

IT-53

ORDER OF THE MINISTRY OF HOME AFFAIRS OF INDIA OF 6 FEBRUARY
2014

No. 17011/27/2012-IS.VI (IV)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
INTERNAL SECURITY – I DIVISION

North Block, New Delhi
Dated the 6th February, 2014

//ORDER//

WHEREAS on the basis of the complaint of Mr. Freddy son of Shri John Bosco, a Criminal Case No. 02/2012 relating to killing of two fishermen viz. Shri Valentine @ Jelastine son of Shri Yesu Adima, Derik Villa, Moothakara, Kollam and Shri Ajeesh Pink son of Shri Antony Xavier, Eladesom Village, Thuthoor Panchayat, Kanyakumari District, off the coast of Kerala by two Italian Marines viz. Massimiliano Latorre, Chief Master Sergeant, San Marco Regiment, Italy and Salvatore Girone, Sergeant, San Marco Regiment, Italy from the Italian Ship called ENRICA LEXIE was registered at Neendakara Coastal Police Station, Kollam District, Kerala on 15th February, 2012 under section 302 of the Indian Penal code;

AND WHEREAS offences under sections 307, 427 of Indian Penal Code and Section 3 of Suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002(69 of 2002) (hereinafter mentioned as SUA Act, 2002) were subsequently included on 6th March 2012 and Kerala Police filed charge sheet before the learned Chief Judicial Magistrate Court, Kollam on 18th May 2012 under sections 302, 307, 427 read with section 34 and section 3 of SUA Act, 2002;

AND WHEREAS after the judgment dated 18th January 2013 of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 135/2012 and Special Leave Petition (Civil) No. 20370/2012, the Central Government, in exercise of the powers conferred by sub-section (5) of section 6 read with section 8 of the National Investigation Agency Act, 2008(34 of 2008), vide order No. 11011/19/2013-IS.IV dated 1st April, 2013, directed the National Investigation Agency (NIA) to take up the investigation of the aforementioned case No. 02/2012 registered at Neendakara Coastal Police Station, Kollam District, Kerala on 15th February, 2012;

AND WHEREAS pursuant to the said Judgment dated 18th January, 2013 of the Hon'ble Supreme Court, revised order (in supersession of the abovesaid order dated 1st April, 2013) was issued by the Central Government on 15th April, 2013, authorizing NIA to take up the investigation of the case;

AND WHEREAS in compliance to the said order dated 1st April, 2013, NIA re-registered the case vide Crime No. RC-04/2013/NIA/DLI on 4th April, 2013 under sections 302, 307, 427 read with 34 of the Indian Penal Code and sections 3 of the SUA Act, 2002 and investigated the case;

AND WHEREAS the Central Government, in exercise of the powers conferred under sub-section (1) of Section 4 of the SUA Act, 2002, conferred the powers of arrest, investigation and prosecution on Shri P. Vikraman and Shri V. K. Abdul Kader, Deputy Superintendents of Police, National Investigation Agency vide notification number SO1530(E) dated 15th June, 2013;

AND WHEREAS the National Investigation Agency after investigation had sought sanction of the Central Government for filing the charge sheet in the said case under the following provisions against the accused persons as detailed below:-

1. Massimiliano Latorre, Age 46, Italian Passport No. AA1465972, Chief Master Sergeant, San Marco Regiment, Italy: A-1: Under sections 302, 307, 427 & 201 of Indian Penal Code read with section 34 of the Indian Penal Code and Clause (a) read with sub-section (i) of Clause (g) of section 3 (1) of the SUA Act, 2002.
2. Salvatore Girone, Age 35, Italian Passport No. S111982, Sergeant, San Marco Regiment, Italy: A-2: Under sections 302, 307, 427 & 201 of Indian Penal Code read with section 34 of the Indian Penal Code and Clause (a) read with sub-section (i) of Clause (g) of section 3 (1) of the SUA Act, 2002.

AND WHEREAS, the Central Government had by an order dated 17th January, 2014 granted sanction for prosecution against the following accused persons as under:

Sr. No.	Accused Number	Name of the accused	Sections of law under which sanction for prosecution is accorded
1.	A-1	Massimiliano Latorre, Age 46, Italian Passport No. AA1465972, Chief Master Sergeant, San Marco Regiment, Italy	Under Section 3(1) (a) read with section 3(1)(g)(i) of the SUA Act, 2002.
2.	A-2	Salvatore Girone, Age 35, Italian Passport No. S111982, Sergeant, San Marco Regiment, Italy	Under Section 3(1). (a) read with section 3(1)(g)(i) of the SUA Act, 2002.

AND WHEREAS, subsequently, the matter has been reconsidered at length and the Central Government has reconsidered the aspect of invocation of section 3(1)(g)(i) of the SUA Act, 2002.

AND WHEREAS, the Central Government is satisfied that it becomes necessary to supersede the said order of sanction dated 17th January, 2014 and replace the same by a fresh order of sanction deleting the reference to section 3(1)(g)(i) of the SUA Act, 2002.

NOW, THEREFORE, in exercise of powers conferred by section 12 of the SUA Act, 2002, the Central Government hereby accord sanction for prosecuting the following accused persons under the corresponding sections of Law as noted

against each in the Crime No.04/2013/NIA/DLI of NIA for taking cognizance of the said offences by a Court of competent jurisdiction:-

Sr. No.	Accused Number	Name of the accused	Sections of law under which sanction for prosecution is accorded
1.	A-1	Massimiliano Latorre, Age 46, Italian Passport No. AA1465972, Chief Master Sergeant, San Marco Regiment, Italy	Under Section 3(1) (a) of the SUA Act, 2002.
2.	A-2	Salvatore Girone, Age 35, Italian Passport No. S111982, Sergeant, San Marco Regiment, Italy	Under Section 3(1) (a) of the SUA Act, 2002.

AND, FURTHER, pursuant to the provisions of clause (d) of sub-section (1) of section 6 of the SUA Act, 2002, the Central Government hereby authorizes Shri P. Vikraman, Deputy Superintendent of Police, National Investigation Agency for filing the complaint before the Special Courts for taking cognizance of the said offence.

BY ORDER AND IN THE NAME OF
THE PRESIDENT OF INDIA

Ramesh Kumar Suman
6/2/2014
(Ramesh Kumar Suman)
Director (IS-II)