

**IN THE SPECIAL COURT FOR TRIAL OF SCHEDULED OFFENCES  
INVESTIGATED BY NATIONAL INVESTIGATION AGENCY-CUM-V  
ADDITIONAL METROPOLITAN & SESSIONS JUDGE, RANGAREDDY  
DISTRICT AT LB NAGAR, HYDERABAD, TELANGANA STATE.  
(AT CENTRAL PRISON, CHERLAPALLY, RANGAREDDY DISTRICT)**

**PRESENT: Sri.Dr.T.SRINIVASA RAO,  
SPECIAL JUDGE FOR TRIAL OF SCHEDULED  
OFFENCES INVESTIGATED BY NATIONAL  
INVESTIGATION AGENCY - CUM - V ADDITIONAL  
METROPOLITAN & SESSIONS JUDGE,  
RANGAREDDY DISTRICT AT LB NAGAR,  
HYDERABAD, TELANGANA STATE.**

Tuesday, the Thirteenth day of December,  
Two Thousand Sixteen

**SPECIAL SESSIONS CASE No.01 / 2015**

**Name of the Complainant** : National Investigation Agency  
Hyderabad

**Name of the accused** :

A2. Asadullah Akhtar @ Haddi @ Tabrez @ Daniyal @ Asad, S/o.Dr.Javed Akhtar, Occ: Completed B.Pharmacy, R/o.H.No.536, Near Ghulami Ka Pura (216 Baaz Bahadur), behind Tediya Masjid, PS-Kotwali, District Azamgarh, U.P.,

A3. Zia ur Rahman @ Wagas @ Javed @ Ahmed @ Nabeel Ahmed, S/o.Jalauddin, Age: 24 years, Occ: Indian Mujahideen Operator, R/o.Last known Address: Flat No.301, 3<sup>rd</sup> Floor, Zephyr Heights Apartments, Attavar Road, Near KMC Hospital, Mangalore, Karnataka. (Permanent Address Check No.296, Gojara, Toba Tek Singh, Mustafabad, Punjab, Pakistan.

A4. Mohd. Tahseen Akhtar @ Hassan @ Monu, S/o.Mohammad Waseem, Akhtar, Age:24 years, Occ: Indian Mujahideen Operator/Student, R/o.Maniarpur, PO - Muktapur, PS-Kalyanpur, District - Samastipur, Bihar.

A5. Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh, S/o.Mohammed Zarar Siddibapa, Age:30 years, Occ:Business (Before Joining the Indian Mujahideen), R/o.H.No.938, S.M.Zarrar Manzil, Jaali Road, Magdoom Colony, Bhatkal, Uttar Kannada District, Karnataka, India.

A6. Ajaz Shaikh @ Samar Armaan Tunde @ Sagar @ Aizaz Saeed Shaikh, S/o.Saeed Shaikh, Age: 28 years, Nationality: Indian, Occ: Indian Mujahideen Operator, R/o.H.No.306, II Floor, Galaxy Apartment, Ghorpade Peth, Pune-42.

**Crime No.** : R.C.No.01 & 02/2013/NIA/HYD

**Charges under sections:**

**Against A2:** 120-B, 121 r/w.34, 121-A, 122, 302 r/w.34 (two counts), 307 r/w.34 (two counts), 316 r/w.34, 436 r/w.34, 201, 466 r/w.109, 474 r/w.109 Indian Penal Code. Sections 10, 16 r/w.34 IPC, 17, 18, 19 r/w.109, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act. Section 14 of Foreigners Act, 1946 r/w.109, Section 4 of Prevention of Damage of Public Property Act r/w.34 of IPC.

**Against A3:** 120-B, 121, 121-A, 122, 302, 302 r/w.34, 307, 307 r/w.34, 316 r/w.34, 436, 201, 466 r/w.109, 474 r/w.109 Indian Penal Code. Sections 10, 16, 17, 18, 19 r/w.109, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act. Section 14 of Foreigners Act, 1946. Section 4 of Prevention of Damage of Public Property.

**Against A4:** 120-B, 121, 121-A, 122, 302, 302 r/w.34, 307, 307 r/w.34, 316, 436, 201, 466 r/w.109, 474 r/w.109 Indian Penal Code. Sections 10, 16, 17, 18, 19 r/w.109, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act. Section 14 of Foreigners Act, 1946 r/w.109 of IPC, Section 4 of Prevention of Damage of Public Property r/w.34 of IPC.

**Against A5:** 120-B, 121 r/w.109, 121-A, 122, 302 r/w.109 (two counts), 307 r/w.109 (two counts), 316 r/w.109, 436 r/w.109, 201 r/w.109, 466 r/w.109, 474 r/w.109 Indian Penal Code. Sections 10, 16 r/w.109 IPC and 17, 18, 19, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act r/w.109 IPC. Section 14 of Foreigners Act, 1946 r/w.109 of IPC, Section 4 of Prevention of Damage of Public Property r/w.109 of IPC.

**Against A6:** 120-B, 121 r/w.109, 121-A, 122 r/w.109, 302 r/w.109 (two counts), 307 r/w.109 (two counts), 316 r/w.109, 436 r/w.109 (two counts), 201 r/w.109, 466, 474 Indian Penal Code. Sections 10, 16 r/w.109 IPC and 17, 18, 19 r/w.109, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act r/w.109 IPC. Section 14 of Foreigners Act, 1946 r/w.109 of IPC, Section 4 of Prevention of Damage of Public Property r/w.109 of IPC.

<b>Plea of the accused</b>	: Not guilty
<b>Finding of the court</b>	: Found guilty
<b>Prosecution conducted by</b>	: Sri.K.Surender, Special Public Prosecutor for National Investigation Agency
<b>Accused defended by</b>	: Sri.R.Mahadevan, Advocate for A2 to A6

This Special Sessions Case is coming before me for final hearing in the presence of Sri.K.Surender, Special Public Prosecutor for National Investigation Agency and Sri.R.Mahadevan, Advocate for the Accused No.2 to 6 and having stood for consideration till this day, this court delivered the following:

**:: J U D G M E N T ::**

01. The National Investigation Agency, Hyderabad filed two Charge sheets against the accused No.1 to 5 and a supplementary charge sheet against the accused No.6.

02. Brief facts of the prosecution case are as follows: The National Investigation Agency, Hyderabad laid charge sheet No.1 against the accused No.1 to 5 stating that the Indian Mujahideen an association declared as Unlawful Association as per the provisions of the Unlawful Activities (Prevention) Act, 1967, which was started as "Usaba" in Bhatkal, Karnataka State. The word Usaba means "Congregation" and its object is to collect the persons having same mentality and dedication to do something, and it also includes waging Jihad or holy war against Hindus, other communities and the Indian State. Usaba meetings were held on regular basis on every Friday in the house of Iqbal Bhatkal in which issues like weapon training, finance, talent spotting, spiritual discourse and other matters pertaining to procurement of logistics were discussed.

03. The role of Indian Mujahideen in commission of terrorist incidents was revealed for the first time through email sent to certain media channels/news networks after bombings in the courts of Varanasi, Faizabad (Ayodhya) and Lucknow etc., showing the major reasons as Babri Masjid demolition and Gujarat riots.

04. On 21-02-2013 at 18:58:38 hours and 18:58:44 hours two consecutive bomb blasts took place at Dilsukhnagar, Hyderabad resulting in the death of 18 persons including a quick born child and injuries to 131 persons. The first bomb blast was at 107 Bus stop, Dilsukhnagar and P.S.Malakpet registered Cr.No.56/2013 in this regard. The second bomb blast was at A1 Mirchi center, Dilsukhnagar and P.S.Saroornagar registered Cr.No.146/2013 in this regard. Accordingly initial investigation undertaken by the above Police stations.

Subsequently, the Government of India entrusted the investigation to the National Investigation Agency as per Orders in MHA F.No.11011/14/2013-IS-IV dt.13-03-2013 and thereafter the cases were re-registered as R.C.No.01 & 02/2013/NIA/HYD on 14-03-2013.

05. On 29-08-2013 the National Investigation Agency arrested the accused No.2 and 5 in connection with investigation of R.C.No.06/2012/NIA/DLI and accordingly produced before the Special Court, New Delhi and the National Investigation Agency interrogated both these accused and found their involvement in Hyderabad Twin Bomb Blasts along with the absconding accused No.1 Riyaz Bhatkal @ Ismail Shahbandri. Accordingly after obtaining necessary permissions, the accused No.2 was produced before Special Court for NIA at Hyderabad on 19-09-2013 and the accused No.5 was produced before Special Court for NIA at Hyderabad on 23-09-2013 and both the accused were granted Police custody of National Investigation Agency.

06. Both these accused stated before National Investigation Agency about the conspiracy between the accused No.1 to 5 for waging war against the Government of India by committing terrorist attacks to kill innocent people, to disrupt the security of India and to create terror and insecurity feelings in the minds of common people which are prejudicial to the integrity and sovereignty of India, by receiving financial and material assistance from Inter Services Intelligence (ISI).

07. As per the directions of the absconding accused No.1, the accused No.2 and 3 had came to India via Nepal in the month of September, 2010 and the accused No.4 received them and all these three accused reached Samastipur in Bihar and met the accused No.5. Subsequently, the accused No.2 and 3 went to Mangalore and stayed there at Zephyr Heights by entering into lease Agreement in the name of the accused No.2 as "Daniyal".

08. The accused No.2 used to contact the absconding accused No.1 through online chatting by using proxy servers. The absconding accused No.1 sent money through Hawala & Western Union Money Transfer to the accused No.2 and 3. The accused No.2 and 3 received the same using fake identity at Mangalore in different areas.

09. During January, 2013 the accused No.2 was informed by the absconding accused No.1 that in a few days explosive material would be delivered in Mangalore and the absconding accused No.1 also instructed to carry out bomb blasts in Hyderabad and the accused No.2 received the explosives material from an unknown person at Mangalore.

10. In the mean time, the accused No.4 came to Hyderabad during last week of January, 2013 and searched shelter near Abdullapurmet and took a house on rent on 07-02-2013. The accused No.2 booked his bus ticket in the name of Danish and came to Hyderabad from Mangalore. The accused No.4 received the accused No.2 at LB Nagar and took him to Abdullapurmet.

11. The accused No.2 again left to Mangalore on 12-02-2013 and met the accused No.3 at Mangalore and both these accused carried the explosive material from Mangalore in VRL travels and reached Hyderabad on 16-02-2013 and both these accused reached Abdullapurmet and kept the explosives materials at shelter place rented by the accused No.4.

12. As per the instructions of the absconding accused No.1 through chatting, the accused No.2 to 4 conducted reconnaissance in Hyderabad including Dilsukhnagar and they decided to plant bombs at Dilsukhnagar in the evening hours. Accordingly all these three accused conducted test bomb blast at deserted place at Abdullapurmet successfully.

13. On 20-02-2013 the accused No.2 to 4 went to Sri Mahalakshmi Fancy Steel Shop at LB Nagar and purchased two 7 ½ litre

capacity pressure cookers for making the IED by filling the explosives therein. The accused No.2 and 4 purchased an old bicycle from one cycle repairer and parked at Parking Stand, Malakpet Railway Station. They also purchased one meter plastic sheet from a shop near Chadarghat bridge for packing and filling the explosives inside the pressure cooker.

14. On 21-02-2013 the accused No.2 and 4 went to Thursday market i.e., Jummerath Bazaar and the accused No.3 was at Abdullapurmet preparing Improvised Explosive Devices. Accordingly the accused No.2 and 4 purchased another bicycle and they parked the said bicycle at Parking Stand, Malakpet Railway Station.

15. On 21-02-2013 at about 04-00 pm., the accused No.2 and 4 were waiting outside the shelter at Abdullapurmet and the accused No.3 prepared the Improvised Explosive Devices by setting time for explosion as 07-00 pm., The accused No.4 informed the house caretaker that he was leaving to Mumbai as his mother was in serious condition and left the place and they reached Malakpet Railway Station Parking area through auto. The accused No.3 waited outside the parking area with Improvised Explosive Devices and the accused No.2 and 4 went inside the parking place and returned with both bicycles.

16. The accused No.2 directed both the accused No.3 and 4 to proceed to Dilsukhnagar and the accused No.2 waited until both the accused complete their tasks and the accused No.3 planted bomb at 107 bus stop and the accused No.4 planted bomb at A1-Mirchi center. The Improvised Explosive Devices planted by the accused No.3 and 4 exploded at 18:58:38 hours and 18:58:44 hours creating panic and terror against the public and resulted in death of 17 persons and one unborn child and injuries to 131 persons. Both the blasted areas i.e., 107 bus stop and A1 Mirchi center, and three motor cycles and one scooter were also completed damaged, apart from the damages caused

to the other public and private properties in the surrounding areas.

17. The accused No.2 and 3 left to Bangalore and from there to Mangalore and as per the instruction of the absconding accused No.1, the accused No.2 left for Nepal and met the accused No.5 who provided shelter.

18. The accused No.2 used to chat with the absconding accused No.1 and one Mirza Shadab Baig by using coded language and different accounts of Yahoo Incorporation and used to discuss about the various operations, tasks, arrangement of finance for funding their activities. The code language of the accused No.2 is as: JJ:Yasin Bhatkal (A5), Cappt : Capital (Kathmandu or Delhi), pandittji : Bal Bahadur Thapa, who was associated at Nepal, jadd : Waqas (A3), hss or hazil : Hassan @ Monu @ Tehsin (A4), kalungii : Explosives, nnn : Nitrate (explosive), elaichii : Detonator, pt : Paltalk, n : Nimbuzz chat, waagu : Al-Qaeda in Waziristan, aslm : IM operative Jabrood of Bhatkal, alii : Mohsin Chaudhary of Pune, bigaduu : IM operative Shahzad.

19. The accused No.2 also pointed out the following places at Mangalore: VRL travels where the accused No.2 and 3 booked tickets to Bangalore, shop from where they purchased digital watches for preparation of bombs, the commercial complex where they purchased the mobile phone from a shop, the cyber cafes from where they used to chat with the absconding accused No.1, a shop Supama Forex Pvt., Ltd., from where they received cash, Ding Dong Electronics where they received Hawala money from the absconding accused No.1, Zephyr Heights where the accused had shelter.

20. The accused No.2 also pointed out the following places at Hyderabad: the cycle shop and market from where they purchased bicycles, pan shop from where the accused No.2 called the accused No.4 for receiving him, Sri Mahalakshmi Steel Shop from where they purchased two pressure cookers of 7 ½ litres capacity, the exacts

blasts spots where the Improvised Explosive Devices were planted, Malakpet Railway Station etc.,

21. On 28-09-2013 the accused No.2 led to the hillock where he along with the accused No.3 and 4 had conducted test blast. On 04-10-2013 and 08-10-2013 the accused No.2 and 5 plotted hideouts through Google maps in Bangladesh, Dubai, Pakistan, Nepal and India.

22. The accused had been chatting with each other by keeping their identity secret and they have created E-mail IDs with proxy servers on fake names by using code language and through encrypted files.

23. The accused No.5 who was staying in Pokhara, Nepal and chatted with the absconding accused No.1 was fully involved in the conspiracy that led to the blasts at Dilsukhnagar in Hyderabad. During the chat conversation on 28-11-2012 with the accused No.5, the absconding accused No.1 stating his intention of sending the accused No.4 for conducting bomb blasts at Hyderabad. On 16-12-2012 the absconding accused No.1 chatted with the accused No.4 wherein the accused No.4 stating that he was thinking about preparation of blasts in Hyderabad and searching for shelter at Hyderabad. On 20-12-2012 the accused No.5 asked the absconding accused No.1 about Hyderabad blasts, for which the absconding accused No.1 replied that he was trying to arrange the explosive and that the Police are looking for the accused No.2 and 3. The accused No.5 advised the absconding accused No.1 to do 2-3 blasts at a new place and thereafter shift the location. The accused No.5 also advised the absconding accused No.1 to make thin boat shaped Improvised Explosive Devices for the blast of 1 kg explosive each, which could be carried easily even by tying on the stomach and also advised to use picric acid for making bombs.

24. On 27-12-2012 the accused No.5 and the absconding accused No.1 chatted about the role of the accused No.2 to 4 in

executing bomb blasts. The accused No.5 advised for not keeping the explosive unused for long time. On 30-12-2012 the accused No.5 enquired about the preparation of blasts to be conducted and advised that white gelatin was good for explosion. On 22-01-2013 the accused No.5 again enquired about the blasts, for which the absconding accused No.1 replied that they have procured the explosives, and there was discussion about the quality of explosives. On 27-01-2013 the absconding accused No.1 informed the accused No.5 about the accused No.4's tour in connection with the blast. On 07-02-2013 the absconding accused No.1 informed the accused No.5 about the finding of house by the accused No.4 at Hyderabad and the accused No.5 also prayed for success of the blast and the accused No.5 also informed about his network at Nepal. On 11-02-2013 the absconding accused No.1 told the accused No.5 that the accused No.2 had gone to the accused No.4 and that he was chatting with the accused No.3. On 16-02-2013 the absconding accused No.1 told the accused No.5 that on the previous day the accused No.2 and the accused No.3 met the accused No.4. On 20-02-2013 the absconding accused No.1 told that the accused No.5 that the blast was scheduled for the next day and asked to specially pray for the success of the blasts.

25. On the instructions of the absconding accused No.1, after the Hyderabad blasts the accused No.2 was shifted to Birgunj, Nepal and thereafter to Pokhara, Nepal where he met the accused No.5 and stayed there.

26. On 27-02-2013 through chatting the absconding accused No.1 directed the accused No.5 to make arrangements for the accused No.2. On 02-03-2013 the absconding accused No.1 gave number of the accused No.2 to the accused No.5. On 04-03-2013 the accused No.5 chatted with the absconding accused No.1 and it was indicated that the accused No.2 had reached Nepal. On 06-03-2013 the

absconding accused No.1 again asked the accused No.1 to change the room where he had stayed with the accused No.4, for which the accused No.5 informed him that he was trying for a new room. On 09-03-2013 the absconding accused No.1 informed the accused No.5 that he had given passports to be made for the accused No.4 and the accused No.3 for boarding the flight from Nepal. The absconding accused No.1 informed that the passports were being made from Kerala. The absconding accused No.1 also mentioned that the accused No.4 and the accused No.3 were to be called back to Pakistan and that they would be taken on flight from Nepal thus from security point of view he wanted to keep them separate from the accused No.2.

27. The sanction for prosecution for prosecuting the accused for the offences under Unlawful Activities (Prevention) Act, 1967 has been accorded by the Ministry of Home Affairs, Government of India vide Order No.11011/14/2013-IS.VI (IV) Government of India, Ministry of Home Affairs, Internal Security-I Division, North Block, New Delhi dt.28-02-2014.

28. The Consents for prosecution of the accused for the offences under Explosive Substances Act, 1908 has been accorded by the District Magistrate of Rangareddy and Hyderabad vide proceedings No.C3/306/2014 dt.21-02-2014 in R.C.No.02/2013/NIA/HYD and vide proceedings No. C2/343/2014 dt.09-02-2014 in R.C.No.1/2013/NIA/HYD.

29. The National Investigation Agency, Hyderabad laid supplementary (charge sheet No.2) against the absconding accused No.1 and the accused No.3 and 4. The Special Cell, Delhi Police arrested the accused No.3 on 22-03-2014 and the accused No.4 on 25-03-2014 and interrogated them. The accused No.3 and 4 were taken to the scene of crime and they enacted the movements with the cycles. The accused No.3 used coded language to chat with other accused through different email-IDs.

30. Both the accused No.3 and 4 had pointed out the following: temporary shelter place at Deshmukh Village where the accused No.4 stayed for about one week, the cycle puncture shop from where the accused purchased one old bicycle for Rs.1400/- on 20-02-2013, the pan shop from where the accused No.3 made phone call to the accused No.4 to come and receive him, Sri Mahalakshmi Steel Shop from where they purchased two pressure cookers of 7 ½ litres capacity each to prepare Improvised Explosive Devices, the exact blast spots, the cycle parking stand at Malakpet Railway Station, Jummerath bazar (Thursday market) from where they purchased the second old cycle for Rs.1,500/-, the house at Abdullapurmet, test blast site on the hillock, VRL travels and salamat travels from where they had booked their onward and return tickets from Hyderabad to Bangalore, Nampally Railway Station from where the accused No.4 travelled to Ranchi after the bomb blast.

31. The accused No.3 had pointed out the following places at Mangalore and Bangalore: VRL travels from where the accused No.2 and 3 have booked tickets for the visit to Bangalore and Hyderabad, the shop from where they had purchased digital watches for the preparation of bombs, the computer cyber cafes from where they used to chat with the absconding accused No.1, a shop Supama Forex Pvt., Ltd., from where they received cash, Ding Dong Electronics where they received Hawala money from the absconding accused No.1, Zephyr Heights where the accused had shelter.

32. On 28-05-2014 the accused No.3 plotted hideouts through Google maps in Bangladesh, Dubai, Pakistan, Nepal and India. He also plotted down the LeT training camp, where he underwent training, besides plotting down FATA area in North Waziristan, where he underwent Taliban training.

33. The National Investigation Agency, Hyderabad laid

second supplementary (charge sheet No.3) against the accused No.6. On 05-09-2014 the Delhi Police arrested the accused No.6 and also seized some articles from his possession in connection with investigation case in FIR No.54/2011 of Delhi Special Cell. The accused No.6 is one of the conspirators of terror activities in India. On the instructions of the absconding accused No.1, the accused No.6 provided fake IDs, Hawala Money, SIM cards, mobile phones and also knowingly acted as a carrier of explosives to aid the other members of Indian Mujahideen i.e., the accused No.2 to 5.

34. On the instructions of the absconding accused No.1, during 2010 the accused No.6 purchased a Dell Lap-top at Mumbai and downloaded/scan voter IDs, driving licenses and other documents from Google and prepared fake documents with the help of photo-shop software installed in his lap-top. The accused No.6 also shared encrypted fake documents to the absconding accused No.1 whenever he required. The accused No.6 was also involved in several previous bomb blasts in different parts of India.

35. The fake IDs prepared and supplied by the accused No.6 were used by the accused No.2 to 5 to procure SIM cards, to hide their identity to evade the arrest before the bomb blast and after the bomb blast. The accused No.4 received money through Western Union Money Transfer sent by the absconding accused No.1. On 27-12-2012 the accused No.4 withdrawn Rs.25,000/- from Western Union Money Transfer, Patna by producing the fake IDs produced by the accused No.6 through the absconding accused No.1 in the name of Girish Joshi, R/o.Dehradun, Uttarakhand Election ID No.LJS2308815. The accused No.3 also received money through Western Union Money Transfer using fake IDs in the name of Nabeel Ali Ahmed with his own photo for five times.

36. The accused No.6 is an active member of Indian

Mujahedeen and he initiated into Indian Mujahideen by his father-in-law Mohsin Choudhary who was inspired by Jihadi literature. The accused No.6 had good knowledge of computers which he had acquired at Hyderabad while undergoing five months hardware, networking and Linux course from Zoom Technologies, Banjara Hills, Hyderabad. The said Mohsin Choudhary used to chat regularly from Pakistan and used to ask the accused No.6 to do blasts in India. Both Mohsin Choudhary and the absconding accused No.1 motivated the accused No.6 for Jihad and inducted him into Indian Mujahedeen. The accused No.6 also supplied explosives at the time of German Bakery blast, Pune to the accused No.5 during February & April, 2010.

37. On 27-12-2012 the accused No.6 received uploaded voter ID card in the name of Girish Chandra Joshi from the absconding accused No.1, then the accused No.6 changed the photo on the voter ID and replaced the same with the photograph of the accused No.4. The accused No.6 also used to send mails to the media houses claiming responsibility of bomb blasts by Indian Mujahideen from Mumbai.

38. After arrest of the accused No.2 and 5, the accused No.6 left for Nepal via Raxaul on 05-02-2014 and he also stored number of fake IDs, driving licenses, passports, photos and other terrorist material in his laptop and pendrives with the help of encryption softwares.

39. During investigation in R.C.No.06/2011/NIA/Delhi the details emerged from the chat in respect of the accused No.5 and 6 and specific transactions, the accused No.2 and 3 at Mangalore VKC and Supama and CS tours and travels, the accused No.4 at various places including Patna. On 22-12-2012 the absconding accused No.1 gave the accused No.6 a link for passport copy to be downloaded.

40. On 27-12-2012 the accused No.4 went to Patna and received money from Apna tours and travels, Western Union Money

Transfer by producing a fake voter ID in the name of Girish Chandra Joshi. On 28-12-2012 the accused No.6 and the absconding accused No.1 chatted about the receiving of money.

41. The accused No.6 communicated with other IM members emails in encrypted and coded form so that the content of their communication remains secret. He was in regular contact with the absconding accused No.1 and also with the accused No.2 to 5 and also with Mohsin Chaudhary over Internet chatting for preparation and supplying of the fake IDs and delivery of explosives.

42. The sanction for prosecution for prosecuting the accused for the offences under Unlawful Activities (Prevention) Act, 1967 has been accorded by the Ministry of Home Affairs, Government of India vide Order No.11011/14/2013-IS.VI (IV) Government of India, Ministry of Home Affairs, Internal Security-I Division, North Block, New Delhi dt.27-05-2015.

43. As per Orders in R.O.C.No.1037/E1/2010 dt.30-12-2014 this Court was designated as Special Court to exercise Jurisdiction over the entire State of Telangana and under Section 11 (3) of National Investigation Agency Act, 2008 appointing Sri.Dr.T.Srinivasa Rao as Special Judge to preside over the Special Court. On 29-01-2015/MAGHA9, 1936 the Central Government notified the V Additional District & Sessions Court having jurisdiction throughout the State of Telangana for the purpose sub section (1) of section 11 of National Investigation Agency Act. On 30-01-2015 the Central Government on the recommendation of the Hon'ble Chief Justice of the High Court for the State of Andhra Pradesh and for the State of Telangana hereby appointed Sri.Dr.T.Srinivasa Rao to preside over the said Special Court. On 31-01-2015 in Gazette Notification the Central Government appointed Sri.K.Surender as Special Public Prosecutor for the National Investigation Agency. On 23-12-2014 the case against the accused

No.1 was split and on 17-10-2014 the case against the accused No.2 and 5 is pending in Special Sessions Case No.2/2014 and the case against the accused No.1, 3 and 4 ordered to be clubbed with Special Sessions Case No.2/2014 for conducting joint trial. On 26-02-2015 as per Orders in R.O.C.No.1030/E1/2010 of Hon'ble High Court, the Special Sessions Case No.2 and 3 of 2014 are transferred to this Court. On 10-03-2015 this case was received from I Additional Metropolitan Sessions Court, Nampally, Hyderabad vide letter dis.No.497/2015 dt.10-03-2015 and renumbered/registered as Special Sessions Case No.1 / 2015. As per Dis.No.682/2015 dt.14-08-2015 and with reference to reference No.59/CP-Camp/Cyb/2015 dt.04-08-2015, the Hon'ble High Court vide R.O.C.No.1037/E1/2010 dt.21-08-2015 accorded permission to this Court to conduct trial of Special Sessions Case No.1 of 2015 in the Central Prison, Cherlapally, Rangareddy thrice a week i.e., Monday to Wednesday from 24-08-2015 onwards. On 13-08-2015 Sri.R.Mahadevan, Advocate filed memo of appearance on behalf of the accused No.2, 4 and 6 in place of earlier counsel. On 07-09-2016 Sri.A.Chandra Shekar, State Brief Counsel for the accused No.3 and 5. On 27-09-2016 the accused instructed their counsel not to proceed in this case and the accused No.3 and 5 also informed that they don't want to take the services of the State brief counsel Sri.Chandra Shekar. On 27-09-2016 Sri.K.Rangareddy, Advocate is appointed as Amicus curiae for the accused No.2, 4 and 6 and Sri.L.Harish, Advocate is appointed for the accused No.3 and 5. On 17-10-2016 Sri.R.Mahadevan, Advocate filed vakalath for all the accused and accordingly argued the matter. After completion of arguments of both sides, both the Amicus curiae were discharged on 07-11-2016.

44. The I Additional Metropolitan Sessions Judge, Nampally, Hyderabad took cognizance of the offences U/Sec.302, 307, 324, 326, 316, 436, 121, 121-A, 122, 201 IPC r/w.120-B IPC, Sections 3

and 5 of Explosives Substances Act r/w.120-B IPC, Sections 10, 16, 17, 18, 20, 38 (2), 39 (2) r/w.18 of Unlawful Activities (Prevention) Act, 1967 against the accused No.1, 3 and 4. Also took cognizance for the offence U/Sec.14 of Foreigners Act against the accused No.3. Also took cognizance of offences U/Secs.302, 307, 324, 326, 316, 121, 121-A, 122, 201 and section 120-B of IPC and sections 3 and 5 of Explosive Substances Act and sections 10, 16, 17, 20, 38 (2) and 39 (2) and sections 18 of Unlawful Activities (Prevention) Act, 1967 against the accused No.2 and under sections 302, 307, 324, 326, 316, 121, 121-A, 122, 201 and section 120-B of IPC and sections 3 and 5 of Explosive Substances Act and sections 10, 16, 17, 20, 38 (2) and 39 (2) and sections 18 and 19 of Unlawful Activities (Prevention) Act, 1967. Accordingly all the relevant documents were furnished to the accused.

45. This Court took cognizance of offences U/Secs.120-B r/w.302, 307, 326, 324, 436, 427, 121, 121-A, 122, 466, 474, 201 of Indian Penal Code and sections 3 and 5 of Explosives Substances Act and sections 10, 16, 17, 18, 19, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Under Sections 121, 121-A, 122, 466, 474 of IPC and under sections 10, 16, 17, 18, 19, 20 of Unlawful Activities (Prevention) Act, 1967. Under Sections 302, 307, 326, 324, 436, 427, 121, 121-A, 122, 466, 474, 201 of IPC and sections 3 and 5 of Explosives Substances Act and sections 10, 16, 17, 18, 19, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967 r/w.34 of IPC. Under Sections 302, 307, 326, 324, 436, 427, 121, 121-A, 122, 466, 474, 201 of Indian Penal Code and sections 10, 16, 17, 18, 19, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967 r/w.109 IPC and all the relevant documents were furnished to the accused.

46. On appearance, the accused No.2 was charged for the offences U/Secs.120-B, 121 r/w.34, 121-A, 122, 302 r/w.34 (two counts), 307 r/w.34, 316 r/w.34, 436 r/w.34, 201, 466 r/w.109, 474

r/w.109 Indian Penal Code. Sections 10, 16 r/w.34 IPC, 17, 18, 19 r/w.109, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act. Section 14 of Foreigners Act, 1946 r/w.109, Section 4 of Prevention of Damage of Public Property Act r/w.34 of IPC. On appearance, the accused No.3 was charged for the offences U/Secs.120-B, 121, 121-A, 122, 302, 302 r/w.34, 307, 307 r/w.34, 316 r/w.34, 436, 436 r/w.34, 201, 466 r/w.109, 474 r/w.109 Indian Penal Code. Sections 10, 16, 17, 18, 19 r/w.109, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act. Section 14 of Foreigners Act, 1946. Section 4 of Prevention of Damage of Public Property. On appearance, the accused No.4 was charged for the offences U/Secs.120-B, 121, 121-A, 122, 302, 302 r/w.34, 307, 307 r/w.34, 316, 436, 436 r/w.34, 201, 466 r/w.109, 474 r/w.109 Indian Penal Code. Sections 10, 16, 17, 18, 19 r/w.109, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act. Section 14 of Foreigners Act, 1946 r/w.109 of IPC, Section 4 of Prevention of Damage of Public Property r/w.34 of IPC. On appearance, the accused No.5 was charged for the offences U/Secs.120-B, 121 r/w.109, 121-A, 122 r/w.109, 302 r/w.109 (two counts), 307 r/w.109 (two counts), 316 r/w.109, 436 r/w.109 (two counts), 201 r/w.109, 466 r/w.109, 474 r/w.109 Indian Penal Code. Sections 10, 16 r/w.109 IPC (two counts) and 17, 18, 19, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act r/w.109 IPC. Section 14 of Foreigners Act, 1946 r/w.109 of IPC, Section 4 of Prevention of Damage of Public Property r/w.109 of IPC. On appearance, the accused No.6 was charged for the offences U/Secs.120-B, 121 r/w.109, 121-A, 122 r/w.109, 302 r/w.109 (two counts), 307 r/w.109 (two counts), 316 r/w.109, 436 r/w.109 (two counts), 201 r/w.109, 466 r/w.109, 474 r/w.109 Indian Penal Code. Sections 10, 16 r/w.109 IPC (two counts) and 17 r/w.109,

18, 19 r/w.109, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Sections 3 & 5 of Explosives Substances Act r/w.109 IPC. Section 14 of Foreigners Act, 1946 r/w.109 of IPC, Section 4 of Prevention of Damage of Public Property r/w.109 of IPC.

47. The following are the charges framed against the accused: Firstly: That you A-2, A-3, A-4, A-5 and A-6 of you along with (absconding Accused No. 1) Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri during the period between 2010 and February, 2013, conspired together in order to wage war against the Government of India and in pursuance of waging war you all decided to commit terrorist attacks to kill innocent people, to disrupt the security of India and create insecurity feelings in the minds of the common people, which are acts prejudicial to the intergrity and soverignity of India and decided to conduct bomb explosions in India in order to commit offences punishable U/Sec.302 (murder), U/Sec.307 (attempt to murder), U/Sec.316 (causing death of quick born child), U/Sec.436 (mischief by fire or explosive substances with intend to destroy (A1-Mirchi Center, Anand Tiffin Center, 107 Bus stop, shopping complex), U/Sec.466 (forgery of public record), U/Sec.474 (possession of forged public document), U/Sec.427 (mischief causing damage to the property worth of more than Rs.50/-), U/Sec.201 (causing disappearance of evidence of offence of test blast) of Indian Penal Code, and Section 3 (unlawfully causing explosion), Section 5 (possession of Improved Explosive Devices unlawfully) of Explosive Substances Act, and Section 10 (being and continuous to be member of banned unlawful association i.e., Indian Mujahideen), Section 16 (committing terrorist act resulting in death of any person), Section 17 (raising or collecting funds for terrorist act), Section 18 (conspiracy to commit terrorist act), Section 19 (voluntarily harboring any terrorist), Section 20 (being member of unlawful association and committing an act relating to its membership), Section

38 (2) (assisting relating to membership of unlawful association i.e., Indian Mujahideen), Section 39 (2) (supporting to unlawful association i.e., Indian Mujahideen) of Unlawful Activities (Prevention) Act, 1967, Section 14 of Foreigners Act (contravening the provisions of visa and passport) and thereby you committed an offence punishable U/Sec.120-B read with 302, 316, 436, 466, 474, 427, 201 of IPC and Sections 3 and 5 of Explosive Substances Act, Sections 10, 16, 17, 18, 19, 20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967, Section 14 of Foreigners Act, and Section 4 of Public Property Damage Act within my cognizance and I hereby direct that you be tried before me on the said charge.

Secondly: That you A-3 and A-4 of you in pursuance of your conspiracy as mentioned in charge No.13 caused bomb blasts and thereby waged war against the Government of India and thereby committed an offence punishable U/Sec.121 of Indian Penal Code and within my cognizance and I hereby direct that you be tried before me on the said charge.

Thirdly: That A6 of you intentionally aided the commission of waging war by creating fake IDs and supplying the same to A2, A3, A4 and A5 as mentioned in Charge No.23 to procure sim cards, to hide their identity, to evade arrest before and after the bomb blasts, to receive money through hawala and Western Union Money Transfer and also for travelling and accommodation on fake identity, and A5 of you engaged one or more other persons in conspiray i.e., A2, A3, A4 and A6 and giving instructions to them and thereby you instigated by conspiracy, and that A2 of you purchased material to assemble bombs and conducted test blast also along with A3 and A4 and guided A3 and A4 by being present at the scenes of offences and thereby you shared common intention of A3 and A4 and that you A5 and A6 abetted A3 and A4 in the commission of offence which was committed in consequence

of your abetment and that you A2 thereby committed an offence punishable U/Sec.121 r/w.34 and that A5 and A6 committed an offence punishable U/Sec.121 r/w.109 of Indian Penal Code and within my cognizance and I hereby direct you be tried before me on the said charge.

Fourthly: That you A-2, A-3, A-4, A-5 and A-6 of you along with (absconding Accused No. 1) Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri, in furtherance of your common intention, conspired together as mentioned in Charge No.1 within or without India to overawe by means of criminal force or to show criminal force and to wage war against Government of India by committing bomb blasts on 21<sup>st</sup> day of February, 2013 at 18:58:38 hours at 107 Bus Stop and at 18:58:44 hours A1 Mirchi Centre at Dilsukhnagar and that you thereby committed an offence punishable Under Section 121-A of Indian Penal Code and within my cognizance and I hereby direct you be tried before this court on the said charge.

Fifthly: That you A-2, A-3, A-4, A-5 and A-6 of you along with (absconding Accused No. 1) Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri conspired together and in pursuance of your conspiracy as mentioned in Charge No.1, in the month of September, 2010 as per the directions of A1 of you, A5 sent A4 of you to collect A2 and A3 at Khatmandu in Nepal and in the month of January, 2013 A2 and A3 of you collected explosive material (tubes, semi solid pinkish coloured ANFO and detonators) in Mangalore, and on 20-02-2013 A2, A3 and A4 purchased two 7 1/2 liters pressure cookers for making the IEDs by filling the explosives, and on the same day A2 and A4 also purchased a bicycle in between Yashoda Hospital and TV Tower, and purchased one meter plastic sheet near Chadharghat Bridge for packing and filling explosives in pressure cookers and on 21-02-2013 morning purchased another bicycle from Thursday Market, with an intention to cause bomb

blasts and prepared to wage war against Government of India and that you thereby committed an offence punishable Under Section 122 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this court on the said charge.

Sixthly: That you A-2, A-3 and A-4 in pursuance of your conspiracy, two to three days prior to 21-02-2013 unlawfully and maliciously conducted a test blast at a deserted place on a hillock, around 5 to 6 kms away from Abdullapurmet to endanger life or to cause serious injury to property and that you A-2, A-3 and A-4 there by committed an offence punishable Under Sections 3 and 5 Explosive Substance Act and I hereby direct you be tried before this court on the said charge.

Seventhly: That you two to three days prior to 21st day of February, 2013 knowing that the offence, to wit test bomb blast punishable U/Sec.3 & 5 of Explosive Substances Act has been committed, did cause certain evidence of the said offence to disappear to wit blasted material with the intention to screen the offender from legal punishment and thereby committed an offence punishable Under Section 201 of Indian Penal Code within my cognizance. I hereby direct you be tried before this Court on the said charge.

Eighthly: That you A5 and A6 have abetted by conspiracy A2, A3, A4 to commit the offence as mentioned in Charge No.7 which offence was committed in consequence of your abettement and thereby you committed an offence punishable U/Sec.201 r/w.109 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this Court on the said charge.

Ninthly: That you A-2, A-3 and A-4 had unlawfully in your possession at Mangalore, Abdullapurmet of explosive substances and Improvised Explosive Devices (IEDs) under such circumstances as to give rise to a reasonable suspicion that you were not making it/or did

not have it in your possession/or under your control for a lawful object and/or failed to show that you had it in your possession/or under your control for a lawful object and thereby committed an offence punishable Under Section 5 of Explosive Substances Act and within my cognizance and I hereby direct you be tried before this court on the said charge.

Tenthly: That you A5 and A6 have abetted by conspiracy A2, A3, A4 as mentioned in Charge No.9 for unlawful possession of Improvised Explosive Devices (IEDs) which offence was committed in consequence of your abettement and thereby you committed an offence punishable U/Sec.5 of Explosives Substances Act r/w.109 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this Court on the said charge.

Eleventhly: That you A3 and A4 of you on 21-02-2013 have unlawfully and maliciously caused bomb blasts at 18:58:38 hours at 107 Bus Stop and 18:58:44 hours at A1 Mirchi Center at Dilsukhnagar and prior to 21-02-2013 have unlawfully and maliciously caused test bomb blast as mentioned in Charge No.7 and that you thereby committed an offence punishable Under Section 3 of Explosive Substances Act and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twelfthly: That you A5 and A6 have abetted by conspiracy A3, A4 to commit the offence as mentioned in Charge No.11 which was committed in consequence of your abettement and thereby you A5 and A6 committed an offence punishable U/Sec.5 of Explosives Substances Act r/w.109 of Indian Penal Code and A2 committed the criminal acts as mentioned in charge No.3 and in furtherance of your common intention A3 and A4 committed an offence punishable U/Sec.5 of Explosives Substances Act r/w.34 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this Court on the said charge.

Thirteenthly: That you A3 and A4 in pursuance of your waging

war as mentioned in Charge No.2 that A3 of you on 21-02-2013 prior to the time of bomb blasts mounted the bomb on a bicycle and placed the said bicycle at of 107 Bus Stop in Dilsukhnagar, Hyderabad while A-4 mounted the bomb on separate bicycle and placed the bicycle at A1 Mirchin Centre in Dilsukhnagar, Hyderabad and both of you caused two consecutive explosions resulted in the death of 17 persons i.e., 6 persons viz., (1) Vadda Vijaya Kumar, (2) Muthyala Rajasekhar, (3) Sigadi Anand Kumar, (4) Rapolu Sudhakar Rao, (5) Mohhd. Amanulla Khan, (6) Aizaz Ahmed at 107 Bus Stop Dilsukhnagar and 11 persons viz., (7) Padmakar Kulkarni, (8) Vele Ramulu, (9) Nakka Venkateshwarlu, (10) Md Rafiuddin, (11) Poreddy Swapna Reddy, (12) Kadechor Harish Karthik, (13) Bommareddy Lakshmi Srinivasa Reddy, (14) Gunta Thirupathi, (15) Chogaram @ Koloji, (16) Murda Boina Machagiri, (17) Amrutha Ravi, at A1 Mirchi Center at Dilsukhnagar which amounts to murder and that you A-3 and A-4 thereby committed an offence punishable under 302 of IPC and within my cognizance and I hereby direct you be tried before this court on the said charge.

Fourteenthly: That A2 to A4 of you in furtherance of common intention of you all prior to on 21-02-2013 you A2 to A4 secured the material to assemble the bombs as mentioned in the Charge No.5 at the same time and place mentioned in Charge No.11 to murder the deceased as mentioned in Charge No.13 committed the criminal act i.e., A2 guided A3 and A4 in planting bombs and causing blast being present at the scene of offence and A2 shared the common intention of A3 and A4 and A3 and A4 shared the common intention with each and thereby you A2 to A4 committed an offence punishable U/Sec.302 r/w.34 IPC (two counts for A2 as he shared the common intention of A3 and A4); and A5 instigated A3 and A4 as mentioned in Charge No.10 and A6 aided the commission of above said offence as mentioned in Charge No.23 and in consequence of that abettement the offence is committed

thereby A5 and A6 committed offence punishable U/Sec.302 r/w.109 IPC and within my cognizance and I hereby direct you be tried before me on the said charge.

