

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

Present:-

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

Wednesday, the 24th day of May, 2023 / 3rd Jyaishta, 1945

Crl.M.P Nos. 39/2023, 61/2023,105/2023 and 106/2023

in

S.C.No. 04/2021/NIA

(RC No.01/2021/NIA/KOC)

Crl.M.P No. 39/2023 in SC No.S.C.No. 04/2021/NIA

Petitioners /Accused No. 2, 3 and 4 :-

- 1) H.K.G.B Janaka Dassppriya, Aged 42 years,
S/o. H.G.B.P Peyasena, R/o. 128,
Modarawatta Kudawelle West,
Nakulugamuwa, Sri Lanka
(U.T No. 9301 Central Prison and Correctional Home,
Thiruvananthapuram)
- 2) S.A Namesh Chullanka Senarath, Aged 33 years,
S/o. S.M. Pamiss, r/o Mahamodhara, Katudampe,
Dodanduea, Sri Lanka.
(U.T.No. 9303 Central Prison and Correctional Home,
Thiruvananthapuram)
- 3) Thilanka Mashushan Ranasingha,
Aged 29 years, S/o. Sarath Ranasingha,
r/o 239/7, Galagoda Watta, Katudampe,
Dodanduwa, Sri Lanka.
(U.T. No. 9302 Central Prison and Correctional Home,
Thiruvananthapuram)

By Adv. Shri. Nireesh Mathew

Respondent / Complainant:-

Union of India represented by
National Investigation Agency, Kochi.

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

Crl.M.P No. 61/2023 in RC No.01/2021/NIA/KOC

Petitioner /Accused No. 3 :-

A.H.S. Mendis Gunasekara, Aged 32 years,
S/o. Agampodi Hemal Sathyajit, R/o. 108,
Algiriyagewaththa, Katudampe,
Rathgama, Sri Lanka. (R.P No. 130, High Security Prison, Viyyur)

By Adv. Shri. Ranjith Krishna, Legal Aid Counsel

Respondent / Complainant:-

Union of India represented by
National Investigation Agency, Kochi.

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

Crl.M.P No. 105/2023 in SC No.S.C.No. 04/2021/NIA

Petitioners /Accused No. 1 :-

L.Y.Nandana, Aged 46 years,
S/o. I.Y.Upajeeva, R/o. Thangalla,
Kudawella, Nakulugamuwa, Sri Lanka.
(U.T.No. 174/2022 Central Prison and Correctional Home, Viyyur).

By Adv. Shri. Renjith Krishna, Legal Aid Counsel

Respondent / Complainant:-

Union of India represented by
National Investigation Agency, Kochi.

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

Crl.M.P No. 106/2023 in SC No.S.C.No. 04/2021/NIA

Petitioners /Accused No.5 :-

Dadallage Nisanka, Aged 40 years,
S/o. D.Peyarathna, R/o. No. 76, Next Nivasa,
Sirikadura Watta, Rathgama, Sri Lanka.
(U.T.No. 238/2022 Central Prison and Correctional Home, Viyyur).

By Adv. Shri. Ranjith Krishna, Legal Aid Counsel

Respondent / Complainant:-

Union of India represented by
National Investigation Agency, Kochi.

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

These petitions having been heard on 24/05/2023 and the Court on the same day passed the following:-

COMMON ORDER

1) Various accused persons have filed these applications for permitting them to contact their family members. Crl.MP 61/2023 was filed by Mendis Gunashekhara for permitting him to make video calls. Crl.MP No.106/2023 accused Nissanga has applied for contacting his family members through ISD

call. In CrI.MP 39/2023 the prayer is for video call facility to accused Nos.2, 3 and 4. In CrI.MP 105/2023, the prayer is for permitting ISD call to a specific number, filed by accused No.1 Nandana. Other petitions also have same reliefs, more or less.

2) Reports have been called for from the investigating agency as well as the respective Jail Superintendents. Reports have been considered.

3) In CrI. MP 61/2023, report states that the foreign nationals can also contact the prisoners through e-mulakat video conferencing facility. The respective relatives can register their number for video conferencing in the e-mulakat site and the jail authorities shall take appropriate steps to permit video calls, to the maximum of 15 minutes in 2 sessions a month. Respective petitioner shall specify the relatives' names and the jail authorities shall permit at least 2 video calls in a month, registered by any of such persons in the e-mulakat site. So ordered.

4) In CrI.MP 106/2023, report states that ISD cannot be permitted and instead the foreign nationals can also contact the prisoners through e-mulakat video conferencing facility. The respective relatives can register their number for video conferencing in the e-mulakat site and the jail authorities shall take appropriate steps to permit video calls, to the maximum of 15 minutes in 2 sessions a month. Respective petitioner shall specify the relatives' names and

the jail authorities shall permit at least 2 video calls in a month, registered by any of such persons in the e-mulakat site. So ordered.

5) In CrI. MP 39/2023, also the prayer is for video conferencing. As the e-mulakat facility is now extended to foreign nationals as well, there will be a same direction. Respective petitioners shall specify the relatives' names and the jail authorities shall permit at least 2 video calls in a month, registered by any of such persons in the e-mulakat site.

6) In CrI. MP 105/2023 and other petitions also the respective accused shall specify the persons who are near relatives to the jail authorities. Any of such near relatives shall register for e-mulakat in the appropriate site, video calls in 2 sessions extended to 15 minutes shall be permitted for a month in clear intervals. Ordered accordingly.

Dictated to the Confidential Assistant, transcribed and typewritten by her, corrected and pronounced by me in open court on this the 24th day of May, 2023.

Sd/-
Kamanees.K.
Judge

Appendix : NIL

Id/-
Judge

// True copy //

(By Order)

Sheristadar

Common Order in
Crl.M.P Nos. 39/2023, 61/2023,
105/2023 & 106/2023
in
S.C.No. 04/2021/NIA
Dated 24/05/2023