age 33/24, S/o. Azeez,
Chemboth House, Chakkad, P.O Vilakkode,
Muzhakkunnu, Kannur District, Kerala.

**By Adv. M/s. P.C. Noushad,
Abdurahiman P.K and Wakarulislam K.S.**

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

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

This petition coming on for hearing before me on 29.08.2025 and the
Court on the same day passed the following:

ORDER

This is an application filed by 2nd accused in the case for shifting the jail.

2. According to the petitioner, he has been undergoing detention at
High Security Prison, Viyyur for the past 11 months. The petitioner's family
consists of his aged mother, his wife and four children. He hails from Kannur
district and his family finds it very difficult to visit him due to the long
distance. The petitioner submits that if he is shifted to the Central Prison,
Kannur, his family will be able to visit him without any difficulties.

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

4. The Public Prosecution opposed the application stating that the petitioner is a close associate of the first accused in the case and he harboured him and helped him to abscond. It was the petitioner who arranged shelter and employment to the absconding accused. Since the witnesses and his contacts are from Kannur, transferring him to Central Prison, Kannur, would allow him to influence witnesses and tamper with evidence.

5. The allegation against the petitioner is that he harboured the first accused in the case. Now the investigation is completed and charge sheeted is filed against him for offence u/s.212 of IPC and S.19 of UAPA. As per the final report the petitioner allegedly committed the offence under Chapter IV of the Unlawful Activities (Prevention) Act. As per Rule 472 of the Kerala Prisons and Correctional Services (Management) Rules, the persons involved in such cases are to be considered as "Special Security Prisoners". As per Section 46(1) such prisoners are to be detained in Special Cell in Central Prisons or in the High Security Prison. In this case, the petitioner is detained in the High Security Prison considering the fact that he is special security prisoner. In the earlier petition seeking jail transfer, the Superintendent of Central Prison, Kannur, reported that the prison was already overcrowded. He has also reported about the lack

sufficient police escort and other facilities for producing the accused before the Court. As final report is filed against the petitioner, trial is to be expedited. The presence of the petitioner before this court during trial cannot be avoided. If the petitioner is shifted to Kannur jail, it may not be possible to produce him during the trial before this court.

6. The only reason stated in the petition is that the petitioner hails from Kannur and hence his family members could not visit him regularly. Now he is detained in High Security Prison, Viyyur. He has no complaints of any ill-treatment in the jail. The reasons stated in the petition are not sufficient to shift the petitioner to the Central Prison, Kannur. Hence I find no reason to shift the petitioner to some other jail and the petition is only to be dismissed.

In the result, the petition is dismissed. Communicate a copy of this order to the petitioner through the Superintendent of High Security Prison, Viyyur.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 29th day of August, 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