Fifteenthly: You A-3 and A-4 on same date time and place as mentioned in Charge No.11 caused bomb blasts caused severe and simple blast injuries to 62 persons at 107 Bus stop and caused severe and simple blast injuries to 64 persons at A1 Mirchi Centre (list enclosed) which if by that act you had caused the death of the said persons and you have been guilty of murder and that you thereby committed an offence punishable under Section 307 of IPC and within my cognizance and I hereby direct you be tried before this court on the said charge.

Sixteenthly: That A2 of you in furtherance of common intention of A3 and A4 on 21-02-2013 at the same time and place mentioned in Charge No.11 to attempt the murder of 62 persons at 107 Bus stop and 64 persons at A1 Mirchi Centre committed the criminal act i.e., purchased material to assemble bombs and conducted test blast also along with A3 and A4 and guided A3 and A4 in planting bombs and causing blast while present at the scene of offence and thereby committed an offence punishable U/Sec.307 r/w.34 IPC (two counts for A2 as he shared the common intention of A3 and A4) and also Section 307 r/w.114 IPC and A5 instigated A3 and A4 as mentioned in Charge No.11 and A6 aided the commission of above said offence as mentioned in Charge No.23 thereby A5 and A6 committed offence punishable U/Sec.307 r/w.109 IPC and within my cognizance and I hereby direct you be tried before me on the said charge.

Seventeenthly: That you A4 of you at the same time and place as mentioned in Charge No.11 caused bomb blast as a result of it caused death of quick born child of Yashoda in her womb and that you would have been guilty of culpable homicide and by such act caused

death of quick unbor child of Yashoda and that you thereby committed an offence punishable under Sectin 316 of IPC and within my cognizance and I hereby direct you be tried before this court on the said charge.

Eighteenthly: That you A2, A3 at the same time and place mentioned in Charge No.11 in furtherence of common intention to cause the death of quick born child committed the criminal act being present and guiding A4 at the scene of offence to commit the offence U/Sec.316 of IPC and thereby committed an offence punishable U/Sec.316 r/w.34 of IPC and A5 and A6 of you abetted A4 by criminal conspiracy thereby committed an offence punishable U/Sec.316 r/w.109 IPC and within my cognizance and I hereby direct you be tried before this court on the said charge.

Nineteenthly: That you A3 and A4 of you at the same time and place as mentioned in Charge No.11 caused two consecutive bomb blasts at A1 Mirchi Centre, Dilsukhnagar, Hyderabad and 107 Bus Stop, Dilsukhnagar, Hyderabad and caused mischief by explosive substance as a result caused damage to several vehicles and buildings and property (as per table No.4) and that you thereby committed an offence punishable under Section 436 of IPC and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twentiethly: That you A2 shared common intention of A2 and A4 as mentioned in charge No.5; and A5 and A6 have abetted A3 and A4 as mentioned in the Charge No.13 and thereby committed an offence punishable U/Sec.436 r/w.34 against A2 and Section 436 r/w.109 against A5 and A6 and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twenty Firstly: That you A-3 of you being a foreigner (Pakasthani) and member of Indian Mujahideen and not a citizen of India, entered into india illegally without valid documents and contravened the provisions of Section 3 (2) of Foreigners Act, 1946 and

thereby committed an offence punishable under Section 14 of Foreigners Act and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twenty Secondly: That A2, A4, A5, A6 abetted A3 by conspiracy to commit offence punishable U/Sec.14 of Foreigners Act, 1946 as mentioned in Charge No.21 to wage war against the Government of India which offence was committed in consequence of your abettment and thereby you committed an offence punishable U/Sec.14 of Foreigners Act, 1946 r/w.109 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twenty Thirdly: That you A-6 prior and subsequent to 21<sup>st</sup> day of February, 2013 forged certain document or an electronic record (Identity Cards, passports, voter ID cards, driving licenses etc.,) which purported to be made by a public servant in his official capacity and thereby committed an offence punishable Under Section 466 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twenty Fourthly: That you A-6 prior and subsequent to 21<sup>st</sup> day of February, 2013 had in your possession a document or an electronic record as mentioned in charge No.23 and thereby you committed an offence punishable under section 474 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twenty Fifthly: That you A2, A3, A4 and A5 have abetted A6 by conspiracy to commit the offence U/Sec.466 and 474 of Indian Penal Code which offence was committed in consequence of your abettment and thereby committed an offence punishable U/Sec.466 and 474 r/w.109 and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twenty Sixthly: That you A-2, A-3, A-4, A-5 and A-6 of you along with (absconding Accused No. 1) Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri (A-1) during the period between 2010 and February, 2013, you being the members and continuous to be members of the Indian Mujahideen, an association declared as unlawful organization by a notification U/Sec.3 of Unlawful Activities (Prevention) Act, 1967 in order to wage war against the Government of India to commit an offence as mentioned in Charge No.1 and that you thereby committed an offence punishable Under Section 10 of the Unlawful Activities (Prevention) Act, 1967 and within my cognizance and I hereby direct you be tried before this court on the said charge.

Twenty Seventhly: That you A-3 and A-4 in pursuance of your conspiracy as mentioned in Charge No.1 in order to wage war against Government of India and on 21-02-2013 committed a terrorist act of bomb blast at Dilsukhnagar by using Improvised Explosive Devices (IEDs), which are hazardous nature, which acts resulted in death of 17 persons i.e., 6 persons viz., (1) Vadda Vijaya Kumar, (2) Muthyala Rajasekhar, (3) Sigadi Anand Kumar, (4) Rapolu Sudhakar Rao, (5) Mohhd. Amanulla Khan, (6) Aizaz Ahmed at 107 Bus Stop Dilsukhnagar and 11 persons viz., (7) Padmakar Kulkarni, (8) Vele Ramulu, (9) Nakka Venkateshwarlu, (10) Md Rafiuddin, (11) Poreddy Swapna Reddy, (12) Kadechor Harish Karthik, (13) Bommareddy Lakshmi Srinivasa Reddy, (14) Gunta Thirupathi, (15) Chogaram @ Koloji, (16) Murda Boina Machagiri, (17) Amrutha Ravi, at A1 Mirchi Center at Dilsukhnagar and a quick born child and caused blast and caused grievous and simple injuries to 62 persons at 107 Bus stop and caused severe and simple blast injuries to 64 persons at A1 Mirchi Centre and caused damages to several vehicles and buildings and that you A-2, A-3, A-4, A-5 and A-6 thereby committed an offence punishable Under Section 16 of the Unlawful Activities (Prevention) Act, 1967 and within my cognizance and

I hereby direct you be tried before this court on the said charge.

Twenty Eighthly: That A2 of you in furtherance of common intention of A3 and A4 on 21-02-2013 at the same time and place mentioned in Charge No.5 to commit terrorist act i.e., guided A3 and A4 in planting bombs and causing blast while present at the scene of offence and thereby committed an offence punishable U/Sec.16 of the Unlawful Activities (Prevention) Act, 1967 r/w.34 of IPC and A5 instigated A3 and A4 as mentioned in Charge No.5 and A6 aided the commission of above said offence as mentioned in Charge No.12 thereby A5 and A6 committed offence punishable U/Sec.16 of the Unlawful Activities (Prevention) Act, 1967 r/w.109 IPC and within my cognizance and I hereby direct you be tried before me on the said charge.

Twenty Ninthly: That you A-2, A-3, A-4, A-5 and A-6 of you along with (absconding Accused No. 1) Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri conspired together as mentioned in Charge No.1, in order to wage war war against Government of India, directly or indirectly collected funds in India or from foreign country United Arab Emirates (UAE) through Hawala and Western Union Money Transfer by using forged Identity Cards, knowing that such funds are likely to be used by A-2, A-3, A-4, A-5 and A6 and absconding accused No.1 to commit a terrorist act and that you A-2, A-3, A-4 , A-5 and A-6 thereby committed an offence punishable Under Section 17 of the Unlawful Activities (Prevention) Act, 1967 and within my cognizance and I hereby direct you be tried before this court on the said charge.

Thirtieth: That you A-2, A-3, A-4, A-5 and A-6 of you along with (absconding Accused No. 1)Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri conspired togehter as mentined in Charge No. 1, advocated, advised and abetted and incited the commission of and the acts preparatory to the terrorist act viz., twin bomb blasts as mentioned

in Charge No.12 and thereby committed an offence punishable Under Section 18 of the Unlawful Activities (Prevention) Act, 1967 within my cognizance and I hereby direct you be tried before this court on the said charge.

Thirty Firstly: That you A-5 along with (absconding Accused No. 1) Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri conspired together as mentioned in Charge No. 1 and in pursuance of your conspiracy, after the bomb blasts at Hyderabad on 21-02-2013, A-2 of you reached Mangalore via Bangalore on 22-02-2013, thereafter shifted to Raxaul via Patna, from there shifted to Birgunj, Nepal, thereafter to Pokhara, Nepal where you A-5 met A-2 and stayed together at Lakesdie, Pokhara and that you A-5 voluntarily harboured A-2, knowing that A2 is a terrorist and to conceal the identity of A2 as a terrorist and that you A-5 committed an offence punishable Under Section 19 of the Unlawful Activities (Prevention) Act, 1967 within my cognizance and I hereby direct you be tried before this court on the said charge.

Thirty Secondly: That A2, A3, A4 and A6 abetted A5 by conspiracy to commit the offence punishable U/Sec.19 of Unlawful Activities (Prevention) Act, 1967 which offence was committed in consequence of your abettment and thereby you committed offence punishable U/Sec.19 of Unlawful Activities (Prevention) Act, 1967 r/w.109 of Indian Penal Code within my cognizance and I hereby direct you be tried before this court on the said charge.

Thirty Thirdly: That A2 to A6 were members of terrorist gang or a terrorist organization/Indian Mujahideen as mentioned in Charge No.26 during the period 2010 and February, 2013 which is involved in terrorist act and thereby committed an offence punishable Under Section 20 of the Unlawful Activities (Prevention) Act, 1967 and within my cognizance and I hereby direct you be tried before this court on the

said charge.

Thirty Fourthly: That you A-2, A-3, A-4, A-5 and A-6 along with (absconding Accused No.1) were associated with a terrorist organization as mentioned in Charge No. 1 with an intention to further its activities, committed an offence of twin blasts at Dilsukhnagar on 21-02-2013 which is relating to membership of a terrorist organization and thereby committed an offence punishable Under Section 38 (2) of the Unlawful Activities (Prevention) Act, 1967 and within my cognizance and I hereby direct you be tried before this court on the said charge.

Thirty Fifthly: That you A-2, A-3, A-4, A-5 and A-6 (absconding Accused No. 1) Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri in pursuance of your conspiracy as mentioned in Charge No. 1 caused twin bomb blasts on 21-02-2013 at Dilsukhnagar, Hyderabad which is relating to support given to the said terrorist organization and thereby committed an offence punishable Under Section 39 (2) of the Unlawful Activities (Prevention) Act, 1967 and within my cognizance and I hereby direct you be tried before this court on the said charge.

Thirty Sixthly: That you A3 caused damages to public property to wit 107 Bus stop by fire or explosive substances on the same day and at the same time and place as mentioned in Charge No.11 and thereby committed an offence punishable U/Sec.4 of Public Property Damage Act and within my cognizance and I hereby direct you be tried before this court on the said charge.

Thirty Seventhly: That you A2, A4 shared the common intention of A3 and in furtherance of common intention of A3 to commit the offence as mentioned in Charge No.36 and thereby you committed an offence punishable U/Sec.4 of Public Property Damage Act r/w.34 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this court on the said charge.

Lastly: That you A5, A6 abetted A3 by conspiracy to commit

the offence as mentioned in Charge No.36 which offence was committed in consequence of your abettment and thereby you committed an offence punishable U/Sec.4 of Public Property Damage Act r/w.109 of Indian Penal Code and within my cognizance and I hereby direct you be tried before this court on the said charge.

48. All the above charges were read over and explained to the respective accused in vernacular language and they denied the said charges and claimed to be tried.

49. Certain typographical mistakes were detected in the examination of charges hence the following necessary corrections were made in the examinations and charges:

50. In Eleventh charge the word "respectively" was added and informed to both sides.

51. In Fourteenth charge the word "other" was added and informed to both sides.

52. In Twentieth charge the word "A2" was replaced with the word "A3" and informed to both sides.

53. In seventh charge for the offence U/Sec.201 IPC there is no specific reference of A2, A3 & A4 instead it was mentioned as "you", though it was referred in their examinations and same is treated as corrected by referring as "A2 to A4".

54. The accused No.2 was charged under Section 466 & 474 r/w.109 IPC but it was missing in the examination hence it was corrected. Secondly, the accused No.2 was charged U/Sec.121 r/w.34 IPC but in the examination it was mentioned as U/Sec.121 r/w.34 IPC (two counts) and U/Sec.316 r/w.34 (two counts) and the same is treated as corrected by deleting the word "two counts".

55. The accused No.3 was charged under Section 466 & 474 r/w.109 IPC but it was missing in the examination hence it was treated as corrected.

56. The accused No.4 was charged under Section 466 & 474 r/w.109 IPC but it was missing in the examination hence it was corrected. Secondly, the accused No.4 was charged U/Sec.316 IPC but in the examination it was mentioned as U/Sec.316 r/w.34 and the same is treated as corrected by deleting "r/w.34".

57. The accused No.5 was charged under Section 466 & 474 r/w.109 IPC but it was missing in the examination hence it was corrected. Secondly, the accused No.5 was charged U/Sec.121 r/w.109 IPC but in the examination it was mentioned as U/Sec.121 r/w.109 IPC (two counts) and U/Sec.316 r/w.34 (two counts) and the same is treated as corrected by deleting the word "two counts".

58. The accused No.6 was charged under Section 466 & 474 IPC but it was missing in the examination hence it was corrected. Secondly, the accused No.6 was charged U/Sec.201 r/w.109 IPC but in the examination it was mentioned as U/Sec.201 r/w.109 IPC (two counts) and U/Sec.316 r/w.34 (two counts) and the same is treated as corrected by deleting the words "two counts". In charge No.12th, it is treated to be corrected as section 3 in place of section 5. In examination, it is treated as two counts for section 3 and 5 of Explosive Substances Act.

59. The above correction did not effect the merits of the charges in any manner.

60. To prove the case of the prosecution, the prosecution got examined PW1 to PW157 and got marked Ex.P1 to P507 and got marked Material Objects 1 to 201. All the accused are examined U/Sec.313 Cr.P.C and they denied the evidence of the prosecution witnesses by giving written answers after obtaining permission from this Court and also filed written statement. The defence got marked Ex.D1 to D40 during the course of trial through the prosecution witnesses on behalf of the accused and did not adduce any oral evidence.

61. The prosecution filed a Criminal Miscellaneous Petition No.14/2015 U/Sec.17 of National Investigation Agency Act, 2008 seeking measures of keeping the identity of the witnesses a secret by prohibiting the view of the protected witnesses to the accused during trial. At the outset the learned Special Public Prosecutor for National Investigation Agency Sri.K.Surender drew my attention to Section 273 of Criminal Procedure Code which reads as under: Evidence to be taken in presence of accused:- Except as otherwise expressly provided, all evidence taken in the course of the trial or other proceeding shall be taken in the presence of the accused or, when his personal attendance is dispensed with, in the presence of his pleader. Provided that where the evidence of a woman below the age of eighteen years who is alleged to have been subjected to rape or any other sexual offence, is to be recorded, the court may take appropriate measures to ensure that such woman is not confronted by the accused while at the same time ensuring the right of cross-examination of the accused. Explanation - In this section "accused" includes a person in relation to whom any proceeding under Chapter VIII has been commenced under this Code.

62. The learned Special Public Prosecutor for National Investigation Agency Sri.K.Surender also drew my attention to Section 17 of the National Investigation Agency Act which reads as under: Protection of witnesses: 17. (1) Notwithstanding anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held in camera if the Special Court so desires. (2) On an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, if the Special Court is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of such witness secret. (3) In particular, and without prejudice to the generality of the

provisions of subsection (2), the measures which a Special Court may take under that sub-section may include— (a) the holding of the proceedings at a place to be decided by the Special Court; (b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public; (c) the issuing of any directions for securing that the identity and address of the witnesses are not disclosed; and (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner. (4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees.

63. So Section 17 (2) of the National Investigation Agency Act shows two aspects. As it was held in [2003] 8 Supreme 756 Peoples Union For Civil Libertiespetitioners Vs. Union Of India that “THE SECTION REQUIRES THE COURT TO BE SATISFIED THAT THE LIFE OF WITNESS IS IN DANGER AND THE REASONS FOR KEEPING THE IDENTITY OF THE WITNESS SECRET ARE REQUIRED TO BE RECORDED IN WRITING.” But contrary to the contention of the learned Special Public Prosecutor for National Investigation Agency Sri.K.Surender the learned counsel for the accused No.2 Sri.R.Mahadevan contended that Section 273 of Criminal Procedure Code is mandatory provision as the expression “Shall” is used and whereas expression “may” is used in the Section 17 of the National Investigation Agency Act. Therefore Section 273 of Criminal Procedure Code does not prevail over the Section 17 of the National Investigation Agency Act and according to him there is no protection for witnesses in our Country and if such permission is given it would become an experiment. But the learned counsel for the accused No.2 Sri.R.Mahadevan lost sight of the decision reported in [2003] 8

Supreme 756 Peoples Union For Civil Libertiespetitioners Vs. Union Of India wherein the very provision as provided in Section 17 of the National Investigation Agency Act was challenged in Prevention of Terrorist Act as provided under Section 30 of Prevention of Terrorist Act which is similar to Section 16 of TADA so the constitutional validity was challenged and ultimately the Hon'ble Supreme Court of India held that "Section 30 of POTA is similar to Section 16 of TADA, the constitutional validity of which was upheld by this Court in Kartar Singh's case (supra) (see pages 683 - 689 of SCC). In order to decide the constitutional validity of Section 30 we don't think it is necessary to go into the larger debate, which learned Counsel for both sides have argued, that whether right to cross-examine is central to fair trial or not. Because right to cross-examination per se is not taken away by Section 30. This Section only confers discretion to the concerned Court to keep the identity of witness secret if the life of such witness is in danger. We cannot shy away from the unpleasant reality that often witnesses do not come forward to depose before Court even in serious cases. This precarious situation creates challenges to our criminal justice administration in general and terrorism related cases in particular. Witnesses do not volunteer to give evidence mainly due to the fear of their life. Ultimately, the non-conviction affects the larger interest of community, which lies in ensuring that the executors of heinous offences like terrorist acts are effectively prosecuted and punished. Legislature drafted Section 30 by taking all these factors into account. In our view a fair balance between the rights and interest of witness, rights of accused and larger public interest has been maintained under Section 30. It is also aimed to assist the State in justice administration and encourage others to do the same under the given circumstances. Anonymity of witness is not general rule under Section 30. Identity will be withheld only in exceptional circumstance when the Special Court is

satisfied that the life of witness is in jeopardy. Earlier this Court has endorsed similar procedure. (See: Gurbachan Singh V. State of Bombay, 1952 SCR 737, Hira Nath Mishra V. Principal, Rajendra Medical College, 1973 (1) SCC 805, AK. Roy V. Union of India, 1982 (1) SCC 271). While deciding the validity of Section 16 of TADA, this Court quoted all these cases with approval. (See also the subsequent decision in Jamaat-e-Islami Hind V. Union of India, 1995 (1) SCC 428. 60. Keeping secret the identity of witness, though in the larger interest of public, is a deviation from the usual mode of trial. In extraordinary circumstances we are bound to take this path, which is less travelled. Here the Special Courts will have to exercise utmost care and caution to ensure fair trial. The reason for keeping identity of the witness has to be well substantiated. It is not feasible for us to suggest the procedure that has to be adopted by the Special Courts for keeping the identity of witness secret. It shall be appropriate for the concerned Courts to take into account all the factual circumstances of individual cases and to forge appropriate methods to ensure the safety of individual witness. With these observations we uphold the validity of Section 30." In the present case on hand also the prosecution sought for protection of the witnesses by keeping the identity of the protected witnesses secret as the lives of such witnesses are in danger and by granting such relief we are not taking away the right of the cross examination.

64. So I am extracting the following table which shows all the four sections comparatively:

Section 17 of National Investigation Agency Act	Section 16 of TADA	Section 30 of Prevention of Terrorist Act	Section 44 of Unlawful Activities Prevention Act
Protection of witnesses. 17. (1) Notwithstanding anything contained in the	16. Protection of witnesses.- <u>8</u> (1) Notwithstanding anything contained in the	30. Protection of witnesses.— <u>(1)</u> Notwithstanding	44. Protection of witnesses.— <u>(1)</u> Notwithstanding

<p>Code, the proceedings under this Act may, for reasons to be recorded in writing, be held in camera if the Special Court so desires.</p>	<p>Code, the proceedings under this Act may be held in camera if the Designated Court desires.]</p>	<p>anything contained in the Code, the proceedings under this Act may, for reason to be recorded in writing, be held in camera if the Special Court so desires.</p>	<p>anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held in camera if the Special Court so desires.</p>
<p>(2) On an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, if the Special Court is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of such witness secret.</p>	<p>(2) A Designated Court may, on an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of any witness secret.</p>	<p>(2) A Special Court, if on an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of any witness secret.</p>	<p>(2) A court, if on an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of any witness secret.</p>
<p>(3) In particular, and without prejudice to the generality of the provisions of subsection (2), the measures which a Special Court may take under that subsection may include—</p>	<p>(3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a Designated Court may take under that sub-section may include,—</p>	<p>(3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a Special Court may take under that sub-section may include,—</p>	<p>(3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a court may take under that sub-section may include,—</p>
<p>(a) the holding of the proceedings at a place to be decided by the Special Court;</p> <p>(b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case;</p>	<p>the holding of the proceedings at a place to be decided by the Designated Court;</p> <p>the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case;</p>	<p>the holding of the proceedings at a place to be decided by the Special Court;</p> <p>the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case;</p>	<p>(a) the holding of the proceedings at a place to be decided by the Special Court;</p> <p>(a) the holding of the proceedings at a place to be decided by the court;</p>

<p>any records of the case accessible to public; (c) the issuing of any directions for securing that the identity and address of the witnesses are not disclosed; and (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.</p> <p>(4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees</p>	<p>accessible to the issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed.</p> <p>that it is in the public interest to order that all or any of the proceedings pending before such a court shall not be published in any manner.</p> <p>(4) Any person who contravenes any direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.</p>	<p>at a place to be decided by the Special Court;</p> <p>(b) the avoiding of the mention of the name and address of the witness in its addresses of the witnesses in its orders or judgments or in any records of judgments or in any records of the case accessible to public;</p> <p>(c) the issuing of any directions for securing that the identity and address of the witness are not disclosed;</p> <p>(d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a court shall not be published in any manner.</p> <p>(4) Any person, who contravenes any decision or direction issued under sub-section (3), shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine.</p>	<p>court;</p> <p>(b) the avoiding of the mention of the names and addresses of the witness in its orders or judgments or in any records of the case accessible to public;</p> <p>(c) the issuing of any directions for securing that the identity and address of the witness are not disclosed;</p> <p>(d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a court shall not be published in any manner.</p> <p>(4) Any person, who contravenes any decision or direction issued under sub-section (3), shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.</p>
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65. So this provision is not new in our Country and it is age old provision. Moreover it is in the common sense that the special law of the prevails over the general law and Section 17 of National Investigation Agency Act is a special law whereas Section 273 of Criminal Procedure Code is the general law. Moreover section 273 of Criminal Procedure Code started with a non-obstacle clause which clearly shows that when there is special law that special law prevails over the general law. However it was held in the above said decision [2003] 8 Supreme 756 Peoples Union For Civil Libertiespetitioners Vs. Union Of India that "Keeping secret the identity of witness, though in the larger interest of public, is a deviation from the usual mode of trial. In extraordinary circumstances we are bound to take this path, which is less travelled. Here the Special Courts will have to exercise utmost care and caution to ensure fair trial. The reason for keeping identity of the witness has to be well substantiated. It is not feasible for us to suggest the procedure that has to be adopted by the Special Courts for keeping the identity of witness secret. It shall be appropriate for the concerned Courts to take into account all the factual circumstances of individual cases and to forge appropriate methods to ensure the safety of individual witness. With these observations we uphold the validity of Section 30."

66. The next contention is that this provision is not applicable to the witnesses but only to the victims and the evidence is recorded in the presence of the accused. But there is no such embargo in the Section 17 of the National Investigation Agency Act. Even otherwise it was held in 2004 LawSuit(SC) 641 Sakshi vs Union Of India on 26 May, 2004 that "The whole inquiry before a Court being to elicit the truth, it is absolutely necessary that the victim or the witnesses are able to depose about the entire incident in a free atmosphere without any embarrassment. Section 273 Cr.P.C. merely requires the evidence to

be taken in the presence of the accused. The Section, however, does not say that the evidence should be recorded in such a manner that the accused should have full view of the victim or the witnesses. Recording of evidence by way of video conferencing vis-a-vis [Section 273](#) Cr.P.C. has been held to be permissible in a recent decision of this Court in [State of Maharashtra v. Dr. Praful B Desai](#), [2003] 4 SCC 601. There is major difference between substantive provisions defining crimes and providing punishment for the same and procedural enactment laying down the procedure of trial of such offences. Rules of procedure are hand-maiden of justice and are meant to advance and not to obstruct the cause of justice. It is, therefore, permissible for the Court to expand or enlarge the meanings of such provisions in order to elicit the truth and do justice with the parties. The mere sight of the accused may induce an element of extreme fear in the mind of the victim or the witnesses or can put them in a state of shock. In such a situation he or she may not be able to give full details of the incident which may result in miscarriage of justice. Therefore, a screen or some such arrangement can be made where the victim or witnesses do not have to undergo the trauma of seeing the body or the face of the accused." So there is no force in the contention of the learned counsel for the accused No.2 Sri.R.Mahadevan.

67. Nextly he contended that there is no reasonable presumption of threat in this case as entire trial is undergoing inside the Jail.

68. Contrary to this the learned Special Public Prosecutor for National Investigation Agency Sri.K.Surender submitted that there is every likelihood of danger to the lives of the witnesses in view of the nature of the case as the accused involved in this case are also involved in several bomb blast cases and other terrorist acts all over India and the witnesses are not in a position to give their evidence in free and fair

manner unless their identity is prohibited to the accused.

69. In fact the witnesses protection is the duty of the Court and in the 198<sup>th</sup> Law Commission report it was mentioned that "Law is a mean to achieve an end, and that is justice. If this end is to be achieved law cannot remain stagnant. It has to be dynamic and must change according to the transition of the society. One may raise question why Judge should involve himself in "Witness Protection" or "Witness Protection Programme". It is the function and duty of the state. The function of the Court is to conduct trial in free and fair manner and deliver final verdict on the basis of record. In fact the Judge has an important role to play in "Witness Protection". The role of a Judge is to strike a balance fair trial to accused as well as to the prosecution or the victims. The primary object of the criminal procedure is to bring offenders to book and to ensure a fair trial to accused persons. A fair trial has two objectives i.e. it should be fair to accused and should also be fair to the prosecution or to the victims. The judge is supposed to play an innovative role in conduction of the fair trial. The duty of a judge is to ensure that witnesses are giving evidence without any force, fear and pressure in the courts and also to provide necessary protection if required."

70. Even in Foreign Countries there is such provision unless rights of the witnesses are protected no witness come forward to give evidence freely and fairly. A fair trial has two objects as rightly mentioned in the Law Commission Report that it should be fair to the accused as well as the prosecution. So the witnesses protection is generally required in trials against organized crimes like the present case. Whether the Law Enforcement sees the risk of the witnesses to victim by the colleagues of the accused. No doubt every accused including the present accused have to be presumed as innocents till the guilt is proved beyond all reasonable doubt. But at this stage we cannot

brand the accused persons that they belong to specific terrorist gang as rightly contended by the learned counsel for the accused No.2 Sri.R.Mahadevan but atleast we have to consider the serious allegations against the accused and presume or anticipate that the witnesses may be intimidated or there may be any risk for their lives in future if they are identified. Therefore the Hon'ble Supreme Court of India held in State Of Maharashtra vs Dr. Praful B. Desai on 1 April, 2003 that "We cannot allow the dead hand of the past to stifle the growth of the living present. Law cannot stand still; it must change with the changing social concepts and values. If the bark that protects the tree fails to grow and expand along with the tree, it will either choke the tree or if it is a living tree, it will shed that bark and grow a new living bark for itself. Similarly, if the law fails to respond to the needs of changing society, then either it will stifle the growth of the society and choke its progress or if the society is vigorous enough, it will cast away the law which stands in the way of its growth. Law must therefore constantly be on the move adapting itself to the fast changing society and not lag behind."

71. So this Court is of the opinion that the listed witnesses are entitled for protection as contemplated under Sections 17 of National Investigation Agency Act which is similar to Section 30 of Prevention of Terrorist Act and Section 16 of TADA and Section 44 of Unlawful Activities Prevention Act for the following reasons: Firstly, that the lives of the witnesses are in danger because the nature of the allegations is very serious as seen from the record during the framing of charges and several cases are pending against the accused persons as they are allegedly involved in several bomb blasts all over India, Secondly, the listed witnesses are so crucial and the entire case is based on the circumstantial evidence and the role of the listed witnesses is to prove the crucial circumstances, Thirdly, even in the Jail itself security personnel were deployed as rightly contended by the learned counsel for

the accused No.2 Sri.R.Mahadevan for the reasons best known to the accused and the Police officials and it shows the gravity of the case, Fourthly, the allegations of the prosecution is that they belong to one Terrorist Organization named Indian Mujahideen and several persons are working in the said organization. Moroever the accused No.1 is still absconding and the accused No.3 is alleged to be Pakistani national. Fifthly, the Commissioner of Police, Cyberabad addressed letter to the Court to conduct the trial at Jail in view of security measures and intelligence reports. Sixthly earlier this Court allowed Criminal Miscellaneous Petition No.01/ 2015 dt.09-07-2015 accepting the contention of the petitioner to hide the names of the protected witnesses i.e., LW441 to 469, 471, 475, 481 total 37 including these witnesses which was not challenged by the accused.

72. The verification of all the witnesses' identification may not be a tough job because most of them have already gave their statements before the Magistrate U/Sec.164 of Criminal Procedure Code and most of them are in Test Identification Parade. Therefore their signatures will be there and even otherwise all the listed witnesses shall produce their ID proofs to the satisfaction of the Court and the learend defence counsel for the accused No.2 Sri.R.Mahadevan will also be permitted to peruse the said ID proof if any doubt arises before the Court itself. Even otherwise if any ambiguity in the ID proof the prosecution has to produce other documents including ID proof duly certified by the Gazetted Officer, when there is no authenticated document of ID proof. Therefore in view of the above discussion and settled position of law this Court is of the opinion that the listed witnesses shall be prohibited from the view of the accused. If the witnesses are produced with masks to their heads covering entire face except eyes, mouth and if necessary ears and the entire body of the witnesses shall be covered with gown/a screen from neck to the legs

from the view of the accused. Thereby the identity of the witnesses shall be kept secret during the course of trial.

73. So the listed witnesses/protected witnesses shall have to furnish their ID proofs like Aadhar Card or Voter ID or Ration Card or Bank Passbook or Driving License or Passport etc., However if there is any ambiguity with the identification of the witnesses, the prosecution shall produce other documents including ID proof certified by a Gazetted Officer. The contention of the learned counsel for the accused No.2 Sri.R.Mahadevan is that there is no such provision under National Investigation Agency Act but there is no force in the said contention and another contention is that there is no threat to the lives of the witnesses in this case, but there is no force in this contention also because in view of the facts and circumstances of this case any prudent person can anticipate danger to the lives of the witnesses so "Prevention is better than cure". The next contention is that the prosecution may produce wrong persons if their identity is undisclosed, in this contention also there is no force because only after satisfaction of the ID proof they will be permitted to give evidence, even the learned counsel for the accused No.2 also can verify the ID proof before the Court. So by hiding the identity of the listed/protected witnesses no prejudice would be caused to the accused because right of the cross examination is not denied.

74. The following are the protected witnesses examined in this case: PW54, PW55, PW56, PW58, PW60, PW64, PW67, PW72, PW73, PW83.

75. Considering the charge-sheet and the documents on which prosecution has relied and after hearing arguments of both the sides, following points arise for my determination:

01. Does the prosecution prove that the accused No.2 to 6 along with the absconding accused No.1 during the

period between the period 2010 to February 2013 were party to a criminal conspiracy to wage war against the Govt.of India and to commit other offences i.e.offences punishable u/ss punishable U/Sec.302 of Indian Penal Code (murder), U/Sec.307 of Indian Penal Code (attempt to murder), U/Sec.316 of Indian Penal Code (causing death of quick born child), U/Sec.436 of Indian Penal Code (mischief by fire or explosive substances with intend to destroy (A1-Mirchi Center, Anand Tiffin Center, 107 Bus stop, shopping complex), U/Sec.466 of Indian Penal Code (forgery of public record), U/Sec.474 of Indian Penal Code (possession of forged public document), U/Sec.427 of Indian Penal Code (mischief causing damage to the property worth of more than Rs.50/-), U/Sec.201 of Indian Penal Code (causing disappearance of evidence of offence of test blast), and Section 3 of Explosive Substances Act (unlawfully causing explosion), Section 5 of Explosive Substances Act (possession of Improved Explosive Devices unlawfully), Section 10 of Unlawful Activities (Prevention) Act, 1967 (being and continuous to be member of banned unlawful association i.e., Indian Mujahideen), Section 16 of Unlawful Activities (Prevention) Act, 1967 (committing terrorist act resulting in death of any person), Section 17 of Unlawful Activities (Prevention) Act, 1967 (raising or collecting funds for terrorist act), Section 18 of Unlawful Activities (Prevention) Act, 1967 (conspiracy to commit terrorist act), Section 19 of Unlawful Activities (Prevention) Act, 1967 (harboring any terrorist), Section 20 of Unlawful Activities (Prevention) Act, 1967 (being member of unlawful association and committing an act relating to its membership), Section 38 (2) of Unlawful Activities (Prevention) Act, 1967 (assisting relating to membership of unlawful association i.e., Indian Mujahideen), Section 39 (2) of Unlawful Activities (Prevention) Act, 1967 (supporting to unlawful association i.e., Indian Mujahideen), Section 14 of Foreigners Act (contravening the provisions of visa and passport) and thereby you

committed an offence punishable U/Sec.120-B of Indian Penal Code?

02. Does the prosecution prove that the accused Nos.2 to 6 along with absconding accused No.1 during the period between 2010 to 2013 February had waged war against the Government of India?

03. Does the prosecution prove that accused Nos.2 to 6 along with the absconding accused No.1 within and without India had conspired to wage war against the Government of India?

04. Does the prosecution prove that accused No.2 to 6 along with the absconding accused No.1 within or without India conspired to overawe by means of criminal force or show of criminal force, the Central Government and the State Government of erstwhile Andhra Pradesh ?

05. Does the prosecution prove that the accused Nos.2 to 5 along with the absconding accused No.1 had, during the period between 2010 and February, 2010 collected men, arms and ammunitions within and outside India and made any other preparations to wage war with intention of either waging war or being prepared to wage war against the Government of India with the abetment of A6 ?

(3)- Murder, Common Intention & Abetment:

06. Does the prosecution prove that A3 murdered 6 persons as mentioned in table No.1 and A4 murdered 11 persons as mentioned in table No.2 who had died due to bomb blasts ?

**Table No.1:**

SI No	NAME OF THE DECEASED DIED AT 107 BUS STOP
1	Vadda Vijay Kumar
2	Muthayala Rajashekhar
3	Singadi Anand Kumar
4	Rapolu Sudhakar Rao
5	Mohd Amanullah Khan
6	Aijaz Ahmed

**Table No.2:**

SI No	NAME OF THE DECEASED DIED AT A1-MIRCHI CENTER
1	Padmakar Kulkarni
2	Vele Ramulu
3	Nakka Venkateshwarlu
4	Md Rafiuddin
5	Poreddy Swapna Reddy
6	Kadechor Harish Karthik
7	Bommareddy Lakshmi Srinivasa Reddy
8	Guntha Thirupathi
9	Chogaram @ Koloji
10	Murda Boina Machagiri
11	Amrutha Ravi

07. Does the prosecution prove that the accused No.2 shared common intention of the accused No.3 and 4 in murdering the deceased mentioned in table No.1 and 2 ?

08. Does the prosecution prove that the accused No.5 and 6 abetted the commission of murder of the deceased mentioned in table No.1 and 2 by the accused No.3 and 4 ?

09. Does the prosecution prove that A3 had attempted to murder 62 persons as mentioned in table No.3 at 107 Bus stop and A4 had attempted to murder 64 persons as mentioned in table No.3 at A1 Mirchi center ?

10. Does the prosecution prove that A2 had shared common intention of the accused No.3 and 4 in attempting to murder 62 persons as mentioned in table No.3 at 107 Bus stop and to murder 64 persons as mentioned in table No.3 at A1 Mirchi center ?

11. Does the prosecution prove that A5 and A6 abetted the accused No.3 and 4 for the commission of attempting to murder 62 persons as mentioned in table No.3 at 107 Bus stop and attempting to murder 64 persons as mentioned in table No.3 at A1 Mirchi center ?

**Table No.3:**

SL.NO	NAME OF THE INJURED	NATURE OF INJURY	PLACE OF INJURY
.			

