

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

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

Friday the 10th day of April, 2026/20th Chaithra, 1948

Crl.M.P. Nos. 297/2023, 320/2023

& 321/2023

In

SC.02/2021/NIA/KOC

Petitioner/Accused No. 3 : Rajan.C.G @ Rajan Chittilappally @ Rafi
(A3), age 59 years, S/o. Gangadharan,
Nambiyathu House, Chittilapilly,
Peramangalam, Thrissur, Kerala.
By Adv. Sri. Thushar Nirmal Sarathy

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

By Sri. V.N Anil Kumar
(Special Public Prosecutor, NIA) and
Sri. Sreenath.S (Public Prosecutor, NIA).

This petition is came up for hearing before me on 10.04.2026 in the presence of the counsel for the petitioner and respondent and Court on the same day passed the following:

COMMON ORDER

These applications are filed by the 3rd accused in the case seeking direction and action against the prison officials.

2. The petitioner is the 3rd accused in SC 02/2021. He has been in judicial custody in High Security Prison, Thrissur. The petitioner alleges that on 05.06.2023 at about 9.30 a.m. while he was having his food, the prison officials at the leadership of Joint Superintendent of Jail entered into the cell and hurled his books, magazines and clothes and the Joint Superintendent kicked his food with leg. The petitioner complained about the same on the same day and there was no action. On 07.06.2023 he gave a complaint explaining the incident to the Superintendent. But no action was taken. He entrusted a complaint with the Superintendent on 09.06.2023 to be forwarded to the Court and the same was also not forwarded. Thereafter, he filed a complaint before the court and a report was sought. He seeks appropriate legal action against the jail authorities for kicking away his food and also for not sending the complaint to the court in time.

3. Crl.M.P. 297/2023 was filed on 27.06.2023, by the counsel for the petitioner stating that on 9th June 2023, the petitioner had submitted a complaint before the Superintendent of High Security Prison for forwarding the same to this court. The petitioner's complaint against the ill-treatment by the prison officers was not forwarded to the court. It is stated in the petition that the Jail Superintendent is withholding the complaint without any reason. The application was filed to direct the Superintendent of High Security Prison to produce the petitioner online and to forward the complaint to this court.

4. In Crl.M.P. 297/2023 this court called for a report from the

Superintendent of High Security Prison. Along with the report, the two complaints, i.e., complaints of 09.06.23 and 06.07.2023 were forwarded to this court on 14.07.2023. These two complaints were taken on file as Crl.M.P.320/2023 and 321/2023 respectively. In Crl.M.P. 320/23 the petitioner seeks action against the prison officers for the alleged incident on 05.06.2023. Crl.M.P. 321/2023 is regarding the delay in sending the first complaint to the court.

5. This court, on the basis of the petitions submitted by the petitioner, called for explanation from the Superintendent of Prison. The Superintendent denied the incident alleged in the petitions. The CCTV footage of the GF-8 cell in which the petitioner was detained was also produced before the court.

6. After considering the materials on record, this court as per order dated 04.12.2023 directed the matter to be placed before the District Jail Committee for further action.

7. The order dated 04.12.2023 was challenged by the petitioner before the Hon'ble High Court in WP(Crl.) No.1338/2024. As per order dated 09.12.2024, the Hon'ble High Court directed the Public Prosecutor to ascertain the action taken on the order passed by this court. Thereafter, on 08.01.2025, the Hon'ble High Court passed the following order:

“Heard the petitioner who appeared through video conferencing in person. I have also interacted with the Jail

Superintendent. The petitioner submitted that, if the CCTV footage on the relevant day in the hard disk is examined, his allegation against the prison officials could be established, the Jail Superintendent stated that the hard disk on the relevant date is available. Hence, the Jail Superintendent is directed to produce the hard disk showing the CCTV footage of the Cell No.8 in the ground floor for the date 5.6.2023 before the Special Court for the Trial of NIA cases, Ernakulam within fifteen days. On receipt of the said hard disk, the Special Court for trial of NIA cases, Ernakulam is directed to send them for forensic examination. The report received from the Forensic Department shall be forwarded to this Court.”

