

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

Present:-

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

Thursday, the 21st day of December, 2023 / 30th Agrahayana, 1945

Crl.M.P Nos. 337/2023 & 338/2023

in

S.C.No. 04/2021/NIA

(R.C No. 1/2021/NIA/KOC)

Crl.M.P No. 337/2023

Petitioner / Accused No. 9:-

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 at Central Prison, Viyyur)

By Adv. Sri. Mohammed Sabah

Crl.M.P No. 338/2023

Petitioner / 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 at Central Prison, Viyyur).

By Adv. Sri. Mohammed Sabah

Respondents /Complainant in both Crl.M.Ps:-

Union of India represented by
National Investigation Agency, Kochi

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

These petitions having been heard on 21/12/2023 and the Court on the same day passed the following:-

COMMON ORDER

Similar applications have been filed by accused persons T. Nissanka (accused No.9 - CMP 337/2023) and L.Y. Nandana (accused No.1 - CMP 338/2023). Both the petitions speak of the same complaint. Both are foreign nationals belonging to Sri Lanka and at present their relatives living in Sri Lanka are permitted to video interact through the application e-mulakath provided by Central Government. Owing to non-existence of communications between the petitioners and their family, they could not use the application properly. The availability of time and date of e-mulakath is given by the jail authority depending on the registration with the prison. The petitioner Nissanka has to contact his daughter and the petitioner Nandana has to contact his wife or mother (numbers given) through an international call facility, so that they can inform the date and time in advance. It will enable the kith and kin to prepare their systems online so that they do not miss the video calling facility.

2. Both the petitioners pray for directions in this regard.

3. Senior Prosecutor, NIA did not elect to oppose the applications. On both the applications remarks have been called for from the Superintendent, Central Prison, Viyyur. Despite sufficient chances given they failed to file any remarks.

4. Both the petitions are allowed. Superintendent, Central Prison, Viyyur shall be directed to arrange international call facility through appropriate methods to the numbers given, to the shortest possible time, for the sole purpose of informing the date and time of e-mulakath video linking. The calls shall be done by the petitioners or if the rules do not permit, the Welfare Officer or other deputed officer of the Central Prison, Viyyur. Communicate the order.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 21st day of December, 2023.

Sd/-
Kamanees.K.
Judge

Appendix : NIL

Id/-
Judge

// True copy //

(By Order)

Sheristadar

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**Common Order in
Crl.M.P Nos. 337/2023 and
338/2023
in
S.C.No. 04/2021/NIA/KOC
Dated 21/12/2023**