1	Survi Venugopal	Grievous	107 Bus stop, Dilsukhnagar
2	Tanguturi Srinivasa Rao	Grievous	107 Bus stop, Dilsukhnagar
3	R Vignesh	Grievous	107 Bus stop, Dilsukhnagar
4	Md Hazi	Grievous	107 Bus stop, Dilsukhnagar
5	Gunnadattula Sudharani	Grievous	107 Bus stop, Dilsukhnagar
6	Ch Swechha Roopa Choudhury	Grievous	107 Bus stop, Dilsukhnagar
7	Lanka Srikrishna Sundar Sharma	Grievous	107 Bus stop, Dilsukhnagar
8	Pathi Manasa	Grievous	107 Bus stop, Dilsukhnagar
9	Godesh Mounika	Grievous	107 Bus stop, Dilsukhnagar
10	Kolluru Swathi	Grievous	107 Bus stop, Dilsukhnagar
11	Krishnakanth	Grievous	107 Bus stop, Dilsukhnagar
12	Abdul Wasim Mirza	Grievous	107 Bus stop, Dilsukhnagar
13	V Srinivasa Rao	Grievous	107 Bus stop, Dilsukhnagar
14	Rajitha	Grievous	107 Bus stop, Dilsukhnagar
15	Shivakumar	Grievous	107 Bus stop, Dilsukhnagar
16	Azimuddin	Grievous	107 Bus stop, Dilsukhnagar
17	Md Javid	Grievous	107 Bus stop, Dilsukhnagar
18	Malothu Laxmi	Grievous	107 Bus stop, Dilsukhnagar
19	Ravinder Naik	Grievous	107 Bus stop, Dilsukhnagar
20	Malothu Gangulamma	Grievous	107 Bus stop, Dilsukhnagar
21	Banothu Hathiya Naik	Grievous	107 Bus stop, Dilsukhnagar
22	L Vishwanath	Grievous	107 Bus stop, Dilsukhnagar
23	Repally Sunil	Grievous	107 Bus stop, Dilsukhnagar
24	Rachala Harish Reddy	Grievous	107 Bus stop, Dilsukhnagar
25	G Venu	Grievous	107 Bus stop,

			Dilsukhnagar
26	<b>M.Krishna</b>	Grievous	107 Bus stop, Dilsukhnagar
27	Mangu	Grievous	107 Bus stop, Dilsukhnagar
28	Mrs Peramma	Grievous	107 Bus stop, Dilsukhnagar
29	Venkayamma	Grievous	107 Bus stop, Dilsukhnagar
30	Sai Rohit Goud	Grievous	107 Bus stop, Dilsukhnagar
31	P Yadaiah Goud	Grievous	107 Bus stop, Dilsukhnagar
32	B Shravani	Grievous	107 Bus stop, Dilsukhnagar
33	Md Abdul Hai Umez	Grievous	107 Bus stop, Dilsukhnagar
34	Nitish Agarwal	Grievous	107 Bus stop, Dilsukhnagar
35	Md Fasiuddin	Grievous	107 Bus stop, Dilsukhnagar
36	Abdul Sajid	Grievous	107 Bus stop, Dilsukhnagar
37	V Divya	Grievous	107 Bus stop, Dilsukhnagar
38	L Narsingh Rao	Grievous	107 Bus stop, Dilsukhnagar
39	Tellegoni Krishna Goud	Grievous	107 Bus stop, Dilsukhnagar
40	Tanukulla Nancharaiah	Grievous	107 Bus stop, Dilsukhnagar
41	K Yadagiri	Simple	107 Bus stop, Dilsukhnagar
42	<b>Anil Kumar</b>	Simple	107 Bus stop, Dilsukhnagar
43	Ranga Rao	Simple	107 Bus stop, Dilsukhnagar
44	Jalla Kishore	Simple	107 Bus stop, Dilsukhnagar
45	Ganesh	Simple	107 Bus stop, Dilsukhnagar
46	A Sathyanarayana	Simple	107 Bus stop, Dilsukhnagar
47	Tudumalli Veena Rani	Simple	107 Bus stop, Dilsukhnagar
48	G Sashikala	Simple	107 Bus stop, Dilsukhnagar
49	<b>D Laxmi Reddy</b>	Simple	107 Bus stop, Dilsukhnagar

50	Rajiv Kumar Usakoela	Simple	107 Bus stop, Dilsukhnagar
51	Amaravadi Mamatha	Simple	107 Bus stop, Dilsukhnagar
52	Oruganti Shanthi Raju	Simple	107 Bus stop, Dilsukhnagar
53	Surishetti Ramadevi	Simple	107 Bus stop, Dilsukhnagar
54	Surishetti Venkanna	Simple	107 Bus stop, Dilsukhnagar
55	Kathgam Vijaya Bhaskar Reddy	Simple	107 Bus stop, Dilsukhnagar
56	Chittepu Pratap Reddy	Simple	107 Bus stop, Dilsukhnagar
57	N.Venkateshwarlu	Simple	107 Bus Stop, Dilsukhnagar
58	S.Venkanna	Simple	107 Bus Stop, Dilsukhnagar
59	P.Rana Pratap	Simple	107 Bus Stop, Dilsukhnagar
60	Smt.Kalavathi	Simple	107 Bus Stop, Dilsukhnagar
61	Ameeruddin	Grievous	107 Bus Stop, Dilsukhnagar
62	Rajeev Kumar	Simple	107 Bus Stop, Dilsukhnagar
63	Mudari Parashuram	Grievous	A1-Mirchi Center, Dilsukhnagar
64	Dr P Ramakanth	Grievous	A1-Mirchi Center, Dilsukhnagar
65	Aunuri Bhaskar	Grievous	A1-Mirchi Center, Dilsukhnagar
66	P Durga Prasad	Grievous	A1-Mirchi Center, Dilsukhnagar
67	Goonda Venkateshwar Rao	Grievous	A1-Mirchi Center, Dilsukhnagar
68	Vangala Rajendra Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
69	Yerishetti Naveen Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar
70	Maruthi Bhujangarao	Grievous	A1-Mirchi Center, Dilsukhnagar

71	Shika Sanni	Grievous	A1-Mirchi Center, Dilsukhnagar
72	Kothapally Gopal Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
73	Lathapally Jangareddy	Grievous	A1-Mirchi Center, Dilsukhnagar
74	G Shravan Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar
75	Ranavat Lakhpath Naik	Grievous	A1-Mirchi Center, Dilsukhnagar
76	Gillala Ramesh	Grievous	A1-Mirchi Center, Dilsukhnagar
77	Salam Venkatanarayana	Grievous	A1-Mirchi Center, Dilsukhnagar
78	Shetti Sudhakar	Grievous	A1-Mirchi Center, Dilsukhnagar
79	Lavuri Saida Naik	Grievous	A1-Mirchi Center, Dilsukhnagar
80	Mamidi Sathyam Babu @Sathyam	Grievous	A1-Mirchi Center, Dilsukhnagar
81	E Mahesh	Grievous	A1-Mirchi Center, Dilsukhnagar
82	Uday	Grievous	A1-Mirchi Center, Dilsukhnagar
83	Md Samad	Grievous	A1-Mirchi Center, Dilsukhnagar
84	Durgam Mallikarjun	Grievous	A1-Mirchi Center, Dilsukhnagar
85	Banoth Rama Murthy	Grievous	A1-Mirchi Center, Dilsukhnagar
86	Dubba Mohan Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
87	Bokke Madhusudan Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar

88	Marappa	Grievous	A1-Mirchi Center, Dilsukhnagar
89	Kottapally Narasimha Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
90	Ashannak Bakka Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
91	Muthyala Ranjith	Grievous	A1-Mirchi Center, Dilsukhnagar
92	M Vijaya Prasad	Grievous	A1-Mirchi Center, Dilsukhnagar
93	B Abilash Kumar Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
94	Tadakamalla Udaya Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar
95	Tappa Nagarjuna	Grievous	A1-Mirchi Center, Dilsukhnagar
96	Patlavath Yashoda	Grievous	A1-Mirchi Center, Dilsukhnagar
97	V Vandana	Grievous	A1-Mirchi Center, Dilsukhnagar
98	Kondagadupula Yellaiah	Grievous	A1-Mirchi Center, Dilsukhnagar
99	<b>Mallepally Pandu Ranga Reddy</b>	Grievous	A1-Mirchi Center, Dilsukhnagar
100	Neelakantam Ashok	Simple	A1-Mirchi Center, Dilsukhnagar
101	<b>Mr Venkata Reddy</b>	Simple	A1-Mirchi Center, Dilsukhnagar
102	<b>Rakesh Sharma</b>	Simple	A1-Mirchi Center, Dilsukhnagar
103	Baby Priyanka	Simple	A1-Mirchi Center, Dilsukhnagar
104	Kalavathi Chauhan	Simple	A1-Mirchi Center, Dilsukhnagar

105	Maram Parameshwar	Simple	A1-Mirchi Center, Dilsukhnagar
106	Dr.Pasula Srinivas	Simple	A1-Mirchi Center, Dilsukhnagar
107	G Raghavendra Swamy	Simple	A1-Mirchi Center, Dilsukhnagar
108	P Ramakrishna	Simple	A1-Mirchi Center, Dilsukhnagar
109	Amaravathi Santhosh	Simple	A1-Mirchi Center, Dilsukhnagar
110	Purna Prasad Sharma	Simple	A1-Mirchi Center, Dilsukhnagar
111	Kakarla Shyamala	Simple	A1-Mirchi Center, Dilsukhnagar
112	Sk Khadir	Simple	A1-Mirchi Center, Dilsukhnagar
113	Shyam Rao	Simple	A1-Mirchi Center, Dilsukhnagar
114	Bheem	Simple	A1-Mirchi Center, Dilsukhnagar
115	Yerra Srinivas	Simple	A1-Mirchi Center, Dilsukhnagar
116	Ambati Murulidhar Reddy	Simple	A1-Mirchi Center, Dilsukhnagar
117	Elikatte Dasharath	Simple	A1-Mirchi Center, Dilsukhnagar
118	A Narasimha Rao	Simple	A1-Mirchi Center, Dilsukhnagar
119	Bhupathi Rahitha Kiran	Simple	A1-Mirchi Center, Dilsukhnagar
120	K Rama Rao	Simple	A1-Mirchi Center, Dilsukhnagar
121	Dhikonda Anil Kumar	Simple	A1-Mirchi Center, Dilsukhnagar

122	Abdul Zabbar	Simple	A1-Mirchi Center, Dilsukhnagar
123	G Buchaiah	Simple	A1-Mirchi Center, Dilsukhnagar
124	Dabbu Ramesh	Simple	A1-Mirchi Center, Dilsukhnagar
125	Bhuma Rajashekhar Reddy	Simple	A1-Mirchi Center, Dilsukhnagar
126	M Yadagiri	Simple	A1-Mirchi Center, Dilsukhnagar

12. Does the prosecution prove that the accused No.4 caused the death of unborn fetus of P.Yashoda ?

13. Does the prosecution prove that the accused No.2 and 3 shared the common intention of the accused No.4 for causing death of unborn fetus of P.Yashoda ?

14. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.4 to cause death of unborn fetus of P.Yashoda ?

15. Does the prosecution prove that A3 and A4 caused destruction of the buildings and property as mentioned in table No.4 ?

16. Does the prosecution prove that A2 shared the common intention of the accused No.3 and 4 in commission of destruction of the buildings and property as mentioned in table No.4 ?

17. Does the prosecution prove that A5 and A6 abetted the accused No.3 and 4 in commission of destruction of the buildings and property as mentioned in table No.4 ?

Table No.4: **LIST OF PROPERTY DAMAGED**

SL.NO	NAME OF THE OWNER	PROPERTY	PLACE OF DAMAGE
1	Gunde Srinivas	Anand Tiffin Center	A1-Mirchi Center,

			Dilsukhnagar
2	R.Rajesh	Girija Complex (Shop) Blue	107 Bus stop, Dilsukhnagar
3	Mohd.Sajid	Mobile shop damage(Girija complex)	107 Bus stop, Dilsukhnagar
4	Sri Krishna	Shop articles damaged	A1-Mirchi Center, Dilsukhnagar
5	Narsing Rao	Owner of vani Bag Damaged	107 Bus stop, Dilsukhnagar
6	Viswanath	Yash electronic shop(Mobile)	107 Bus stop, Dilsukhnagar
7	P.Ramakrishna (Owner of scooter)	Damage of scooter No.AP 11 L 0856	A1-Mirchi Center, Dilsukhnagar
8	K.BaswaRaj	Panpuri 4wheeler pushcart	A1-Mirchi Center, Dilsukhnagar
9	K.S.V.Sriman Narayana Murthy	Trendy Cloth Store (Glass damaged)	A1 Mirchi Center, Dilsukhnagar
10	Kothapally Pandu Ranga Reddy	Passion Pro Bike No.AP 29 AE 9548	A1 Mirchi Center, Dilsukhnagar
11	Kothapally Narasimha Reddy	Bajaj CT 100 No.AP 29 E 7000	A1 Mirchi Center, Dilsukhnagar
12	P.Rama Krishna	Bajaj Chetak No.AP 11 GL 856	A1 Mirchi Center, Dilsukhnagar
13	Murali	Motor cycle fully damaged	A1 Mirchi Center, Dilsukhnagar

18. Does the prosecution prove that accused No.2 to 4 caused the evidence of test blast to disappearance ?

19. Does the prosecution prove that the accused No.5 and 6 abetted to cause the evidence of test blast to disappearance ?

20. Does the prosecution prove that the accused No.6 prior and subsequent to 21-02-2013 created the fake Voter IDs, passports, driving license etc., which purported to be made by public servant in his Official capacity ?

21. Does the prosecution prove that the accused No.2 to 5 abetted the accused No.6 prior and subsequent to 21-

02-2013 for creating the fake Voter IDs, passports, driving license etc., which purported to be made by public servant in his Official capacity ?

22. Does the prosecution prove that the accused No.6 had possession of fake Voter IDs, passports, driving license etc., during the above said period ?

23. Does the prosecution prove that the accused No.2 to 5 abetted the accused No.6 for having possession of fake Voter IDs, passports, driving license etc., during the above said period ?

Illegal possession of explosives substance and causing explosions:

24. Does the prosecution prove that the accused No.3 and 4 had unlawfully and maliciously caused the bomb blasts at 107 Bus stop at about 18:58:38 and at A1 Mirchi Centre at about 18:58:44 hours after having illegal possession of explosive substances ?

25. Does the prosecution prove that the accused No.3 and 4 unlawfully and maliciously caused the test bomb blast at Abdullapurmet after having illegal possession of explosive substances with the common intention of A2 ?

26. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.2 to 4 to cause unlawful and malicious bomb blasts at 107 Bus stop at about 18:58:38 and at A1 Mirchi Centre at about 18:58:44 hours after having illegal possession of explosive substances ?

27. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.2 to 4 to cause unlawful and malicious test bomb blast at Abdullapurmet after having illegal possession of explosive substances ?

Foreigners Act:

28. Does the prosecution prove that the

accused No.3 being a foreigner (Pakistan national) entered into India illegally without valid documents and contravened the provisions of section 3 (2) of Foreigners Act, 1946 and committed the offence punishable U/Sec.14 of Foreigners Act, 1946 ?

29. Does the prosecution prove that the accused No.2, 4 to 6 abetted the accused No.3 who is foreigner to enter into India illegally without valid documents and contravened the provisions of section 3 (2) of Foreigners Act, 1946 and committed the offence punishable U/Sec.14 of Foreigners Act, 1946 ?

Public Property Damage Act:

30. Does the prosecution prove that the accused No.3 caused damage to 107 bus stop by fire or explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 18:58:38 ?

31. Does the prosecution prove that the accused No.2 and 4 shared common intention of the accused No.3 by causing damage to 107 bus stop by fire or explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 18:58:38 ?

32. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.3 for causing damage to 107 bus stop by fire or explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 18:58:38 ?

Unlawful Activities (Prevention) Act:

33. Does the prosecution prove that the accused No.2 to 6 along with the absconding accused No.1 during the period between 2010 to 2013 February being the members and continued to be members of the Indian Mujahideen, an association declared as unlawful organization by notification U/Sec.3 of Unlawful Activities (Prevention) Act ?

34. Does the prosecution prove that the

accused No.3 and 4 committed a terrorist act of bomb blasts at Dilsukhnagar by using Improvised Explosive Devices causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2 ?

35. Does the prosecution prove that the accused No.2 shared common intention of the accused No.3 and 4 for committing a terrorist act of bomb blasts at Dilsukhnagar by using Improvised Explosive Devices causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2 ?

36. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.3 and 4 for committing a terrorist act of bomb blasts at Dilsukhnagar by using Improvised Explosive Devices causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2 ?

37. Does the prosecution prove that the accused No.2 to 6 directly or indirectly collected funds in India or from Foreign Countries (UAE) through Hawala and Western Union Money Transfer by using fake ID cards knowing that such funds likely to be used by the accused No.2 to 6 and (the absconding accused No.1) to commit terrorist activities ?

38. Does the prosecution prove that the accused No.2 to 6 advocated, advised, abetted, instigated the commission of terrorists act viz., twin bomb blasts at 107 bus stop at 18:58:38 and at A1 Mirchi centre at 18:58:44 ?

39. Does the prosecution prove that the accused No.5 voluntarily harbored the accused No.2 knowing that the accused No.2 is a terrorist?

40. Does the prosecution prove that the accused No.2 to 4 and 6 abetted the accused No.5 to harbour the accused No.2 knowing that the accused No.2 is a terrorist ?

41. Does the prosecution prove that the

accused No.2 to 6 were the members of the terrorist organization i.e., Indian Mujahideen during 2010 to 2013 February which involved in terrorist act ?

42. Does the prosecution prove that the accused No.2 to 6 along with absconding accused No.1 were associated with the terrorist organization i.e., Indian Mujahideen to further its activities ?

43. Does the prosecution prove that the accused No.2 to 6 along with the absconding accused No.1 caused twin bomb blasts on 21-02-2013 at Dilsukhnagar, Hyderabad which is relating to support given to the said terrorist organization i.e., Indian Mujahideen ?

76. Now the crucial question that falls for my determination basing on the arguments is whether the blasts occurred at A1 Mirchi center at about 18-58-38 and at 107 bus stop on 21-02-2013 at about 18-58-44 are Improvised Explosive Device bomb blasts or not, if so whether the deaths as mentioned in the table No.1 and 2 and injuries as mentioned in table No.3 are caused by bomb blasts ?

77. In this matter the contention of the learned counsel for the accused is that there was no bomb blast and it was a cylinder blast at A1 Mirchi center and transformer blast at 107 bus stop. He further contended that there is no presence of whitish, yellowish or brown colour substance on the injured and the injury certificates also do not mention that there were burn injuries so as to establish IED bomb blasts. Therefore the injuries were not caused by any bomb blast but they might have been caused by propellants of the blast which could be due to short-circuit of electrical transformer or cylinder blast at A1 Mirchi center.

78. On the other hand, the learned Special Public Prosecution strenuously contended that the two Improvised Explosive

Device bomb blasts were occurred at 18-58-38 and 18-58-44 on 21-02-2013 causing death of 18 persons including a quick born child and injuries to 131 persons.

79. On this aspect, there is no dispute with regard to date and timings of the blasts and the number of deaths including a quick born child and injured. So the only dispute is with regard to the nature of the blasts.

80. Now I am scrutinizing the relevant evidence on this aspect viz., the two complainants, injured, relatives of the deceased, medical officers, inquest panchas, FSL (Explosive) Experts, photographers, Investigating officers etc.,

#### COMPLAINANTS & INVESTIGATING OFFICERS:

81. PW1 Shaik Janipasha stated that on 21-02-2013 at 06-30 pm., he along with his friends came to the tea point situated near Bus Stop situated opposite to Bus stand as usually. At around 06-50 pm., he heard a blasting sound then he thought that the sound was of burst of bus tyre or transformer and meanwhile he heard another sound while he was rushing towards 107/V bus stop and also found there were two bomb blasts i.e., one at A1-Mirchi point and another at 107 bus stop. There he noticed the scattered dead bodies and the people are running helter-skelter. Meanwhile there were ambulances and they shifted the deceased and injured through RTC buses to various hospitals including Yashoda, Omni, Kamala hospitals. At 08-10 he went to Police station Malakpet and at 08-30 pm., and with the above averments he lodged Ex.P1 Complaint. He rushed to the Osmania General Hospital where inquest was held over the dead body of an unknown male Muslim person. Ex.P2 is the inquest dt.22-02-2013 at 0340 hours. He was also present at the time of inquest held over the unknown dead body of a Muslim person held by S.I Murthy on 22-02-2013 at 0300 hours Ex.P3 is the said inquest. He further stated that the above said two persons died

due to bomb blasts.

82. During Cross examination, he stated that nearly 25-30 minutes took for the arrival of the Police. He also stated that after recording Ex.P1 he rushed to Osmania General Hospital, three months thereafter he was examined by local police of Malakpet Police station. He also stated that the entire area i.e., both the scenes of offence was cordoned and nobody was allowed at the scenes of offence. The whole night the NIA Police and local police collected remnants at the scene of offences. While he was on the other side of the road having tea he heard the above said sounds. At that time due to the impact of the blasts and smoke there was darkness.

83. PW38 B.Yadagiri Swamy who is working as Inspector of Police, CID, Telangana, Hyderabad stated that he worked as Additional-Inspector of Police, P.S.Malakpet and on 21-02-2013 while he was discharging duties in the Malakpet P.S., at 07-00 to 07-10 pm., he heard a huge sound and immediately heard another huge sound and he came to know through the Public that there was bomb blasts and there was lot of commotion at that time he also heard the same through the scrolling in TV that several persons died and several persons were injured and shifted to various hospitals. Then immediately the Inspector Satyanarayana LW411 rushed to Dilsukhnagar bus stop 72 near Venkatadri theater. At that time he was attending duties at station. Then the Inspector Satyanarayana sent statement of PW1 (Shaikjani Pasha) through constable Amjad Khan. Basing on the above said Ex.P1 statement and instructions of Inspector Satyanarayana, he registered the same in Cr.No.56 of 2013 U/Sec.302, 307, 120-B IPC and Sections 3 and 5 of Explosives Substances Act, 1908. Then he submitted the original FIR to the Court and copies to the concerned officers and the FIR is Ex.P23. He submitted the CD file to the Inspector Satyanarayana who was camped at near 72 bus stop Dilsukhnagar opposite Venkatadri

Theater.

84. During the course of Cross Examination, he stated that at the time of the blast he was in the Police Station and he heard the sounds. Between 07-00 to 11-00 pm., he was in Police Station on that day. He stated that the complainant PW1 did not come to Police Station personally and lodged Ex.P1 complaint. Though PW1 stated that he came to Police station and lodged Ex.P1 report and contrary to which this witness stated that he did not come to Police station personally but he received the complaint Ex.P1 through his constable. There is no ambiguity in it probably the complainant might have handed over the Ex.P1 to the constable at the Police station instead of approaching this witness. Anyhow this does not go to the root of the case since the blast, injuries and deaths are not in serious dispute. He stated that he dispatched the FIR through constable at 09-30 pm., through one PC No.4209. After 11-00 pm., he visited the scene of offence, he was at the scene of offence for a period 2 hours, thereafter he used to go to Police Station and come back. He stated that the Police and bomb squads and other higher officials visited the scene of offence and the police were collecting the remnants but he does not know whether the NIA police were present or not as he did not observe particularly. He stated that as seen from the photograph shown by the defence counsel from the file of this case, it shows some persons wearing NIA jackets at the scene of offence and the photograph is Ex.P24. He stated that he did not examine the constable who brought Ex.P1 complaint to him and the constable through whom he dispatched the FIR to the Court. He stated that he did not examine complainant PW1.

85. PW2 G.Anand stated that he owned a shop at Dilsukhnagar in the name and style of Anand Music Centre and Mobile Shop. On 21-02-2013 at around 07-00 pm., he along with his friends having tea at other side of the road opposite to 107 bus stop at around

100 mts. Then suddenly he heard a big sound and within seconds, heard another big sound and he rushed to the A1-Mirchi center and shifted the deceased and injured in ambulances and buses and also autos to various hospitals including Omini and Kamala Hospitals and the above said sounds emanated out of bomb blasts. Then he lodged a complaint with the Saroornagar Police. Since his hands were dirty due to helping the injured in shifting to the hospitals, he dictated the above incident to the constable of Saroornagar P.S. to draft Ex.P4 Complaint.

86. During the course of Cross Examination, he stated that Ex.P4 was drafted at the police station of Saroornagar at his dictation. He stated that he cannot say whether the blast was due to short circuit of the transformer or the bomb blast. He also stated that nobody accompanied him to the Police station to lodge the complaint. His business center is situated behind Rajadhani Theater and the said Rajadhani theater is in front of Saroornagar P.S.

87. The averments of the complaints Ex.P2 and P4 were deposed by PW1 and PW2 as such to avoid the repetition, the same is not extracted here.

88. PW40 A.Anjaneyulu who is working as Inspector of Police, Secunderabad Railway Police Station stated that previously he worked as Sub-Inspector of Police, Saroornagar Police Station from October, 2009 to October, 2013. While he was on duty on 21-02-2013 at 07-00 pm., to 07-10 pm., he heard two sounds one after the another like bomb blast. Immediately their Inspector Narasimha Rao and all police personnel present in the police station rushed to the scene of offence. Then himself and other police personnel were present at the scene of offence. At around 08-00 pm., PW2 (G.Anand) and LW14 (A.Srikrishna) came to the police station and PW2 narrated the incident to the constable and the said constable drafted the complaint which is Ex.P4 and he presented the said complaint. Basing on the said

complaint he registered FIR U/Sec.324, 326, 302, 124-A, 153-A, 201 r/w.120-B IPC, Section 3 and 5 of Explosive Substances Act, 1908, Section 16, 17, 18 of Unlawful Activities Prevention Act, 1967 and the FIR is Ex.P26. He submitted the original FIR through PC NO.2120 then he examined PW2 and LW14 and recorded their 161 Cr.P.C. statements then he handed over the CD file to ACP Venkateshwar Rao. On 26-02-2013 he recorded the 161 Cr.P.C. statements of Smt.Maddi Pentamma (LW122), LW123 (D.Lakshmi). On 15-03-2013 he recorded the 161 Cr.P.C. statement of Maniteja Chowdary (LW165).

89. During the course of Cross Examination, he stated that Ex.P4 does not disclose that it was scribed by constable to the narration of PW2. So also it does not disclose the name and signature of the said constable. He stated that Ex.P4 does not disclose specifically the place where he received Ex.P4. Ex.P4 does not disclose in which language it was narrated by PW2 to the said constable. He stated that he dispatched the FIR within two hours after registration. He stated that in FIR Ex.P26 the column No.3 (c) is empty with regard to General dairy information. He stated that the GD entry was made but not mentioned in Ex.P26 FIR.

90. During the course of Cross Examination of the complainants and the investigating officers who registered FIRs nothing worth was elicited to disbelieve their evidence.

**INJURED:**

91. PW3 S.Venugopal stated that he used to sell TV covers and table covers by sitting behind 72 bus stop on the sub-road. On 21-02-2013 around 07-00 pm., while he was in the above said cellar he heard a big sound on account of which he could not hear for sometime and also received an internal injury on left ear, till date. He received compensation from the Government and still suffering ill-health due to bomb blast. He was treated in Kamala Hospital as inpatient for

three days and after three days he was discharged from the hospital. During the course of Cross Examination, he stated that he heard only one big sound. Cross examination of this witness was declined.

92. PW4 Krishna Kanth Waghmare stated that on 21-02-2013 Thursday he was selling watches on the foot-path situated on the backside of 107 bus stop at Dilsukhnagar. On that day he came business place at 03-00 pm., for selling watches. In between 06-30 to 07-00 pm., a customer was present and he was transacting with the customer, at that time he listened a big sound due to that sound he could not hear for some time and in a confusion mood and there was lot of smoke and due to the smoke he could not see anything. He received injury to his left leg and injury to both ears and was shifted to Yashoda Hospital. Immediately after the bomb blast he tried to go to upstairs of the building and then he was carried by four persons to a trolley and taken to Yashoda hospital. He also noticed some dead bodies and injured at the blast. Cross examination of this witness was declined.

93. PW5 B.Sravani stated that he completed B.Tech course. On 21-02-2013 at 06-30 to 07-00 pm., he got down at bus stop at Dilsukhnagar situated at Venkatadri Theater and waiting for his father who used to pick-up every day. Then he heard big sound and sensed that somebody beat on his ear and fell unconscious and re-gained consciousness at Icon Hospital. I received injuries on right side leading to backside of head, ear and both hands and left pointing finger was cut off. He was shifted to Care Hospital, there he has taken treatment as inpatient for 10-15 days. Cross examination of this witness was declined.

94. PW6 P.Yadaiah stated that he is a private employee. On 21-02-2013 around 06-30 pm., he went to Dilsukhnagar to collect repaired system from Global Technology situated near 107 bus stop. Then he heard a big sound, and fell unconscious and re-gained

consciousness at Nampally Care Hospital. He received grievous injuries to backbone and left thigh and left lower hand. He was discharged after taking treatment for one month. He received compensation from the Government and still suffering due to the impact of the above said injuries and was not given any Employment as promised by the then Government. Cross examination of this witness was declined.

95. PW7 P.Kishore Goud stated that he is a Lecturer and running institution of English speaking course situated at Dilsukhnagar. On 21-02-2013 at around 07-00 pm., while he was attending the class, heard a big sound and at that time there were several students at 2<sup>nd</sup> and 3<sup>rd</sup> floor and he was at 2<sup>nd</sup> floor. When all students were rushing down he fell down in that commotion and received injury to left thigh and was treated at Indus hospital. He fell unconscious and was shifted to the hospital by his friends for treatment, ten days thereafter he was discharged. Cross examination of this witness was declined.

96. PW8 S.Venkanna stated that on 21-02-2013 himself along with his wife and brother-in-law came to Dilsukhnagar around 07-00 pm., for the purpose of shopping. While they were purchasing chappals there was a blast then they felt that it was cylinder blast. Three of them received grievous injuries. He sustained injuries on his right ring finger and left elbow and on left thigh and on back and also sustained burn injuries on the back side. His brother in law received injuries on his right hand and right leg. His wife received burn injuries on back side and right ear was cut off and also sustained injury on right leg. Three of them were treated as inpatients in a private hospital where the doctor removed splinters from their bodies and later treated at Osmania General Hospital. Twenty days thereafter they were discharged. Cross examination of this witness was declined.

97. PW9 S.Ramadevi stated that on 21-02-2013 she along with her husband PW8 and brother came to Dilsukhnagar around

07-00 pm., for the purpose of shopping. While they were purchasing chappals there was a blast then they felt that it was cylinder blast. Three of them received grievous injuries. PW8 sustained injuries on his right ring finger and left elbow and on left thigh and on his back and also sustained burn injuries on the back side. Her brother received injuries on his right hand and right leg. She received burn injuries on back side and right ear was cut off and also sustained injury on right leg. Three of them were treated as inpatients in a private hospital where the doctor removed splinters from their bodies and later treated at Osmania General Hospital. Twenty days thereafter they were discharged. Cross examination of this witness was declined.

98. PW10 M.Parasuram stated that he is working as a Police Constable, Kanchanbhagh for seven years. On 21-02-2013 at around 07-00 pm., himself and his wife were proceeding to Dilsuknagar Sai Baba Temple on bike. When they reached the cross roads at Konark theater they heard a blasting sound which took place near Venkatadri theater bus stop. They saw dust and smoke and immediately there was a second blast where the mirchis are being sold and he sustained injuries on right hand wrist, and lower chest, and on abdomen. He took treatment at Yashoda Hospital for one week and was discharged thereafter. The splinters were entered into right hand wrist. Cross examination of this witness was declined.

99. PW11 M.Peeramma stated that he was a maid servant. On Thursday 21-02-2013 while he was at Dilsuknagar bus stand opposite to Venkatadri Theater at about 07-00 pm., there was explosion and fell unconscious due to that impact and also received grievous injuries to chin and lower jaw was implanted and also received injuries on right hand, right leg and stomach. Also treated in Care hospital for 7 days as inpatient and thereafter discharged and still undergoing treatment. Sustained injury on throat and still visiting doctor for the

injuries sustained on that day. Cross examination of this witness was declined.

100. PW12 Srikrishna Sundara Sharma stated that he is Tax consultant. On 21-02-2013 which is a Bheeshma Ekadhashi Day and was on fasting and intended to proceed to Amberpet and for that purpose stood near 107 bus stop and heard a big explosion nearby and people were running helter-skelter due to explosion. Some sharp objects pierced into right leg and was given first aid at Kamala Hospital and shifted to KIMS hospital and treated for one week as inpatient and discharged thereafter. Cross examination of this witness was declined.

101. PW13 K.Swathi stated that he was working in the call center situated at Dilsukhnagar near Saibaba Temple from 2012 till the date of incident i.e., 21-02-2013 at Dilsukhnagar. On 21-02-2013 at 07-00 pm., He was at 107 bus stop and trying to cross the road there was a huge explosive sound and became unconscious. He was initially treated at Kamala Hospital and later was shifted to NIMS and was also treated for 13 days as inpatient at NIMS. He received grievous injury on left side of chest. Cross examination of this witness was declined.

102. PW14 Kothapally Gopal Reddy stated that they own A1-mirchi centre at Dilsukhnagar Rajiv Chouk. They sell mirchi, samosa and other edible items from morning 10-00 am., to evening 10-00 pm., and use to have heavy rush of customers visiting shop in the evening hours. On 21-02-2013 at around 07-00 pm., they were preparing edible items and attending to customers. In the meanwhile heard a huge sound from the side of 107 bus stop and thought that it was a burst of a transformer and staring towards bus stop and immediately within seconds there was a blast outside their shop and they fell unconscious. At that time his brother Narasimha Reddy (LW148) and another brother-in-law (LW149) and cooking master Sudhakar (LW126) were transacting business and all of them received injuries. He lost right little finger and

sustained injury on lower part of right hand and also on right leg and treated at Kamala Hospital as inpatient for three days and subsequently treated for a period of two months. The above said persons also took treatment. Cross examination of this witness was declined.

103. PW15 Setty Sudhakar stated that he works at A1-mirchi centre as a Cook which is situated at Dilsukhnagar Rajiv Chouk by selling mirchi, samosa and other edible items from morning 10-00 am., to evening 10-00 pm., On 21-02-2013 at around 07-00 pm., heard a huge sound from the side of 107 bus stop and were staring towards bus stop and immediately within seconds there was a blast outside their shop and they fell unconscious. At that time our owner (PW14) and his brother-in-law (LW149) and himself were transacting business and all of them received injuries. He received a cut injury on right hand joint, stomach and legs which were operated upon due to splinters embedded in the legs. Initially he was taken to Osmania Hospital and thereafter treated at Care Hospital, Nampally for a period of 11 days and thereafter received treatment for a period two months. Cross examination of this witness was declined.

104. PW16 Kothapally Narasimha Reddy stated that he is owner of above said A1-mirchi centre. On 21-02-2013 at around 07-00 pm., he heard a huge sound from the side of 107 bus stop then he thought that it was a burst of a transformer and staring towards bus stop and immediately within seconds there was a blast outside their shop and he fell unconscious. At that time PW14 to PW16 and LW149 (Bakka Reddy) were present at the shop. PW14 to PW16 and other customers of their shop received serious injuries. He received a cut injury on left side of jaw and was treated in Kamala hospital for three days and discharged. Cross examination of this witness was declined.

105. PW17 A. Bakka Reddy stated that he is a worker at A1-mirchi centre along with PW14 and PW16, who are owners and PW15

is the cook. The centre is situated at Dilsukhnagar Rajiv Chouk. They sell mirchi, samosa and other edible items from morning 10-00 am., to evening 10-00 pm., On 21-02-2013 at around 07-00 pm., he heard a huge sound from the side of 107 bus stop then thought that it was a burst of a bus tyre or some other explosion sound and staring towards bus stop and immediately within seconds there was a blast outside their shop and they fell unconscious. At that time PW14 to PW17 were present at the shop attending to customers. He received injury on right ring finger, on chin, left hand and ears and was in Kamala hospital for four days and thereafter received treatment for two months. Cross examination of this witness was declined.

106. PW18 Jella Kishore stated that he is a resident of Nagole and used to attend AutoCAD coaching at Dilsukhnagar in Srigiri Complex situated behind 107 bus stop at Dilsukhnagar near Venkatadri Thearter. On 21-02-2013 after classes were completed he came out from the institute around 07-00 pm., he was waiting for his friend near the bus stop. While he was talking to his friend on telephone, there was a huge explosive sound and there was black smoke and people were running in all directions. Due to the explosion he received injury on left shoulder and on right leg which were serious in nature. Due to explosion several people had fallen to the ground and was shifted to Omni Hospital treated for seven days and discharged. He continued taking treatment for left ear which was operated upon. Cross examination of this witness was declined.

107. PW19 Shyam Rao stated that he used to sell bananas on a push cart near Konark Theater, Rajiv Chouk, Dilsukhnagar. On a Thursday in February, 2013 while he was attending to his business, around 07-00 pm., he heard a big sound and within seconds there was an explosion at A1-mirchi centre, opposite to which he was standing near to Anand Tiffin Center. There was heavy smoke and due to the

impact he fell down. After some time he got up and went to house. Due to the impact of the explosion he received injury on chin, left leg, right shoulder and was treated at Omni Hospital for four days. The wounds were sutured and later discharged. Cross examination of this witness was declined.

108. PW20 Md.Samed stated that he was a Faculty Guest Lecturer at Naren Hindi Academy situated at Dilsukhnagar opposite to Konark Thearter near Anand Tiffin Center. On 21-02-2013 he delivered lectures from 04-30 to 05-30 pm., In between 06-20 to 07-00 pm., when he was getting down from the Institute there was a big explosion sound from the side of bus stop and found heavy smoke engulfed. Immediately on the road there was another blast nearer to Anand Tiffin Center on account of which some splinters pierced into his stomach (four pins), right leg on the hip (four pins) and right hand was injured by two pins which formed holes and the joints in hand were displaced. He was treated at Yashoda Hospital Malakpet for a period of 15 days and discharged. He continued to take treatment at Karimnagar. Cross examination of this witness was declined.

109. PW21 Patlavath Ram Chander stated that he is a labourer. During February, 2013 his daughter Yashoda (LW164) was carrying six months pregnancy. On 21-02-2013 his daughter went for coolie work at Dilsukhnagar and due to the blast which occurred at Dilsukhnagar she sustained grievous injuries on account of which she got aborted. She was treated for a period of one week as inpatient at Care Hospital, Banjara Hills. Cross examination of this witness was declined.

#### MEDICAL OFFICERS:

110. PW84 Dr.K.Satyanarayana Reddy who is Resident Medical Officer at Yashoda Hospital, Malakpet, Hyderabad stating that while he was at duty on 21-02-2013 patients were brought to the

hospital by police and private persons. They were informed that the said persons received injuries in the bomb blasts that occurred at Dilsukhnagar around 07-00 pm., on the same day. The injured who were brought to the hospital were treated as follows: Patient by name Krishna Kanth, S/o.Manik Rao, Age: 39 years was admitted in hospital vide IP No.113560, MLC No.19401. He sustained the following injuries: 1. Blast injury with conductive hearing loss of both ears, 2. Penetrating injury to left leg with nail in the wound. Surgery was conducted and the patient was discharged on 03-03-2013. Ex.P108 is the MLC record. Both the injuries sustained are grievous in nature. The said patient was treated by a team of specialists. On the same day another patient by name Abdul Wasem, S/o.Mirza Shahed, Age: 23 years was admitted in hospital vide IP No.113564, MLC No.19409. He sustained following injuries: 1. Blast injury penetrating injury on left thigh and buttocks with multiple metallic foreign bodies, Injuries were grievous in nature. He was discharged on 27-02-2013 after treatment. Ex.P109 is the MLC-cum-injury certificate. On the same day another patient by name Srinivas Rao, S/o.Ramanadham, Age: 54 years was admitted in hospital vide IP No.113569, MLC No.19410. He sustained the following injuries: 1. Blast injury penetrating injury on left buttock, 2. Fracture of left greater trochanter (hip bone), 3. Crush injury to left foot, 4. Fracture of fourth and fifth metatarsal bones left side, Injuries are grievous in nature. He was treated by team of Doctors. Ex.P110 is the MLC-cum-Injury certificate of the injured Srinivas Rao. He was discharged on 16-03-2013. On the same day another patient by name Ms.Rajitha, D/o.Mr.Anjaiah, Age: 22 years was admitted in hospital vide IP No.113559, MLC No.19405. She sustained the following injuries: 1. Bomb blast injury which is crush injury of right lower limb, 2. Laceration of scalp and back, Injuries are grievous in nature. On the same day below knee amputation was done. She was discharged on 30-03-2013.

Ex.P111 is the MLC-cum-Injury certificate of the injured Ms.Rajitha. On the same day another patient by name Mr.Shiva Kumar, S/o.Anjaiah, Age: 19 years, was admitted in hospital vide IP No.113561, MLC No.19329. He sustained the following injuries: 1. Blast injury multiple wounds, 2. Open comminuted fracture both bones left leg, 3. Foreign bodies in left and right thigh, Injuries are in grievous in nature. He was discharged on 25-03-2013. He was treated by a team of Doctors.

Ex.P112 is the MLC-cum-Injury Certificate of the injured Mr.Shiva Kumar. On the same day another patient by name Parasuram, S/o.Balram, Age: 31 years, was admitted in hospital vide IP No.113563, MLC No.19334. He sustained the following injuries: 01. Blast injury penetrating injury to chest wall and right fore arm, Injury was grievous in nature. He was discharged on 28-02-2013. He was treated by a team of Doctors.

Ex.P113 is the MLC-cum-Injury Certificate of the injured Mr.Parasuram. On the same day another patient by name Yadagiri, S/o.Somaiah, Age: 24 years, was admitted in hospital vide MLC No.19349. He sustained the following injuries: 01. Blast injury leading to mild minimal hearing loss, Injury was simple in nature. Ex.P114 is the MLC-cum-Injury

Certificate of the injured Mr.Yadagiri. He was treated by ENT Specialist Dr.Nagendra Mahendra as out-patient. On the same day another patient by name Mr.Samad S/o.Gulam Mohammed Nabi, Age: 45 years, was admitted in hospital vide IP No.113562, MLC No.19407. He sustained the following injuries: 01. Blast injury penetrating wounds to right hand, fore arm, arm, right shoulder, 2. Penetrating wounds over right hypochondrium, 3. Fracture of fourth metacarpal right, Injuries were grievous in nature. He was discharged on 02-03-2013. He was treated by a team of Doctors. Ex.P115 is the MLC-cum-Injury Certificate of the injured Mr.Samad. On the same day another patient by name Mallikarjun S/o.Rajalingam, Age: 22 years, was admitted in hospital vide IP No.113565, MLC No.19403. He sustained the following blast injuries:

01. Penetrating wound to left ankle, left foot, right ankle and left knee, 2. Perforation of both ear drums. Resulting in moderate and mixed hearing loss, Injuries were grievous in nature. He was discharged on 02-03-2013. He was treated by a team of Doctors. Ex.P116 is the MLC-cum-Injury Certificate of the injured Mallikarjun. On the same day another patient by name Ram Murthy S/o.Hari Singh, Age: 22 years, was admitted in hospital vide IP No.113566, MLC No.19404. He sustained the following blast injuries: 01. Moderate conductive hearing loss in both ears, 2. Penetrating injury to right flank, right iliac crest, right thigh, right leg, left leg, left thigh, 3. Laceration on tip of tongue and lower limb, 4. Loss of lower central incisors, Injuries were grievous in nature. He was discharged on 06-03-2013. He was treated by a team of Doctors. Ex.P117 is the MLC-cum-Injury Certificate of the injured Hari Singh. On the same day another patient by name Mohan Reddy S/o.Janga Reddy, Age: 22 years, was admitted in hospital vide IP No.113567, MLC No.19402. He sustained the following blast injuries: 01. Penetrating injury on right thigh with severance of vastus lateralis (right hip area), Injury was grievous in nature. He was discharged on 02-03-2013. He was treated by a team of Doctors. Ex.P118 is the MLC-cum-Injury Certificate of the injured Mr.Mohan Reddy. On the same day another patient by name Madhusudhan Reddy S/o.Ganga Reddy, Age: 52 years, was admitted in hospital vide IP No.113568, MLC No.19408. He sustained the following blast injuries: 01. Laceration 2 X 0.5 CMs on left iliac fossa (left lower abdomen area), 2. Penetrating injury abdomen, ileal perforation (small intestine), Injuries were grievous in nature. He was discharged on 03-03-2013. He was treated by a team of Doctors. Ex.P119 is the MLC-cum-Injury Certificate of the injured Mr.Madhusudhan Reddy. On the same day another patient by name Havappa S/o.Veera Shetty, Age: 23 years, was admitted in hospital vide IP No.113571, MLC No.19338. He sustained the following blast injuries:

01. Multiple penetrating injuries over right thigh, left thigh, buttocks, right shoulder, Injuries were grievous in nature. He was discharged on 27-02-2013. He was treated by a team of Doctors. Ex.P120 is the MLC-cum-Injury Certificate of the injured Mr.Havappa. On the same day another patient by name Mr.Panduranga Reddy S/o.Janardhan Reddy, Age: 21 years, was admitted in hospital vide IP No.113572, MLC No.19406. He sustained the following blast injuries: 01. Penetrating injury of chest and abdomen, 2. Crush injury on left leg and fracture of femur, 3. Crush injury on left upper limb and fracture of radius, 4. Contusion 6 X 6 CMs on left side of chest, 5. Crush injury of right lower limb, 6. Globe injury of left eye. Injuries were grievous in nature. He was discharged on 05-04-2013. He was treated by a team of Doctors who conducted multiple surgeries on various dates. Ex.P121 is the MLC-cum-Injury Certificate of the injured Mr.Panduranga Reddy. He opined that all the injuries sustained by the above patients are on account of bomb blast.

111. During the course of Cross Examination, he stated that he was working in the Yashoda Hospital and that he is one of the Senior Doctors. He looks after the entire Administration of the Hospital. He had not treated any of the injured persons whose certificates are marked as Ex.P108 to P121. He admitted that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured persons. He admitted that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He also stated that in Ex.P108 to 121 it is not specifically mentioned that the injuries were burn injuries.