8. Subsequently, on 29.01.2025 the Hon'ble High Court passed a further order that :

“I.A. No.1 of 2025

The above application has been filed to modify the interim order of this Court dated 08.01.2025.

2. I have heard the respondent/petitioner, who appeared in person through video conference, the learned Public Prosecutor and also perused Exts.R2(a) & (b) reports.

3. In Exts.R2(a) & (b) reports it is stated that since the infrastructure uses a RAID storage, data is stored as a logical volume (spanning multiple hard disks) which depends upon the configuration of the RAID, the data related to a particular video cannot be obtained from a specific hard disk. It is further reported that storage facility

available for the CCTV footage is 45 days and hence the hard disks might have been overwritten several times since June 2023 till date. It is also mentioned that the recovery of data in an overwritten condition is almost impossible. However, in both reports it is stated that the copy of the data available on the USB submitted by PWD, Electronic Division, Thrissur can be utilized as source for conducting forensic examination. If such an examination is made, it can be found out whether a particular portion of the CCTV footage has been erased or deleted.

Hence, the order dated 08.01.2025 is modified and the Jail Superintendent is directed to produce the items mentioned in Ext.R2(a) before the Special Court for trial of NIA cases, Ernakulam within 15 days. On receipt of the same, the Special Court for trial of NIA cases, Ernakulam is directed to send them for forensic analysis. The report received from the Forensic Expert shall be forwarded to this Court. The Forensic Expert shall ascertain and report whether any tampering or erasure has taken place in the original device before the data was copied to the pen drive.”

9. Subsequently, the Superintendent produced the USB (a hard disk) mentioned as Ext.R2(a), before this court. This court forwarded the hard disk and the pen drive produced by the Superintendent of High Security Prison to the Director, Forensic Science Laboratory, Trivandrum as per order dated 17.02.2025, for forensic examination and to compare the data available in the same to find the following facts:-

1. Whether the pendrive contains the entire visuals of the CCTV footage from 8.59 am to 9.20 am on 05-06-2023.
2. Whether it contains the visuals of the Joint Superintendent entering into cell No.8 and destroying the articles inside and kicking away of the food provided to the prisoner.
3. If any data/visual is missing, details of the same.
4. Whether the visuals available in the hard disk and pendrive are one and the same?
5. Whether any tampering or erasure has taken place in the original device before the data was copied to the pen drive?
6. If there is any erasure or tampering, whether recovery of the original visuals is possible and the recovered visuals may be provided separately.
7. Whether the erasure or tampering, if any was intentional and the time and other details of such tampering.”

10. On the basis of this direction, the Director, Forensic Science Laboratory conducted examination of the hard disk and pen drive and submitted the report dated 01.08.2025. The report was forwarded to the Hon'ble High Court. On receipt of the same, the Hon'ble High Court after hearing both sides, found that the order passed by this court is liable to be set aside and the matter is to be reconsidered by this court in the light of the

expert opinion.

11. The WP(Crl.) was disposed of on 19.09.2025, with a direction to this court to provide a copy of the forensic report to the petitioner and decide the matter afresh after hearing the parties.

12. On receipt of the order dated 19.09.2025 of the Hon'ble High Court, these petitions were taken back on file and a copy of the forensic report was provided to the petitioner. On 03.11.2025, the petitioner was produced before the court in person and the visuals in Annexure-3 DVD submitted along with the report of the Director was played in open court and the petitioner was permitted to verify the same repeatedly. He stated that the recordings of few minutes are missing and these visuals are crucial in deciding the complaint. He stated that the jail staff entered in the cell and kicked away his drinking water and not the food, as stated in the complaint. He wanted further time to verify the report and the same was granted. On 20.01.2026, the petitioner was again produced before the court and the video was replayed. The petitioner submitted that the recordings of the CCTV for about 20 minutes is missing and the incident of throwing food is not seen in the visuals. He wanted to file a written submission and time was given for the same.

