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CRL.O.P.No.23568 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.23568 of 2022

The State,
Rep by Deputy Superintendent of Police,
Crime Branch C.I.D.,
Coimbatore.

... Petitioner

Versus

The Director,
Unique Identification Authority of India (UIDAI),
Regional Office, 1st Floor,
JIADA Central Office Building,
Namkum Industrial Area, Near STPI,
Lowadiah, Ranchi – 834 010.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent Director, Unique Identification Authority of India (UIDAI) to furnish the details of the documents given by the Sri Lankan Nationals accused AngodaLokka, who obtained his Aadhaar Card (493682747993) and Accused Chanuka Dhakanayaka @ Ladia who obtained his Aadhaar Card (702591927700) involved in Coimbatore City CBCID, Crime No.2/2020 under Sections 466, 468, 471, 417, 419, 177, 182, 120-B IPC, Section 25(1-A) of Arms Act and Section 14 r/w 14(c) of Foreigners Act and Section 212 of IPC.



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For Petitioner : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Respondent : Mr.R.Subramanian
Additional Central Government
Standing Counsel

ORDER

The Deputy Superintendent of Police, Crime Branch C.I.D., Coimbatore has filed this petition seeking a direction to the respondent to furnish the details of the documents given by the Sri Lankan Nationals accused AnkodaLokka, who obtained his Aadhaar Card (493682747993) and Accused Chanuka Dhakanayaka @ Ladia who obtained his Aadhaar Card (702591927700) involved in Coimbatore City CBCID, Crime No.2/2020 under Sections 466, 468, 471, 417, 419, 177, 182, 120-B IPC, Section 25(1-A) of Arms Act and Section 14 r/w 14(c) of Foreigners Act and Section 212 of IPC.

2. The Deputy Superintendent of Police, CBCID filed an affidavit stating that on the complaint of one Sivagamasundari, D/o.Dhinakaran, residing at D.No.13, Railar Nagar, Madurai, a case in Coimbatore City E2 Peelamedu Police Station in Crime No.1645/2020 under Section 174



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Cr.P.C. was registered. She complained that her cousin brother Pradeep Singh aged 35 years S/o.Rajkumar Singh, residing at No.1/2, Green Garden Cheran Ma Nagar, Kalapatti Road, Coimbatore suffered with severe chest pain on 03.07.2020. When he was taken to Kovai Medical Centre Hospital, Coimbatore, the Doctor declared that he was brought dead and after post-mortem, the body was handed over to Sivagamasundari at Madurai and subsequently the body of Pradeep Singh was cremated at Madurai. Later the Peelamedu Police received information from Intelligence Agencies that the deceased Pradeep Singh was one Ankodalokka of Sri Lanka. He is a wanted accused in many cases in Sri Lanka. The Aadhaar card produced by Sivagamasundari to the Peelamedu Police was obtained by using forged documents projecting Ankodalokka as Pradeep Singh S/o. Raj Kumar Singh. Thereafter on the special report a case in Crime No.1717/2020 for offences under Sections 466, 468, 471, 417, 419, 177, 182 and 120(b) of IPC was registered.

3. During investigation, the investigation officer arrested the accused, viz., (i) Sivagamasundari, (ii) Amanee Dhanjimokariya (lover of Ankodalokka) and (iii) Thiyaneshwaran on 02.08.2020 and got remanded to



judicial custody. On the directions of the Director General of Police, Chennai these two cases were transferred to CBCID and FIR in Crime No.1/2020 under Section 174 Cr.P.C. and Crime No.2/2020 for offences under Sections 466, 468, 471, 417, 419, 177, 182 and 120(b) IPC were registered on 03.08.2020. Thereafter the petitioner commenced investigation. During the course of investigation, 8 persons were arrayed as accused and they were arrested. In this case 94 witnesses so far examined, 198 documents collected, one pistol, 2 numbers of magazines and 5 numbers of 9mm caliber cartridges concealed by Sivagamasundari were seized at Konthagai village, Sivagangai District under the cover of mahazar and the same were sent to TNFSL, Ballistic Division, Chennai and analysis report was also received. The sanction order to prosecute Sivagamasundari/A1 under the Arms Act was obtained from the Commissioner of Police, Coimbatore. The accused AmaneeDhanji and ChanukaDhakanayaka, SriLankan nationals were now kept in Special Camp, Trichy.