112. PW88 G.Raghavendra who is Resident Medical Officer

of Omni Hospitals, Hyderabad stated that on 21-02-2013 he came to know that two bomb blasts occurred at Dilsukhnagar around 07-00 pm., and within minutes several injured persons were brought to hospital for the purpose of treatment by the Police and public. The following injured were brought to the hospital: One Mr.Kishore, Age: 23 years was brought to the hospital and a lacerated injury on the left scapula with retained pellets were found. He was treated vide MLC No.2178 as inpatient and discharged. Ex.P140 is the MLC-cum-Injury certificate. The injury was simple in nature. One Mr.Ganesh, Age: 32 years was brought to the hospital and a bomb blast injury to the right ear and found that there was hearing loss. He was treated vide MLC No.2210 as inpatient and discharged. Ex.P141 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injury was simple in nature. One Mr.A.Satyanarayana, Age: 44 years was brought to the hospital and a bomb blast injury resulting in fracture of V Metatarsal compound comminuted deep laceration over right subtrochantric fracture and also deep laceration over the right thigh was found. He was treated vide MLC No.2197 as inpatient and discharged. Ex.P142 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are grievous in nature. One Ms.A.Vina Rani Age: 23 years was brought to the hospital and a bomb blast injury resulting in bilateral mild sensorineural hearing loss and one foreign body in the right occipital region was found. She was treated vide MLC No.2205 as inpatient and discharged. Ex.P143 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Mr.Venkat Reddy, Age: 23 years was brought to the hospital and a bomb blast injury resulting in multiple puncture wounds all over the body of various sizes and also laceration over back. He was treated vide MLC No.2191 as inpatient and discharged. Ex.P144 is the MLC-cum-Injury

certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Mr.Rakesh, Age: 30 years was brought to the hospital and a bomb blast injury resulting in punctured wound over chest with bleeding. Irregular lacerations over left lateral aspect of thigh was found. He was treated vide MLC No.2196 as inpatient and discharged. Ex.P145 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Ms.Sampatha, Age: 30 years was brought to the hospital and a bomb blast injury resulting concussion and multiple abrasions over the body was found. She was treated vide MLC No.2190 as inpatient and discharged. Ex.P146 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Baby Priyanka, Age: 7 years was brought to the hospital and with bomb blast injury, left ear injury of mild to moderate hearing loss and multiple abrasions over right thigh and neck were found. She was treated vide MLC No.2180 as inpatient and discharged. Ex.P147 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Mr.P.Durga Prasad, Age: 23 years was brought to the hospital with bomb blast injury resulting left compound subtrochantric fracture and left hand fourth finger fracture. Laceration wound on right lower chest was also found. The injuries are grievous and simple in nature respectively. He was treated vide MLC No.2195 as inpatient and discharged. Ex.P148 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. One Ms.Kalavathi Chowhan, Age: 50 years was brought to the hospital with bomb blast injury resulting in laceration over left upper limb and foreign body was found in situ. She was treated vide MLC No.2198 as inpatient and discharged. Ex.P149 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this

witness. The injuries are simple in nature. One Mr.Parameshwar, Age: 19 years was brought to the hospital with bomb blast injury resulting in multiple punctured wounds of abdomen and right thigh. He was treated vide MLC No.2179 as inpatient and discharged. Ex.P150 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Mr.G.Venkateshwar Rao, Age: 45 years was brought to the hospital with bomb blast injury resulting in grade-II compound fracture of left leg middle 1/3. He was treated vide MLC No.2193 as inpatient and discharged. Ex.P151 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are grievous in nature. One Mr.V.Rajender Reddy, Age: 21 years was brought to the hospital with bomb blast injury resulting in lacerated penetrating right forehead and abrasion over left cheek which injury is simple in nature. Laceration over below chin and deep penetrating injury anterior surface of abdomen. Compound fracture of right tibia and fibula. Surgery was conducted. These injuries are grievous in nature. He was treated vide MLC No.2199 as inpatient and discharged. Ex.P152 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. One Mr.P.Srinivas, Age: 32 years was brought to the hospital with bomb blast injury resulting in injury to the head and laceration over scalp. He was treated vide MLC No.2194 as inpatient and discharged. Ex.P153 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Mr.Raghavendra Swamy, Age: 27 years was brought to the hospital with bomb blast injury resulting in laceration over left leg and pellets were found in situ. He was treated vide MLC No.2206 as inpatient and discharged. Ex.P154 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One

Mr.Y.Naveen, Age: 21 years was brought to the hospital with bomb blast injury resulting in laceration on left occipital region and a foreign body was found. He was treated vide MLC No.2181 as inpatient and discharged. Ex.P155 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are grievous in nature. One Mr.Maruthi, Age: 23 years was brought to the hospital with bomb blast injury resulting in head injury with right frontal pneumocephalus. Right ethmoid bone fracture which is grievous in nature. Laceration over upper and lower eye lid and right eye puncture which injuries are simple in nature. He was treated vide MLC No.2192 as inpatient and discharged. Ex.P156 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. One Mr.Uday, Age: 19 years was brought to the hospital with bomb blast injury resulting in dislocation of left patella to lateral side. He was treated vide MLC No.2182 as inpatient and discharged. Ex.P157 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are grievous in nature. One Mr.Sk.Khadeel, Age: 20 years was brought to the hospital with bomb blast injury resulting in head injury. He was treated vide MLC No.2208 as inpatient and discharged. Ex.P158 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Mr.Shyam Rao, Age: 45 years was brought to the hospital with bomb blast injury resulting in foreign body in right clavicular region. He was treated vide MLC No.2207 as inpatient and discharged. Ex.P159 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. One Mr.Bheem, Age: 34 years was brought to the hospital with bomb blast injury resulting in foreign body in back of chest and punctured wound, laceration over left knee and abdomen. He was treated vide MLC No.2209 as inpatient and

discharged. Ex.P160 is the MLC-cum-Injury certificate issued by Dr.Jaganath whose signature was identified by this witness. The injuries are simple in nature. He opined that the cause of injuries to the above injured was found to be on account of bomb blast.

113. During the course of Cross Examination, he stated that he is one of the Senior Doctors. He look after the entire Administration of the Hospital. He have not treated any of the injured persons whose certificates are marked as Ex.P141 to P160. He admitted that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured persons. He admitted that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He admitted that in Ex.P140 to P160 it is not specifically mentioned that the injuries were burn injuries. Any how, it is the case of the accused that two blasts took place at the scene of offence, and it is equally not in dispute that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. These two propositions lead to an irresistible conclusion that the injuries are on account of bomb blasts.

114. PW95 Dr.Md.Rafi who is Resident Medical Officer, Osmania General Hospital, Hyderabad stated that on 21-02-2013 patients were brought to the hospital by police and private persons. They were informed that the said persons received injuries in the bomb blasts that occurred at Dilsukhnagar around 07-00 pm., on the same day. The injured who were brought to the hospital were treated accordingly. He handed over the MLC-cum-Injury certificates and opinion to the Police and he identified the signatures appended therein

by the Doctors. The following injured/patients came to their hospital: Patient by name Shashikala, Age: 39 years was brought to hospital vide OP No.13028944, MLC No.4729. She sustained the following blast injuries: 1. Complaining of pain and swelling of left limbs, 2. pain and swelling of right knee, Ex.P221 is the MLC record. The witness identified the signature of the Doctor. Both the injuries sustained are simple in nature. The said patient was treated by a team of specialists. On the same day another patient by name L.Narsing Rao, Age: 42 years was admitted in hospital vide IP No.05802, MLC No.4924. He sustained following blast injuries: 1. Complaining of resound, 2. Patient presented with headache and unable to hearing and referred to ENT hospital, Hyderabad. Ex.P222 is the MLC-cum-injury certificate of L.Narsing Rao. The witness identified the signature of the Doctor. On the same day another patient by name Ashok.N, Age: 25 years was brought to hospital vide OP No.11209, MLC No.4526. He sustained the following blast injuries: 1. Injury over the left knee, 2. Abrasion over the right heel, 3. Injury over the right thigh. This patient was again admitted in the hospital vide IP No.5730/2013 on 22-02-2013. He has sustained injuries which are simple in nature. MLC No.4526/2013 of Ashok.N is at Ex.P223. The witness identified the signature of the Doctor. On the same day another patient by name P.Rama Kushna, Age: 60 years was brought to hospital vide OP No.11448, MLC No.4844. He sustained the following blast injuries: 1. Bandaged wound of right ear, 2. Penetrating injury on right lob with glass pieces, Injuries are simple in nature. Ex.P224 is the MLC-cum-Injury certificate of the injured P.Rama Kushna. The witness identified the signature of the Doctor. On 23-02-2013 at 03-50 pm., another patient by name Baswa Raj, Age: 38 years, was brought to hospital vide OP No.11514, MLC No.4962. He sustained the following blast injuries: 1. Abrasion over the right lower back region, Injury was simple in nature. Ex.P225 is the MLC-cum-Injury Certificate

of the injured Mr.Baswa Raj signed by his colleague. The witness identified the signature of the Doctor. Another patient by name Purna Prashad Sharma, Age: 25 years, R/o.Dilsukhangar was brought to hospital vide OP No.11144, MLC No.4254. He sustained the following blast injuries: 01. Injury over the back below the neck of 3/3 cm., Injury was simple in nature. Ex.P226 is the MLC-cum-Injury Certificate of the injured Mr.Purna Prashad signed by his colleague. The witness identified the signature of the Doctor. Another patient by name Srinivas, Age: 39 years, was brought to hospital vide OP No.11548 on 23-02-2013 MLC No.4863. He sustained the following blast injuries: 01. Superficial injury of 2 cm., in size over abdomen, Injury was simple in nature. Ex.P227 is the MLC-cum-Injury Certificate of the injured Mr.Srinivas signed by his colleague. The witness identified the signature of the Doctor. On the same day another patient by name Mr.Dasharad, Age: 25 years, was brought to hospital vide OP No.11217, MLC No.3590. He sustained the following blast injuries: 01. Abrasion over back left shoulder, 02. Injuries over scalp (laceration on occipital region), Injuries were simple in nature. Ex.P228 is the MLC-cum-Injury Certificate of the injured Mr.Dasharad signed by his colleague. The witness identified the signature of the Doctor. On 22-02-2013 at 03-10 pm., another patient by name A.Narasimha Rao, Age: 65 years, was brought to hospital vide OP No.11319, MLC No.4916. He sustained the following blast injuries: 01. Laceration on left foot, Injury was simple in nature. Ex.P229 is the MLC-cum-Injury Certificate of the injured A.Narasimha Rao which was signed by his colleague. The witness identified the signature of the Doctor. On 23-02-2013 at 09-30 pm., another patient by name D.Anil Kumar, Age: 22 years, was brought to hospital vide OP No.11568, MLC No.4868. He sustained the following blast injuries: 01. Complaining pain and no external injury found, Injury was in simple nature. Ex.P230 is the MLC-cum-Injury Certificate of the injured D.Anil Kumar signed by his

colleague. The witness identified the signature of the Doctor. On the same day another patient by name Abdul Jabar, Age: 40 years was brought to hospital vide OP No.11515, MLC No.4963. He sustained the following blast injuries: 01. Laceration over right arm, 02. Abrasion over neck, Injuries were simple in nature. Ex.P231 is the MLC-cum-Injury Certificate of the injured Mr.Abdul Jabar. The witness identified the signature of the Doctor. On the same day another patient by name G.Buchaiah, was brought to hospital vide OP No.12825, MLC No.5374. He sustained the following blast injuries: 01. Laceration over left elbow medial side 2X1X1 cm (already treated), 02. Small abrasions over frontal region, Injuries were simple in nature. Ex.P232 is the MLC-cum-Injury Certificate of the injured Mr.G.Buchaiah. The witness identified the signature of the Doctor. On the same day another patient by name Nanchanraiah S/o.Rambabu was brought to hospital vide IP No.05803, MLC No.4273. He sustained the following blast injuries: 01. Laceration over right hand (sutured), 02. Abrasion over thigh, Injuries were grievous in nature. Ex.P233 (2 sheets) is the MLC-cum-Injury Certificate of the injured Mr.Nacharaiah issued by Dr.Lakshmi Narayana. The witness identified the signature of the Doctor. On the same day another patient by name Ramadevi W/o.Venkanna, Age: 25 years, was admitted in hospital vide IP No.05804, MLC No.4534. She sustained the following blast injuries: 01. Wounds over scapula left and scapula right, 02. Bilateral injury on thigh and over left ear. Injuries were grievous in nature. Ex.P234 (2 sheets) is the MLC-cum-Injury Certificate of the injured Ramadevi issued by Dr.Muralidhar Reddy. The witness identified the signature of the Doctor. On the same day another patient by name Venkanna, S/o.Baburao was admitted in hospital vide IP No.5805, MLC No.4535. He sustained the following blast injuries: 01. Wound on posterior aspect of right arm near elbow joint, 02. Rest wound on right ring finger

03. Wound on the posterior aspect of both legs, Injuries were grievous in nature. Ex.P235 (2 sheets) is the MLC-cum-Injury Certificate of the injured Venkanna issued by Dr.Muralidhar Reddy. The witness identified the signature of the Doctor. On the same day another patient by name K.Yellaiah S/o.Ramchander, Age: 32 years was admitted in hospital vide OP No.11196, MLC No.3577. He sustained the following blast injuries: 01. Laceration over right leg and back region, 02. Abrasion over left hand, Injuries were Simple in nature. Ex.P236 (2 sheets) is the MLC-cum-Injury Certificate of the injured K.Yellaiah issued by Dr.Sharath Chandra Reddy. The witness identified the signature of the Doctor. He opined that all the injuries sustained by the above patients are on account of bomb blast. The witness identified all the signatures of his colleague Doctors on the MLC-cum-Injury certificates and also opinions issued by respective Doctors.

115. During the course of Cross Examination, he stated that he is working in the Osmania General Hospital and he is one of the Senior Doctors. He look after the entire Administration of the Hospital. He had not treated any of the injured persons whose certificates are marked as Ex.P221 to P236. He admitted that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured persons. He admitted that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injury was caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P221 to 236 it is not specifically mentioned that the injuries were burn injuries.

116. PW96 Dr.D.Ajay who is working as Resident Medical Officer, Kamala Hospital situated at Dilsukhnagar for the past 3 years. On 21-02-2013 while he was attending to duties, he heard two big

sounds. They came to know that two bomb blasts occurred at Dilsukhnagar Bus stop and another at Dilsukhnagar X Road. After few minutes several patients who were injured in the bomb blasts were also brought to hospital for the purpose of treatment. At that time Dr.N.Narasimha Rao, Dr.Yadagiri, himself and other staff of the hospital were present and attended to the injured who were brought to the hospital. One patient by name Vignesh was treated vide MLC No.704, IP.No.1774. He received the following blast injuries: 01 Injury to the right hip and lumbar region, 02 Right ear pain, Both the injuries are grievous in nature. Ex.P237 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name T.Srinivas was treated vide MLC No.700, IP.No.1770. He received the following blast injuries: 01 Multiple lacerated injury on left low leg, 02 Lacerated injury on right shoulder and right thigh. Both the injuries are grievous in nature. Ex.P238 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Venugopal was treated vide MLC No.712, IP.No.1783. He received the following blast injuries: 01 Injury to the left ear resulting in mild hearing loss, Injury is grievous in nature. Ex.P239 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Md.Hazi was treated vide MLC No.706, IP.No.1777. He received the following blast injuries: 01 Deep lacerated injury to the right shoulder, 02 Lacerated wound on the left side of the buttock. Both the injuries are grievous in nature. Ex.P240 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Ms.Sudha Rani was treated vide MLC No.710, IP.No.1781. She received the following blast injuries: 01Deep lacerated wound on the back of left thigh, 02 Lacerated wound on the right forearm. Both the

injuries are grievous in nature. Ex.P241 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Ms.Rupa was treated vide MLC No.711, IP.No.1782. She received the following blast injuries who was brought in an unconscious state: 01 Head injury (occipital region). Injury is grievous in nature. Ex.P242 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Krishna was treated vide MLC No.701, IP.No.1771. He received the following blast injuries: 01 Lacerated injury to the shoulder, chest, both upper and lower limbs, 02 Foreign body pierced into right leg. Both the injuries are grievous in nature. Ex.P243 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Mrs.Manasa was treated vide MLC No.703, IP.No.1773. She received the following blast injuries: 01 Injury to the both upper limbs and right leg. Injuries are grievous in nature. Ex.P244 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Ms.Mounika was treated vide MLC No.705, IP.No.1775. She received the following blast injuries: 01 Multiple lacerated injury on the right lower leg, left forearm and right shoulder, 02 Lacerated wound on right illiafoca. Both the injuries are grievous in nature. Ex.P245 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Ms.Swathi was treated vide MLC No.687, IP.No.1769. She received the following blast injuries: 01 Lacerated Injury on left back of the chest, 02 Foreign body penetrated in left lung near to the heart. Both the injuries are grievous in nature. Ex.P246 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Javeed was treated vide MLC No.702, IP.No.1772.

He received the following blast injuries: 1 Injury to the right hand and right leg. Both the injuries are grievous in nature. Ex.P247 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Sunny was treated vide MLC No.707, IP.No.1778. He received the following blast injuries: 1 Injury to right hand elbow joint, 02 Right and left ears minimal loss of hearing, both the injuries are grievous in nature. Ex.P248 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Gopal Reddy was treated vide MLC No.708, IP.No.1779. He received the following blast injuries: 01 Deep laceration wound on right foot, 02 Laceration on right hand little finger and right forearm. Injuries are grievous in nature. Ex.P249 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Narasimha Reddy was treated vide MLC No.709, IP.No.1780. He received the following blast injuries: 01 deep lacerated wound on left side of cheek, 02 Lacerated wound on right thigh. Both the injuries are grievous in nature. Ex.P250 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. One patient by name Bhaka Reddy was treated vide MLC No.713, IP.No.1785. He received the following blast injuries: 01 Right and left ears traumatic perforation, 02 Forearm injuries small foreign bodies and chest pain. Both the injuries are grievous in nature. Ex.P251 is the MLC-cum-Injury certificate signed by Dr.N.Narasimha Rao, whose signature was identified by this witness. Wherever foreign bodies were found, the patients were operated and the said foreign bodies were removed. He opined that all the injuries found on the above patients are on account of bomb blast.

117. During the course of Cross Examination, he stated that he is working in the Kamala Hospital for 3 years. He is one of the

Senior Doctors. He look after the entire Administration of the Hospital. He had also treated the injured persons whose certificates are marked as Ex.P237 to P251. He admitted that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured persons. He admitted that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injury was caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P237 to 251 it is not specifically mentioned that the injuries were burn injuries.

118. PW100 Dr.P.Murali Manohar who is working as Resident Medical Officer, Kamineni Hospitals, LB Nagar stated that they came to know through TV that two bomb blasts occurred at Dilsukhnagar on 21-02-2013 around 07-00 pm., The Police brought some patients who were injured in the said blasts for the purpose of treatment in hospital. Accordingly the Doctors from different Departments including Dr.Ashok Raju, Dr.C.Kama Raju, Dr.Ashok Kumar and other Doctors treated the said patients. One patient by name R.Sunil, Age: 19 years, was brought to the hospital who was injured in the bomb blast. The injuries that he received on account of the blasts were: 01. Multiple abrasions on the left side of the face, 02. Multiple abrasions over the left side of forehead, 03. Left ear hearing impairment. The injured were founded to be in grievous in nature. Ex.P262 is the MLC-cum-Injury Certificate of Sunil. MLC No.30742 vide IP No.20130203232. The witness identified the signature of the then Doctor Dr.Praveena Reddy who issued Ex.P262. One patient by name Harish, Age: 20 years, was brought to the hospital who was injured in the bomb blast. The injuries that he received on account of the blasts were: 01. Penetrated wound over the medial aspect of right ankle, 02.

Swelling and tenderness over the medial malleolus. The injuries were founded to be in grievous in nature. Ex.P263 is the MLC-cum-Injury Certificate of Harish. MLC No.30743 vide IP No.20130203281. The witness identified the signature of the then Doctor Dr.Praveena Reddy who issued Ex.P263. One patient by name G.Shrvan Kumar, Age: 25 years, was brought to the hospital who was injured in the bomb blast. The injuries that he received on account of the blasts were: 01. Punctured lacerated wound over the right leg 6X4 cms, 02. Swelling and tenderness over the right leg, A discarded metal fragment was found in the injury which was removed. The injuries were founded to be in grievous in nature. Ex.P264 is the MLC-cum-Injury Certificate of Shravan Kumar. MLC No.30739 vide IP No.20130203232. The witness identified the signature of the then Doctor Dr.Praveena Reddy who issued Ex.P264. One patient by name Santhosh Amarvadi, Age: 20 years, was brought to the hospital who was injured in the bomb blast. Due to the impact the patient was found to have had stiffness of limbs and vomitings for which he was treated. However no external injuries were found. Ex.P265 is the MLC-cum-Injury Certificate of Santhosh Amarvadi. MLC No.30740 vide IP No.201301669. The witness identified the signature of the then Doctor Dr.Praveena Reddy who issued Ex.P265.

119. During the course of Cross Examination, he stated that he is working in the Kamineni Hospital and he is one of the Senior Doctors. He look after the Administration of the Hospital along with other Doctors. He had not treated any of the injured persons whose certificates are marked as Ex.P262 to P265. He admitted that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured persons. He admitted that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused

to the injured persons. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He admitted that in Ex.P262 to 265 it is not specifically mentioned that the injuries were burn injuries.

120. PW101 Dr.N.Yadagiri who is Chief Medical Officer, Care Hospital, Nampally, Hyderabad stated that they have seen on TV that twin bomb blasts occurred at Dilsukhnagar on 21-02-2013 around 07-00 pm., he along with other Doctors namely Dr.Venkat Ramana, Dr.Gopinath, Dr.Satish Shashank, Dr.Fenandas and other specialists were also present. Some of the patients who were injured in the said blasts were brought to the hospital for the purpose of treatment. The concerned Doctors of various Speacialitis such as Orthopedics, Plastic Surgeons, General Surgeons, Surgecal Gastro enterologists and Neuro Surgeons have attended to the patients and treated as needed. One patient by name M.Lakshmi, Age: 25 years with IP No.64020 MLC No.4155 of OGH was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Lacerated wound over the medial aspect of right arm 5X2 cms, 02. Lacerated wound over the right glutal region, 03. A soft tissue defect 7X4 cms on the postieror lateral aspect of right ankle with rupture of tendo Achilles with exposure of bone was found. The treatment was done by Dr.Venkatesh Babu, Dr.Shashikanth Godey who have issued medical certificate of M.Lakshmi under Ex.P266 (4 Sheets). This witness identified the signatures on Ex.P266. The Injuries are grievous in nature. One patient by name M.Ravinder, Age: 25 years with IP No.6429 MLC No.4158 of OGH was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Penetrating injury to the right thigh with two 2 X 2 Cms wounds. One in the medical and another posteromedial aspect of thigh, 02. Right thigh swollen and thigh - Compartment Syndrome, The following aspects

were found on the patient: 01. No distal pulsations beyond popliteal artery, 02. Right calf cold to touch, 03. No active toe and ankle movements, 04. Central Tympanic perforation of left ear. The treatment was done by Dr.Shashikanth Godey who have issued medical certificate of M.Ravinder under Ex.P267 (4 Sheets). This witness identified the signatures on Ex.P267. The Injuries are grievous in nature. The right leg of the patient was amputated. One patient by name Baby Anil, Age: 3 years with OP No.0002 MLC No.122/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Small abrasion on the right knee, 02. Multiple small abrasions on the right side of the back. The treatment was done by Dr.Jayapaul, Pediatrician who have issued medical certificate of Baby Anil under Ex.P268 (2 Sheets). This witness identified the signatures on Ex.P268. The Injuries are simple in nature. One patient by name Ms.Gangulamma, Age: 50 years with IP No.12114 MLC No.0GH4522 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Open comminuted fracture left second MCP joint first, second metacarpal fracture, left extensoridei tendon cut and compound right tendoachilles tear and clw right postierior aspect leg. The treatment was done by Dr.Gopinath who have issued medical certificate of Gangulamma under Ex.P269 (2 Sheets). This witness identified the signatures on Ex.P269. The Injuries are grievous in nature. One patient by name Mr.Ranga Rao, Age: 23 years with OP No.0003 MLC No.123/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Small lacerated wound below the left knee joint. The treatment was done by Dr.Bevan Desilva who have issued medical certificate of Ranga Rao under Ex.P270 (2 Sheets). This witness identified the signatures on Ex.P270. The Injuries are simple in nature. One patient by name Mr.Hatiya Naik, Age: 55 years with IP No.12113

MLC No.60/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01.Laceration over right leg, 02. Traumatic perforation of the right ear tympanic membrain. The treatment was done by Dr.Matta Harry Fernandez who have issued medical certificate of Hatiya Naik under Ex.P271 (3 Sheets). This witness identified the signatures on Ex.P271. The Injuries are simple in nature. One patient by name Lakshmi Reddy, Age: 47 years with IP No.12126 MLC No.0GH4255 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01.Laceration right shoulder region, 02. Laceration of right leg. The treatment was done by Dr.Matta Harry Fernandez who have issued medical certificate of Lakshmi Reddy under Ex.P272 (2 Sheets). This witness identified the signatures on Ex.P272. The Injuries are simple in nature. One patient by name Mr.Venu, Age: 24 years with IP No.12155 MLC No.64/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Head injury with left hip joint, 02. Injury with left ear lost. The treatment was done by Dr.Rama Krishna Murthy who have issued medical certificate of Venu under Ex.P273 (3 Sheets). This witness identified the signatures on Ex.P273. The Injuries are grievous in nature. One patient by name M.Krishna, Age: 18 years with IP No.12110 MLC No.57/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Undisplaced sugsical neck fracture right humerus, 02. Laceration left leg, 03. laceration of right foot. The treatment was done by Dr.Matta Harry Fernandez who have issued medical certificate of M.Krishna under Ex.P274 (3 Sheets). This witness identified the signatures on Ex.P274. The Injuries are grievous in nature. One patient by name Mr.Rajiv Kumar, Age: 21 years with IP No.12112 MLC No.0GH4150 was brought for the purpose of treatment. The injuries found on the said patient on account of the

blasts were simple in nature. The treatment was done by Dr.Venkat Kumar who have issued medical certificate of Rajiv Kumar under Ex.P275 (2 sheets). This witness identified the signatures on Ex.P275. One patient by name Mr.M.Mangu, Age: 20 years with IP No.154743 MLC No.52/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Decreased hearing over both ears

02. ENT bleeding and vomiting. The treatment was done by Dr.D.V.Aditya who have issued medical certificate of Mr.M.Mangu under Ex.P276 (2 Sheets). This witness identified the signatures on Ex.P276. The Injuries are grievous in nature.

One patient by name Ms.Peeramma, Age: 42 years with IP No.12119 MLC No.0GH4245 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Compound fracture mandival soft tissue, 02. Full thickness burn over neck. The treatment was done by Dr.Gyaneshwar who have issued medical certificate of Peeramma under Ex.P277 (2 Sheets). This witness identified the signatures on Ex.P277. The Injuries are grievous in nature. One patient by name Venkaihamma, Age: 44 years with IP No.12184 MLC No.68/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Left lateral malleonus fractured ankle. The treatment was done by Dr.Gopinath who have issued medical certificate of Venkaiahamma under Ex.P278 (3 Sheets). This witness identified the signatures on Ex.P278. The Injuries are grievous in nature. One patient by name Sai Rohit Goud, Age: 19 years with IP No.12117 MLC No.59/2013 was brought for the purpose of treatment who was initially admitted at OGH. The injuries found on the said patient on account of the blasts were: 01. Partially sutured right thigh lacerated wound 10X1X1 cm, 02. Multiple lacerated blast wave wounds and burns all over the body. 03. Sutured

wounds over right forearm, 04. Sutured wounds over left cubital fossa area. The treatment was done by Dr.D.V.Aditya who have issued medical certificate of Sai Rohit Goud under Ex.P279 (2 Sheets). This witness identified the signatures on Ex.P279. The Injuries are grievous in nature. One patient by name Yadaiah Goud, Age: 40 years with IP No.12123 MLC No.62/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Fracture of vertebra, 02. Crush injury on left hand. A foreign body was found which was removed. The treatment was done by Dr.Kaliya who have issued medical certificate of Yadaiah Goud under Ex.P280 (2 Sheets). This witness identified the signatures on Ex.P280. The Injuries are grievous in nature. One patient by name B.Sravani, Age: 20 years with IP No.12162 MLC No.1639 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Contusion on right high parietal region, 02. L1 L3 fractured, 03. Left kidney contusion, 04. Left foot laceration, 05. Left index finger crush injury, 06. Right arm tricep injury. The treatment was done by Dr.Syed Ameer Pasha who have issued medical certificate of B.Sravani under Ex.P281 (3 Sheets). This witness identified the signatures on Ex.P281. The Injuries are grievous in nature. One patient by name A.Bhasker, Age: 22 years with IP No.12109 MLC No.4159 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Open type three intercondylar fracture of left humerus with loss of capitellum, 02. Open type three radial neck with loss of lateral half of left radial head, 03. Type three B commuted fracture of left olecranon and proximal half of left ulna. The treatment was done by Dr.Harry Fennadaz who have issued medical certificate of A.Bhaskar under Ex.P282 (1 Sheet). This witness identified the signatures on Ex.P282. The Injuries are grievous in nature. One patient by name G.Ramesh, Age: 45 years with IP No.12118 MLC

No.OGH4530 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Compound fracture parasympasys of mandible with soft tissue injury of face and right thigh. The treatment was done by Dr.Gyaneshwar who have issued medical certificate of G.Ramesh under Ex.P283 (1 Sheet). This witness identified the signatures on Ex.P283. The Injuries are grievous in nature. One patient by name S.Venkat Narayana, Age: 35 years with IP No.12108 MLC No.63/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Left frontal SAH with contusion, 02. Multiple burn injuries over face and chest, 03. Multiple lacerations over body, 04. Lung contusion. The treatment was done by Dr.Rama Krishan Murthy who have issued medical certificate of Venkat Narayana under Ex.P284 (3 Sheets). This witness identified the signatures on Ex.P284. The Injuries are grievous in nature. One patient by name Mr.Sudhakar, Age: 38 years with IP No.12115 MLC No.4/56 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Multiple injuries over the body due to the blast. The treatment was done by Dr.Naresh who have issued medical certificate of Sudhakar under Ex.P285 (1 Sheet). This witness identified the signatures on Ex.P285. The Injuries are grievous in nature. One patient by name Saida Naik, Age: 19 years with IP No.12116 MLC No.61/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Multiple abrasions and lacerations all over the body. 02. Bilateral extensive lung contiutions. Foreign found in left thigh was removed and the patient had hearing impairment of left ear. The treatment was done by Dr.K.V.Raja Shekar Rao who have issued medical certificate of Saida Naik under Ex.P286 (3 Sheets). This witness identified the signatures on Ex.P286. The Injuries are grievous in nature. One patient by name L.Suman, Age: 22 years

with IP No.12121 MLC No.0GH4263 was brought for the purpose of treatment from OGH. The injuries found on the said patient on account of the blasts were: 01. Laceration of left leg proximal ¼ and foreign body found in thigh. The treatment was done by Dr.Harry Fennadaz who have issued medical certificate of L.Suman under Ex.P287 (3 Sheets). This witness identified the signatures on Ex.P287. The Injuries are grievous in nature. One patient by name Satyam Babu, Age: 55 years with IP No.12122 MLC No.55/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Several bilateral lung contusions, 02. Multiple injuries all over the body and left leg, 03. Open wound on the lateral aspect of thigh exposing muscles, 04. Multiple abrasions and lacerations on the left hand, 05. Crush injury involving all fingers and hand retroviral positive. The treatment was done by Dr. Rajashekhar Rao who has issued medical certificate of Satyam Babu under Ex.P288 (3 Sheets). This witness identified the signatures on Ex.P288. The Injuries are grievous in nature. One patient by name T.Ravi, Age: 33 years with IP No.12127 MLC No.22/2 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Multiple injuries all over the body. The treatment was done by Dr.V.Naresh who have issued medical certificate of T.Ravi under Ex.P289 (1 Sheet). This witness identified the signatures on Ex.P289. The Injuries are grievous in nature. One patient by name E.Mahesh, Age: 23 years with IP No.12111 MLC No.56/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were:

01. Polytrauma injury due to bomb blasts. The treatment was done by Dr.Gyanshwar who have issued medical certificate of E.Mahesh under Ex.P290 (3 Sheets). This witness identified the signatures on Ex.P290. The Injuries are grievous in nature. One patient by name Mr.Ranjith,

Age: 19 years with IP No.12267 MLC No.71/12 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Blast injuries over the body. The treatment was done by Dr.Venkat Kumar who have issued medical certificate of Mr.Ranjith under Ex.P291 (1 Sheet). This witness identified the signatures on Ex.P291. The Injuries are grievous in nature. One patient by name Vijay Prasad, Age: 24 years with IP No.12120 MLC No.54/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Multiple blast burn injuries over back and scalp, 02. Lacerated wound over left foot 5X3 cms, 03. Lacerated wound over right foot 5X5 cms, 04. Right ear was severed. The treatment was done by Dr.D.V.Aditya who have issued medical certificate of Vijay Prasad under Ex.P292 (2 Sheets). This witness identified the signatures on Ex.P292. The Injuries are grievous in nature. One patient by name T.Uday Kumar, Age: 19 years with OP No.00204 MLC No.66/2013 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. Right ear hearing loss, 02. Abrasion and blast burn and puncture wound over right arm, 03. Right eye vision decreased, 04. Burn wounds over right side of lower chest. Metal pellet was removed from body. The treatment was done by Dr.D.V.Aditya who has issued medical certificate of T.Uday Kumar under Ex.P293 (2 Sheets). This witness identified the signatures on Ex.P293. The Injuries are grievous in nature. One patient by name T.Nagarjuna, Age: 22 years with IP No.12203 MLC No.OGH4953 was brought for the purpose of treatment. The injuries found on the said patient on account of the blasts were: 01. CLW over the lateral aspect of right foot with foreign metal piece found. The foreign body was removed. The treatment was done by Dr.K.Gopinath who has issued medical certificate of T.Nagarnuja under Ex.P294 (1 Sheet). This witness identified the signatures on Ex.P294. The Injuries are grievous

in nature. One patient by name Yashoda, Age: 30 years with IP No.64233 MLC No.121/2013 was brought for the purpose of treatment. The said patient was carrying seventeen weeks pregnancy. The injuries found on the said patient on account of the blasts were: 01. Superficial scalp injury over right parital bone, 02. Lacerated wound over right shoulder 3X2 cms. Due to the impact of the blast, the patient delivered dead foetus on 23-02-2013, which was handed over to Police. The treatment was done by Dr.Malini and the concerned Medico Legal Record along with Medical certificate is Ex.P295 (4 Sheets). This witness identified the signatures on Ex.P295. The Injuries are grievous in nature.

121. During the course of Cross Examination, he stated that he is working in the Care Hospital and he is one of the Senior Doctors. He also stated that he look after the Administration of the Hospital along with other Doctors. He also stated that he had not treated any of the injured persons but supervised the process of treatment, whose certificates are marked as Ex.P266 to P295. He admitted that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured persons. He also admitted that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in some of the Exs.P266 to 295 it is not specifically mentioned that the injuries were burn injuries.

122. PW103 Dr.K.Naresh who is Resident Medical Officer of Sapthagiri Hospitals, Hyderabad stated that he is working in the said hospital for the last 4 years. On 21-02-2013 he came to know that two bomb blasts occurred at Dilsukhnagar around 07-00 pm., and within minutes several injured persons were brought to hospital for the

purpose of treatment by the Police and public. The following injured were brought to the hospital: One Mr.Janga Reddy, Age: 22 years was brought to the hospital on 22-02-2013 at about 12-30 am., and he had treated this patient. He sustained following blast injuries: 01. Fracture of right clavicle bone. He was treated vide MLC No.008 as outpatient. Ex.P298 is the MLC-cum-Injury certificate of Mr.Janga Reddy. The injury was grievous in nature. On 21-02-2013 at 07-25 pm., One Mr.Muralidhar Reddy, Age: 29 years approached to hospital and he was treated by Doctor Santhosh. He sustained following blast injuries: 01. Small laceration over abdominal wall. He was treated vide MLC No.011 as outpatient. Ex.P299 is the MLC-cum-Injury certificate of Mr.Muralidhar Reddy signed by Dr.Santhosh. The injury was simple in nature. This witness identified the signature of Dr.Santhosh who signed on injury certificate. The witness identified the signature of his colleague Doctor. On 21-02-2013 at 07-40 pm., One Mr.P.Shekhar Reddy approached to hospital and he was treated by Doctor Santhosh. He sustained following blast injuries: 01. Small laceration over right scapular region. He was treated vide MLC No.010 as outpatient. Ex.P300 is the MLC-cum-Injury certificate of Mr.P.Shekhar Reddy signed by Dr.Santhosh. The injury was simple in nature. The witness identified the signature of his colleague Doctor. He opined that in all the above cases, the cause of injury was found to be on account of bomb blast.

123. During the course of Cross Examination, he stated that he is working in the Sapthagiri Hospital and he is one of the Senior Doctors. He also stated that he look after the entire Administration of the Hospital. He had treated one of the injured persons whose certificate is marked as Ex.P298. The another Doctor Santhosh treated the other two patients vide Ex.P299 and P300. He admitted that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured persons. He

stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are generally caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P298 to P300 it is not specifically mentioned that the injuries were burn injuries.

124. PW104 Dr.Ramesh who is Resident Medical Officer of Nikhil Hospital, Hyderabad stated that he is working in the said hospital for the last 3 years. On 21-02-2013 he came to know that two bomb blasts occurred at Dilsukhnagar around 07-00 pm., and within minutes several injured persons were brought to hospital for the purpose of treatment by the Police and public. The following injured were brought to the hospital: One Mr.Nithish Agarwal, Age: 31 years was brought to the hospital on 21-02-2013 at about 07-15 pm., and one Dr.Pasha treated this patient. He sustained following blast injuries: 01. Laceration of the right forearm, 02. Laceration of the left leg fumer. He was treated vide MLC No.1572 as inpatient. Ex.P301 is the MLC-cum-Injury certificate of Mr.Nithish Agarwal signed by Dr.Pasha. The injury were grievous in nature. The witness identified the said signature. On 21-02-2013 at 07-10 pm., One Mr.Md.Fasiuddin, Age: 31 years brought to hospital and he was treated by Doctor Pasha. He sustained following blast injuries: 01. Blast injury on scalp laceration on the left occipital region. He was treated vide MLC No.1574 as outpatient. Ex.P302 is the MLC-cum-Injury certificate of Mr.Md.Fasiuddin signed by Dr.Pasha. The injury was grievous in nature. The witness identified the signature of his colleague Doctor. On 21-02-2013 at 07-00 pm., One Mr.Abdul Sajid, Age: 22 years, brought to our hospital and he was treated by Doctor Pasha. He sustained following blast injuries: 01. Blast injury due to hypokalemic shock. He was treated vide MLC No.1575 as outpatient. Ex.P303 is the MLC-cum-Injury certificate of Mr.Abdul Sajid signed by Dr.Pasha. The

injury was grievous in nature. The witness identified the signature of his colleague Doctor. On 21-02-2013 One Mr.B.Abilash Kumar Reddy, Age: 20 years, brought to hospital and he was treated by Doctor Mirza. He sustained following blast injuries: 01. Left sided scalp lacerated wound on forearm and right leg. He was treated vide MLC No.1573 as inpatient. Ex.P304 is the MLC-cum-Injury certificate of Mr.P.Abilash Kumar Reddy signed by Dr.Mirza. The injury was grievous in nature. The witness identified the signature of his colleague Doctor. He opined that in all the above cases, the cause of injury was found to be on account of bomb blast.

125. During the course of Cross Examination, he stated that he is working in the Nikhil Hospital for 3 years and that he is one of the Senior Doctors. He also stated that he look after the entire Administration of the Hospital. He also stated that he had not treated any of the injured persons whose certificates are marked as Ex.P301 to P304. He admitted that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured persons. He admitted that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are generally caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P301 to P304 it is not specifically mentioned that the injuries were burn injuries.

126. PW105 Shahed Akram who is Resident Medical Officer, Owaisi Hospital, Hyderabad stated that he is working in the said hospital for the last 6 years. On 21-02-2013 he came to know that two bomb blasts occurred at Dilsukhnagar around 07-00 pm., and within minutes several injured persons were brought to the hospital for the purpose of treatment by the Police and public. The following injured

were brought to the hospital: One Mr.Azeemuddin, Age: 31 years was brought to the hospital on 21-02-2013 at about 10-15 pm., and one Dr.Zafar Javeed treated this patient. He sustained following blast injuries: 01. A small cut wound of 1 cm present on the left medial side of the left lower leg, 02. A foreign body penetration in the upper thigh of the left leg. He was treated vide MLC No.1138 as inpatient. Ex.P305 is the MLC-cum-Injury certificate of Mr.Azeemuddin signed by Dr.Zafar Javeed. The injuries were grievous in nature. The witness identified the said signature. One Mr.Ameeruddin, Age: 55 years was brought to the hospital on 21-02-2013 at about 11-40 pm., and one Dr.Zafar Javeed treated this patient. He sustained following blast injuries: 01. Penetrating injury over the lateral aspect of left middle thigh. He was treated vide MLC No.1139 as inpatient. Ex.P306 is the MLC-cum-Injury certificate of Mr.Ameeruddin signed by Dr.Zafar Javeed. The injury was grievous in nature. The witness identified the said signature. One Mr.Md.Javeed, Age: 19 years was brought to the hospital on 22-02-2013 at about 12-30 pm., and one Dr.Zafar Javeed treated this patient. He sustained following blast injuries: 01. Puncture wound on the right ankle, 02. Open wound penetrating injury over left leg and left thigh. He was treated vide MLC No.1140 as inpatient. Ex.P307 is the MLC-cum-Injury certificate of Mr.Md.Javeed signed by Dr.Zafar Javeed. The injuries were grievous in nature. The witness identified the said signature. He opointed that in all the above cases, the cause of injury was found to be on account of bomb blast.

127. During the course of Cross Examination, he stated that he is working in the Owaisi Hospital for 6 years and that he is one of the Senior Doctors. He also stated that he look after the entire Administration of the Hospital. He had not treated any of the injured persons whose certificates are marked as Ex.P305 to P307. He stated that in all these exhibits there is no mention that any white, yellowish or

brown colour substances were found in the bodies of the injured persons. He stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P305 to P307 it is not specifically mentioned that the injuries were burn injuries.

128. PW106 Dr.S.Phanivardhan Reddy who is working as Resident Medical Officer, Sri Savitha Multi Speciality Hospital, Dilsukhnagar, Hyderabad stated that on 21-02-2013 he came to know that two bomb blasts occurred at Dilsukhnagar around 07-00 pm., and within minutes several injured persons were brought to the hospital for the purpose of treatment by the Police and public. The following injured were brought to the hospital: One Mr.Raju, Age: 25 years was approached on 21-02-2013 at about 07-05 pm., and he along with his colleague Dr.Srikanth treated this patient. He sustained following blast injuries: 01. Deep lacerated piercing wound over abdominal i.e., above umbilical area 4X1 cm which is caused due to bomb blast. Removed foreign body from the injured area i.e., lead particle. He was treated vide MLC No.17 as outpatient No.7345. Ex.P308 is the MLC-cum-Injury certificate of Mr.Raju signed by Dr.Srikanth. The injury was grievous in nature. The witness identified the said signature. He opined that in the above case, the cause of injury was found to be on account of bomb blast.

129. During the course of Cross Examination, he stated that he is working in the Sri Savitha Hospital for 9 years and that he is one of the Senior Doctors. He also stated that he look after the entire Administration of the Hospital. He along with his colleague have treated the injured person whose certificate was marked as Ex.P308. He stated that in this exhibit there is no mention that any white, yellowish or

brown colour substances were found in the body of the injured person. The witness voluntarily deposed that silver colour hard dark foreign body was removed from the injured area. It is true that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are generally caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He admitted that in Ex.P308 it is not specifically mentioned that the injuries were burn injuries.