13. The Director, Forensic Science Laboratory has reported that ;

"i. CCTV visuals named '05_06_2023 09_05_36 (UTC+05_30)' (this visual starts from 09:05:36 hrs to 09:10:49 hrs), '05_06_2023

09_17_54 (UTC+05_30) (this visual starts from 09:17:54 hrs to 09:35:18 hrs), '05_06_2023 08_30_00 (UTC+05_30)' (this visual starts from 08:30:00 hrs to 09:10:49 hrs), '05_06_2023 09_17_54 (UTC+05_30)' (this visual starts from 09:17:54 hrs to 09:35:18 hrs) were retrieved from the questioned hard disk marked **Q₁** and soft copy of the same is enclosed in a folder named 'Data from **Q₁**' in Annexure-3 DVD.

ii. The data present in the questioned pen drive marked **Q₂** were retrieved and soft copy of the same is enclosed in a folder named 'Data from **Q₂**' in Annexure-3 DVD.

iii. The CCTV visuals on the date 05-06-2023 retrieved from the questioned pen drive marked **Q₂** starts from 08:59:26 hrs to 09:10:48 hrs continuously and then from 09:17:55 hrs to 09:20:00 hrs. The recordings in between 09.10.48 hrs to 09.17:55 hrs are not available in the questioned pen drive marked **Q₂**.

iv. The CCTV visuals seen in the time frame 08:59:26 hrs to 09:10:48 hrs and 09:17:55 hrs to 09:20:00 hrs in the questioned hard disk marked **Q₁** and the questioned pen drive marked **Q₂** are found to be same.

v. The visuals described in the forwarding note could not be retrieved from the questioned hard disk marked **Q₁** and questioned pen drive marked **Q₂**.”

14. The petitioner submitted a written note contending that the CCTV footage in the pen drive is inconsistent with that in the hard disk, and that the forensic report does not properly answer the questions in the forwarding note. It is further contended that the report does not confirm whether the pen drive contains the complete footage of the incident. The

report fails to clarify whether the visuals from 8:59 to 9:20 in the pen drive contain the complete footage of the incident, and does not show the incident. It is also contended that approximately 9 minutes video is missing from the 20 minutes footage, indicating lack of continuity and the findings in the report that hard disk and pen drive contain identical footage is false. The petitioner contended that the hard disk sent to the FSL is not the original, but a copied version, and therefore there is a possibility of deletion, editing, or manipulation, making the credibility of the visuals doubtful. The petitioner contends that the Superintendent's explanation that the visuals could not be retrieved after 1½ years is not acceptable, as he failed to produce the original hard disk in time, resulting in loss of evidence.

15. The expert has marked the hard disk as Q1 and the pendrive as Q2 for the purpose of examination. I have verified the report and the extracted videos provided in Annexure 3 DVD. The video file 05_06_2023 09_17_54 (UTC+5_30) is available in the path "Data from Q1\Disk Image\F\Users\ADministrator.CCTVSERVER\Desktop\RAJAN CELL 08\rajan after\Media player format\Ground Floor Cell- 8 (192.168.1.151)" On verification of the properties, it is seen that the video was last modified at 12.51.42 on 12th July, 2023. It is a video having 17.23 minutes duration. In the beginning of the video, the visuals of two prison officers searching in the books and other articles kept on a corner of the cell could be seen. They left the room by the 10th second of the video. The petitioner is saying something to them and they

left the room without responding to that. The petitioner is having his food sitting in the floor, without any obstruction. By 11.40th minute, the petitioner completed his meal. After that he washed his hand and plate. In the meantime, some other prisoners came near the cell and the petitioner was communicating with them normally. A steel plate is seen kept on a bucket near the place where the petitioner was sitting. At the 16.25th minute the petitioner took the same and poured some water to the same from a bottle. At 17.22nd minute, the petitioner is seen removing this water to a bottle using a cup. This video contains two time stamps, as "05/06/2023 09:17:54 to 05/06/2023 09.35.17" and "Jun/05/2023 09:28:30 to Jun/05/2023 09:45:54"

16. The video file 05_06_2023 08_30_00 (UTC+5_30) is available in the path "Data from Q1\Disk Image\F\Users\Administrator.CCTVSERVER\Desktop\RAJAN CELL 08\rajan before\Media player format\Ground Floor Cell- 8 (192.168.1.151)" On verification of the properties, it is seen that the video was last modified at 18.10.18 on 13th July, 2023. It is a video having 40.49 minutes duration. The video contains two time stamps, as "05/06/2023 08:30:01 to 05/06/2023 09.10.49" and "Jun/05/2023 08:40:35 to Jun/05/2023 09:21:24" In this video, few books and other articles in the corner of the cell is seen kept in somewhat arranged manner. The visuals of the petitioner coming to and going out of the cell is also available. There is no visuals of the prison officers entering into the cell in this video. The steel plate kept on the bucket upside down, is visible in this video throughout and there is no

water in the same. In the first video, from the very beginning the plate is placed on the bucket properly and it shows that water was added to the plate at 16.25th minute.

