

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

Present:-

Shri. Kamanees K., Judge, Special Court for NIA Cases.

Friday, the 14th day of October, 2022 / 22nd Aswina, 1944

Crl.M.P No. 213/2022

in

S.C.No. 04/2021/NIA/KOC

Petitioner / Accused No. 6:-

Suresh Raj A,
S/o. Arasa Rathinam,
Door No. 126, 8th Cross Street,
Samayapuram, Irandam, Kattalai,,
Kundrathur, Chennai – 69.
(R.P. No. 551 at Central Prison and Correctional Home, Viyyur)

By Adv. Smt. Sangeetha Lakshmana

Respondents /Complainant:-

- 1) Union of India represented by
National Investigation Agency, Kochi
- 2) Superintendent,
Central Prison and Correctional Home, Viyyur
- 3) The Judicial First Class Magistrate's Court, Angamaly

R1 By Sri. Arjun Ambalappatta, Sr. Public Prosecutor, NIA.

This petition having been heard on 14/10/2022 and the Court on the same day passed the following:-

ORDER

1) This is a petition filed on behalf of the accused No.6, Shri.Suresh Raj, praying that report be called for from the JFCM Court, Angamaly to verify and ascertain that the ID cards in original are in custody in C.C.147/2022 and thereafter issue appropriate direction to the Superintendent, Central Prison and Correctional Home, Viyyur. Grievance of the petitioner is that the ID cards of the parents of the accused No.6 & 8, Shri.T.Arasarathnam and Smt.Rajeswary Mahalingam, are seized by police at the time of arrest of A8 in connection with Cr.515/2021 of Nedumbassery P.S. These documents have been submitted before the JFCM Court, Angamaly. They have only taken copies of the xerox copy from the ID cards. The petitioner was shifted from the Sub Jail Aluva to the Central Prison, Viyyur and the Superintendent had denied permission to the parents to meet their son in the jail for the reason that they are not in a position to produce originals of their ID cards for verification. The originals are now in the custody of JFCM Court, Angamaly. The parents are unable to obtain certified copies as they are not parties to the proceedings.

2) A report was called for from the Station House Officer, Nedumabassery Airport P.S to ascertain and report whether they are in

possession of original ID cards of parents of the accused. The report states that they are in possession of documents like one certificate belonging to Ramesh, a rental agreement etc. and those have been produced before the JFCM Court, Angamaly. The report also states that Srilankan Tamils Registration particulars to certify the status of Shri.T.Arasarathnam, S/o.Thangavelu and another registration particulars pertaining to Shri.N.Nona Pirosha, W/o.A.Ramesh have also been taken to custody in that case. Report states that as the father of the accused or the wife of the accused has not yet demanded back those records, they have produced the copies of said records.

3) With the nature of the prayer that is raised in the petition, it is now ascertained that no such ID particulars are there before the JFCM Court, Angamaly and the police are in possession of those ID cards in original. This court does not find that calling for those documents into this court shall be in the interest of justice and the policy should be not to intervene in further investigation under Foreigner's Act. The copies produced by SHO, Nedumbassery Airport PS shall be appended to this order and there be a direction to the Superintendent, Central Prison and Correctional Home, Viyyur to permit Shri.T.Arasarathnam, No.162/559, Madam Pitiya Road, Modara, Colambu-15 (Native address) No.193/194, Lakshmi Nagar Main

Road, Sridevi Kuppam, Valasaravakkam, Chennai -87 (Present address) to visit his son, the accused No.6 Shri.Suresh Raj as is impermissible under law, after verifying the copy appended with the order.

4) Ordered accordingly.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 14th day of October, 2022.

Sd/-
Kamanees.K.
Judge

Appendix : NIL

Id/-
Judge

// True copy //

(By Order)

Sheristadar

Typed by: jcs
Comp.by: skp

Order in
CrI.M.P No. 213/2022
in
S.C.No.04/2021/NIA/KOC
Dated 14/10/2022