130. PW107 Dr.P.Somulu who is running Geetha Multi Speciality Hospital at Chaitanyapuri, Dilsukhnagar, Hyderabad stated that on 21-02-2013 he came to know that two bomb blasts occurred at Dilsukhnagar around 07-00 pm., and within minutes several injured persons were brought to the hospital for the purpose of treatment by the Police and public. The following injured were brought to the hospital: One Ms.A.Mamatha D/o.Krishna Reddy, Age: 22 years was brought to the hospital on 21-02-2013 at about 08-00 pm., and he had treated this patient. She sustained following blast injuries: 01. Contusion posterior aspect of right ear 1X1 inches, She was treated vide MLC No.264/02/13 as outpatient. Ex.P309 is the MLC-cum-Injury certificate of Ms.A.Mamatha. The injury was simple in nature. One Ms.K.Shamala Age: 29 years, W/o.K.Srikanth was brought to their hospital on 21-02-2013 at about 08-30 pm., and he had treated this patient. She sustained following blast injuries: 01. Deep lacerated wound lateral aspect of upper 1/3<sup>rd</sup> right lower limb, 02. Deep lacerated wound anterior aspect of middle 1/3<sup>rd</sup> right lower limb, 03. Deep lacerated wound over right lateral aspect right lower 1/3<sup>rd</sup> of right lower limb. She was treated vide MLC No.265/02/13 as outpatient. Ex.P310 is the MLC-cum-Injury certificate of Ms.K.Shamala. The injuries were simple in nature. One Mr.G.Buchaiah Age: 30 years, was brought to their

hospital on 21-02-2013 at about 08-00 pm., and he had treated this patient. He sustained following blast injuries: 01. Deep lacerated wound posterior aspect of left elbow, 02. Abrasion mid part of vertex. He was treated vide MLC No.263/02/13 as outpatient. Ex.P311 is the MLC-cum-Injury certificate of Mr.G.Buchaiah. The injuries were simple in nature. He opined that in the above cases, the cause of injury was found to be on account of bomb blast.

131. During the course of Cross Examination, he stated that he is running Geetha Multi Speciality Hospital for 33 years and that he is one of the Senior Doctors. He also stated that he look after the entire Administration of the Hospital. He treated the injured persons whose certificate was marked as Ex.P309 to P311. He stated that in these exhibits there is no mention that any white, yellowish or brown colour substances were found in the body of the injured persons. He stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are generally caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P309 to P311 it is not specifically mentioned that the injuries were burn injuries.

132. PW144 Dr.K.Gopinath who is Consultant Orthopedic Surgeon, KGH Hospital, Malakpet stated that while he was on duty, on 21-02-2013 a patient was brought to the hospital by passersby. They were informed that the said person received injuries in the bomb blasts that occurred at Dilsukhnagar around 07-00 pm., on the same day. The injured who were brought to the hospital were treated accordingly. Patient by name Md.Abdul Hai Umaiz S/o.Abdul Aziz, Age: 22 years was admitted vide IP No.K-2306-13, MLC No.0319. He sustained the following blast injuries: 1. Deep contaminated cut lacerated wound 3X1" over the left posterior aspect of the thigh (found foreign body shrapnel),

2. Cut lacerated wound 3X1 cm., over the posterior aspect of the left elbow, 3. Cut lacerated wound 2X1 cm., over the dorsum of the right ring finger. Emergency Surgery was conducted on 22-02-2013 at about 02-00 am., and the patient was discharged on 25-02-2013. Ex.P447 is the MLC-cum-Injury certificate/accident register of Md.Abdul Hai Umaiz. Ex.P448 is the discharge certificate of Md.Abdul Hai Umaiz. First injury is grievous in nature and second and third injuries are simple in nature. The MLC Certificate under Ex.P447 bears his signature. The contents of Ex.P447 are true and correct. He opined that all the injuries sustained by the above patient are on account of bomb blast.

133. During the course of Cross Examination, he stated that he is working in the KGH Hospital since 2007 and he is one of the Senior Doctors. He stated that in all these exhibits there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured person. He stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He also stated that in Ex.P447 and 448 it is not specifically mentioned that the injuries were burn injuries.

134. PW145 Dr.T.V.Ram Manohar who is Resident Medical Officer, Sai Ram Multi-Speciality Hospital, Dilsukhnagar for the last 15 years stated that on 22-02-2013 a patient was brought to the hospital by her father. They were informed that the said person received injuries in the bomb blasts that occurred at Dilsukhnagar around 07-00 pm., on the previous day. The injured who was brought to the hospital was treated accordingly. Patient by name V.Vandhana, Age: 21 years was admitted vide IP No.BD-64, MLC No.291. She sustained the following blast injuries: 1. A small perforated injury with a foreign body at right

lower chest wall. Ex.P449 is the MLC-cum-Injury certificate of V.Vandhana. The injury is grievous in nature. The MLC Certificate under Ex.P449 bears his signature. The contents of Ex.P449 are true and correct. After her treatment, the patient wished to go for further higher treatment to another hospital. He opined that the injury sustained by the above patient is on account of bomb blast.

135. During the course of Cross Examination, he stated that he is working in the Sai Ram Multi-Speciality Hospital for the last 15 years and that he is one of the Senior Doctors. He stated that in the above exhibit there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured person. He stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P449 it is not specifically mentioned that the injuries were burn injuries.

136. PW146 Dr.M.Prashanthreddy who is Duty Medical Officer of TKR Ikon Hospital, Hyderabad stated that on 21-02-2013 he came to know that two bomb blasts occurred at Dilsukhnagar around 07-00 pm., and within minutes several injured persons were brought to hospital for the purpose of treatment by the Police and public. The following injured were brought to the hospital: One Mr.K.Rama Rao S/o.late.K.Sriramlu, Age: 60 years was brought to the hospital on 21-02-2013 at about 11-32 pm., and one Dr.A.Srilakshmi treated this patient. He sustained following blast injuries: 01. Laceration injury on left knee, 02. Laceration injury on right lower limb. He was treated vide MLC No.205 as inpatient IP No.2013001792. Ex.P450 is the MLC-cum-Injury certificate of Mr.K.Rama Rao signed by Dr.A.Srilakshmi. The injuries were simple in nature. The witness identified the said signature. He

opined that in the above case, the cause of injury was found to be on account of bomb blast.

137. During the course of Cross Examination, he stated that he is working in the TKR Ikon Hospital, Hyderabad and that he is one of the Senior Doctors. He look after the entire Administration of the Hospital. He had not treated the injured person whose certificate is marked as Ex.P450. He stated that in the above exhibit there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured person. He stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are generally caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P450 it is not specifically mentioned that the injuries were burn injuries.

138. PW150 Dr.Rajivreddy who is working as Consultant Ophthalmologist at L.V.Prasad Eye Institute, Hyderabad stated that on 23-02-2013 patient reported to emergency services with history of injury during the bomb blast. On examination the patient Mani Teja chowdary who is 18 years old was bleeding in the left eye and a cataract. They given medication and asked to come back after four days for the blood to clear. They examined him again on 28-02-2013, found foreign body inside the eye for which they advised him to undergo surgery to remove foreign body. The above said injury is grievous in nature. Patient was treated as out-patient. After examination and treatment they gave medical report of the details based on Medical Record bearing No.P714583, dt: 04-04-2013. Ex.P475 is the Medical Report. The contents of the medical report are true and correct. It bears his signature.

139. During the course of Cross Examination, he stated

that in the above exhibit there is no mention that any white, yellowish or brown colour substances were found in the body of the injured person. He stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are generally caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P475 it is not specifically mentioned that the injuries were burn injuries.

140. PW151 Dr.Javid Hussain who is Emergency Medical Officer at NIMS Hospital, Hyderabad stated that on 21-02-2013 a patient was brought to the hospital by P.Venkatesh, staff of other hospital. They were informed that the said person received injuries in the bomb blasts that occurred at Dilsukhnagar around 07-00 pm., on the previous day. The injured who was brought to the hospital was treated accordingly. Patient by name Dr.P.Ramakanth, Age: 30 years was treated as outpatient vide OP No.1302 10787, MLC No.43609. He sustained the following blast injuries: 1. Splinter punctured wounds over right shoulder, right forearm and right hip regions. Ex.P476 is the MLC-cum-Injury certificate of Dr.P.Ramakanth,. The injury is grievous in nature. The said patient was treated by colleague Dr. K.Satya Prakash. The MLC Certificate under Ex.P476 bears the signature of Dr. K.Satya Prakash. The contents of Ex.P476 are true and correct. He opined that the injury sustained by the above patient are on account of bomb blast.

141. During the course of Cross Examination, stated that he is working as Emergency Medical Officer at NIMS Hospital, Hyderabad and that in the above exhibit there is no mention that any white, yellowish or brown colour substances were found in the bodies of the injured person. He stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are

caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P476 it is not specifically mentioned that the injuries were burn injuries.

142. PW152 Dr.V.Venkateshwar Reddy who is Superintendent Nightangle Hospital at Saidabad stated that on 27-02-2013 a patient by name Chirra Ekambaram came to hospital. They were informed that the said person received injuries in the bomb blasts that occurred at Dilsukhnagar around 07-00 pm, on 21-02-2013. The injured who was brought to the hospital was treated accordingly. Patient by name Chirra Ekambaram, Age about 30 years was treated as in-patient vide IP No.12850, MLC No.1538. He sustained the following blast injuries: 1. Small healed punctured wound over left leg. They did surgery and removed one small metal piece from the wound. Ex.P477 is the MLC-cum-Injury certificate of Chirra Ekambaram which bears his signature. The injury is simple in nature. The contents of Ex.P477 are true and correct. He opined that the injury sustained by the above patient is on account of bomb blast.

143. During the course of Cross Examination, he stated that in the above exhibit there is no mention that any white, yellowish or brown colour substances were found in the body of the injured person. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P477 it is not specifically mentioned that the injury was burn injury.

144. PW153 Dr.Nethaji who is working as Resident Medical Officer at Orange Hospital, Hyderabad stated that on 21-02-2013 at 8.45 pm a patient by name B. Rahitha Kiran was brought to the hospital by public. They were informed that the said person received injuries in the bomb blasts that occurred at Dilsukhnagar around 07-00 pm., on the same day. The injured who was brought to the hospital was treated

accordingly. Patient by name B. Rahitha Kiran, Aged about 24 years was treated as outpatient vide MLC No.1638. She sustained the following blast injuries: Punctured wound 3 x 2 cm over right foot, Lacerated wound 3 x 2 cm over lateral aspect of right leg. Ex.P478 is the MLC-cum-Injury certificate of B. Rahitha Kiran,. The injury is simple in nature. The said patient was treated by Dr.Veeranjaneyulu. The MLC Certificate under Ex.P478 bears the signature of Dr. Veeranjaneyulu. The contents of Ex.P478 are true and correct. Another patient by name B. Sravani was brought to the hospital at 10.00 pm by public. They were informed that the said person received injuries in the bomb blasts that occurred at Dilsukhnagar around 07-00 pm., on the same day. The injured who was brought to the hospital was treated accordingly. Patient by name B. Sravani, Aged about 20 years was treated as outpatient vide MLC No.1639. She sustained the following blast injuries: Lacerated wound 4 x 2 cm over frontal and 3 x 3 cm over parietal region of head, Multiple facial avulsion wounds over face, Lacerated wound 4 x 3 cms at right hand, Lacerated wound 3 x 2 cms over left leg, Multiple avulsion wound over left thigh and leg leg, Punctured wound 3 x 2, 2 x 2 over back, Deep lacerated wound exposing tendons of left foot, Lacerated wound over left index finger. Ex.P479 is the MLC-cum-Injury certificate of B. Sravani. The injury No.1, 2, 5 to 7 are grievous in nature and injury No. 3, 4 and 8 are simple in nature. The said patient was treated by Dr. Veeranjaneyulu. The MLC Certificate under Ex.P479 bears the signature of Dr. Veeranjaneyulu. The contents of Ex.P479 are true and correct. He opined that the injuries sustained by the above patient are on account of bomb blast.

145. During the course of Cross Examination, he stated that he is working as Resident Medical Officer at Orange Hospital, Hyderabad and that in the above exhibit there is no mention that any white, yellowish or brown colour substances were found in the bodies of

the injured person. He stated that a blast injury connotes a burn injury in certain circumstances whatever be the reason for the blast or the burns caused to the injured persons. The penetrating injuries are caused by the propellants which are caused due to a blast irrespective of the cause of the blast. He stated that in Ex.P478 and ExP479 it is not specifically mentioned that the injuries were burn injuries.

146. PW85 Dr.K.Parvathi who is working as a Associate Professor in Department of Forensic Medicine, Osmania Medical College, Hyderabad stated that on 22-02-2013 at 11-15 am., she received requisition from SHO of P.S. Saroornagar to conduct Postmortem Examination over the dead body of Sri.Chogaram, Age: 25 years, S/o.Kalaram body identified by PCNo.4335 of P.S. Saroornagar on the same day she conducted autopsy examination over the said above dead body in between 11-20 am., to 12-20 hours and found following antimortem injuries: 01. "C" shaped sutured wound 18 Cms with 20 sutures on right fronto-pacieto-temporal area of head. 02. Sutured wound 6 Cms with 6 sutures on right temporal area of head. 03. Abrasion 11 X 6 Cms on left parieto temporal area. 04. Lacerated wound 2 X 2 Cms X muscle deep on front of right shoulder, 05. Lacerated wound 1 X 1 Cm skin deep on front of right colour bone middle 3<sup>rd</sup> area. 06. Lacerated wound 1 X 1 Cm., X muscle deep 4 Cms below the right nipple of chest, 07. Lacerated wound 2 X 1 Cm. X muscle deep on right side of chest 2 X outer to the midline and 8 Cms below the nipple. 08. Multiple laceration 6 X 6 Cms., to 4 X 3 Cms., X muscle deep over an area of 42 X 20 cms on back of lower chest and abdomen. 09. Abrasion 6 X 4 Cms., on outer aspect of right elbow. 10. Abrasion 6 X 6 Cms., on back of upper 1/3<sup>rd</sup> of right forearm. 11. Abrasion 8 X 6 Cms., on back of right wrist and hand, 12. Abrasion 1 X 1 Cms., on outer aspect of lower 1/3<sup>rd</sup> of left upper arm, 13. Lacerated wound 3 X 2 Cm. X muscle deep on outer aspect of middle 1/3<sup>rd</sup> of right thigh, 14. Lacerated wound

3 X 2 Cm., X muscle deep on outer aspect of middle 1/3<sup>rd</sup> of right thigh, 15. Lacerated wound 4 X4 Cm., X muscle deep on outer aspect of lower 1/3<sup>rd</sup> of right thigh, 16. Lacerated wound 1X1 cm X muscle deep on inner aspect of right knee. She opined that all the above injuries are red in colour. 17. Scalp contusion 25 X 25 Cm., on both frontal both parietal, both temporal and upper part of occipital area of head, reddish blue in color. 18. Boney gap measuring 7X7 Cm., with 3 burrholes on right temporal area and boney flap absent (craniotomy done), 19. Fracture line on lower part of right temporal bone extending into right middle cranial fossa passing through midline and then extending into left middle brain fossa over a total length of 18 Cm, 20. Subdural haemorrhages over right haemisphere and basal part of the cerebrum. She issued Ex.P122 is the postmortem report. The cause of death due to multiple bomb blast injuries over head and trunk. The deceased died at Yashoda Hospital, Malakpet, Hyderabad on 22-02-2013 at 08-46 am., On the same day she conducted autopsy examination over another dead body of Mudraboina Machagiri, Aged about 21 years, S/o.Shankaraiah, body identified by PC 4335 of P.S. Saroornagar she conducted autopsy in between 12-30 pm., to 01-30 pm., and found the following antemortem injuries: 01. Lacerated wound 6 X 4 Cm X scalp deep on right temporal area of head, 02. Lacerated wound 3X3 Cm X muscle deep on right cheek, 03. Multiple lacerated wounds 5 in number measuring 3X3 Cm, 2X2 cm, 1X1 cm., 1X1 Cm., and 3 X 3 cm X muscle deep on right side back of neck, 04. Multiple lacerated wounds 6 in number measuring 3X3 Cm to 2X2 cm over an area of 25X15 cm on right side front of chest and abdomen X muscle deep, 05. Multiple lacerated wound 16 in number measuring 6X6 cm to 4X3 cm X muscle deep over an area of 52X25 cm on back side of chest and abdomen, 06. Lacerated wound 4X3 cm X muscle deep on right shoulder, 07. Crushed wound measuring 38X10 cm on right upper arm extending upto middle

3<sup>rd</sup> at forearm under lying structures curshed and communitied fractures of underlying bones. 08. Lacerated wound 6X5 cm X muscle deep on inner aspect of right wrist, 09. Lacerated wound 3X3 cm X muscle deep on outer aspect of right wrist area, 10. Lacerated wound 2X1 cm X muscle deep on outer aspect of upper 1/3<sup>rd</sup> of right thigh, 11. Lacerated wound 2X1 cm X muscle deep on outer aspect of lower 1/3<sup>rd</sup> of right thigh, 12. Abrasion 27X8 cm on outer aspect, middle and lower 3<sup>rd</sup> at right thigh, 13. Lacerated wound 4X4 cm X muscle deep on back of upper 1/3 of right thigh, 14. Abrasion 51X10 cm on inner aspect and front and outer aspect of right leg, 15. Abrasion 51X11 cm on inner aspect of front of left leg. She opined that all above injuries are red in colour and fresh. 16. Scalp contusion 10X10 cm on occipital area of the head, reddish blue in colour, 17. Subdural heameraage over brain. The deceased died at Omni Hospital at Kothapet X Road, Dilsukhnagar, Hyderabad on 22-02-2013 at 09-47 am., The cause of death is due to multiple bomb blast injuries over head and trunk. The postmortem examination report is marked as Ex.P123.

147. During the course of Cross Examination, she stated that she is working in the Osmania General Hospital and that she is one of the Senior Doctors. She attached to the Department of Forensic Medicine, Osmania Medical College. She stated that in Ex.P122 & P123 there is no mention that any white, yellowish or brown colour substances were found on the dead bodies because these two cases were treated initially in Yashoda and Omini Hospital respectively.

148. PW86 Dr.P.Hari Krishna who is working as Professor, MNR Medical College, Sangareddy stated that he along with other Dr.Parvathi PW85 and Dr.Devaraj LW316, Dr.Abhizeth Subedar LW317, Dr.Karunakar LW319, Dr.K.V.Ramesh LW320 were present in the hospital on 21-02-2013. They came to know that bomb blasts occurred at Dilsukhnagar bus stop and nearby. The persons injured were taken

to various hospitals and the seriously injured were brought to Osmania General Hospital. Some of the injured were brought dead. Some were attended in the causality. He conducted postmortem No.622/2013 of Vadda Vijaya Kumar, S/o.Lacchaiah on the requisition of Malakpet Police brought by HGNo.8685 around 1:45 am on 22-02-2013 in Cr.No.56/2013. The deceased sustained the following antemortem injuries: 01 . Superficial flame burns present over left upper limb, left parietal region of the scalp and front of right forearm. 02. Multiple lacerated wounds measuring 3 to 4 cms Muscle deep and chest cavity deep on the back of the chest and loin (back), 03. Laceration 8X6 cm X muscle deep over left buttock. 04. Fracture ribs 5 to 7 left side, paravertebral plane with multiple lacerated wounds in the left lung. 05. Lacerated injury 3X1 cm X right ventricle deep of heart. He signed on the postmortem examination report. The cause of death of the deceased Vijay Kumar was on account of the above mentioned multiple blast injuries. Ex.P124 is the postmortem examination of the deceased Vijay Kumar. He also conducted postmortem No.633/2013 of Singadi Anand Kumar S/o.late.Danam on the requisition of Malakpet Police brought by PC 5739 around 03-45 am., on 22-02-2013 in Cr.No.56/2013. The deceased sustained the following antemortem injuries: 01. Laceration of 5 X 3 ½ X Cavity deep size present on left side of front of abdomen 1 cm beside umbilicus with evisceration of intestinal coils. 02. Multiple laceration on back of the chest and trunk with varying sizes ranging from 4 to 8 cm X 4 cm X muscle depth. 03. Abrasion of 22 X 10 cm size on back of the left leg. He signed on the postmortem examination report and the cause of the death of the deceased was an account of the above mentioned multiple blast injuries over chest and abdomen. Ex.P125 is the postmortem examination report of the deceased Singadi Anand Kumar. He also conducted postmortem No.625/2013 over dead body of the deceased Mohd.Amanullah Khan on

the requisition of Malakpet Police brought around 04-00 am., by PC5739 on 22-02-2013 in Cr.No.56/2013. The deceased sustained the following antemortem injuries: 01. Traumatic amputation of right upper limb at the level elbow. Amputated part is absent. 02. Crush injury on back of trunk, buttocks exposing thoracic and abdominal contents, with fractures of underlining ribs, vertebral column and shoulder blades. 03. Crush injury of left arm with fracture of underlying humerus. 04. Crush injury of 12 X 10 cm over right foot, 05. Superficial burns over face with singeing of moustache, eyebrows and eyelashes and scalp hair, 06. Mesenteric contusion of 20 X 20 cm with ruptured liver seen, 07. Contusion over scalp of 8 cm X 8 cm size over left fronto parietal area 15X10 cm., over occipital area with comminuted fracture of 8X6 cm over occipital area. He signed on the postmortem examination report and the cause of the death of the deceased was an account of the above mentioned multiple blast injuries. Ex.P126 is the postmortem examination report of the deceased Mohd.Amanullah Khan. He also conducted postmortem No.624/2013 of Padmakar Kulkarni S/o.Narayanarao Kulkarni on the requisition of Saroornagar Police brought by PC 3714 around 11-15 pm., on 21-02-2013 in Cr.No.146/2013. The deceased sustained the following injuries: 01. Multiple abrasions of 2 to 6 cms in size present over front of chest and abdomen. 02. Crush injury of left hip and left thigh with multiple fractures of pelvis and left femur, 03. Laceration of 12 X 10 X 6 cms on inner side of right thigh, 04. Laceration of 10X10X4 cm on front of right thigh, 05. Crush injury of left fore arm at the junction of middle and lower 1/3 with fracture of both bone. 06. Laceration of 8 X 4 cm X muscle deep over right inguinal region. He signed on the postmortem examination report and the cause of the death of the deceased Padmakar Kulkarni was on account of the above mentioned multiple blast injuries over pelvis and thigh. Ex.P127 is the postmortem

examination report of the deceased Padmakar Kulkarni. He also conducted postmortem No.629/2013 of Nakka Venkateshwari S/o.Kondaiah on the requisition of Saroornagar Police brought by PC 3714 on 22-02-2013 at 01-20 am., in Cr.No.146/2013. The deceased sustained the following antemortem injuries: 01. Fissured fracture of frontal bone of skull is seen, 02. Avulsion of left ear, 03. Fracture of mandible on right side is seen, 04. Multiple lacerations of varying sizes ranging from 3 to 20 cms present on anterior chest wall, cavity deep 05. Multiple open injuries exposing underlying muscles and bones over left lower limb and right lower limb. 06. Fracture of both humerous bones at the junction of upper and middle third. 07. Fracture and dislocation of both bones of left fore arm

08. Multiple rib fractures seen on both sides along anterior and mid axillary lines with corresponding lungs injured. Some foreign bodies such as metal fragments etc., were recovered from the body and handed over to the Police for FSL examination. He signed on the postmortem examination report and the cause of the death of the deceased Nakka Venkateshwari was on account of the above mentioned multiple blast injuries. Ex.P128 is the postmortem examination report of the deceased Nakka Venkateshwari. He also conducted postmortem examination No.634/2013 of Laxmi Srinivas Reddy S/o.Koushik Reddy on the requisition of Saroornagar Police brought by PC 304 on 22-02-2013 at 04-20 am., in Cr.No.146/2013. The deceased sustained the following antemortem injuries: 01. Sutured wound of 12 cm of length with 8 sutures present over middle of abdomen, vertically placed, 02. Sutured wound of 5 cm length with 4 sutures present on right side of abdomen, 03. Laceration of 5X4 cm X muscle deep present on front of lower third of right fore arm, 04. Laceration of 3X3 cm X muscle deep on right side of lower abdomen. 05. Laceration of 2X2 muscle deep on front of lower third of right thigh. 06.

Multiple laceration of varying sizes ranging from 3 to 4 cms X 3 cm muscle deep on outer aspect of right thigh. 07. Contusion of 16X8 cm present on right side of neck and upper chest. 08. Contusion of 4X2 cm on right perito temporal region of scalp. He signed on postmortem examination report and the cause of the death of the deceased Laxmi Srinivas Reddy was on account of the above mentioned multiple blast injuries over chest and abdomen. Ex.P129 is the postmortem examination report of the deceased Laxmi Srinivas Reddy. He also conducted postmortem No.635/2013 of Gunta Thirupathi S/o.Bheemaiah on the requisition of Saroornagar police brought by PC 304 on 22-02-2013 at 04-00 am., in Cr.No.146/2013. The deceased sustained the following antemortem injuries: 01. Crush injury left foot with fracture of all bones and dislocation of left ankle with exposing muscles and bones. 02. Traumatic amputation of right leg at the junction of middle third and lower third. 03. Fracture and dislocation of right elbow seen, 04. Laceration of 20X2X scalp deep present on right side of forehead. 05. Laceration of 3 X 3 cm X muscle deep present on right side of lower abdomen. 06. Laceration of 6 X 4 cm X muscle deep present on right groin. 07. Multiple laceration of varying sizes ranging from 4 to 6 cm X 5 cm muscle deep on front and outer aspect of right thigh. 08. Laceration of 3X3 cm X bone deep on back of right elbow. 09. Laceration of 5X4 X muscle deep on right buttock. 10. A scalp contusion measuring 18 X 12 cm present over right frontal temporal and parietal region. He signed on the postmortem examination report and the cause of the death of the deceased Gunta Thirupathi was on account of the above mentioned multiple blast injuries. Ex.P130 is the postmortem examination report of the deceased Gunta Thirupathi.

149. During the course of Cross Examination, he stated that he is one of the Senior Doctors. He is attached to the Department of Forensic Medicine, Osmania Medical College. He admitted that in

Ex.P124 to P130 there is no mention that any white, yellowish or brown colour substances were found on the dead bodies.

150. PW87 Dr.Abhijit Subhedar who is working as Professor In-Charge, Osmania Medical College, Hyderabad stated that he along with his other colleague Dr.Parvathi PW85 and Dr.Devaraj LW316, Dr.Hari Krishna (PW86), Dr.Karunakar LW319, Dr.K.V.Ramesh LW320 were present in the hospital on 21-02-2013. They came to know that bomb blasts occurred at Dilsukhnagar bus stop and nearby. The persons injured were taken to various hospitals and the seriously injured were brought to Osmania General Hospital. Some of the injured were brought dead. Some were attended in the causality. All the Doctors worked as a team and all of them were present during the postmortem examination conducted on all the dead bodies. He conducted postmortem No.631/2013 of P.Swapna Reddy D/o.Jaganmohan Reddy, Age: 30 years on the requisition of Saroornagar Police brought by PCNo.3714 around 3:15 am on 22-02-2013 in Cr.No.146/2013. The deceased sustained the following antemortem injuries: 01. Multiple lacerations of various sizes and shapes present over the back, right infra scapular and lower back with evisceration of ruptured liver, and coils of intestines measuring 4X8 cm to 4 cm., X muscle deep, 02. Laceration of 3 X 1 cm X muscle deep over the outer aspect of left thigh, 03. Scalp contusion of 10X7 cm over occipital area, with underlying fissured fractured of the occipital bone, the fractured lines extending on to the face of skull with diffuse subdural hemorrhage over the brain. He opined that above injuries are antemortem injuries. He signed on the postmortem examination report. The cause of death of the deceased P.Swapnareddy was on account of the above mentioned multiple blast injuries over skull and back. Ex.P131 is the postmortem examination of the deceased P.Swapnareddy. Dr.G.Devaraju LW316 conducted postmortem No.626/2013 of Muthyala Rajashekhar S/o.Pochaiah, Age: 24

years on the requisition of Malakpet Police brought by PCNo.5739 around 01:30 am on 22-02-2013 in Cr.No.56/2013. The deceased sustained the following antemortem injuries: 01 . Laceration of 6 X 3 cm into skin deep over right side of the neck, 02. Multiple lacerations of 1 to 2 cms in size bone deep over head, 03. Multiple lacerations of 2 to 5 cm size, skin and muscle deep over front of chest and abdomen, 04. Gaping lacerations of 25X15 cms over right flank of abdomen with evisceration of intestinal coils. 05. Multiple laceration of 3 to 5 cms in size over right and left upper limb. 06. Multiple laceration of liver, 07. Fissured fracture of 6 cm length over right temporal region of skull, 08. Superficial burns over face and front of chest with singeing of eye brows, eye lashes and scalp hair. The above injuries are antemortem injuries. Dr.G.Devaraju signed on the postmortem examination report, the signature was identified by this witness. The cause of death of the deceased Muthyala Rajashekhar was on account of the above mentioned multiple blast injuries over head and trunk. Ex.P132 is the postmortem examination of the deceased Muthyala Rajashekhar issued by Dr.G.Devaraju. Dr.G.Devaraju LW316 conducted postmortem No.627/2013 of Vele Ramulu S/o.Veeraiah, Age: 56 years on the requisition of Saroorangar Police brought by PCNo.3714 around 02:20 am on 22-02-2013 in Cr.No.146/2013. The deceased sustained the following antemortem injuries: 01 . Traumatic amputation of left leg and left foot. 02. Crush injury of left side of chest and abdomen exposing underlying muscles and bones. 03. Crush injury of left upper limb exposing underlying muscles and bones with multiple fractures. 04. Crush injury of face, exposing underlying muscles. 05. Communitied fracture of skull exposing the brain. 06. Crush injury of neck. He opined that the above injuries are antemortem injuries. Dr.G.Devaraju signed on the postmortem examination report and the signature was identified by this witness. The cause of death of the deceased V.Ramulu was on account

of the above mentioned multiple blast injuries. Ex.P133 is the postmortem examination of the deceased Vele Ramulu issued by Dr.G.Devaraju. Dr.G.Devaraju LW316 conducted postmortem No.630/2013 of Mohd.Rafiuddin S/o.Ameeruddin, Age: 22 years on the requisition of Saroornagar Police brought by PCNo.4334 around 11:15 am on 21-02-2013 in Cr.No.146/2013. The deceased sustained the following antemortem injuries: 01. Multiple lacerations of varying sizes present on front of chest and abdomen ranging from 4 to 8 cm X 2 to 4 cm X cavity deep with evisceration of intestinal coils. 02. Fracture and dislocation of right leg below knee with laceration over it exposing underlying muscles, bones and vessels. He opined that the above injuries are antemortem injuries. Dr.G.Devaraju signed on the postmortem examination report, the signature was identified by this witness. The cause of death of the deceased Mohd.Rafiuddin was on account of the above mentioned multiple blast injuries over chest and abdomen. Ex.P134 is the postmortem examination of the deceased Mohd.Rafiuddin issued by Dr.G.Devaraju. Dr.G.Devaraju LW316 conducted postmortem No.632/2013 of K.Harish Karthick S/o.Veeresh Lingam, on the requisition of Saroornagar Police brought by PCNo.304 around 12:15 am on 22-02-2013 in Cr.No.146/2013. The deceased sustained the following antemortem injuries: 01 . Laceration over the scalp of 10X9 cm X cavity deep in the occipital region with underlying fracture of occipital bone of skull and brain matter seeped out. 02. Superficial and dermal burns, brownish black coloured involving both lower limbs and left fore arm. 03. Multiple abrasions of varying size ranging from 3 to 5 cm X 2 cm size present on right upper limb. He opined that the above injuries are antemortem injuries. Dr.G.Devaraju signed on the postmortem examination report, the signature was identified by this witness. The cause of death of the deceased K.Harish Karthick was on account of the above mentioned head injury associated

with burns. Ex.P135 is the postmortem examination of the deceased K.Harish Karthick issued by Dr.G.Devaraju. Dr.G.Devaraju LW316 conducted postmortem No.628/2013 of R.Sudhakar Rao S/o.R.Rajeshwar Rao, Age: 55 years on the requisition of Malakpet Police brought by PCNo.8685 around 05:05 am on 22-02-2013 in Cr.No.56/2013. The deceased sustained the following antemortem injuries: 01 .Crush injury of right forearm and arm with underlying muscles exposed and bones fractured. 02. Crush injury of right leg and right foot seen. 03. Laceration of 5 X 4 cm X muscle deep present on right cheek. 04. Crush injury of right eye. 05. Laceration of 3 X 3 cm X muscle deep on the right side of the chest and 6 X 4 cm X bone deep over middle of front of chest wall exposing underlying ribs. 06. Laceration of 6 X 3 muscle deep over the right side of abdomen. 07. Multiple lacerations of varying sizes ranging from 2 to 4 cms X 2 Cm X muscle deep on outer aspect of upper side of right side 08. Multiple abrasions of varying sizes present on both lower limbs. He opined that the above injuries are antemortem injuries. Dr.G.Devaraju signed on the postmortem examination report, the signature was identified by this witness. The cause of death of the deceased R.Sudharkar Rao was on account of the above mentioned multiple blast injuries over chest, abdomen and limbs. Ex.P136 is the postmortem examination of the deceased R.Sudhakar Rao issued by Dr.G.Devaraju. Dr.G.Devaraju LW316 conducted postmortem No.623/2013 of Izaz Ahmed S/o.Asgar Ali, Age: 18 years on the requisition of Saroornagar Police brought by PCNo.3840 around 10:30 pm on 21-02-2013 in Cr.No.146/2013. The deceased sustained the following antemortem injuries: 01 . Multiple lacerated and punctured wounds ranging from 3 to 10 cms in size and muscle and cavity deep over front of chest and abdomen with evisceration of intestinal coils. 02. A lacerated wound 15X10 cms X 2 to 5 cms size X muscle deep over right groin, 03. Multiple lacerated injuries of 2 to 5 cms size X muscle

deep over left arm. 04. Fracture of middle and ring finger of right hand at the level of proximal inter phalangeal joint. 05. Multiple lacerated wound ranging from 1 to 8 cms in size skin and muscle deep over front of neck. 06. Laceration of 3 X 2 X ½ cms over upper lip and 3 X 3 X 1 cms over lower lip. 07. Multiple perforated laceration of thorasic and abdominal viscera with insitu metal fragments. He opined that above injuries are antemortem injuries. Dr.G.Devaraju signed on the postmortem examination report, the signature was identified by this witness. The cause of death of the deceased Izaz Ahmed was on account of the above mentioned multiple blast injuries over head and trunk. Ex.P137 is the postmortem examination of the deceased Izaz Ahmed issued by Dr.G.Devaraju. Dr.K.V.Ramesh LW320, Assistant Professor, Department of Forensic Medicine conducted postmortem No.812/2013 of Amrutha Ravi Age: 25 years on the requisition of Saroornagar Police brought by HCNo.1983 around 11:15 am on 06-03-2013 in Cr.No.146/2013. The deceased while undergoing treatment in Yashoda Hospital died on 05-03-2013 at 11-52 pm., and was brought to Osmania General Hospital for the purpose of postmortem examination. The deceased sustained the following antemortem injuries: 01 . A 23 sutured wound measuring in length 23 cm present over mid abdominal region. On opening of abdomen, Ileostomy sutures present, 02. A 5 sutured wound measuring in length 6 cms present over left elbow. 03. A 10 sutured wound measuring in length 11 cm present over left wrist. 04. Crush injury of right leg with surgical debridement present with committed fracture of middle 1/3 of right tibia and fibula present. 05. Open wounds of both left leg and left ankle present covered with white hospital bandages. 06. Healed abrasions with varying length and width present on right upper limb. The above injuries are antemortem injuries. Dr.K.V.Ramesh signed on the postmortem examination report, the signature was identified by this witness. The cause of death of the

deceased Amrutha Ravi was on account of the above mentioned multiple blast injuries and its complications. Ex.P138 is the postmortem examination of the deceased Amrutha Ravi issued by Dr.K.V.Ramesh. Dr.B.Karunakar LW319, who was working as Associate Professor, Department of Forensic Medicine conducted postmortem No.666/2013 of dead male fetus delivered vaginally by the mother Yashoda who was injured in the Dilsukhnagar bomb blast on 23-02-2013. She got aborted on account of the injuries received in the blast. On the requisition of Saroornagar Police brought by PCNo.375 around 03:00 pm on 24-02-2013 in Cr.No.146/2013. The fetus is attached to placenta, macerated, soft, flattened, blisters present, skin peeling easily with underlying dermis red in colour. Limbs flexible with abnormal mobility. Pupillary membrain present, eye closed, scalp hair 1 cm. 10 CC of blood serous fluid present in abdominal cavity. Skulls sutures separated and brain softened, meconium present in duodenum and jejunum. Dr.B.Karunakar signed on the postmortem examination report the signature was identified by this witness. The cause of death of fetus Dead born fetus. Ex.P139 is the postmortem examination issued by Dr.B.Karunakar. Ex.P139 also contains medical certificate issued by Care Hospitals dt.23-02-2013.

151. During the course of Cross Examination, he stated that he is working in the Osmania General Hospital and that he is one of the Senior Doctors. He stated that he is attached to the Department of Forensic Medicine, Osmania Medical College. He stated that in Ex.P131 to P139 there is no mention that any white, yellowish or brown colour substances were found on the dead bodies. All the injured were not cross examined and it is an admitted fact that a blast injury connotes a burn injury and it is also an admitted fact that there are propellants in the bodies of the injured and deceased and two blasts took place which infers that it was due to bomb blast because the transformer blast

or cylinder blast do not cause penetration of propellants into the human bodies.

**INQUEST PANCHAS:**

152. PW22 Md.Qamar Ali stated that he is working as Police Constable at SAR, CPL Amberpet and that on 21-02-2013 after attending duties he went home at 07-30 pm., All the family members were standing outside and told him that his brother's son named Md.Azaz Ahmed went to Dilsukhnagar who was studying Polytechnic at that time. His brother's son Md.Azaz Ahmed used to commute from Ramoji Film City to home by getting down the bus at Dilsukhnagar and catch another bus to come to Amberpet. Since his brother's son did not come home and they heard that there was a blast at Dilsukhnagar and the family members were panicked. They went in search of his brother's son and he was informed on phone by his brother that Azaz Ahmed was taken to Osmania Hospital and he was declared as brought dead. A panchanama was conducted on the dead body of the deceased on 21-02-2013 at Osmania Hospital, he was present at the time of inquest held over the dead body of the deceased. Ex.P5 is the inquest panchanama. His brother's son died due to the injuries received at the blast which occurred in Dilsukhnagar. He received the dead body around 12-30 hours from Saroornagar Police. Ex.P6 is the acknowledgment for receiving the dead body of the deceased. Cross examination of this witness was declined.

153. PW23 Nanda Kumar Joshi stated that on 21-02-2013 while they were sitting in house he received a phone call from Karnataka informing that one Padmakar Kulkarni who is his brother's brother-in-law died in the bomb blast which occurred at Dilsukhnagar. Then they went to Saroornagar Police Station for making enquiries. There they came to know that all the dead persons were shifted to Osmania Hospital for conducting postmortem. From there they went to

Osmania Hospital where they found Padmakar Kulkarni died on account of the injuries received due to blast. They were shown 10-12 dead bodies where they have identified the body of Padmakar Kulkarni. They were handed over the dead body on the next day morning. Ex.P7 is the inquest panchanama conducted on the dead body at 01-00 am., on 22-02-2013. Cross examination of this witness was declined.

154. PW24 Vele Sudhakar stated that he was working in a Private Firm and now he is employed with Greater Hyderabad Municipal Corporation. On 21-02-2013 his father late.B.Ramulu went to his office at 10-00 am.,. On that day office was closed due to Telangana Agitation. As such his father went to Chouttopal. To come home from Chouttopal his father has to come via Dilsukhnagar. When he came back to his home at 07-30 pm., and learned that a bomb blast occurred at Dilsukhnagar area from the news on TV. He panicked because his father had to get down at Dilsukhnagar to take a bus to Secunderabad. As his father did not respond, on his mobile phone he was waiting at his house. Around 08-00 pm., he received a telephone call on the land line informing that his father's dead body was in Osmania Hospital mortuary room. He immediately rushed to Osmania Hospital Mortuary and identified his father's dead body. A panchanama was also conducted around 02-00 am., after postmortem examination on 22-02-2013, the dead body was handed over at 07-00 am., in the morning. He was informed that the dead body of his father was found at A1- Mirchi center and Ex.P8 is the inquest. Cross examination of this witness was declined.

155. PW25 Nakka Yadaiah stated that the deceased Nakka Venkateshwarlu is his brother and was working as Junior Veterinary Officer at Dandumailaram. He was residing at Malakpet and he used to commute by bus via Dilsukhnagar. On 21-02-2013 around 06-00 to 07-00 pm., his brother's son N.Krishna Kanth made a phone call stating

that around 07-00 pm., he was talking to his deceased brother on telephone when he was at Dilsukhnagar bus stop. They were panicked and tried to reach on his brother's telephone number but there was no response. They immediately went to Dilsukhnagar around 08-00 or 08-30 pm., and enquired with the Police Officer at Saroornagar Police station who asked them to make enquires in surrounding hospitals like Kamala Hospital and then proceed to Yashoda Hospital. They did not find his brother as such they went to Osmania Hospital. There also they did not find his name in the injured list as such they went to the Mortuary room on the advice of hospital staff. There were several dead bodies whose body parts were severed and he identified his brother's dead body looking at his ring and the bag containing his official documents. His sister-in-law also came to the Mortuary room and identified the dead body. Later a panchanama was conducted around 12-00 in the midnight in their presence over the dead body of the deceased brother which is Ex.P9. The dead body was handed over around 01-00 am., on 22-02-2013. Cross examination of this witness was declined.

156. PW26 Md.Ameeruddin stated that he is a Salesman in a Crockery at Osmanganz. The deceased Md.Rafiuddin is his youngest son aged 21 years who was working as a salesman in a shop selling bags. The said bag shop is situated behind 107 bus stop at Dilsukhnagar. On 21-02-2013 he came early to home and while watching news on TV, came to know that there was a bomb blast at Dilsukhnagar bus stop and immediately called his son on telephone several times but there was no response. He rang up his son Md.Shamuddin to go to Dilsukhnagar and find out about his younger son. He also did not respond for 1 ½ hours as such he called him on his mobile phone. His son Md.Shamuddin asked him to come to Osmania Hospital Mortuary. They went to Mortuary and found that his younger

son was dead having received multiple blast injuries at Dilsukhnagar. They identified the dead body and a panchanama was conducted on the dead body after postmortem. Ex.P10 is the inquest panchanama which was conducted on 21-02-2013 at midnight. The dead body of his son was handed over at 12-30 am., under Ex.P11 which is the receipt of the dead body. Cross examination of this witness was declined.