4. During the course of investigation the false document viz., Aadhaar Card (493682747993) in the name of Pradeep Singh,



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S/o.Rajkumar Singh obtained by AnkodaLokka was found. Further accused ChanukaDhakanayaka @ Ladia got his Aadhaar Card (702591927700) in the name of Sameeraverma S/o.Rajesh Verma of West Bengal. Thereafter a letter was sent to the Director, Unique Identification Authority of India (UIDAI) on 04.08.2020 requesting to furnish the address proof and other details of the Aadhaar card submitted by the deceased. The Deputy Director, UIDAI, Bangalore by communication dated 07.08.2020 replied that Aadhaar Act, 2016 (amended) restricts sharing of information collected or created under this Act except Section 33 of the Aadhaar Act amended thereto. As per Section 33(1) of the Aadhaar Act, 2016 as amended by the Aadhaar and other Laws (Amendment) Act, 2019 ('14 of 2019'), any disclosure of information (other than core biometric information) including identity information or authentication records can be made pursuant to an order of a Court not inferior to that of a judge of a High Court after giving opportunity of hearing to both UIDAI and the concerned Aadhaar number holder. Thereafter the investigation officer sent a letter to the Director, UIDAI, Ranchi, West Bengal through Secretary to Government of Tamil Nadu on 27.07.2021 and 26.11.2021 requesting details of false documents furnished by the accused in this case. Further Additional Secretary to



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Government of Tamil Nadu had sent a requisition letter dated 03.11.2021 and 16.06.2022 to furnish the details but UIDAI, Ranchi, who refused to furnish details and sent reply dated 14.01.2022. In the above case, investigation is almost completed, charge sheet could not be filed since the details of the false documents furnished to get Aadhaar card by the accused AnkodaLokka and Chanuka Dhakanayaka Ladia (Sri Lankan Nationals) could not be obtained from UIDAI, West Bengal.

5. In the meanwhile, A2/Amanee Dhanji filed Crl.O.P.No.14638 of 2021 before this Court seeking a direction to complete the investigation and file a final report in this case. This Court had passed an order on 02.08.2022 directing the Investigation Officer to complete the investigation and file final report within a period of twelve weeks. In view of the above directions, the petitioner to file a final report within the stipulated time. Though substantial portion of investigation completed, due to the refusal of UIDAI authorities charge sheet could not be filed, investigation could not be completed in Crime No.2/2020. Hence, filed this petition seeking a direction to the Director, UIDAI to furnish the details of the documents given by the Sri Lankan Nationals accused AnkodaLokka who obtained his



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Aadhaar Card (493682747993) and Chanuka Dhakanayaka @ Ladia who obtained his Aadhaar Card (702591927700) involved in Coimbatore City CBCID in Crime No.2/2020.

6. Further, the petitioner filed a typed set along with this petition showing correspondence between the petitioner and Secretary to Government of Tamil Nadu with UIDAI officials seeking the particulars. Learned Additional Public Prosecutor also placed reliance on the orders of this Court in Crl.O.P.No.193 of 2020 wherein on the similar grounds this Court considering the need and necessity of furnishing of details and materials for the purpose of information, directed the UIDAI authorities to furnish the particulars.

7. Learned counsel for UIDAI submitted that as per Section 33(1) of the Aadhaar Act, 2016 disclosure of information including identity information or authentication records can be made available only on the orders of a Court not inferior to the Judge of the High Court and in view of the restrictions, the UIDAI is unable to furnish the details. He further submitted that now the petitioner's submits that the details pertaining to



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new Aadhaar card are required for the investigation in Crime No.2/2020 for offences under Sections 466, 468, 471, 417, 419, 177, 182, 120-B IPC, Section 25(1-A) of Arms Act and Section 14 r/w 14(c) of Foreigners Act and Section 212 of IPC. The offences are serious in nature. The Aadhaar Card has been originally obtained by the accused in this case with false particulars. Their only concern is that as per Section 33 of the Act they cannot disclose any information without the order of this Court. In view of the same, if appropriate orders are passed they will furnish the details to the investigation agency.

8. Considering the submissions made and on a perusal of the materials it is seen that the Aadhaar particulars sought by the petitioner for Aadhaar Card No. 493682747993 in the name of AnkodaLokka and Aadhaar Card No.702591927700 in the name of Chanuka Dhakanayaka @ Ladia (Sri Lankan Nationals) are required for the completion of investigation in Crime No.2 of 2020 wherein serious offences i.e., offence under the Arms Act and Foreigners Act are included. In view of the same, the Director, Unique Identification Authority of India (UIDAI) is directed to furnish details sought for by the petitioner herein within a period of three



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weeks from the date of receipt of a copy of this order. If any particulars could not be furnished, the reasons be stated to the petitioner. Accordingly, this Criminal Original Petition is allowed.

22.06.2023

Index : Yes/No
Internet : Yes/No
rsi

To

- 1.The Director,
Unique Identification Authority of India (UIDAI),
Regional Office, 1st Floor,
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Namkum Industrial Area, Near STPI,
Lowadiah, Ranchi – 834 010.
- 2.The Public Prosecutor,
High Court, Madras.



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