

1
IN THE COURT OF THE SPECIAL JUDGE FOR NIA CASES, KERALA, ERNAKULAM

Present:-

Sri.S. Vijayakumar, B.Sc., LL.B., Judge, Spl.Court for NIA Cases
Thursday, the 11th day of August, 2011/20th Sravana, 1933

Sessions Case No.2/2010(NIA)

(Crime Nos.5/06 and 6/06 of NIA, New Delhi),

Crime Nos.183,184/CR/S-III/2006 of CBCID,

Crime No.80/2006 of Kasaba Police Station, Kozhikode &
Crime No.81/2006 of Nadakkavu Police Station, Kozhikode

Complainant: State represented by National
Investigation Agency, New Delhi

By Special Public Prosecutor Sri.K.N. Ravindran

Accused:

1. Thadyantevida Naseer, (A1), @ Ummar Haji @
Haji, Sidhique, Naseer, Aged 33/09 years,
S/o Abdul Majeed, 'Baithu Hilal',
Thayyil, Neerchal, Kannur Dist., Kerala.
2. Abdul Halim, (A3), @ Halim, Aged 33/09 years,
S/o Usman, 'Sakeenas', Thazhakath House,
Vazhakkatheru, Kannur. (now residing at
"Safiyabag", Thana, Kannookara, Kannur Dist.
3. Shafas, (A4), Aged 25/09 years,
S/o Shamsudhin,
"Shafnas", Thayyil, Pound Valapp,
Kannur.
4. Abubacker Yusuf, (A9), @ Yusuf Chettipady,
Aged 33/09 years, S/o Abubacker,
Nalagathu House, Neduva Village,
Tirurangadi, Tehsil, Malappuram.

(A2 and A8 are absconding and case against
them are split up. No charge against A5.
A6 died. A7 approver)

A1 & A4 By Senior counsel Sri. K. Ramakumar
and Adv. Sri. T.K. Kunhabdulla
A3 By Adv. Sri. T.K. Kunhabdulla
A9 By Adv. Sri. P.C. Moushad



Offence charged : Sections 120(B), 124(A), 153(A), 324 r/w 34
IPC, Sections 3 to 5 of the Explosive
Substances Act and Sections 16(i), 18 and 23 of
the Unlawful Activities (Prevention) Act 1967

Plea of accused : Not guilty

Finding of the court: A1 & A4 - Guilty +
A3 & A9 - Not guilty

Sentence or Order:

A1 and A4 are sentenced as follows. For the offence under Section 18 of UAP Act both A1 and A4 are each sentenced to undergo imprisonment for life and to pay fine of Rs.50,000/- (Rupees fifty thousand only) with default sentence of imprisonment of one year; for the offence under Section 16(i) of UAP Act A1 and A4 are each sentenced to undergo imprisonment for life and to pay fine of Rs.50,000/- (Rupees fifty thousand only) with default sentence of imprisonment for one year; under Section 124(A) IPC A1 and A4 are each sentenced to undergo imprisonment for three years and to pay fine of Rs.10,000/- each (Rupees ten thousand only) with default sentence of three months; under Section 153(A) IPC A1 and A4 are each sentenced to undergo imprisonment for two years. In addition A1 is also sentenced under Section 4(b) of Explosive Substances Act to undergo imprisonment for life and to pay fine of Rs.50,000/- (Rupees fifty thousand only) with default sentence of one year. It shall be sufficient if all the substantive jail sentences run concurrently.

It is further directed both the convicts shall be provided with the privilege of maintaining their beard at their choice as a mark of religious practice and A1 shall also be permitted to wear his cap on occasions of his choice. It is further provided that they shall be provided with physical labour and for that purpose if necessary they shall also be given vocational training so that they will realize dignity of labour. As an attempt to refine them, both the convicts shall also be provided with reading material such as vernacular version of biographies and autobiographies of great patriotic men of India and commentaries to the Constitution of India.