157. PW27 Poreddy Sudhakar Reddy stated that he is a Government Employee. His deceased sister Poreddy Swapna was working in Islamiya Engineering College as a Warden. On 21-02-2013 he received a phone call from his mother saying that a person from Dilsukhnagar called her on the telephone of his deceased sister and informed that she was lying there having received injuries from the bomb blast that occurred at Dilsukhnagar 107 bus stop. He went to Dilsukhnagar immediately and found that there was lot of commotion but he did not find his sister. He enquired with the Police Official present there who asked him to go to hospitals as such he visited Icon hospital, Kamineni Hospital and Yashoda Hospital. From there they went to Osmania General Hospital and found that his sister died having received blast injuries at Dilsukhnagar. There panchanama was conducted on the dead body which is Ex.P12 on 22-02-2013 in between 02-00 to 03-00 am., and the dead body was handed over to him. Cross examination of this witness was declined.

158. PW28 K.Veerasha Lingam stated that he is a retired Government Employee. His deceased son named K.Harish Karthik went to Dilsukhnagar to meet his friends around 07-00 pm., on 21-02-2013. Their apartment residents came to him and informed that the Saroornagar Police wanted them to go to Osmania hospital mortuary for the purpose of identifying a dead body. They went to the mortuary and found his deceased son with blast injuries lying in the mortuary amongst several other dead bodies. After postmortem of the dead body a

panchanama under Ex.P13 was conducted and thereafter the dead body was handed over to them. His deceased son was the only earning member in the family. Cross examination of this witness was declined.

159. PW29 G.Bheemaiah stated that he is an Employee in Singareni collieries. He had two sons and two daughters. His younger deceased son's name is Thirupathi. He went to Dilsukhnagar to meet his friends on 21-02-2013. They received a phone call from the Police asking them to come to Osmania General Hospital Mortuary. They went to the Mortuary and identified the dead body of his youngest son who died due to the injuries received on account of the bomb blast at Dilsukhnagar. Panchanama under Ex.P14 was conducted in their presence, after postmortem examination and later the dead body was handed over to them. Cross examination of this witness was declined.

160. PW30 M.Shankaraiah stated that he is a Daily Wage Earner residing at Diluskhnagar during 2013. His deceased second son named Machagiri was working in a tea stall at Dilsukhnagar X Roads. Around 07-50 pm., on 21-02-2013 they came to know that there was a bomb blast which occurred at Dilsukhnagar X Roads. Apprehending danger they immediately went to Dilsukhnagar where they were working. In search of his deceased son they went to Omni Hospital at Kothapet and found that he was receiving treatment on account of receiving blast injuries at Dilsukhnagar. During treatment his son died in the early hours on 22-02-2013. The dead body of his son was taken to Osmania Hospital for the purpose of postmortem examination. After postmortem examination an inquest panchanama under Ex.P15 was conducting over the dead body in their presence. He was handed over the dead body of his son. Cross examination of this witness was declined.

161. PW31 V.Deelip stated that he is a Businessman running Xerox machine. His younger father-in-law by name R.Sudharkar

Rao (deceased) aged 60 years went to Dilsukhnagar to meet his friends on 21-02-2013. They came to know through TV news that a bomb blast occurred in Dilsukhnagar area. They went there in search of his father-in-law as they failed to contact him on phone. They visited hospitals nearby but did not find him. They were informed that dead bodies were in Osmania General hospital mortuary as such they went to the said mortuary. There they found his dead body and identified it. He died on account of the blast injuries received at Dilsukhnagar. The dead body was handed over after postmortem examination and panchanama was already conducted at the mortuary over the dead body. Cross examination of this witness was declined.

162. PW32 Amrutha Kumar stated that he is a Private Employee. His deceased younger brother Amrutha Ravi was taking coaching class at Dilsukhnagar for attempting Sub-Inspector Examination. On 21-02-2013 he went to Dilsukhnagar for coaching classes. They came to know through TV that a bomb blast occurred at Dilsukhnagar as such they went to find him as there was no response on his mobile phone. They did not find him at Dilsukhnagar and later learnt that he was taking treatment at Yashoda Hospital. His brother received blast injuries and died while undergoing treatment on 05-03-2013. The dead body of his brother was taken to Osmania General Hospital for the purpose of postmortem examination. After postmortem an inquest panchanama was conducted in his presence and it is Ex.P16. Thereafter the dead body was handed over under a receipt which is Ex.P17. Cross examination of this witness was declined.

163. PW33 M.Rajeshwar Rao stated that he is resident of Adilabad. On 21-02-2013 he was in Hyderabad on personal work. His relatives Vadda Vijay Kumar, Muthyala Rajashekhar and others were at Dilsukhnagar in the evening. Around 07-00 pm., a bomb blast occurred at Dilsukhnagar in which Vadda Vijay Kumar and Muthyala Rajashekhar

received blast injuries and died at the spot. The dead bodies were taken to Osmania General Hospital and after postmortem examination, the bodies were kept in the hospital Mortuary. Panchanama was conducted by the Police on the dead body. Ex.P18 is the inquest panchanama conducted over the dead body of Muthyala Rajashekhar who is his relative. Cross examination of this witness was declined.

164. PW34 K.Shiva Prasad stated that he is privately employed by an IT firm. On 21-02-2013 his friend S.Anand Kumar received grievous injuries on account of the bomb blast which occurred at Dilsukhnagar. His friend having received the said injuries died on the spot. The dead body was taken to Osmania General Hospital for postmortem examination by the Police. After postmortem examination, the dead bodies were kept in the Mortuary of the hospital. They identified the dead body of his friend Singadi Anand Kumar and the Police also conducted a panchanama over the dead body. Ex.P19 is the panchanama conducted at OGH Mortuary around 01-40 am., on 22-02-2013. The dead body was later handed over to them. Cross examination of this witness was declined.

165. PW35 G.Ramana Reddy stated that his cousin B.Lakshmi Srinivas Reddy, S/o.Kousalya Kumar Reddy used to visit Sai baba Temple situated at Dilsukhnagar on every Thursday. On 21-02-2013 he went to have Dharshan at Saibaba Temple. Around 07-00 pm., on the said day, there was a bomb explosion which occurred at Dilsukhnagar X Roads. They were concerned as such he made phone call to his cousin but did not receive any response. They went in search to the nearby by hospitals at Dilsukhnagar and also to Yashoda Hospital on the instructions of Police. Around 11-00 pm., we went to Osmania General Hospital Mortuary where the dead bodies of the persons receiving injuries in Dilsukhnagar bomb blast were kept. They identified the dead body of his cousin brother and after postmortem examination,

a panchanama was conducted by the Police in his presence. Ex.P20 is the said panchanama conducted at OGH Mortuary. Cross examination of this witness was declined.

166. PW36 Bagdaram stated that he is doing business in Begum Bazar Area in cosmetics. One Chogaram, S/o.Kalaram who belongs to their community was working at a tea stall near A1-mirchi centre, Dilsukhnagar X Roads. On 21-02-2013 around 07-00 pm., a bomb blast occurred near A1-Mirchi centre wherein the said Chogaram received blast injuries and died. The dead body was taken to Osmania General Hospital along with other dead bodies which were found at the blast site. He went to Osmania General Hospital and identified the dead body. A panchanama was conducted by the Police over the dead body in his presence which is Ex.P21. The dead body was later handed over to them. Cross examination of this witness was declined.

167. PW37 Nazeer Khan stated that he is working at Care Hospital, Banjara Hills as Security In-charge. On 21-02-2013 a bomb blast occurred in Dilsukhnagar area and several persons who received injuries on account of the said blast were shifted to various hospital including their hospital. A woman by name Y.Yashoda who received injuries at the blast site was brought to the hospital for treatment. She was carrying pregnancy and her foetus was affected due to the injuries she received and she got forcibly aborted due to said injuries. Saroornagar Police came to the hospital and conducted panchanama over the aborted foetus. It was found that the foetus was dead on account of the impact of the blast. Ex.P22 is the panchanama which was conducted by the Police over the dead foetus in his presence. Cross examination of this witness was declined.

168. PW39 Vadda Srinivas stated that on 21-02-2013 he came down to Hyderabad on some business purpose. His deceased cousin Vadda Vijay Kumar was preparing for Group-II Services

Examination and other competitive examinations. He was residing in Dilsukhnagar area at that time. On the same day around 07-00 pm., a bomb blast occurred at Dilsukhnagar and he received a phone call from the roommate of his deceased brother saying that his brother was not reachable on phone. He again received a phone call informing that he was shifted to Osmania General Hospital on account of receiving injuries in the bomb blast. He went to Osmania General Hospital and identified the dead body of his brother in the Mortuary. The Police conducted panchanama over the dead body in his presence around mid-night which is Ex.P25. Thereafter the dead body was handed over to them. Cross examination of this witness was declined.

**ASSISTANT INVESTIGATING OFFICERS:**

169. PW63 Y.Venkateshwar Rao who is working as Sub-Inspector of Police, NIA, Hyderabad stated that on 01-08-2013 DSP Venkatadri (LW440) who is the Assistant Investigation Officer asked him to verify the postmortem examination reports (18) and also wound certificates (109) handed over by Saroornagar and Malakpet police. He further asked him to collect the remaining 18 wound certificates. Accordingly he verified all the postmortem examination reports and wound certificates by going to the concerned hospitals and verifying with the doctors and the record room of the hospitals. Cross examination of this witness was declined.

170. PW41 P.Gyanender Reddy who is working as Inspector of Police, Traffic Police Station Kachiguda, Hyderabad stated that previously he worked as Inspector of Police, Yacharam, LB Nagar Division, Cyberabad from June, 2011 to March, 2013. On 21-02-2013 after bomb blasts occurred at Dilsukhnagar he was instructed by DCP, LB Nagar to report at Saroornagar Police Station for assisting investigation. On coming to the Police Station around 09-30 pm., the ACP deputed him to conduct inquest and examine witnesses at Osmania

General Hospital. Accordingly he rushed to Osmania General Hospital and conducted inquest under Ex.P5 and handed over the dead body to the relative PW22 under Ex.P6. He also examined LW172 Asghar Ali and PW22 Qamar Ali during the course of his investigation. Cross examination of this witness was declined.

171. PW42 K.Satyanarayana who is working as Sub-Inspector of Police, Nampally Police Station from 16-05-2013 stated that previously he worked as Sub-Inspector of Police, Malakpet from 16-04-2011 to 15-05-2013. On 21-02-2013 while he was in the Police Station bomb blasts occurred at Dilsukhnagar which sound was heard in the Police Station. He rushed to the scene of offence which is 72 bus stop near Venkatadri Theater. They found that several persons were injured and some of them were dead at the scene. People were running helter-skelter and the Police and general public were helping the injured to shift them to nearby hospitals. On the instructions of Inspector he proceeded to Osmania General Hospital. He conducted inquest panchanamas under Ex.P2, P15, P19 after postmortem examination was conducted on the dead bodies. After the inquest the dead bodies were handed over to their relatives.

172. During the course of Cross Examination, he stated that he was present at the scene of offence between 07-00 pm., to 11-00 pm.,

173. PW43 S.Chakrapani who is working as Inspector of Police, CCS, Hyderabad City since February, 2014 stated that previously he worked as Inspector of Police, P.S.Kandukur, Cyberabad Commissionerate from 28-12-2010 to 25-05-2013. On 21-02-2013 while he was in the Police Station they heard that bomb blasts occurred at Dilsukhnagar. On radio he received a message from the DCP, LB Nagar asking them to immediately proceed to Saroornagar Police Station for assisting investigation. Immediately, he rushed to Saroornagar Police

Station and from there to A1-mirchi centre where the blast took place. He was at the scene from 10-00 pm., for one hour. Thereafter on instructions he went to Osmania General Hospital mortuary for conducting further proceedings. After postmortem examination he conducted inquest over two dead bodies under Ex.P10 and P12. He examined LW184 Md.Shamuddin, LW185 P.Bharathamma, PW26 Md.Ameeruddin, PW27 Sudharkar Reddy and recorded their 161 Cr.P.C. Statements. After conducting panchanama the dead bodies were handed over to their relatives.

174. During the course of Cross Examination, he stated that the NIA Police along with other police were present at that time.

175. PW44 M.Gangadhar who is working as Inspector of Police, Manchal since 07-11-2014 stated that previously he worked as Inspector of Police, P.S.Maheshwaram, Cyberabad Commissionerate from 19-11-2011 to 30-10-2014. On 21-02-2013 while he was in the Police Station they heard that bomb blasts occurred at Dilsukhnagar. On radio he received a message from the DCP, LB Nagar asking them to immediately proceed to Saroornagar Police Station for assisting investigation. Immediately, he rushed to Saroornagar Police Station and from there to A1-mirchi centre where the blast took place. He was at the scene from 09-30 pm., for half-an-hour. Thereafter on instructions he went to Osmania General Hospital mortuary for conducting further proceedings. After postmortem examination he conducted inquest over one dead body deceased Nakka Venkateshwarlu under Ex.P9. He examined LW180 Nakka Sujatha and PW25 Nakka Yadaiah and LW182 Nakka Venkaiah and recorded their 161 Cr.P.C. Statements. After conducting panchanama the dead body was handed over to blood relatives.

176. During the course of Cross Examination, he stated that the NIA Police along with other police were present at that time.

177. PW45 K.Yadagiri who is working as Sub-Inspector of Police, Zonal Control Room, LB Nagar since March, 2015 stated that previously he worked as Sub-Inspector of Police, P.S.Yacharam, Cyberabad Commissionerate from May, 2011 to September, 2014 stated that on 21-02-2013 while he was in the Police Station they heard that a bomb blast occurred at Dilsukhnagar. On radio he received a message from the DCP, LB Nagar asking them to immediately proceed to Saroornagar Police Station for assisting investigation. Immediately, he rushed to Saroornagar Police Station and from there to A1-mirchi centre where the blast took place. He was at the scene from 09-30 pm., for half-an-hour. Thereafter on instructions he went to Osmania General Hospital mortuary for conducting further proceedings. After postmortem examination he conducted inquest over one dead body deceased Padmakar Kulkarni under Ex.P7. He examined LW174 Jayashree Kulkarni, LW175 Shyam Sunder Joshi and PW23 Nand Kumar Joshi and recorded their 161 Cr.P.C. Statements. After conducting panchanama the dead body was handed over to blood relatives.

178. During the course of Cross Examination, he stated that the NIA Police along with other police were present at that time.

179. PW46 G.Pavan Kumar who is working as Sub-Inspector of Police, Medchal since 10 days stated that previously he worked as Sub-Inspector of Police, P.S.Saroornagar, Cyberabad Commissionerate from May, 2011 to September, 2014 and he also worked at P.S.Neredmet from September, 2014 to August, 2015. On 21-02-2013 while he was in the Police Station he heard two blasts sounds like bombs explosion one after the other. Immediately, he along with other officers rushed to the scene where the blast took place. There they found that several persons died at the spot near A1-mirchi center and several others were injured. There was lot of commotion and people were running in all directions. They assisted the injured to be

shifted to the hospitals. He was present at the scene till 09-00 pm., and thereafter went to Osmania General Hospital mortuary on the directions of ACP Crimes for conducting investigation. At Osmania General Hospital mortuary inquest panchanamas were conducted by him in the presence of the relatives of the deceased under Ex.P8, P13 and P21. He also examined LW22 Kum.P.Jyothi, LW23 P.Muralidhar Reddy, LW24 Kum.Sandhya, LW25 S.Satish, LW26 N.Prahala, LW27 G.Srinivas, LW116 K.V.S.N.Murthy and injured persons LW93 P.Ram Krishna, LW94 Bhasavaraj, LW95 Janga Reddy, LW154 A.Srinivas, LW151 A.MUralidhar Reddy, LW152 E.Dasaradh, LW153 A.Narasimha Rao, LW161 T.Uday Kumar, LW162 T.Nagarjuna, LW163 D.Anil Kumar, LW168 Abdul Jabbar, LW169 Rajashekhar, on 21-02-2013, 22-02-2013 and 23-02-2013. He also examined LW177 V.Andalu, PW24 Sudharkar, LW179 Madhavi, PW28 K.Veerasha Lingam, LW188 K.Rani, LW189 U.Gourishankar, LW195 Shankar Lal, LW196 Kasaram who are relatives of the deceased. He also examined LW203 K.Pandu Reddy on 25-02-2013 who used to run A1-mirchi center near which the blast took place.

180. During the course of Cross Examination, he stated that the NIA Police along with other police were present at that time.

181. PW47 M.Venkateshwarlu acknowledged the memo and took up the investigation in Cr.No.146 of 2013 of P.S.Saroornagar pertaining to bomb blast occurred at Dilsukhnagar A1-mirchi Center. Immediately he visited Saroornagar Police Station and received the CD file from SI A.Anjaneyulu. After verification of investigation done by SI he found it on proper lines. Immediately he rushed to the scene of offence situated in front of A1 mirchi center, Rajiv Chouck, Dilsukhnagar where he observed the scene of offence and it was properly safeguarded by the barricades, iron stoppers, traffic cones, reflective tapes by the time he visited the scene. The scene of offence was also provided with lights with two generators provided by the Army Head

Quarters at Hyderabad and Cyberabad. The traffic was also diverted towards Malakpet by closing the road leading from Rajiv Chowk towards Konark theatre. When he reached the scene of offence the DCP and ACP LB Nagar, SHO Saroornagar Narasimha Rao, Additional Inspector Saroornagar Srinivas Rao and other three Sub-Inspectors of Police were present. He had examined the SHO Saroornagar Narasimha Rao, Additional Inspector Saroornagar Srinivas Rao, SI Sri.Ch.Sudhakar Rao, S.Ramesh SI and recorded their 161 Cr.P.C. Statements. Prior to his reaching the scene of offence, the above officers who are present at the scene have shifted the huge number of injured persons by calling 108 ambulances, bus, vehicles, autos to various hospitals for treatment. The same officers have also shifted 7 dead bodies found in front of A1-mirchi center after taking photographs and video coverage by PC Samaiah of Saroornagar Police Station. Later he secured the presence of Panchas LW288 M.Mallikarjun, LW289 P.Kiran Kumar at 10-00 pm., and conducted scene of crime observation in their presence. Ex.P27 is the scene of crime, observation-cum-seizure report conducted in the presence of the above said panchas. During the observation there were number of blood pools and severed human flesh and some human body parts and organs. They also found eatery items, vessels, gas stove, cylinder, showcases, flexes, name boards, banners, damaged cycle parts in pieces, cycle frame of Atlas company and front tyre manufactured by Ganga Toofani Takat etc., as mentioned in Ex.P27. While conducting panchanama under Ex.P27 the clues team of Hyderabad, CDTs clues team, Counter Intelligence clues team, including NIA clues team personnel were present during panchanama proceedings. With the help of above teams he seized the material objects as narrated in page No.4 of Ex.P27 and another serial number 1 to 13 as narrated in the same page. He had also drawn the rough sketch at scene of offence which is Ex.P28. Ex.P27 and P28 are typed

on laptop with the assistance of Venkatreddy HC of Saroornagar Police Station and DTP center system operator Saroornagar. The scene was secured by posting one platoon of APSP and two local police of Saroornagar Police Station for the purpose of further investigation. In pursuance of memo issued by the Commissioner of Police he have taken the assistance of 7 Inspectors and 12 Sub-Inspectors of LB Nagar Zone and Central Crime Station and Finger Print Inspector Thatharao. Accordingly he deputed 7 inspectors/SIs for conducting inquest at Osmania General Hospital mortuary room and other 12 Inspectors/SIs were deputed to other various hospitals for recording the injured persons statements at various hospitals. The deputed officers are PW41, PW42, PW43, PW44, PW45, PW46. On next day i.e., on 22-02-2013 the deputed officers proceeded with the investigation according to the instructions. On 23-02-2013 he had prepared the letter of advice of seized MOs and sent them to FSL for examination and report. On the same day the Anti-Terrorist Cell of Maharastra, Bangalore, Gujarat and other Intelligence Bureau officers also inspected the scene of occurrence. He also deputed 10 special teams to near vicinity of the scene of crime to locate the suspects by searching the lodges, and other old bicycle repair shops and mechanics to identify the Atlas cycle which was suspected to have been set-up with explosive substances. On 25-02-2013 he had collected the seven aluminum splinters from Yashoda Hospital which were removed from the person of the injured for the purpose of sending them to FSL to know the kind of splinters which were found in the injured persons. On 26-02-2013 again visited the scene of offence and secured the presence of panchas LW290 J.Satyanarayana Reddy, LW291 K.Venkat Ratnam for the purpose of seizing the remaining material objects at the scene. Ex.P29 is the crime scene seizure panchanama conducted on 26-02-2013. The material objects from serial No.1 to 18 at page No.2 of Ex.P29 were seized and sent to

FSL through Court. On 27-02-2013 as it was Thursday he deputed two CCS Inspectors along with men to Jummerat Bazar to cause enquire about the old bicycle sellers to connect the investigation with the bicycle seized at scene. On the same day he received the information about foetus death of mother P.Yashoda from Care Hospital, Banjara Hills. He deputed SI C.Venkateshwarlu to conduct inquest over the foetus and sent to hospital from there foetus sent to Osmania General Hospital for conducting postmortem. On 28-02-2013 he received the postmortem examination reports of P1 to P12 from Osmania General Hospital from various doctors and the cause of death mentioned "died due to multiple blast injuries to head, trunk, pelvis, thigh, chest, abdomen and blast injuries associated with burns" and also received 25 medical certificates. Subsequently he received the death intimation of D13 Amrutha Ravi from Yashoda Hospital, Malakpet. He deputed SI C.Venkateshwarlu for conducting inquest at Yashoda Hospital and from there the dead body was shifted to Osmania General Hospital. Later on with the assistance of A.Anjaneyulu deposited the all the MOs which were seized from the scene of offence in the Hon'ble Court from there the MOs were sent to FSL for examination. Later on he received the instructions from Commissioner of Police, Cyberabad vide memo No.36/CP-Camp-Cyb/2013 dt.18-03-2013 subsequently he handed over the CD file along with 12 postmortem reports, 103 161 Cr.P.C. statements, 48 wound certificates, 2 albums, 2 CDs and one pen drive to LW439 Sri.K.Sunil Immanuel, CIO, Superintendent of Police, NIA, Hyderabad for the further investigation. Mo.1 is the damaged scooter, Mo.2 is the damaged Motor cycle No.AP 29 AV 9548, Mo.3 is the damaged Motor cycle No.AP 9 AC 7, Mo.4 is the damaged Motor cycle No. not visible, Mo.5 is the damaged cycle parts of Atlas company which includes material objects from items No.1 to 5 & 11 of page No.4 of Ex.P27, Ex.P30, P31, P32, P33 are memos issued by him dt.21-02-2013

deputing several officers for the purpose of investigation. Ex.P34 is the handing over letter along with enclosures containing 16 sheets including check list of the details of investigation done. The NIA police and other police agencies have extended their assistance by guiding him but they did not conduct any investigation nor they interfered in the investigation.

182. During the course of Cross Examination, he stated that he personally requested LW288 M.Mallikarjun, LW289 Kiran Kumar to act as mediators who were present at scene of offence. Mo.5 does not contain the identification slips attested by panchas. He stated that the Mo.5 was already sent to FSL. Mo.4 does not contain the identification slip attested by the panchas. Mo.4 even does not contain the registration number plate. He stated that it was damaged in the blast. He stated that he examined the owners of Mos.1 to 3. Before his arrival to the scenes of offence the NIA police, other police including bomb squads were present and they shifted injured. He stated that since there was no sufficient light as such the generators were brought. On the next day of the incident he deposited the property before the Court as the incident happened on the previous night. He stated that it is not mentioned specifically in Ex.P34 check list that he handed over the two panchanamas and rough sketch Ex.P27 to P29. He stated that he handed over the above said Ex.P27 to P29 which forms the part of CD file. He stated that he did not mention specifically in Ex.P27 and Ex.P28 as to the name of the DTP center where he got prepared Ex.P28 rough sketch. He stated that Ex.P27 and Ex.P29 do not disclose that he obtained signatures of the witnesses on the slips and affixed the same on the MOs and sealed them.

183. Perusal of Ex.P27 discloses in page No.4 that "the above material objects were put in a separate polythene covers and wrapped with a white colour cloth and signed slips of mediators and slip

containing the description and giving above serial numbers as Mos and they were sealed with WAX and the seal containing SHO/Police-Andhrapradesh and kept separately.

#### PANCH FOR SCENE OF OFFENCE:

184. PW76 M.Mallikarjun stated that on 21-02-2013 while he was present at Dilsukhnagar in the evening hours after the bomb blasts and he noticed dead bodies and also injured persons, then nearly 20-30 persons shifted the injured to the hospital including himself. Then the police cordoned the scene of offence and did not allow the outsiders to the scene of offence. He noticed a burnt cycle and scooter and some two wheelers at the scene of offence. Then the Police seized Mo.1 to 5 and other material objects at the scene. He acted as panchayathdar for the scene of crime observation cum seizure report under Ex.P27. Mo.53 is the damaged piece of cycle tube and tyre, Mo.54 is the damaged cycle stand, Mo.55 is the damaged cycle fork and spring, Mo.56 is the damaged cycle rim and rear wheel chain, Mo.57 is the rear cycle mudguard, Mo.58 is the damaged piece of cycle seat and seat cover, Mo.59 damaged cycle stand locking part, Mo.60 damaged cycle chain, Mo.61 cycle spare parts, Mo.62 cycle spring and spring base, Mo.63 is the detonator wires, Mo.64 is the brown colour shirt piece, Mo.65 is the damaged steel glass, Mo.66 is the blood stained earth 1<sup>st</sup> blood pool, Mo.67 is the blood stained earth from 2<sup>nd</sup> blood pool, Mo.68 is the controlled earth related to Sl.No.15, Mo.69 is the controlled earth related to Sl.No.16, Mo.70 is the swabs collected from the explosion spot (scene of offence), Mo.71 is the aluminum splinters collected from the scene, Mo.72 is the damaged cycle spare parts, Mo.73 is the pieces of cloth, Mo.74 is the metallic pieces, Mo.75 is the blood stained earth from 3<sup>rd</sup> blood pool, Mo.76 is the blood stained earth from 4<sup>th</sup> blood pool, Mo.77 is the controlled earth related to Sl.No.4, Mo.78 is the controlled earth related to Sl.No.5, Mo.79 is the swabs collected from scene, Mo.80

is the swabs collected from the scooty, Mo.81 is the flexy pieces, Mo.82 is the damaged bicycle handle grip, Mo.83 is the swabs and material objects collected from the carter, Mo.84 is the damaged scooter doom (scooter side cover). He signed on all the slips affixed to Mo.53 to 84. The seizures were conducted in his presence and also in the presence of other panchayathdars. The panchanama was prepared at DTP center at Dilsukhnagar. He also signed on Ex.P28 sketch.

185. During the course of Cross Examination, he stated that at the time of the blasts he was at the Sai baba Temple lane. He stated that the entire area of scene of offence was cordoned by the Police within 20 mints of the blasts. He shifted nearly 10 injured persons to the hospitals. He stated that he attested on the panchanama at the scene of offence. He stated that at the dictation of the writer of the police station the person working in the DTP center typed the panchanama. He stated that on 21-02-2013 he was there till 12 midnight and then he went back home. He stated that the police collected all the remnants from the scene of offence and nothing was left there. He stated that one Police Officer, ACP Venkateshwarlu is the person who conducted the scene of offence panchanama. He denied that he is depositing falsehood at the instance of the police though he does not know anything about the panchanama and that ACP Venkateshwarlu did not conduct any panchanama Ex.P27 and Ex.P28 rough sketch in his presence and that they have taken his signatures at police station.

186. During the course of Re-Examination he stated that whatever the police felt important to be seized, they were seized.

187. PW77 K.Venkat Ratnam who is working as Village Revenue Officer, Saroornagar Mandal from 2009 stated that on 26-02-2013 he was called by ACP Venkateshwarlu (PW47) to act as panchayathdar at A1-mirchi center where bomb blasts occurred on 21-

02-2013, for the purpose of seizure of articles at scene. Accordingly he along with another panchayathdar were present during crime scene seizure panchanama under Ex.P29. Mo.85 is the burnt pieces of pedal of cycle, Mo.86 is the pieces of electronics, Mo.87 is the cycle parts, Mo.88 is the pieces cycle tyres and tubes, Mo.89 is the pieces of cell phone and mother board, Mo.90 is the pieces of 9V battery, Mo.91 is the pieces of white metal, Mo.92 is the bag with number, Mo.93 is the break rubber of cycle, Mo.94 is the pieces of cycle spokes and springs, Mo.95 is the pieces of cycle seat, Mo.96 is the pieces of metals found in scene of offence, Mo.97 is the pieces of molten metallic parts, Mo.98 is the pieces of cloths, Mo.85 to 98 along with other material objects were seized in his presence and attested on the slips affixed to the said objects. The panchanama was conducted from 02-00 pm., to 04-00 pm., The panchanama was drafted on a laptop in their presence.

188. During the course of Cross Examination, he stated that himself and LW290 Jinna Satyanarayana Reddy are working under MRO at Saroornagar Mandal. He stated that the Police issued instructions to MRO to send two persons to act as panchayathdars. He stated that his office working hours are from 10-30 am., to 05-00 pm., He stated that their office people are summoned by police to act as panchayathdars in some important cases. He stated that the Police did not give him and other panchayathdar any requisition to act as a panch witness. His duty is relating to Revenue Department only and not other duties. He stated that the MRO did not issue any direction to them to accompany the police and act as panch witness. He stated that the SI of Police came to their office and requested the MRO to send them. He stated that he cannot tell the name of the said SI. He stated that the Panchanama does not disclose that both himself and LW290 signed on the slips and that the same were affixed on the material objects and that all the material objects were sealed in their presence. Himself and

LW290 followed the SI on two wheelers. He stated that on 26-02-2013 the SI came to their office at 11-30 am., and contacted the MRO. He stated that he did not deny when their MRO directed them to accompany the SI for acting as a panch witness. He stated that he acted as panch witness in other cases pertaining to Pahadeesharif, LB Nagar, Saroornagar Police stations which fall under Revenue Jurisdiction. He stated that the SI of police took them to Police station first and then to the scene of offence. He stated that by the time he reached the scene of offence many police personnel were present at the scene of offence. He denied that he is a stock witness to the police and that he signed in the police station Saroornagar and nothing was seized in his presence and he obliged the police as he is a stock witness.

189. This witness is working under the MRO nearby the scene of offence and as such he acted as panch witness on the directions of the MRO who is his immediate Superior Officer. Moreover every Employee has to obey the Orders of his Superior. This witness also can attend as per the instructions of the MRO and moreover he is not dependent on the Police and as such he cannot be treated as an Interested witness.

#### ASSISTANT INVESTIGATING OFFICERS AT SCENE OF OFFENCE:

190. PW48 E.N.Murthy who is retired as Inspector from CID on 30-06-2014 stated that previously he worked as Sub-Inspector of Police, P.S.Malakpet from 07-06-2011 to 14-01-2014. On 21-02-2013 at about 07-00 pm., two bomb blasts occurred at Dilsukhnagar. On the instructions of Inspector, he visited the scene of occurrence and assisted in shifting injured to hospitals. Thereafter he was asked to go to Osmania General Hospital for the purpose of conducting inquest panchanama. Accordingly he went to OGH Mortuary where the dead bodies were placed and after postmortem examination, he conducted inquest under Ex.P3 and P22.

191. During the course of Cross Examination, he stated that the NIA Police along with other police were present at that time.

192. PW49 N.Satyanarayana who is working as Inspector of Police, Special Branch Hyderabad stated that previously he worked as SHO at Malakpet from 09-01-2012 to 14-05-2015. On 21-02-2013 at about 1900 hours when he was on patrol duty he had received information from VHF Set flashed by main control that bomb blasts occurred at Dilsukhnagar area in two places. Immediately he proceeded to the scene situated at very near to Venkatadri Theater backside of 72 bus stop in front of Lowkeshwarananda complex where he found five dead bodies and number of injured lying on the sub-road and foot path of 72 bus stop. Immediately he along with staff and the complainant PW1 and others sent them to the nearest hospitals i.e., Kamala Hospital, Yashoda, KGH, and Osmania for treatment. He informed the same to the officers and called other police staff. He secured the scene of offence with the help of staff. He recorded the statement of PW1 and sent to Police Station through PC No.5433 Amzad for registration. Additional Inspector D.Yadagiri Swamy (PW38) registered a case in Cr.No.56 / 2013 U/Sec.302, 307, 120-B IPC and Sections 3 and 5 of Explosives Substance Act. The case was sent to him for further investigation. He deputed SIs K.H.Narayana (PW42) and E.N.Murthy (PW48) to Osmania Mortuary room for conducting inquest over the dead bodies. He examined and recorded the 161 Cr.P.C. statements of PW1, Rajesh (LW3), LW4 Md.Sajid, LW5 M.Rama Krishna, PW39 V.Sreenivas, LW7 M.Thirupathi, LW8 P.Srinivas, PW33 M.Rajeshwar Rao, PW34 K.Siva Prasad, LW11 Srikanth, LW12 Lokesh, PW4 Krishna Kanth, LW37 Abdul Vasim Mirza, LW38 M.Lakshmi, LW39 Ravinder Naik, PW5 Sravani, LW41 N.Venkateshwarlu, LW42 Neetesh Agarwal, LW43 Md.Fasiuddin, LW44 K.Yadagiri, LW45 Shashikala, LW103 L.Narsingh Rao, LW104 K.Vignesh, LW105 Md.Haji, LW106 G.Sudha Rani, PW31 V.Dilip, LW200 Shajiulla

Khan, LW201 Nazahar Ahmed, LW202 Md.Khan. He conducted scene observation-cum-seizure panchanama in the presence of LW240 Dilip Jain, LW241 Vamshi Krishna. Ex.P35 is the said scene of offence observation-cum-seizure panchanama conducted by him at 2045 hours on 21-02-2013 at backside of 72 bus stop where bomb exploded on a bicycle. Mo.6 is the damaged bicycle found remained with front wheel, handle engraved as K.W., middle portion of frame engraved as ZNO6913, paddle of the bicycle engraved as K.W. The front tyre make of Ralco Ring master 7 Ply rating also in Hindi words IS:2414:5, CM/L 9067481, type B320KPA11/11 along with Rim with found near the crater. Mo.7 is the 5 (Five) pieces of cloth, having blue, Green, Black, and white stripes, collected from scene of offence. Mo.8 is the seven iron Nails collected from the scene of offence. Mo.9 is the 41 (Forty one) Twisted Metal pieces, collected from scene of offence, Mo.10 is the 1 (one) 9 volts Battery recovered from top of the bus shed, make Hi-watt, Mo.11 is the 1 (one) 9 volts battery recovered from the scene of offence, make Thought, Mo.12 is the swabs collected on the cycle frame at the scene of offence. Mo.13 is the semi burned ploythene sheet, collected from the crater. Mo.14 is the nuts fitted with bolts bind with copper wire are collected near the stairs of complex exactly back side blasted bus stop. Mo.15 is the five (5) number 3 volts lithium batteries, 1 number lithium battery and damaged lithium battery are recovered from the crater. All the above batteries are coin typed. Mo.16 is the one aircel sim bearing IMSI No.89918010712144907263. Mo.17 is one idea sim bearing No.89910705380002970430. Mo.18 is the damaged half cycle tyre make of ralco rough tuff 18 ply rating also in Hindi words with a brown colour leather piece patch stitched to edg of the tyre. Mo.19 is the damaged rear rim containing maroon colour paint on the inner side attached with damaged tube and axel connected with damaged spokes. Mo.20 is the damaged rear mud guard with emblem with content

“Grand Champion made in India” Mo.21 is the damaged rear fork, Mo.22 is one rear part of frame, Mo.23 is cycle stand and its broken pieces with its spring, Mo.24 is two rear carriage supporting rods and pieces of carrier, Mo.25 is cycle spokes, Mo.26 is the piece of cycle chain, Mo.27 is the cycle seat springs and supporting rod, Mo.28 is one copy of registration certificate of motor cycle bearing No. AP 29 K 8852, which on the name of Lalaji.J, S/o.J.Ramulu, R/o.H.No.12-5-159, Mallikarjunanagar, Bandlaguda, Nagole, RR District and two keys, Mo.29 is the control swab, Mo.30 is the control earth collected from the scene of offence, Mo.31 is the blood stained earth collected from the scene of offence, Mo.32 is the sharp needle like objects collected from crater, Mo.33 is the swabs collected from roof of bus shelter, Mos.7 to 34 were produced in a sealed suitcase sent by the FSL. Mo.6 also contains the slips put up by the FSL and the investigation authorities. A rough sketch of scene of offence was also drawn at the scene in the presence of panchas which is marked as Ex.P36. During investigation he sent alteration memo to the Court adding sections 16, 17 and 18 of Unlawful Activities (Prevention) Act, 1967. The case file handed over to the ACP, Malakpet for further investigation.

193. During the course of Cross Examination, he stated that Mo.6 contains the identification slip affixed by him, which bears his signature and pancha's signatures. He stated that it is not mentioned in Ex.P35 panchanama specifically that he affixed the slip signed by the panchas. He stated that he tagged the slip signed by panchas to Mo.6. He stated that he secured the panchas available at the scene of offence. He stated that the Ex.P35 panchanama was typed by P.Kiran Kumar PC9511 to his dictation. He stated that the print of Ex.P35 was taken by the said Kiran Kumar through the portable printer carried by him. He stated that the descriptive particulars of lap-top and printer used are not mentioned in Ex.P35. He stated that at the bottom of Ex.P35 it was

mentioned that Ex.P35 was dictated by him to his writer J.Shyamsunder PC5091 and got it typed on the lap-top and took print. He stated that it took place due to overlook. He stated that the name and the designation of the person who prepared Ex.P36 rough sketch is not mentioned. He stated that he deposited the property seized vide Ex.P35 on 22-02-2013 before the concerned Court. He stated that wherever the panchas signed and wherever he signed they did not put dates below the signatures. He stated that it took 6 hours for them to draft the panchanama and to collect the MOs at the scene of offence. Whatever remnants were available at the scene of offence, he collected on that day. He stated that he sent the seized items to FSL through ACP on 22-02-2013. He stated that he does not remember whether he obtained any prior sanction from the Commissioner of Police before filing the memo of alteration of section of law adding provisions of Unlawful Activities (Prevention) Act, 1967.

194. As per the AP Police Manual the Police officer not below the rank of ACP can directly send material objects to FSL from the scene of offence.

195. PW50 C.Venkateshwarlu who is working as Sub-Inspector of Police, Chityala P.S stated that previously he worked as Sub-Inspector of Police, P.S.Saroornagar from 19-09-2012 to 19-08-2014. On 21-02-2013 at about 07-00 pm., two bomb blasts occurred at Dilsukhnagar. On the instructions of his Inspector, he visited the scene of occurrence and assisted in shifting injured to hospitals. Thereafter he was asked to go to Osmania General Hospital for the purpose of conducting inquest panchanama. Accordingly he went to OGH Mortuary where the dead bodies were placed and after postmortem examination, he conducted inquest under Ex.P15, 20. He also conducted inquest at Care Hospital under Ex.P22.

196. During the course of Cross Examination, he stated

that the NIA Police along with other police were present at that time.

197. PW51 K.Venkat Reddy who is working as Sub-Inspector of Police, Rajendranagar P.S stated that previously he worked as Sub-Inspector of Police, P.S.Maheshwaram from 10-06-2011 to 24-09-2014. they came to know on TV that on 21-02-2013 at about 07-00 pm., two bomb blasts occurred at Dilsukhnagar. On the instructions of his DCP, he went to Osmania General Hospital for the purpose of conducting inquest panchanama. Accordingly he went to OGH Mortuary where the dead bodies were placed and after postmortem examination, he conducted inquest under Ex.P14.

198. PW52 A.Venkateshwarlu who is working as Sub-Inspector of Police, Balanagar P.S stated that previously he worked as Sub-Inspector of Police, P.S.Saroornagar from 09-06-2011 to 13-10-2013. While he was in Police Station on 21-02-2013 at about 07-00 pm., two bomb blasts occurred at Dilsukhnagar. On the instructions of his Inspector, he visited the scene of occurrence and assisted in shifting injured to hospitals. Thereafter he was asked to go to Osmania General Hospital for the purpose of conducting inquest panchanama. Accordingly he went to OGH Mortuary where the dead bodies were placed and after postmortem examination, he conducted inquest under Ex.P16.

199. During the course of Cross Examination, he stated that the NIA Police along with other police were present at that time.

200. PW53 K.Jaganath Reddy who is working as Additional SP, ACB, AP-Hyderabad since September, 2014 till date stated that previously he worked as ACP, CCS-Hyderabad from November, 2011 to February, 2014. On 25-02-2013 as per the instructions of DCP, DD, CCS-Hyderabad City vide memo No.DCP.DD/Camp/43/2013 dt.23-02-2013 under Ex.P37, he had taken over the charge of investigation in Cr.No.56/2013 registered at Malakpet Police Station in Dilsukhnagar

Blast case. On the same day he addressed a letter to the Director, Andhra Pradesh Police Academy for providing services of T.Suresh Kumar (LW402), Faculty member forensic science, AP Police Academy to assist in bomb blast investigation. On the next day i.e., 26-02-2013 he visited the scene along with the said T.Suresh Kumar, LW403 Prakash Veer Head Constable and incharge of clues team CCS Hyderabad. They reached the scene which was secured and with the help of GHMC officials they had seized remaining relevant material objects under seizure panchanama Ex.P38 (2 sheets) dt.26-02-2013. Mo.34 is the Pieces of 9V battery collected from scene of crime (Marked as Q-1), Mo.35 is the two broken SIM cards, five damaged 6.3 V batteries and two small metal pieces collected from scene of crime (marked as Q-2), Mo.36 is the silver colour metallic pieces collected from scene of crime (marked as Q3), Mo.37 is the pieces of bag and Zip and cloth of pant collected from scene of crime (marked as Q4), Mo.38 is the Green colour coated metallic pieces collected from scene of crime (marked as Q5), Mo.39 is the pieces of wires collected from scene of crime (marked as Q6), Mo.40 is the iron balls big and small size collected from scene of crime (marked as Q7), Mo.41 is the pieces of spokes of bicycle and other nails collected from scene of crime (marked as Q8), Mo.42 is the pieces of metal of bicycle found collected from scene of crime (marked as Q9), Mo.43 is the pieces of mudguard attached with tyre of bicycle collected from scene of crime (marked as Q10), Mo.44 is the cycle tyre & tube pieces and break rubber collected from scene of crime (marked as Q11), (Mos.34 to 44 are opened in the Open Court in the presence of both sides from the sealed box sent by FSL). He examined and recorded statements of LW117 N.V.T.Pandu Ranga Rao, LW118 Ch.Vasantha, LW119 Yadamma, LW120 Vittamma, LW121 Indira, LW124 Padma. He also examined LW402 T.Suresh Kumar, LW403 Prakash Veer Head Constable and incharge of clues team CCS Hyderabad. He went to

JC-Brothers shop situated at Dilsukhnagar along with panchas K.Nanda Kishore LW251, and M.Sai Kumar LW252 for the purpose of seizing CCTV footage at the relevant time of bomb blast. He also examined K.Ramulu LW204, LW205 G.Venkateshwarlu RSI who is incharge of guarding the secured scene. Under Ex.P39 seizure panchanama dt.26-02-2013, he had seized Seagate hard disk (1 terra byte) Barracuda No.2057491213--0259701 metal plated hard disk of black colour affixing label with descriptive particulars mentioning 'JC Bros' Textile which is fitted secondary to LENOVO CPU (DVR System) of the JC Bros SHOW ROOM, Dilsukhnagar, Hyderabad which is Mo.45. Mo.45 was sealed in the shop premises with the signatures of the panchas and deposited with the Magistrate on 16-03-2013 under Ex.P40. He also received the statements of the victims who received injuries in the bomb blast recorded by Inspectors U/Sec.161 Cr.P.C on 27-02-2013. On 28-02-2013 he visited the Care Hospitals at Nampally and Banjara Hills and examined victims B.Hathiya Naik, M.Gangullamma, M.Ranga Rao. On 28-02-2013 he visited Shiva Electronics beside Venkatadri Theater, Dilsukhnagar and seized Mo.46 which is one Seagate Company made "Hard Disk" of 1 TB S/N: 9VPGRL3R, ST 31000524AS, P/N:9YP154-204, Firmware: JC48, Date Code 13135 Site Code: TK: The above mentioned details are printed on a white sheet and affixed to a steel plate and having No.C093820330A4. Ex.P41 is the seizure report drafted on 28-02-2013 at 1700 hours for the seizure of Mo.46. The said Mo.46 which was sealed and secured at the shop was sent to the Magistrate on 16-03-2013 under Ex.P42. On 01-03-2013 he received the iron pieces/splinters which were embedded in the bodies of the injured who received blast injuries and removed by the Doctors during the treatment. Ex.P43 (1 sheet) which is now filed is the letter addressed by the Administrator, Yashoda Hospital sending the splinters removed from the patients and also eye-tissue along with the photographs of the

sealed material objects. Mo.47 is the Nail, Mo.48 is the two white metals pieces, Mo.49 is the nail metal pieces, Mo.50 is the white metal pieces, Mo.51 five metal piece and eye-tissue, Mo.47 to 51 are the properties sealed and sent by the hospital authorities as mentioned in Ex.P43. He also received postmortem examination reports and also injury certificates of the victims received injuries. On 06-03-2013 he forwarded Mos.34 to 44 to the Director, FSL, Red Hills along with letter of advise. Accordingly on 07-03-2013 he also sent Mo.47 to 51 to FSL. As per the instructions of the Government, the investigation in this case was handed over to NIA on 14-03-2013.