17. A careful examination of the videos mentioned above shows that the visuals of the CCTV from 09.10.50 hrs to 09:17:54 hrs is not available in the same. The time stamp on the videos and the time of last modification shows that these two videos were copied from the main hard disk at different points of times. The visuals of the period from 09.10.50 hrs to 09:17:54 hrs is not seen copied. The explanation offered by the Superintendent is that the CCTV system was not working properly and there was no tampering in the visuals produced before the court. The original hard disk is not made available for examination and it is reported that due to repeated overwriting, it will be impossible to retrieve the visuals. The complaint about the alleged incident was given by the petitioner at least on 09.06.2023, within 4 days of the incident. The visuals are seen copied on 12th July and 13th July, after getting notice in Crl.M.P. 297/2023. Even that time, the visuals of the entire period was not extracted. The videos were extracted as two files, at different times. If there was nothing to hide, the jail authorities could have produced the entire recording in a single file. The two files were produced in the pendrive before the court. The report of the FSL shows that the video files contained in the hard disk and the pendrive are one and the same. So, at the time of copying the files to the hard disk itself, the visuals of the disputed

incident were not copied by the jail authorities. According to the petitioner, the incident occurred at 9.30 am. A clock is visible along with other articles in the corner of the cell. The 2nd video referred above shows that when the time stamp in the video was 08.30 hrs, the time in the clock was 8.50 hrs., i.e., the clock was running 20 minutes fast. So, the alleged incident might have taken place at about 9.10 am. The 2nd video ends at 09.10.49 hrs and the first video starts at 09.17.54 hrs. The jail officers are seen leaving the cell at the beginning of this video. This shows that the visuals of the officers entering into the cell and searching the articles were not produced before the court for some reasons best known to the Superintendent.

18. As stated above, the allegation in the petition is that the Joint Superintendent kicked the food with leg. But before the court, after watching the videos, the petitioner submitted that the food was not kicked away, but the water was kicked with leg. As stated above, in the first video the petitioner is seen having food sitting on the floor and there was no disturbance to him while the jail officers leaving the cell. The plate on the bucket is also visible and that was also not disturbed by any officials. If the food or water was thrown with leg by kicking away, the same would have been seen in the floor of the cell. But, in both the videos the floor of the cell is clean and nothing is seen on the floor. Further, if there was such an incident as alleged by the petitioner, he would not have taken his food sitting on the floor in the normal way as seen in the video. Further, petitioner has

given two inconsistent versions regarding the incident. So, it appears that the incident happened in the cell was not as alleged by the petitioner. But, the jail authorities also want to cover-up something from the Court.

19. The failure on the part of the jail authorities in preserving and producing the CCTV footages of the relevant period creates serious doubts in the mind of the court. Further, the petitions handed over by the petitioner to the jail authorities were not forwarded to the Court and the same were withheld for more than one month. This also is doubtful. So, a detailed enquiry is necessary to find out the actual incident which lead to the complaint by the petitioner. But, with the available materials, it is not possible for this court to conduct a further enquiry. So, I am of the view that the Director General of Prisons and Correctional Services can be directed to conduct a detailed enquiry and take appropriate action against the delinquent officers and submit report to this court.

20. Hence these petitions are disposed of with the following directions:

1. The Director General of Prisons and Correctional Services shall take steps to conduct a detailed enquiry by an officer subordinate to him.
2. The petitioner shall also be given an opportunity of being heard.
3. Appropriate action shall be taken against erring officers, if any.

4. A report shall be forwarded to this court on completing the enquiry.
5. Copy of this order along with copies of the petitions and report of the FSL shall be forwarded to the Director General of Prisons and Correctional Services.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 10th day of April, 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.