201. During the course of Cross Examination, he stated that he sent Mo.34 to 44 and Mo.47 to 51 directly to the FSL. He stated that he did not deposit Mo.34 to 44 and Mo.47 to 51 before the concerned Court immediately after seizure. He stated that he did not conduct any further investigation after 14-03-2013. He stated that he assisted NIA. He stated that the date of dispatch as mentioned in Ex.P40, 42 & 43 is 16-03-2013. Another sheet which is pinned to Ex.P42 is identical to Ex.P42. Both the sheets are containing his original signatures, the second sheet is identical to first sheet and it is Ex.D1. Ex.D1 is dt.28-02-2013 and it contains the initial of VII ACMM before whom the property mentioned therein was deposited on 25-03-2013 vide PI No.37/13. He stated that he deposited the property on 16-03-2013. He stated that by 14-03-2013 all the properties were in his custody. He stated that the descriptive particulars of the personnel of the office who carried the property were not mentioned under Ex.P42 and Ex.D1. He handed over all the 161 Cr.P.C. statements and panchanamas recorded till 14-03-2013 to the NIA police.

#### FSL EXPERT FOR SCENE OF OFFENCE:

202. PW79 Md.Moinuddin who working as Joint Director, State Forensic Science Laboratory, Hyderabad since October, 2013

stated that on 22-02-2013 he received one sealed travel bag and sealed damaged bicycle remained with front wheel, handle and middle frame is sealed with one seal which was intact and tallying with the samples seen through Sri.N.Rama Lakshmana Raju, SI of Police, Malakpet P.S., along with the requisition form from ACP Malakpet Division all together 19 items (Mo.6 to Mo.33) were received but in item No.13 there is a sub-division from 13A to 13J (Mo.18 to 27). After physical examination and chemical test and instrumental analysis he issued a report stating that item No.1 to 19 (Mo.6 to Mo.33) are analyzed as per the above methods. Ammonium Nitrite a chemical substance one of the ingredients of high explosives is found in the items 1, 3, 6, 7, 8, 9, 10, 13 & 14 and 17 to 19 (Mo.6, 8, 11 to 29 & Mo.31 to 33). Traces of Ammonium Nitrite also found in items 2, 4, 5, 11 & 12. No explosive substance was found in item No.15 & 16 (Mo.29 & 30). The report signed by him and approved and forwarded by M.Sanjeev Kumar, Joint Director. Ex.P89 is the said report/opinion dt.29-05-2013 bearing No.CHE/69/2013. Item No.16 and 17 (Mo.30 & 31) was examined by K.Arun Jyothi, Assistant Director for the detection of blood and human blood was detected on item No.17 (Mo.31) but its blood group could not be determined. Blood was not detected on item No.16 (Mo.30) which was received as control for item No.17 (Mo.31). This report was approved and forwarded by B.Vara Lakshmi, Joint Director of Biology Division. Item No.10 (Mo.6) a damaged bicycle was examined by G.Srinivas Murthy, Assistant Director and based upon his observation, he has given his opinion that Chasis/Frame No. of the damaged bicycle Item No.10 (Mo.6) is ZN06913. This opinion was approved and forwarded by Mr.P.Ramesh, Joint Director Physics. A requisition received from ACP, Central Crime Station, Detective Department, Hyderabad City along with the property in Cr.No.56/2013 in this one sealed cloth parcel was received which was sealed with three seals and

which was intact and tallying with sample seal through C.M.Naveen Raju, PC4942 of CCS, DD, Hyderabad on 07-03-2013. The cloth parcel contained a card board box and card board box contained paper parcel and this paper parcel contained another polythene packets. These polythene packets was labeled as Cr.No.56/2013 P.S.Malakpet along with signed chit dt.26-02-2013 which in Serial No.1 to 11 marked as Q1 to Q11 (Mo.34 to 44). Based upon the examination of physical, chemical and instrumental analysis he issued the report which states that item No.1 to 11 (Mo.34 to 44) was analyzed that Ammonium Nitrite a chemical substance one of the ingredient of high explosive is found in items No.4, 5, 7 to 11 (Mo.37, 38, 40 to 44). Aluminum along with ammonium nitrite was found in item No.3. Traces of Ammonium nitrite was found in item No.1, 2 & 6 (Mo.34, 35, 39). This report is signed by him and approved and forwarded by Mr.M.Sanjeev Kumar, Joint Director for Chemical Division. Ex.P90 is the report/opinion dt.25-05-2013 bearing No.CHE/69/2013-A. The file No.CHE/69/2013 (B) a requisition from ACP, Central Crime Station with the clue Department, Hyderabad City was received in Cr.No.56/2013 of CCS, DD, Hyderabad along with the sealed paper parcel which was sealed with three seals which were intact and tallying with the samples seal through Sri.C.M.Naveen Raju, PC4942 of CCS, DD, Hyderabad on 07-03-2013. A paper was labeled as Cr.No.56/2013 of P.S. Malakpet transferred to CCS, Hyderabad containing a card board box with in turn contains a card board box which was also labeled as Cr.No.56/2013 of P.S.Malakpet transferred to CCS, Hyderabad Q1 to Q5 (Mo.47 to 51) containing five plastic containers. Basing on the physical examination and chemical test a report was issued which states that Items No.1 to 5 were analyzed as per the methods and item No.1 (Mo.47) is found to contain iron a metallic substance and ammonium nitrate a chemical substance one of the ingredient of explosive. Item No.2 (Mo.48) is found to contain

aluminum a metallic substance and ammonium nitrate a chemical substance one of the ingredients of explosive substance. Item No.3 (Mo.49) was found to contain an aluminum metallic substance. Item No.4 (Mo.50) was found to contain aluminum metallic substance. No explosive substances were found in item No.3 to 5 (Mo.49 to 51). This report is signed by him and approved and forwarded by Mr.M.Sanjeev Kumar, Joint Director. Ex.P91 is the report/opinion dt.25-05-2013 with file No.CHE/69/2013 (B). File No.CHE/70/2013 (A). A requisition from ACP, Crimes, Cyberabad was received on 23-02-2013 along with 13 sealed cover parcels each sealed with one to six seals which were intact and tallying with the samples through A.Anjaneyulu, SI of Police, Saroornagar P.S in Cr.No.146/2013. The said sealed parcels are items No.1 to 13 (Mo.72 to 84). Basing upon physical examination, chemical test and instrumental analysis a report was issued which states that Item No.1 to 13 were analyzed ammonium nitrite a chemical substance one of the ingredients of high explosive is found in items No.1, 2, 3, 8, 9, 10, 11, 12 & 13 (Mo.72, 73, 74, 79, 80, 81, 82, 83 & 84). Traces of ammonium nitrite are also found in item No.4 & 5 (Mo.75 & 76). No explosive substances are found in item No.6 & 7 (Mo.77 & 78). The report/opinion was signed by him and approved and forwarded by M.Sanjeev Kumar, Joint Director. Item No.4 to 7 (Mo.75 to 78) was examined by Dr.G.V.Jaghadambha, Assistant Director for Serological Examination. Human blood was detected from item No.4 & 5 (Mo.75 & 76) but their blood group could not be determined. Blood is not detected on item No.6 & 7 (Mo.77 & 78) which were received as control for item No.4 and 5 (Mo.75 & 76). This report was approved and forwarded by B.Vara Lakshmi, Joint Director. Ex.P92 is the report/opinion dt.29-05-2013 bearing No.CHE/70/2013 (A). File No.CHE/70/2013 (B). he received a requisition from ACP, Crime, Cyberabad in Cr.No.146/2013 of Saroornagar P.S. through

Sri.A.Anjaneyulu, SI of Police, Saroornagar on 26-02-2013 for the analysis of the following items which are three burnt and damaged motor cycles and one damaged scooter and one sealed cloth parcel and they were sealed and intact and tallying with samples. The said items are No.1 to 18 (Mo.1 to 4 & 85 to 98). Item No.19 & 19 (A) are pieces of metal with dark brown stains with now marked as Mo.99. Item No.20, 20-A to 20-C which is a card board box containing four plastic jars which is marked as Mo.100 (all four plastic jars). Based upon physical examination and chemical test a report was issued which states as item No.1 to 20-C are analyzed ammonium nitrite chemical substance one of the ingredients are found in item No.1 to 18. Traces of ammonium nitrite are also found in items No.19, 19-A, 20, 20-A, 20-B & 20-C. The report is signed by him and approved and forwarded by M.Sanjeev Kumar, Joint Director. Ex.P93 is the report/opinion dt.29-05-2013 bearing file No.CHE/70/2013 (B). File No.CHE/70/2013 (C). He received a requisition from ACP, Crimes, Cybearabad on 08-03-2013 in Cr.No.146/2013 of Saroornagar P.S. along with the material objects for chemical analysis through Sri.Ch.Mahesh, PC4976 of P.S.Saroornagar. In these four sealed cloth parcels as items No.1 to 4 are marked as Mo.101 to 104. Item No.1 (Mo.101) burnt and melted pieces of metal, item No.2 (Mo.102) is also burnt and melted pieces of metal, item No.3 (Mo.103) is also burnt and melted pieces of metal, item No.4 (Mo.104) burnt pieces of nail and two small pieces of burnt melted metal. Based upon physical examination and chemical test and instrumental analysis a report was issued which states that ammonium nitrite a chemical substance one of the ingredients of high explosive was found in item No.4. Traces of ammonium nitrate are found in item No.1. No explosive substance is detected in item No.2 and 3. The report is signed by him and approved and forwarded by Mr.M.Sanjeev Kumar, Joint Director Chemical Division. Ex.P94 is the report/opinion dt.25-05-2013 with file

No.CHE/70/2013 (C). File No.CHE/70/2013. A requisition was received from ACP, Crimes, Cyberabad in Cr.No.146/2013 of P.S.Saroornagar on 23-02-2013 through Sri.A.Anjaneyulu, SI of Police, Saroornagar along with 27 sealed cloth parcels and a damaged front portion of Atlas cycle is sealed with 1-6 seals which were intact and tallying with samples. Item No.1 to 6 are Mo.5, Mo.53 to 57. Item No.7 to 20 are Mo.58 to 71. Item No.21, 21-A to 21-E are pieces of metal retrieved from dead bodies which is marked as Mo.105. Item No.22-A to 22-E are burnt cloth pieces which are marked as Mo.106. Item No.23-A to 23-C are burnt cloth pieces of the deceased Padmakar Kulkarni marked as Mo.107. Item No.24-A to 24-E are cloth pieces and other items pertaining to the deceased Vele Ramulu which is marked as Mo.108. Item No.25-A to 25-D are burnt cloth of the deceased Nakka Venkateshwarlu which is marked as Mo.109. Item No.26-A to 26-F are cloth pieces and other wearing apparel of the deceased Md.Rafiuddin are marked as Mo.110. Item No.27-A to 27-F are wearing apparel of the deceased Poreddy Swapna Reddy are marked as Mo.111. Item No.28-A to 28-E are wearing apparel and belongings of the deceased Harish Karthik which is marked as Mo.112. Based upon the physical examination and chemical test and instrumental analysis a report was issued which states that items No.1 to 28-E (Mo.1, 53 to 71, 105 to 112) are analyzed and found to contain ammonium nitrate an chemical substance one of the ingredient of explosive in item No.6 (Mo.57), item No.22-A to 22-E (Mo.106), item No.23-A to 23-C (Mo.107), item No.24-A to 24-E (Mo.108), item No.25-A to 25-E (Mo.109), item No.26-A to 26-F (Mo.110), item No.27-A to 27-F (Mo.111), item No.28-A to 28-E (Mo.112). Traces of ammonium nitrate are also found in items No.1 to 5 (Mo.5, 53 to 56) and 7 to 14 (Mo.58 to 65), 16 & 19 (Mo.67 & 70). Aluminum along with traces of ammonium is found in item No.20 (Mo.71), 21, 21-B, 21-D, 21-E (Mo.105). No explosive substance is found in item No.15 (Mo.66), 17

(Mo.68), 18 (Mo.69), 21-A, 21-C (Mo.105). The report/opinion dt.28-05-2013 was signed by him which is marked as Ex.P95 and approved and forwarded. Ex.P95 also contains the report of physical section by G.Srinivas Murthy, Assistant Director, Serology whose signatures he can identify and this witness identified those signatures.

203. During the course of Cross Examination, he stated that before he became a Joint Director he was working as an Assistant Director of Chemistry Division in AP State FSL. He stated that the Director of AP State FSL is a rank of Inspector General of Police. He stated that the AP State FSL is one of the wings of the State Police Department. He stated that there are totally twelve sections and four Divisions in AP State FSL and he belong to Chemical Department. He stated that he is speaking only out of records with respect to other divisions. He is not aware of what test and analysis are conducted in the other divisions. He stated that in all the Ex.P89 to P95 there is no specific mention that slips containing the signatures of panch witnesses were accompanied along with the material objects sent to them. He stated that all the Mo.1 to 112 were sent to their office referred to in Ex.P89 to 95 directly by the concerned Police. He stated that no Court has given any direction to them for conducting analysis and reports vide Ex.P89 to 95. He stated that in Ex.P92 all the items received by their office were labeled as "item No. (NIA), Cr.No.146/13, Saroornagar PS". He stated that the items referred to in Ex.P92 are marked as MO.72 to 84. He stated that Ex.P92 was issued on the basis of material objects received vide letter No.146/CR/ACP/CRIMES/CYB/2013 dt.22-02-2013. He stated that ammonium nitrate is basically in white colour and after explosion it turns into brown colour but its chemical composition does not change. He stated that ammonium nitrate is a water soluble substance. He stated that basically ammonium nitrate is available in solid form (granular, prilled, crystalline, powder form). He stated that

ammonium nitrate itself is not an explosive substance but if it is put under high temperature above 150 degrees centigrade then it can explode. He stated that ammonium nitrate is available in two forms one is fertilizer and another one is in explosive form. He stated that the viscosity and density of the ammonium nitrate in Explosive form is low, while the ammonium nitrate in fertilizer form that has high density and viscosity. He stated that it is not mentioned in all Ex.P89 to 95 that all the material objects vide Mo.1 to 112 were not containing brown colour substance on them. He stated that "if it is visible we will mention otherwise we will not mention the colour". He stated that only those substances which are visible are mentioned in the reports. He denied that no examination or analysis was done on the material objects and the reports were given vide Ex.P89 to 95 at the instance of NIA police.

204. It is not mandatory to mention the process and analysis of examination of material objects in the FSL report. As seen from the cross examination, the endeavor of the learned defence counsel is to bring the fact that this FSL is attached to the Police Department and as such the Experts may be influenced by the Police. The defence counsel failed to convince this Court that the Experts are influenced by the Police and moreover this witness stood for test of cross-examination and his evidence is no where shaken.

**PHOTOGRAPHER:**

205. PW90 K.Indrasena Reddy stated that on 21-02-2013 while he was in the Police station discharging duties as Police constable of Malakpet P.S., they heard two loud sounds around 06-55 pm., to 07-05 pm... Their Inspector Satyanarayana (PW49) received phone calls informing that two bomb blasts occurred at Dilsukhnagar. Their Inspector, himself and other staff members rushed to Dilsukhnagar. They found that two blasts occurred, one at A1-mirchi center and the second one at 107 bus stop. The 107 bus stop falls within Malakpet P.S.

Jurisdiction. Immediately the injured persons were shifted to various hospitals including Omni hospital, Osmania General Hospital, Yashoda Hospital and other hospitals. Five dead bodies were found near 107 bus stop which were shifted to Osmania General Hospital. On the instructions of Inspector, he photographed the scene at 107 bus stop which are Ex.P161 to 188. He handed over the camera to their Writer in the Police station.

206. During the course of Cross Examination, he stated that the NIA Police along with other police were present at that time. He stated that there is no date and time on Ex.P161 to 188 and also there are no details of the person who shot the photos.

#### FSL EXPERT FOR VIDEO FOOTAGE:

207. PW108 Hitesh.J.Trivedi who is working in Forensic Science Laboratory at Gandhi Nagar in Gujarat since 17 years stated that he had done M.Sc. (Physics) in 1996. He joined Forensic Science Laboratory as a Laboratory Technician in June, 1997. Since then he had been associated with conducting analysis and examination as required by Investigating Agencies. He had also independently conducted analysis and provided reports on behalf of FSL, Gandhi Nagar. Presently he is a Scientific Officer since 2008. They received two sealed parcels which were sent by 1 Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases for the purpose of analyzing the video footages sent in hard disks. Ex.P312 (7 sheets) is the forwarding letter of the learned Special Judge for NIA along with forwarding note (letter of advice). Ex.P313 (1 sheet) is the receipt dt.25-06-2014 of parcels sent by the learned Special Judge. He along with his Assistant named Kushal Master analyzed the hard disks sent in sealed covers as mentioned above. They have forensically analyzed using authorized forensic softwares and hardwares. The hard disk exhibit H1 contains the questioned video footages showing the event as described in police

forwarding note. These video footages were captured, analyzed and enhanced upto the maximum possible extent using Video Enhancement System. Ex.H4 as stated in his opinion is the mock video footage taken by the Police as described in the letter of advice. After comparison of video footage available in Ex.H1 and H4 by scientific methods, he opined that the height of the person marked S1 was found to be similar with the height of the person marked as C1. The height of the persons marked 'S2' and 'S' was found to be similar with the height of the person marked as 'C2'. The identification of the persons was not possible as the resolution of the questioned video footages was very poor. The opinion given with regard to the height of the person is correct in all respects. Mo.45 is the CPU with hard disk. Mo.46 (H2) is hard disk. Mo.169 is the hard disk marked as H3 in the opinion. Mo.170 is the hard disk marked as H4 in the opinion. Mo.171 is the hard disk marked as H5 in the opinion. Ex.P314 is his opinion dt.20-09-2014 addressed to the learned Special Judge containing three sheets.

208. During the course of Cross Examination, he stated that in Ex.P312 it is not specifically mentioned that the items sent along with Ex.P312 contained slips signed by the panch witnesses. He stated that in Ex.P313 it is not specifically mentioned that the items sent along with Ex.P313 contained slips signed by the panch witnesses. He stated that in Ex.P314 it is not specifically mentioned that the items sent along with Ex.P314 contained slips signed by the panch witnesses. He stated that in Ex.P314 the still image marked as 'S' on the 4<sup>th</sup> page shows red encircled spot on the road and not at the corner of the road as people are moving near the encircled spot from all the directions. He stated that in Ex.P314 on page 4 and 5, the still images marked as C1 and C2 shows red encircled spot on the road and not at the corner of the road. He stated that the timings shown with respect to still image marked as C1 show the timing as 01.00.38 dt.29-05-2014. Similarly the timings

shown with respect to still image marked as C2 show the timing as 01.08.16 dt.29-05-2014. He stated that in Ex.P314 he did not mention anything as to the process involved in enhancing the video footages sent to us for analysis. He stated that the relevant contents in material objects sent to them which are marked as Mo.45, 46 and 169 to 171 were copied by him in his system and then they tried to enhance the video footages in their system. He stated that for the purpose of identification of the person, the biometric analysis and physical features can be made out only if the nodal points are correct. He stated that in Ex.P314 he had expressed his opinion that in the present case the resolution of the video footages sent to him vide Mo.45, 46 and 169 to 171 are very poor and the nodal points and the land marks required for biometric analysis and physical features were not visible and as such no opinion can be given regarding the personal identification of the person except the height of the person. He stated that in Ex.P314 under the column examination and observations he did not mention specifically as to the software and hardwares used for forensic analysis. Similarly it is true that in Ex.P314 under the column examination and observations he specifically mentioned that the video footages stored in EXH.H2 (Mo.46) and EXH.H5 (Mo.171) could not be retrieved due to compatibility with forensic system and hence analysis of the video footages as described in the forwarding note could not be carried out and that the hard disk EXH.H3 (Mo.169) did not contain control video footages. Above him, there are officers under the cadre of Assistant Director, Deputy Director and Director. He stated that in Ex.P314 it is not specifically mentioned that he had been authorized to conduct forensic analysis of Mo.45, 46, 169 to 171 vide Ex.P314 but they have record in their office to that extent. He denied that he had conducted forensic analysis and gave opinion vide Ex.P314 without any authority at the instance of NIA police.

identification slips may be removed or separately packed because during the process of chemical analysis there is no chance of damage of identification slips, so what is necessary is the seals before and after analysis. It is not in dispute that there are seals to all the material objects before the FSL Experts received the same.

210. PW116 V.Nagaraju who is working as Cashier in JC Brothers Cloth Shop at Dilsukhnagar stated that on 28-05-2014 the NIA Police had conducted a crime scene reconstruction. In the said process the NIA Police had brought one accused and he was asked to take a cycle in front of shop at a distance and the same was recorded with the CCTV Cameras which were already installed in their shop in the year 2006 or 2007. Two accused were asked to take the cycle towards Dilsukhnagar Bus Stop and one accused was asked to come back by walk. Accordingly the said exercise was recorded in the CCTV Cameras of shop. The witness identified the said two accused as the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed and the Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. Ex.P337 is the CCTV Video Recording of Crime Scene Reconstruction memo dt.28-05-2014 drafted on a laptop brought by NIA Police and printouts taken on the printer brought by them. Ex.P337 was drafted and printouts were taken in shop. He signed on Ex.P337. The Police also seized the hard disks of the recordings done by them in which the accused had taken the cycle towards Dilsukhnagar Cross Roads under the process of Crime Scene Reconstruction. Mo.169 and 170 are the hard disks which were seized from shop. He also witnessed the process of reconstruction of crime scene by asking the accused to ride the cycle and recorded him in CCTV Camera in Shiva Electronics Shop. Mo.171 is the hard disk seized from Shiva Electronics Shop on which he signed. The above said accused also participated in the crime scene reconstruction.

211. During the course of Cross Examination, he stated

that he had been working in JC Brothers Shop since 2011. Before conducting the reconstruction the NIA Police came to shop in the afternoon of 28-05-2014 and requested owner to keep shop open during night hours on the intervening night of 28/29-05-2014. The NIA Police did not obtain any permission from the Labour Department to keep shop open on the intervening night of 28/29-05-2014. He stated that he studied upto Degree. He stated that in Ex.P337 it is not mentioned that the contents therein were explained to him and after going through the panchanama and after admitting them to be correct he affix his signature on the panchanama. He stated that he knew the contents of the same. He stated that one Constable in uniform has typed the contents of Ex.P337 and he does not know the name and particulars of that Constable. He stated that the NIA Officer dictated the contents of Ex.P337 to his constable but the same is not mentioned in Ex.P337. He stated that he does not know how many NIA Officers came on that day. He stated that at that time of reconstruction both the accused were brought in masked condition hiding their faces. He stated that while going away after the proceedings they removed the masks. He stated that he does not know as to when and where the accused were arrested and since how long they were in Police custody. He stated that in Ex.P337 the particulars of owners of JC Brothers and Shiva Electricals are not mentioned. He stated that he had not given any records to the NIA Police to show that he is working in JC Brothers. He denied that he signed on Ex.P337 at the instance of owner and that no reconstruction of place of blast proceedings, and that no disclosures were made by the accused on the intervening night of 28/29-05-2014. He denied that nothing was discovered or seized in his presence. He stated that it is mentioned in Ex.P337 that "On 21<sup>st</sup> February, 2013 evening before the Twin Blast took place two suspects were going towards the place of blast with cycles and one suspect coming back without cycle, both the

suspects wore cap and black colour backpack video was captured in the CCTV of JC Brothers and Shiva Electronics, but due to poor illumination and low quality of CC cameras and bad lighting the footages are not able to recognize the faces of the persons clearly, the hard disks containing the above video CC footages of suspects were seized by the then Investigating Officer, ACP, Sri.Jagannath Reddy, CCS, Hyderabad and deposited in the Hon'ble Court." He stated that the memory card containing the video footages as on 21-02-2013 were already taken away by the Police after two or three days after the blasts. He denied that without the permission of owner the NIA Police forcibly obtained signature on the panchanama Ex.P337. He denied that Mo.169 to 171 were not seized in presence by the NIA Police.

#### OWNERS OF VIDEO RECORDED CAMERAS:

212. PW128 who is Owner of Shiva Electronics beside Venkatadri Theater at Dilsukhnagar stated that on 21-02-2013 a bomb exploded at bus stop around 07-00 pm., he had installed CCTV in his shop. The Camera faces the main road which is placed at the entrance of the shop. The Malakpet Police came to his shop on 28-02-2013 and seized the Hard Disk. The seizure report is under Ex.P41 and the hard disk which he handed over to the Police is Mo.46. He also signed on Ex.P41 and Mo.46. The learned counsel for the accused reported no cross examination for this witness.

213. PW129 who is working as Manager, JC Brothers, Dilsukhnagar, Hyderabad since 2006 stated that their shop is situated beside Venkatadri Theater at Dilsukhnagar. On 21-02-2013 a bomb exploded at bus stop around 07-00 pm., he had installed CCTV in his shop. One Camera faces the main road which is placed at the entrance of the shop. The Malakpet Police came to his shop on 26-02-2013 and seized the Hard Disk. The seizure report is under Ex.P39 and the hard disk which he handed over to the Police is Mo.45. He had also signed on

Ex.P39 and Mo.45. The learned counsel for the accused reported no cross examination for this witness.

**PHOTOGRAPHER OF SCENE OF OFFENCE:**

214. PW117 Afsar Moinuddin Zakir who is a Clues Team Photographer and joined as a Homeguard in 1997 stated that on 21-02-2013 the Scientific Officer of Clues Team asked him to accompany to Dilsukhnagar where two bomb blasts occurred. He was asked to take the photographs at both the places. Accordingly he had taken photographs under Ex.P338 to P387.

215. During the course of Cross Examination, he stated that in Ex.P339 there is one plastic can containing oil at the place of blast at A1-Mirchi Center. He stated that there is oil all round the place of blast in Ex.P339. He stated that Ex.P340 reveals that live electrical wires are hanging at the place of blast and also there are kitchen items spread all around including gas cylinder. He stated that in Ex.P341 to P343 reveals in different angles one plastic can and oil is percolated at the place of blast at A1-Mirchi Center. He stated that Ex.P348 shows electric live wires, transformer, the kitchen items of A1-Mirchi Center spread around, remnants and broken parts of scooters and motor cycles, and also oil spread around most of the place of blast at A1-Mirchi Center. He stated that Ex.P348 does not reveal any cycle or parts of cycle lying around at the place of blast as seen in the photograph at A1-Mirchi Center. He stated that Ex.P349 reveals that the blast took place in kitchen of A1-Mirchi center adjacent to the transformer. He stated that Ex.P350 reveals the place of blast at A1-Mirchi center and shows a close-up view of all the parts two wheelers (one scooter and four motor bikes) exactly at the place of the blast and there is no cycle or parts of cycle at the place of blast as per the photograph. He stated that Ex.P351 reveals the exact enlarged photograph where the blast took place at A1-Mirchi Center and it also reveals the spread of kerosene oil

in most of the place of blast. He stated that Ex.P352 reveals exact place of blast at kitchen of A1-Mirchi Center which shows that stand with the gas stove along with the regulator pipe but without the cylinder. He stated that the cylinder might have been blasted due to the impact. He stated that Ex.P356 reveals the exact spot where the kerosene white plastic can having some kerosene. He stated that Ex.P356 clearly shows A1-Mirchi center which was the place of blast and clearly shows that there are five burnt two wheelers adjacent to it, live wires and electric transformers, gas cylinders and kerosene oil spread in most of the place of blast as shown in the photograph i.e., Ex.P356 and there is no cycle or parts of cycle found at the place of blast as shown in the photograph i.e., Ex.P356. He stated that Ex.P359 is the close-up view of the exact place at the kitchen of A1-Mirchi center. He stated that Ex.P360 & P361, P363 and P364 reveal exact place of the place of blast at A1-Mirchi center where one scooter and four motor bikes were found in damaged/burnt condition but there is no cycle or parts of cycle parts as visible in the photographs vide Ex.P360 & P361, P363 and P364. He stated that Ex.P338 to 387 do not disclose as to who took the photographs and when it was taken and who developed them. He denied that the photograph was not done by Digital Camera. If Digital Camera is used then the date and time will appear on the photographs. He stated that it is not possible to change the date and time if Digital camera is used to take photographs. He stated that his name or his Superior's name by name Sri.T.Suresh are not mentioned in the photographs vide Ex.P338 to P387. He stated that all the exhibits vide Ex.P338 to P387 do not contain the date, time, seal, signature and emblem of the Clues Team of APFSL.

216. That being the evidence adduced by the prosecution. Be that as it may, the learned counsel for the accused astutely contended that so many witnesses stated that they thought that the

blast was due to short-circuit and blast of electronic transformers situated at 107 bus stop and A1 Mirchi centre and there is no clinching support from the injured and the medical officers and therefore the prosecution failed to prove beyond all reasonable doubt that the twin blasts are due to the explosion of the Improvised Explosive Device bombs.

217. Now coming to the documentary evidence, perusal of Ex.P1 given by PW1 reads as: "On 21-02-2013 I was on weekly off. I came to Dilsukhnagar depot for making enquires about my duty for the forth coming day at about 07-00 pm., I crossed the road towards 72 bus stop close to Venkatadri Theatre to have a soft drink in the nearby bakery. At about 07-05 to 07-10 pm., I heard two loud deafening sounds followed one after another appearing to be that of bomb blast sound. Since the area is heavily crowded due to presence of colleges, hostels and other commercial establishments people started running out of fear. Immediately I too rushed towards the place of blast I found people lying in pool of blood on the sub road and footpath near the 72 bus stop with bleeding injuries meantime police Malakpet arrived at the scene of offence and with their assistance I shifted the injured victims in different modes of transport like auto trolley, ambulance etc.,"

218. Ex.P4 given by PW2 reads as: "On 21-02-2013 at 07-05 pm., himself and his friend Sri.Krishna while standing near the model bank at Dilsukhnagar heard a huge sound of bomb blasts at Venkatadri Theatre (situated by the side of the scene of offence) and also heard immediately another similar sound at A1 Mirchi centre and then immediately both of them rushed there are noticed that area was filled with smoke and found seven dead bodies were found lying pellmell at various places and some of them were lying with bleeding injuries."

219. The evidence of both the complainants fully corroborated two FIRs registered by Saroornagar Police and Malakpet

Police.

220. Now coming to the evidence of panchanamas, separate panchanamas were drafted for both the crimes. Ex.P27 is the panchanama which reads as: "the scene of crime wore a gory look with blood shades, cut off body parts, scattered intestine matters, scattered eatable materials, amidst cries and chows of the general public. There is about 1 feet depth ditch existing on the explosion spot and around the explosion spot, there are four blood pools in front of A1 Mirchi shop. The telephone panel board was damaged and found splinters effected in the panel board and three motor cycles and one scooter with burnt state found near the telephone panel board. Broken showcase glass pieces of shops are scattered on the road at scene of crime. The flexi boards and glow sign boards are found in damaged state. There are number of foot wares, shoes, books and bags are found scattered on the road in front of A1 Mirchi shop. The eatery items, vessels, gas stove, cylinders were damaged and scattered in the scene. Due to explosion in and around the explosion spot, existing business establishments showcases, flexes, name boards, banners were got damaged and disturbed. We found one damaged cycle remained with front wheel, handle, and middle frame and the remaining parts of cycle damaged into pieces, parts, tube and tyre and scattered at the scene. The make of cycle is "Atlas" company and front tyre manufactured by "Ganga Toofani Takat-2012, 8 ply rating ISO certified, 9001-2008".

221. Ex.P28 is the rough sketch prepared by the investigating officer in the presence of two panchas, Ex.P29 is the another scene of offence panchanama drafted on 26-02-2013 in the presence of both panchas who are VROs of Jalpally village and Mamidipally village nearby the scene of offence, which reads as: The Police officer with the assistance of the Clues team has earmarked objects and seized the following items from the scene of offence as

material evidence, relating to the explosion. 01. One burnt and damaged motor cycle visible as registered No.AP 29 AV 9548, one burnt and damaged motor cycle visible as registered No. AP 9 AC 7----, having engine number 99F10E19917, one burnt and damaged motor cycle number not visible and having chassis number DUFBLF29443 and engine number DUMBLF00853, one partly damaged scooter visible registration number as AP 11 L 856. Mo.85 is the burnt pieces of pedal of cycle, Mo.86 is the pieces of electronics, Mo.87 is the cycle parts, Mo.88 is the pieces cycle tyres and tubes, Mo.89 is the pieces of cell phone and mother board, Mo.90 is the pieces of 9V battery, Mo.91 is the pieces of white metal, Mo.92 is the bag with number, Mo.93 is the break rubber of cycle, Mo.94 is the pieces of cycle spokes and springs, Mo.95 is the pieces of cycle seat, Mo.96 is the pieces of metals found in scene of offence, Mo.97 is the pieces of molten metallic parts, Mo.98 is the pieces of cloths".

222. Ex.P35 was drafted in the presence of two panchas one is an independent panch and another is the Government employee special RI in MRO Office. This document brief discloses with regard to the seizure of the material objects as deposed by PW49 that on 21-02-2013 at about 1900 hours when he was on patrol duty he had received information from VHF Set flashed by main control that bomb blasts occurred at Dilsukhnagar area in two places. Immediately he proceeded to the scene situated at very near to Venkatadri Theater backside of 72 bus stop in front of Lowkeshwarananda complex where he found five dead bodies and number of injured lying on the sub-road and foot path of 72 bus stop. Immediately he along with staff and the complainant PW1 and others sent them to the nearest hospitals i.e., Kamala Hospital, Yashoda, KGH, and Osmania for treatment. He informed the same to the officers and called other police staff. He secured the scene of offence with the help of staff. He recorded the statement of PW1 and

sent to Police Station through PC No.5433 Amzad for registration. Additional Inspector D.Yadagiri Swamy (PW38) registered a case in Cr.No.56 / 2013 U/Sec.302, 307, 120-B IPC and Sections 3 and 5 of Explosives Substance Act.

223. Ex.P36 is the rough sketch of scene of offence in Cr.No.56/2013 of Police Station Malakpet. Ex.P38 is the seizure panchanama in Cr.No.56/2013 of Police Station Malakpet drafted on 26-02-2013 which discloses the following items were seized from the scene of offence: Mo.34 is the Pieces of 9V battery collected from scene of crime (Marked as Q-1), Mo.35 is the two broken SIM cards, five damaged 6.3 V batteries and two small metal pieces collected from scene of crime (marked as Q-2), Mo.36 is the silver colour metallic pieces collected from scene of crime (marked as Q3), Mo.37 is the pieces of bag and Zip and cloth of pant collected from scene of crime (marked as Q4), Mo.38 is the Green colour coated metallic pieces collected from scene of crime (marked as Q5), Mo.39 is the pieces of wires collected from scene of crime (marked as Q6), Mo.40 is the iron balls big and small size collected from scene of crime (marked as Q7), Mo.41 is the pieces of spokes of bicycle and other nails collected from scene of crime (marked as Q8), Mo.42 is the pieces of metal of bicycle found collected from scene of crime (marked as Q9), Mo.43 is the pieces of mudguard attached with tyre of bicycle collected from scene of crime (marked as Q10), Mo.44 is the cycle tyre & tube pieces and break rubber collected from scene of crime (marked as Q11).

224. Ex.P2 & P3 is the inquest panchanamas reads as: the panchas opined that the deceased unknown persons as mentioned in this panchanama died due to explosion of high explosive bomb and the consequent injuries. Ex.P5 is the inquest panchanama reads as: the panchas opined that the deceased Aziz Ahemd as mentioned in this panchanama died due to explosion of explosive bomb and the

consequent injuries. Ex.P7 is the inquest panchanama reads as: the panchas opined that the deceased P.Kulkarni as mentioned in this panchanama died due to explosion of unknown explosive substances and the consequent injuries. Ex.P8 is the inquest panchanama reads as: the panchas opined that the deceased V.Ramulu person as mentioned in this panchanama died due to explosion of high explosive bomb by unknown persons and the consequent injuries. Ex.P9 is the inquest panchanama reads as: the panchas opined that the deceased N.Venkateshwarlu as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown terrorists and the consequent injuries. Ex.P10 is the inquest panchanama reads as: the panchas opined that the deceased Md.Raquiuddin as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown persons and the consequent multiple injuries. Ex.P12 is the inquest panchanama reads as: the panchas opined that the deceased P.Swapnareddy as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown terrorists and the consequent injuries. Ex.P13 is the inquest panchanama reads as: the panchas opined that the deceased K.Harish Karthik as mentioned in this panchanama died due to explosion of explosive bomb caused by unknown persons and the consequent injuries. Ex.P14 is the inquest panchanama reads as: the panchas opined that the deceased G.Thirupathi as mentioned in this panchanama died due to explosion of explosive bomb caused by unknown persons and the consequent injuries. Ex.P15 is the inquest panchanama reads as: the panchas opined that the deceased M.Machagiri as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown terrorists groups and the consequent injuries. Ex.P16 is the inquest panchanama reads as: the panchas opined that the deceased Amrutha Ravi as mentioned in this panchanama died due to explosion of high

explosive bomb caused by unknown terrorists and the consequent multiple injuries caused by propellants of the explosion all over the body. Ex.P17 inquest panchanama reads as: the panchas opined that the deceased unknown person as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown terrorists and the consequent injuries. Ex.P18 is the inquest panchanama reads as: the panchas opined that the deceased M.Rajashekhar as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown persons and the consequent injuries. Ex.P19 is the inquest panchanama reads as: the panchas opined that the deceased S.Anand Kumar as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown terrorists and the consequent burn injuries forming holes in the body. Ex.P20 is the inquest panchanama reads as: the panchas opined that the deceased B.Lakshmi Srinivas Reddy as mentioned in this panchanama died due to explosion of explosive bomb caused by terrorists and the consequent multiple injuries. Ex.P21 is the inquest panchanama reads as: the panchas opined that the deceased Chogaram as mentioned in this panchanama died due to explosion of high explosive bomb and the consequent bleeding injuries. Ex.P22 is the inquest panchanama reads as: the panchas opined that the deceased quick born child of Yashoda as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown terrorists group members and due to consequent injuries sustained by Yashoda, her foetus also sustained injuries and died. Ex.P25 is the inquest panchanama reads as: the panchas opined that the deceased V.Vijay Kumar as mentioned in this panchanama died due to explosion of high explosive bomb caused by unknown terrorists and the consequent burn injuries forming holes to the body.

is the MLC-cum-injury certificate of Abdul Wasem Ex.P110 is the MLC-cum-Injury certificate of the injured Srinivas Rao, Ex.P111 is the MLC-cum-Injury certificate of the injured Ms.Rajitha, Ex.P112 is the MLC-cum-Injury Certificate of the injured Mr.Shiva Kumar, Ex.P113 is the MLC-cum-Injury Certificate of the injured Mr.Parasuram, Ex.P114 is the MLC-cum-Injury Certificate of the injured Mr.Yadagiri, Ex.P115 is the MLC-cum-Injury Certificate of the injured Mr.Samad, Ex.P116 is the MLC-cum-Injury Certificate of the injured Mallikarjun, Ex.P117 is the MLC-cum-Injury Certificate of the injured Hari Singh, Ex.P118 is the MLC-cum-Injury Certificate of the injured Mr.Mohan Reddy, Ex.P119 is the MLC-cum-Injury Certificate of the injured Mr.Madhusudhan Reddy, Ex.P120 is the MLC-cum-Injury Certificate of the injured Mr.Havappa, Ex.P121 is the MLC-cum-Injury Certificate of the injured Mr.Panduranga Reddy, all Ex.P108 to P121 discloses that the injured sustained blast injuries.

226. Ex.P122 is the Postmortem Report of the deceased Sri.Chogaram, Ex.P123 is the Postmortem Report of the deceased Mudraboina Machagiri, Ex.P124 is the Postmortem Report of the deceased Vijay Kumar, Ex.P125 is the Postmortem Report of the deceased Singadi Anand Kumar, Ex.P122 to P125 discloses that the deceased died due to multiple bomb blast injuries.

227. Ex.P126 is the Postmortem Report of the deceased Mohd.Amanullah Khan, Ex.P127 is the Postmortem Report of the deceased Padmakar Kulkarni, Ex.P128 is the Postmortem Report of the deceased Nakka Venkateshwarlu, Ex.P129 is the Postmortem Report of the deceased Laxmi Srinivas Reddy, Ex.P130 is the Postmortem Report of the deceased Gunta Thirupathi. Ex.P131 is the Postmortem Report of the deceased P.Swapna Reddy, Ex.P132 is the Postmortem Report of the deceased Muthyala Rajashekhar, Ex.P133 is the Postmortem Report of the deceased Vele Ramulu, Ex.P134 is the Postmortem Report of the deceased Mohd.Rafiuddin, Ex.P135 is the Postmortem Report of the

deceased K.Harish Karthick, Ex.P136 is the Postmortem Report of the deceased R.Sudhakar Rao, Ex.P137 is the Postmortem Report of the deceased Izaz Ahmed, Ex.P138 is the Postmortem Report of the deceased Amrutha Ravi, Ex.P139 is the Postmortem Report of the dead fetus. Ex.P126 to P139 discloses that the deceased died due to multiple blast injuries.

228. Ex.P141 is the MLC-cum-Injury certificate of the injured Mr.Ganesh, Ex.P142 is the MLC-cum-Injury certificate of the injured Mr.A.Satyanarayana, Ex.P143 is the MLC-cum-Injury certificate of the injured Ms.A.Vina Rani, Ex.P144 is the MLC-cum-Injury certificate of the injured Mr.Venkat Reddy, Ex.P145 is the MLC-cum-Injury certificate of the injured Mr.Rakesh, Ex.P146 is the MLC-cum-Injury certificate of the injured Ms.Sampatha, Ex.P147 is the MLC-cum-Injury certificate of the injured Baby Priyanka, Ex.P148 is the MLC-cum-Injury certificate of the injured Mr.P.Durga Prasad, Ex.P149 is the MLC-cum-Injury certificate of the injured Ms.Kalavathi Chowhan, Ex.P150 is the MLC-cum-Injury certificate of the injured Mr.Parameshwar, Ex.P151 is the MLC-cum-Injury certificate of the injured Mr.G.Venkateshwar Rao, Ex.P152 is the MLC-cum-Injury certificate of the injured Mr.V.Rajender Reddy, Ex.P153 is the MLC-cum-Injury certificate of the injured Mr.P.Srinivas, Ex.P154 is the MLC-cum-Injury certificate of the injured Mr.Raghavendra Swamy, Ex.P155 is the MLC-cum-Injury certificate of the injured Mr.Y.Naveen, Ex.P156 is the MLC-cum-Injury certificate of the injured Mr.Maruthi, Ex.P157 is the MLC-cum-Injury certificate of the injured Mr.Uday, Ex.P158 is the MLC-cum-Injury certificate of the injured Mr.Sk.Khadeel, Ex.P159 is the MLC-cum-Injury certificate of the injured Mr.Shyam Rao, Ex.P160 is the MLC-cum-Injury certificate of the injured Mr.Bheem. Ex.P141 to P160 discloses that the injured sustained injuries due to bomb blasts.

229. Ex.P221 is the MLC record, Ex.P222 is the MLC-cum-

injury certificate of L.Narsing Rao, Ex.P223 is the MLC No.4526/2013 of Ashok.N, Ex.P224 is the MLC-cum-Injury certificate of the injured P.Rama Kushna, Ex.P225 is the MLC-cum-Injury Certificate of the injured Mr.Baswa Raj, Ex.P226 is the MLC-cum-Injury Certificate of the injured Mr.Purna Prashad, Ex.P227 is the MLC-cum-Injury Certificate of the injured Mr.Srinivas, Ex.P228 is the MLC-cum-Injury Certificate of the injured Mr.Dasharad, Ex.P229 is the MLC-cum-Injury Certificate of the injured A.Narasimha Rao, Ex.P230 is the MLC-cum-Injury Certificate of the injured D.Anil Kumar, Ex.P231 is the MLC-cum-Injury Certificate of the injured Mr.Abdul Jabar, Ex.P232 is the MLC-cum-Injury Certificate of the injured Mr.G.Buchaiah, Ex.P233 is the MLC-cum-Injury Certificate (2 sheets) of the injured Mr.Nacharaiah, Ex.P234 is the MLC-cum-Injury Certificate (2 sheets) of the injured Ramadevi, Ex.P235 is the MLC-cum-Injury Certificate (2 sheets) of the injured Venkanna, Ex.P236 is the MLC-cum-Injury Certificate (2 sheets) of the injured K.Yellaiah, Ex.P237 is the MLC-cum-Injury certificate of injured Vignesh, Ex.P238 is the MLC-cum-Injury certificate of injured T.Srinivas, Ex.P239 is the MLC-cum-Injury certificate of injured Venugopal, Ex.P240 is the MLC-cum-Injury certificate of injured Md.Hazi, Ex.P241 is the MLC-cum-Injury certificate of injured Ms.Sudha Rani, Ex.P242 is the MLC-cum-Injury certificate of injured Ms.Rupa, Ex.P243 is the MLC-cum-Injury certificate of injured Krishna, Ex.P244 is the MLC-cum-Injury certificate of injured Mrs.Manasa, Ex.P245 is the MLC-cum-Injury certificate of injured Ms.Mounika, Ex.P246 is the MLC-cum-Injury certificate of injured Ms.Swathi, Ex.P247 is the MLC-cum-Injury certificate of injured Javeed, Ex.P248 is the MLC-cum-Injury certificate of injured Sunny, Ex.P249 is the MLC-cum-Injury certificate of injured Gopal Reddy, Ex.P250 is the MLC-cum-Injury certificate of injured Narasimha Reddy, Ex.P251 is the MLC-cum-Injury certificate of injured Bhaka Reddy. In the history of Ex.P221 to P251 it is mentioned that the injured sustained injuries due

to bomb blasts.

230. Ex.P262 is the MLC-cum-Injury Certificate of Sunil, Ex.P263 is the MLC-cum-Injury Certificate of Harish, Ex.P264 is the MLC-cum-Injury Certificate of Shravan Kumar, Ex.P265 is the MLC-cum-Injury Certificate of Santhosh Amarvadi. In the history of Ex.P262 to P265 it is mentioned that the injured sustained injuries due to bomb blasts.

231. Ex.P266 is the Medical certificate of M.Lakshmi (4 Sheets), Ex.P267 is the Medical certificate of M.Ravinder (4 Sheets), Ex.P268 is the Medical certificate of Baby Anil (2 Sheets), Ex.P269 is the Medical certificate of Ms.Gangulamma (2 Sheets), Ex.P270 is the Medical certificate of Mr.Ranga Rao (2 sheets), Ex.P271 is the Medical certificate of Hatiya Naik (2 sheets), Ex.P272 is the Medical certificate of Lakshmi Reddy (2 sheets), Ex.P273 is the Medical certificate of Venu (3 sheets), Ex.P274 is the Medical certificate of M.Krishna (3 Sheets), Ex.P275 is the Medical certificate of Rajiv Kumar (2 sheets), Ex.P276 is the Medical certificate of Mr.M.Mangu (2 sheets), Ex.P277 is the Medical certificate of Peeramma (2 sheets), Ex.P278 is the Medical certificate of Venkaiahamma (3 sheets), Ex.P279 is the Medical certificate of Sai Rohit Goud (2 sheets). In Ex.P266 to P275, P277, P278 discloses that the injured sustained injuries due to bomb blasts. In the history of Ex.P276 and P279 it is mentioned that the injured sustained injuries due to bomb blasts.

232. Ex.P280 is the Medical certificate of Yadaiah Goud (2 sheets), Ex.P281 is the Medical certificate of B.Sravani (3 sheets), Ex.P282 is the Medical certificate of A.Bhaskar (1 sheet), Ex.P283 is the Medical certificate of G.Ramesh (1 sheet), Ex.P284 is the Medical certificate of Venkat Narayana (3 sheets), Ex.P285 is the Medical certificate of Sudhakar (1 sheet), Ex.P286 is the Medical certificate of Saida Naik (3 sheets), Ex.P287 is the Medical certificate of L.Suman (3 sheets), Ex.P288 is the Medical certificate of Satyam Babu (3 sheets),

Ex.P289 is the Medical certificate of T.Ravi (3 sheets), Ex.P290 is the Medical certificate of E.Mahesh (3 sheets), Ex.P291 is the Medical certificate of Mr.Ranjith (3 sheets), Ex.P292 is the Medical certificate of Vijay Prasad (2 sheets), Ex.P293 is the Medical certificate of T.Uday Kumar (2 sheets). In Ex.P280 to P293 it is mentioned that the injured sustained injuries due to bomb blasts.

233. Ex.P306 is the MLC-cum-Injury certificate of Mr.Ameeruddin, Ex.P307 is the MLC-cum-Injury certificate of Mr.Md.Javeed, Ex.P308 is the MLC-cum-Injury certificate of Mr.Raju, Ex.P309 is the MLC-cum-Injury certificate of Ms.A.Mamatha, Ex.P310 is the MLC-cum-Injury certificate of Ms.K.Shamala, Ex.P311 is the MLC-cum-Injury certificate of Mr.G.Buchaiah, Ex.P447 is the MLC-cum-Injury certificate/accident register of Md.Abdul Hai Umaiz, Ex.P450 is the MLC-cum-Injury certificate of Mr.K.Rama Rao Ex.P478 is the MLC-cum-Injury certificate of B.Rahitha Kiran, Ex.P479 is the MLC-cum-Injury certificate of B. Sravani. In all these exhibits it is mentioned that the injured sustained injuries due to bomb blasts.

234. Now coming to the Ex.P89 FSL report, PW79 Md.Moinuddin who working as Joint Director, State Forensic Science Laboratory, Hyderabad stated that on 22-02-2013 he received one sealed travel bag and sealed damaged bicycle remained with front wheel, handle and middle frame is sealed with one seal which was intact and tallying with the samples seen through Sri.N.Rama Lakshmana Raju, SI of Police, Malakpet P.S., along with the requisition form from ACP Malakpet Division all together 19 items (Mo.6 to Mo.33) were received but in item No.13 there is a sub-division from 13A to 13J (Mo.18 to 27). After physical examination and chemical test and instrumental analysis he issued a report stating that item No.1 to 19 (Mo.6 to Mo.33) are analyzed as per the above methods. Ammonium Nitrite a chemical substance one of the ingredients of high explosives is found in the items

1, 3, 6, 7, 8, 9, 10, 13 & 14 and 17 to 19 (Mo.6, 8, 11 to 29 & Mo.31 to 33). Traces of Ammonium Nitrite also found in items 2, 4, 5, 11 & 12. He opined that items 1 to 19 are analysed as per the methods and ammonium nitrate, a chemical substance one of the ingredients of High Explosives is found in items 1, 3, 6, 7, 8, 9, 10, 13 & 14 and 17 to 19 (Mo.6, 8, 11 to 29 & Mo.31 to 33).

235. Ex.P88 FSL report given by PW78 who is working as Technical Officer 'B' DMRL stated that on 01-04-2013 they received two metal pieces and five aluminum vessels of which are three pressure cookers, one idly cooker and one aluminum container. They were informed by the Police by way of forwarding note that two metal pieces (one big and one small) were collected from the blast site at Dilsukhnagar and the above mentioned five containers were provided by Police which were marked as S1 to S5 for the purpose of examination. The metal pieces were analyzed for chemical examination using instrumental analysis. The two metal pieces were subjected to dissolution to know its chemical composition. It was revealed that the said aluminum pieces contained aluminum as a major element and it also contains silicon, magnesium, zinc, copper, manganese and iron in different percentages. The five samples of aluminum vessels S1 to S5 were also analyzed in a similar way and found that big sample of metal piece matches with S1 (aluminum pressure cooker Ganga Company) and S4 (Hawkins pressure cooker 12 liters). The small metal piece did not match with any of the samples under S1 to S5. Both the metal samples contained black deposit which was analyzed as containing magnesium in varying compositions which could be the residue of explosives used in the blast site from where the two metal sample pieces were provided. Ex.P88 is the book-let of Investigation report done by him at DMRL (Defence Metallurgical Research Laboratory) in respect of the said two metal pieces and vessels S1 to S5. He opined

that the black deposit on both the samples contain magnesium on the surface in varying compositions and this could be due to residue of the explosives used.

236. Now coming to the photographs the learned defence counsel tried to convince this Court by showing only some photographs but not all the photographs since the photographs were taken from different angles. Ex.P338 shows the cycle part, Ex.P339 shows the blood strewn on the road and several vehicles were damaged into pieces, Ex.P340 shows that the dismembering of limbs, Ex.P341 to P343 shows the human organs lying on the road, Ex.P344 to P348 also shows that two bodies were found lying on one another along with damaged motor bikes and shops, Ex.P353 shows another cycle part with handle, Ex.P354 also shows cycle part with handle, Ex.P364 and P365 shows two cylinders unblasted cylinders. Ex.P180, 183 and P184 shows that there are cules teams along with dog squad. Ex.P169 shows cycle part, Ex.P163 also shows cycle part. As cycles were used to blast the bombs.

237. In this matter no material was placed by the defence counsel to support his contention or atleast to create a doubt that it was a cylinder blast or a transformer blast or due to short circuit and he did not examine any witnesses from either of the Departments i.e., Electricity Department or Gas Agency. Even otherwise there is no suggestion to the Medical Officers who conducted the autopsy over the dead bodies of the deceased and examined the injured that those injures are possible by cylinder blast or transformer blast. Though he elicited that there is no presence of brownish or yellowish or whitish substance on the wounds or dead bodies, the medical jurisprudence of Dr.K.S.Narayanreddy says as follows: "Whether the explosion was caused by a bomb ? Dispersed explosion usually occurs in houses when domestic gas leaks into the atmosphere and mixes with the air to form an explosive mixture that then catches fire. A dispersed explosion can

blow off clothing and burn the exposed skin. All the exposed parts of the body are affected and all the burns are of same depth. A bomb explosion (localized explosion) never causes extensive burns. Injuries by blast force, and the fragments are seen on the body. A part of limb is mutilated. The triad of bruises, abrasions and puncture-lacerations with tattooing of part of the body also indicate bomb explosion.

238. As per Medical Jurisprudence and Toxicology the electrical injuries caused by contact with electrical conductors depends upon the kind of current, the amount of current, the path of current, the duration of current flow. The symptoms are there is no pain and the person becomes immediately unconscious which may last for few minutes or several hours, rarely for days. The skin explodes and rolls back from the surface. A well-moistened skin may not show electrical burn, while a thick dry skin may show well-marked electrical burn.

239. During the course of Cross Examination, of the above witnesses nothing was elicited except some minor omissions and contradictions herein and there which do not go to the root of the case or atleast create any suspicion or doubt with regard to the nature blasts as pleaded by the defence counsel.

240. Moreover the evidence of the complainants, injured, relatives of the deceased, inquest panchas the medical officers and investigating officers is trustworthy, cogent and convincing. More than that is, they are all the independent witnesses and they have no reason to give any false evidence against the nature of the blasts. Now I have critically scrutinized the entire evidence on this aspect and there is no dispute with regard to the presence of ammonium nitrate a high explosive substance found on the remanants at the both the scenes of offence as whispered by FSL experts PW76 and PW79 and the recovery of the material objects is established beyond all reasonable doubt.

241. So in this case the medical evidence shows that

several doctors and the wound certificates and PME reports as mentioned above categorically show that the injuries are caused due to bomb blasts. All the inquest panchanamas also disclose that the blasts are caused due to high explosives. Added to this, Experts also stated that ammonium nitrate which is high explosive is found at the scenes of offence. Both the complainants also referred in the complaints that the blasts are due to explosion of bomb. Injured also referred that it is a bomb blasts. Moreover it is not in dispute that almost all the deaths are immediate and it is not in dispute that propellants are found in the dead bodies and in the bodies of the injured. It is in the common sense of every one that propellants will in the injuries only in bomb blasts but not in the cylinder blast or transformer blasts. Moreover there are no remanents of the cylinders or transformer if they really blast. Even the accused did not deny the bomb blasts in the 313 Cr.P.C Examination they simply stated "I do not know". Moreover nothing was elicited during the cross examination of all the above witnesses to disbelieve their evidence, though some of the doctors who examined the injured and conducted PME did not come to this Court to give evidence but their signatures were identified by the another doctor of the same hospital as held in Santru Somireddy Vs. State of AP. Moreover there is no cross examination from the defence counsel to the injured witnesses therefore their testimony can be treated as unchallenged. In so far as the panchanamas are concerned, the Police secured some of the independent witnesses and some of the Revenue Officials therefore there is no illegality in securing the Revenue Officials as panch witnesses who are not depending upon the Police. Therefore having considered the oral evidence of complainants, injured, relatives of the deceased, inquest panchas, panch for seizure, medical officers, investigating officers, this Court can safely conclude that 6 deaths occurred 107 bus stop and 11 deaths occurred at A1 Mirchi centre along

with death of one quick born child and 126 members were injured due to explosion of Improvised Explosive Devices bomb blasts at A1 Mirchi Centre and 107 Bus stop, Dilsukhnagar at around 07-00 pm., on 21-02-2013. So having considered the above oral, documentary evidence and medical jurisprudence this Court has no hesitation to hold that the prosecution established beyond all reasonable doubt that twin blasts occurred at A1 Mirchi Centre and 107 bus stop are bomb blasts due to explosion of Improvised Explosive Devices. Therefore the contention of the learned counsel for the accused is not plausible and tenable and there is no force in his contention. Accordingly this point is answered affirmatively.

242. As of now, I have discussed and decided the nature of the blasts and cause of deaths and injuries.

243. Now the next crucial question is who caused the said blasts and why..? This is a case based upon the circumstantial evidence and the defence of the accused is total denial. The case and contention of the prosecution in brief is that the accused No.1 to 6 conspired to commit bomb blasts in Hyderabad as the Muslims in Hyderabad are being subjected to torture by other communities and therefore they decided to wage war against the Government of India as part of Jihad by planting high explosive bombs at Hyderabad. Thereby at the instance of the absconding accused No.1 and the accused No.5, the accused No.2 to 4 came to Hyderabad by using the fake ID proofs fabricated by the accused No.6. At first instance the accused No.4 took a rented house at Abdullapurmet thereafter A2 and A3 came from Mangalore to Hyderabad and joined A4, the accused No.2 to 4 went to Sri Mahalakshmi Fancy Steel Shop at LB Nagar and purchased two 7 ½ litre capacity pressure cookers for making the IED by filling the explosives therein which were brought from Mangalore. The accused No.2 and 4 purchased an old bicycle from one cycle repairer and parked at Parking

Stand, Malakpet Railway Station. They also purchased one meter plastic sheet from a shop near Chadarghat bridge for packing and filling the explosives inside the pressure cooker. The accused No.2 and 4 went to Thursday market i.e., Jummerath Bazaar and the accused No.3 was at Abdullapurmet preparing Improvised Explosive Devices. Accordingly, the accused No.2 and 4 purchased another bicycle and they parked the said bicycle at Parking Stand, Malakpet Railway Station. The accused No.2 and 4 were waiting outside the shelter at Abdullapurmet and the accused No.3 prepared the Improvised Explosive Devices by setting time for explosion. The accused No.4 informed the house caretaker that he was leaving to Mumbai as his mother was in serious condition and left the place and they reached Malakpet Railway Station Parking area through auto. The accused No.3 waited outside the parking area with Improvised Explosive Devices and the accused No.2 and 4 went inside the parking place and returned with both bicycles. The accused No.2 directed both the accused No.3 and 4 to proceed to Dilsukhnagar and the accused No.2 waited until both the accused complete their tasks and the accused No.3 planted bomb at 107 bus stop and the accused No.4 planted bomb at A1-Mirchi center. The Improvised Explosive Devices planted by the accused No.3 and 4 exploded at 18:58:38 hours and 18:58:44 hours creating panic and terror against the public and resulted in death of 17 persons and one unborn child and injuries to 131 persons. Both the blasted areas i.e., 107 bus stop and A1 Mirchi center, and three motor cycles and one scooter were also completely damaged, apart from the damages caused to the other public and private properties in the surrounding areas.

244. Whereas the defence of the accused is that of total denial. The entire defence revolves around the procedural lapses and irregularities committed by learned Magistrates who recorded the confessions of the accused, and who conducted Test Identification

Parades of the accused and property, the District Collectors, Executive Magistrates, Under Secretaries of Government of India, who issued sanctions and consents, the Doctors who conducted postmortem examinations and examined the injured and other Forensic Scientific Experts.

245. Be that as it may, the circumstances relied upon by the prosecution are as follows to connect the accused to the said bomb blasts.

1) Extracts of the retrieved online chatting about the placing bombs in Hyderabad prior to the blasts at Dilsukhnagar by the accused.

2) Retrieval of on-line chat material during investigation at the instance of A-2, A-4 and A-5.

3) A-4 Mohammed Tahseen Akhtar arriving from Ranchi to Hyderabad on the directions of A-1 Mohammed Riyaz, which was in the knowledge of A-5.

4) A-4 Mohammed Tahseen Akhtar coming down to Hyderabad prior to A-2 Asadullah Akhtar and A-3 Zia ur - Rahman and taking the house on rent at Abdullapurmet.

5) A-2 Asadullah Akhtar and A-3 Zia ur - Rahman arriving from Mangalore to Hyderabad on the instruction of A-1 Mohammed Riyaz and joining A-4 at Abdullapurmet, which is also in the knowledge of A-5.

6) A-2 to A-4 Purchasing cookers at L B Nagar from PW58, a day prior to the blast.

7) Recovery of pressure cooker handles and whistles in the house at Abdullapurmet where A-2, A-3 and A-4 stayed.

8) A-2 to A-4 conducting test blast on a hillock near Deshmukhi village prior to the twin blasts carried out at Dilsukh nagar. Remnants at the test blast site matched by FSL.

9) Purchasing an old bicycle from PW - 57 one day prior to blast date.

10) Purchasing another bicycle from PW - 56 from "Jummerat Bazar" on date of blast.

11) Parking cycles at Malakpet Railway Station after the purchase of old bicycles from PW - 56 and PW - 57.

12) Leaving the House at Abdullapurmet on the day of blast and handing over keys to PW-54 owner saying that they were leaving to Mumbai.

13) Taking an auto from Abdullapurmet and carrying boxes with assembled bombs to Malakpet Railway station around 4 P.M.

14) A-2 and A-4 taking out the old bicycles parked in Malakpet railway station parking area.

15) Placing of the Boxes with assembled IEDs by A-3 on the cycles and A-2, A-3 and A-4 proceeding towards Dilsukhnagar.

16) PW-59 being the eye witness of the bicycle with a box on its carriage being parked at "A-1 Mirchi Centre" by A-4 - Mohammed Tahseen Akhtar.

17) FSL confirming that the bombs were placed on the bicycles MO-5 and MO-6.

18) MO-5 and MO-6 identified by PW-56 and PW-57 as the bicycles sold to the accused.

19) Abscondance of A-2 Asadullah Akhtar, A-3 Zia ur - Rahman and A-4 Mohammed Tahseen Akhtar from the time of blast. The accused persons left the rented accommodation at Abdullapurmet saying that they were leaving for Mumbai and would return, but they never did.

20) Recovery of explosive material used in the

bomb/IED making, from the flat in Mangalore where A-2, A-3 and A-4 had stayed, containing the same explosive, as to the one used in twin blast, as per the expert opinion.

21) Identification of cyber cafes in Mangalore where A-2 and A-3 frequented for browsing as pointed out by A-2 during investigation and records maintained therein confirming the same.

22) Identification of money transfer outlets wherein A-2 and A-3 went for receiving money as pointed out by A-2 during investigation.

23) A-2 and A-3 identified as the persons receiving money on fake identities.

24) A-3 having knowledge of assembling an IED

25) Retrieval of Jihadi material, draft e-mails on the letter head of Indian Mujahideen and also fake identities used by A-2, A-3 and A-4 from the laptop of A-6 at his instance.

246. In view of the above circumstances this Court framed the following points for determination:

01. Whether the prosecution established that there was online chatting between the absconding accused No.1 to the accused No.5 conspiring to cause twin bomb blasts ?

02. Whether the prosecution established that the accused No.4 came to Hyderabad from Ranchi in pursuance of conspiracy and on the directions of A1 and with the knowledge of the accused No.5 and the accused No.4 taken house on rent at Abdullapurmet ?

03. Whether the prosecution established that the accused No.2 and the accused No.3 came to Hyderabad from Mangalore and joined the accused No.4 ?

04. Whether prosecution established that the accused No.2 to 4 purchased two pressure cookers from PW58 one day

prior to the twin blasts ?

05. Whether the prosecution established the recovery of pressure cooker handles and whistles in the house at Abdullapurmet where A2, A3 and A4 stayed ?

06. Whether the prosecution proved that the accused No.2 to 4 conducted test blast at Abdullapurmet prior to the twin bomb blasts ?

07. Whether the prosecution proved the purchase of Mo.5 & 6 cycles by the accused No.2 to 4 prior to the twin bomb blasts ?

08. Whether the prosecution proved that the Mo.5 and 6 cycles were parked at Malakpet Station by the accused No.2 to 4 prior to the twin bomb blasts ?

09. Whether the prosecution proved that the accused No.2 to 4 left the house at Abdullapurmet on the day of twin bomb blasts and handing over keys to PW54 relative of the owner Brahmaiah saying that they were leaving to Mumbai ?

10. Whether the prosecution proved that explosive material recovered from the rented house at Zephyr Heights, Mangalore where A2 and A3 stayed were tallied with the twin blasts explosives ?

11. Whether the prosecution proved that the accused No.2 to 4 received Hawala money before and after twin bomb blasts ?

12. Whether the prosecution proved the knowledge of A3 in assembling Improvised Explosive Devices ?

13. Whether the prosecution proved the retrival of Jihadi material, draft E-mails on the letter head of Indian Mujahideen and also fake IDs used by the accused No.2 to 4 from the laptop of the accused No.6 at the his instance ?

247. To prove all the above circumstances and to connect the accused with the present crimes, the prosecution examined the following witnesses:

**OWNERS OF ZYPHYER HEIGHTS AT MANGALORE TO SPEAK ABOUT THE STAY OF ACCUSED NO.2 AND 3:**

248. PW64 (Protected Witness) who is residing at Mangalore for the past 10 years stated that he is working as Professor at HOD in AJ Medical College, Mangalore. His house is in Attavar in Mangalore. He own 8 flats in a building Zephyr Height, Attavar. On 02-11-2012 one persons naming himself as Daniyal telephoned him to have a house for rent. On 05-11-2012 he came and gave him Rs.50,000/- towards advance and rent was fixed @ Rs.9,000 and Rs.750 towards maintenance. On the same day they entered into an Agreement and he started to stay there. After one month one more person stayed with him and when he asked him he told that he is his friend and was doing MBA in a College. Upto February, 2013 Daniyal used to give rent on every 5<sup>th</sup> of the month. After February, 2013 the other person used to give rent on 5<sup>th</sup> of every month. On 05-08-2013 when he gave rent he asked him where was Daniyal, then he told that he was in his native place. Then he told him that he cannot stay there and he has to give a new Agreement if he wants to stay. Then asked his name then he told him some Muslim name. On 06-09-2013 at about 01-00 pm., the NIA Police brought Daniyal to that flat and he also recognized him. The NIA Police also collected some materials from that flat. On 06-09-2013 the NIA Police seized wearing apparel, book, some mobile parts, wires and other electronic items. The above said items were seized in his presence as mentioned in Search and Seizure memo which is marked as Ex.P55. He had signed in original of Ex.P55 having witnessed the said search and seizure pertaining to the items mentioned. The witness identified the said Daniyal as Accused No.2 Asdullah Akthar @ Haddi @

Tabrez @ Daniyal @ Asad and another person as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed. Ex.P56 is the production-cum-seizure memo dt.06-09-2013 which bears the original signatures of the witnesses and himself and the officers who conducted panchanama, on 06-09-2013 he handed over the lease deed entered with A2 who identified himself as Daniyal. The said lease deed is Ex.P57. On 23-09-2013 the NIA Police seized Rs.50,000/- cash from him under a seizure panchanama which is Ex.P58. Mo.52 is the cash of Rs.50,000/- seized on 23-09-2013.

249. Perusal of Ex.P55 marked subject to objection as there is stamp of New Delhi District Court on each and every page but he did not put-forth any material that it was not issued by the District Court, New Delhi.

250. During the course of Cross Examination, he stated that as usual he had let-out the said portion in the normal course. He stated that he also stay in the same building. He stated that he never found any illegal activities done by the accused and he never entered into that portion after giving that portion for rent. So there are 7 other portions in that building and all that portions are let-out for different tenants. After the arrest of A2 the NIA police, Delhi brought A2 to his flat. He stated that he does not know by that time whether A2 was in legal custody or illegal custody. He stated that he cannot say the cadre of the Officer and in which vehicle the said officer brought A2 to his flat. He stated that the Police who prepared Ex.P55 and 56 told him that they are from NIA Delhi. He stated that after going through the contents of Ex.P55 and 56 he signed in them. He stated that both Ex.P55 and P56 were prepared in respect of RC No.06/2012/NIA-DELHI. He stated that he cannot say whether he had signed in some other papers apart from Ex.P55 and 56. He stated that the police have examined him and also recorded his statement in writing. Before this incident, he did not

collect any identity proof of the tenants including A2. Ex.P57 is an unregistered document. He stated that he was not given any copy of this seizure memo vide Ex.P55 by the Police. He stated that he did not verify the address and other identity particulars of the said Daniyal (A2). There are no witnesses to Ex.P57. The said Daniyal (A2) brought prepared Ex.P57. The said Daniyal (A2) signed on Ex.P57. Apart from him and the said Daniyal (A2) no other person signed on Ex.P57. He stated that he had seen many times the said Daniyal (A2) after letting out his flat to him. He stated that he stated in his 161 Cr.P.C. statement that the agreement was made on 05-11-2012. He stated that after the month of March, 2013 he had never seen the said Daniyal (A2) in that flat. He stated that after the month of March, 2013 another short heighten person was staying in that room whom he saw only once. He stated that A3 is not a short person. He stated that at the time of preparation of Ex.P55 and 56 only police persons were present and they took his signatures. He stated that the person named Daniyal (A2) was always wearing spectacles. He stated that he does not know whether it was the Delhi-NIA or Hyderabad-NIA but the NIA police came. His wife was not present when A2 was brought to house after his arrest. His wife never entered into the portion let-out to the said Daniyal.

**WAITER AT HOTEL:**

251. PW65 Prasad Shetty who is working as a Waiter in Jain Restaurant situated near City Center stated about description of two persons, the NIA police asked whether they were visiting Restaurant. The Police have shown photographs of two persons in their lap-top and asked whether they were visiting Restaurant. He was only the person who can communicate in Hindi in hotel. He told the officers that he used to attend the said two customers because they always conversed in Hindi. The witness identified those two persons as the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and

the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed. A2 and A3 visited their hotel for 4 or 5 months regularly.

252. During the course of Cross Examination, he stated that every day their Hotel gets nearly 300 customers. He stated that he cannot say the specific names or identification of the customers of hotels. He stated that the NIA Police did not record the statement in his presence. He stated that he cannot say which customer came to their hotel in the month of January, February, March to their hotel.

OWNERS OF CYBER CAFES TO SPEACK ABOUT BROWSING BY THE ACCUSED:

253. PW69 Ravi Dinkar Muthu who is running Falnir Cyber Cafe at Mangalore since 2002 stated that he used to sit in the counter and also having a lady helper. For the purpose of customers they maintain names and time in a register maintained and when the customer is leaving he signs in the register and they collect money which is due. In the year 2012 NIA police came and informed whether any tall person used to come to our café and he denied the same. Then the NIA police shown photograph to him and he identified that he was coming to café for browsing. The Police verified the books and took away the hard-disk. The witness identified the above said person as the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad. Ex.P63 is his signature in the Test identification parade proceedings conducted on 19-10-2013 at Cherlapally Central Prison, Hyderabad.

254. During the course of Cross Examination, he stated that he is running Cyber café personally along with one worker. He further admitted that handed over the Xerox copy of license to the Police. The license stands in the name of this witness. He also stated that the customer himself will write his name in the register. He stated that he cannot say the names and number of persons and descriptive particulars of those persons who might have used computer systems

during the year 2012-2013, since daily 30-40 customers come to café for browsing. He stated that he cannot say in which hard-disk what matter is there when the Police seized the same. He admitted that the accused No.2 was never brought before him, before conducting Test identification parade.

255. PW70 Devraj Shet who is running a Cyber café at Mangalore named Internet Café stated that they provide services to customers for taking print-out, e-mail, scanning etc.,. When a customer walks in for browsing, they ask for identity proof and on production of such identity they make entries in the register about their name and time of browsing. The Police seized some of the registers from our café, they normally do not keep the registers for more than two months. He identified the registers maintained in café and seized by the police as Ex.P64 to 68 the registers maintained in shop during June, July, August, September with the signatures of customers and the time of browsing. When the NIA police questioned about two persons visiting café giving descriptive particulars, he told them that he can identify if they are shown. He also participated in test identification parade conducted on 19-10-2013 at Cherlapally Central Prison, Hyderabad and identified the above said two persons as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed. He also stated that the said A2 and A3 visited cyber café during November, 2012 to February, 2013. Ex.P69 is his signature in test identification proceedings conducted on 19-10-2013 at Cherlapally, Central Prison, Hyderabad.

256. During the course of Cross Examination, he stated that he is running the internet café since 2009-2010 and that there are two workers in café. There are fifteen computer systems in café and there are nine computer systems on the first floor and six are in ground floor. Nearly 50 customers come daily for browsing and other purposes.

In the month of October or November of 2013 the NIA police seized the above said registers. The register maintained by them contains 6 columns namely PC name, Log-in, Log-out, scan/print, amount paid and name of the customer. He stated that in the year 2014 the SP Mangalore gave notice to the internet cafes to register their internet cafes. Ex.P64 to 68 are about the transactions occurred from 28-08-2013 to 18-09-2013. The NIA police never brought the said A2 and A3 to café. It is true the registers for the period November, 2012 to August, 2013 have already been destroyed.

257. PW71 Stephen Felix Suares who is running a cyber café named Angel Cyber from November, 2012 to July, 2014 stated that they maintain a register to note down the names of the customers and the timings of their browsing. In September, 2013 the NIA police came to café and questioned about customers. They have also seized the registers maintained in café giving the details of customers, their timings etc., Ex.P71 is the register maintained in his hand-writing. The NIA police had asked about the visitors giving descriptive particulars. He told the NIA police that he can identify the person, if shown. Ex.P71 register was maintained during the period 05-11-2012 to 01-04-2013. The NIA questioned about one Danish whose name is mentioned at page No.54, 58, 63, 64, 66, 67, 68, 70, 73, 74, 75, 79, 80, 82, 83, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 100, 101, 104, 105, 106, 108, 116 (between 26-12-2012 to 23-02-2013). He identified the above said Danish as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad. Ex.P72 is his signature on TI proceedings dt.19-10-2013.

258. During the course of Cross Examination, he stated that he started the above said café in the month of November, 2012. He also stated that the police did not bring A2 to his café. He admitted that the Police had shown him five-six photographs before conducting TI parade. Normally about 20-25 customers used to visit café. There are 8

computer systems in his internet café. He cannot say the IP address of the internet connection of internet café. Five hard-disks are taken away by the NIA police. At the time of seizure of above said material A2 was not brought by the police to the café. He cannot say as to which customers came on which date and time and their descriptive particulars. At the time of seizure of Ex.P71 the round marks are not there. He further stated that NIA police officers came to our café twice and he cannot say the names of those officers. He also stated that apart from the NIA police persons no other individual persons came to internet café.

#### INVESTIGATING OFFICER AT MANGALORE:

259. PW133 who is working as Deputy Superintendent of Police, NIA since 27-10-2012 stated that as per the instructions of Chief Investigating Officer, NIA he proceeded to Mangalore along the team. On 16-09-2013 he secured the presence of the mediators Karunakar K.S and Sri.Bharath Kumar and proceeded to the Falmir Cyber point, Shop No.10, Tambey Ark, Falmir, Mangalore. There they found a person by name Ravi Dhinakar Mutthu (PW69) who is looking after the cyber cafe. He introduced himself and other members of the search party and vice-versa and explained the purpose of visiting the cyber cafe. After confirmation with him that the Accused No.2 and Accused No.3 used to visit his cafe for chatting with others. On his request he showed the computers through which they used to chat. On that with the assistance of Sri.K.V.Prasada Rao, Sub-Inspector of Police who has technical knowledge, taken screen shots of the six computers and seized hard disks duly packed, sealed and labeled and attested by him and other mediators, PW69 was present during the entire proceedings. Ex.P421 (5 sheets) is the search and seizure proceedings dt.16-09-2013 conducted at Falmir Cyber Point. He recorded the 161 Cr.P.C statement of PW69. On 17-09-2013 at 10-30 am., he along with the mediators and

other team members proceeded to the Angles Cyber Gallery situated at Falnir. They found a person sitting in the incharge cabin and when he asked he revealed his name as Stephen Felix Suares (PW71) and he introduced himself and other members of the search party and explained the purpose of their visit. On his request he confirmed that the accused No.2 used to visit his cafe frequently in the name of Danish. On his request PW71 showed the computers through which he used to chat with the others. With the help of Sri.K.V.Prasada Rao who has technical knowledge they took screen shots of 7 computers and the hard disks of the same were removed from the computers and sealed, packed and labeled and attested by me and other mediators. On my request PW71 produced Ex.P71 register wherein we found name of Danish in several pages reflecting his visit between 26-12-2012 to 23-02-2013. He seized Ex.P71 register duly signed by him and other mediators. Ex.P422 is the search and seizure proceedings conducted at Angles Cyber Gallery on 17-09-2013 containing 9 sheets which includes the trade license (attested photocopy), sketch, BSNL receipt and bill (attested photocopies) of the shop. Further he recorded the statement of PW71 under Section 161 Cr.P.C. On 18-09-2013 at 11-30 hours he along with his team proceeded to Internet cafe situated at Utility Royal Towers, K.S.Rao Road, Mangalore and found one person and on his question he revealed his name as Devaraj Shet (PW70). Then he introduced himself and his team and informed the purpose of visit to his cafe. On his questioning he informed that the accused No.2 and 3 frequently used to visit his cafe and showed the computers that they used during their visits. On that with the help of Sri.K.V.Prasada Rao, Sub-Inspector of Police who has got technical knowledge he took screen shots of the 15 computers then the hard disks were removed from the computers. The hard disks were sealed, packed and labeled and attested by him and other mediators. PW70 handed over Ex.P64 to 68

registers maintained in their shop during June, July, August months. Further he recorded his statement under Section 161 Cr.P.C Statement. Ex.P423 is the search and seizure proceedings conducted on 18-09-2013 at Internet Cafe, Utility Royal Towers containing 9 sheets including sketch and trade license (attested photocopy). Ex.P422 is the search and seizure proceedings conducted at Angles Cyber Gallery on 17-09-2013 containing 9 sheets which includes the trade license (attested photocopy), sketch, BSNL receipt and bill (attested photocopies) of the shop (marked subject to objection by the learned counsel for the accused the said documents are photocopies). Ex.P423 is the search and seizure proceedings conducted on 18-09-2013 at Internet Cafe, Utility Royal Towers containing 9 sheets including sketch and trade license (attested photocopy). Perusal of these documents shows that these are original documents containing signatures on each and every page.

260. During the course of Cross Examination, he stated that he did not give any summons or notice to the panch witnesses by name K.S.Karunakar (LW298) and Bharath Kumar (LW299) directing them to act as panch witnesses in Ex.P421 to P423. He stated that in Ex.P421 to P423 there is no mention as to who is the controlling authority of these panch witnesses i.e., LW298 and LW299 and on which date he gave requisition to depute two people and the descriptive particulars of the Controlling Authority. He stated that in Ex.P421 to 423 there is no mention as to who brought LW298 and 299 or whether they came on their own at the spot where the panchanamas were drafted. He stated that in Ex.P421 to 423 it is not mentioned as to which spot the panch witnesses LW298 and 299 came and met him. He stated that in Ex.P421 to P423 there is no mention as to the number of NIA officials who accompanied him and also there is no mention of the descriptive particulars of the vehicles in which they traveled to reach

the scene of offence for conducting panchanamas. He stated that he carried photographs of the suspected accused while proceeding to the places as mentioned in Ex.P421 to P423. He stated that he also showed those photographs of the suspected accused to PW69 to PW71. He stated that in Ex.P421 to P423 there is no mention as to who gave these photographs of the suspected accused to him or how he derived those photographs and from where and from whom. He stated that PW69 stated before him that he does not maintain the ID proof of the old and frequent customers and he enters only the date and time in the register and the consequent user charges for surfing. He stated that one K.V.V.Prasad, Sub-Inspector of Police, NIA, Hyderabad has typed Ex.P421 to 423 on the laptop to his dictation. He stated that there is no mention in Ex.P421 to P423 that all the contents therein which were typed in the laptop to his dictation by Sri.K.V.V.Prasad, Sub-Inspector of Police, NIA, Hyderabad and that printouts were taken at the respective place of internet cafes and that the panch witnesses i.e., LW298 and 299 and himself have signed on Ex.P421 to P423 on the respective dates and places mentioned in Ex.P421 to P423. He denied that all the panchanamas vide Ex.P421 to 423 were prepared at NIA Office, Begumpet, Hyderabad and later on the signatures of the panch witnesses i.e., LW298 and 299 and the respective owners of the respective cyber cafes i.e., PW69 to PW71 to suit the prosecution case. He denied that he did not examine PW69 to PW71 and that their statements were fabricated by him to suit the prosecution case. He denied that PW69 to PW71 identified the accused in the Test identification parade and during the trial as the photographs of the suspected accused were shown to them by him. He stated that all the Ex.P421 to P423 does not enclose the photographs of the suspected accused carried by him and shown to the witnesses i.e., LW298 and LW299 and PW69 to PW71. He denied that he had not conducted any

search and seizure proceedings at Mangalore as mentioned in Ex.P421 to P423.

**ONLINE CHATTING RETRIVAL BY ICERT EXPERT:**

261. PW81 Subrahmani Babu who is working as Scientist - C, Indian Computer Emergency Response Team (ICERT) since 25-08-2008 stated about his qualifications as M.Sc. IT and M.Phil., Computer Science and Professional Certification is GCFA (GIAC Certified Forensic Analyst). ICERT is the Government Institution which comes under Ministry of Communication and IT, Government of India. ICERT is Nodal Agency for Government to address Cyber security incidents in our Country as well as ICERT assisting investigation of Digital Gadgets pertaining to Cyber Crime Cases reported by Law Enforcement Agencies as such as NIA, CBI, Delhi Police, State Government Police etc., On 02-09-2013 two officers from NIA Sri.P.V.Rama Sastry, IGP and Sri.Anup Kuruvilla John, SP came to ICERT to seek assistance of extraction of E-mail communication messages and web-chat messages from the E-mail IDs: [jankarko@yahoo.com](mailto:jankarko@yahoo.com), [hbahaddur29@yahoo.com](mailto:hbahaddur29@yahoo.com), [ahaddad29@yahoo.com](mailto:ahaddad29@yahoo.com) and [halwawala@yahoo.com](mailto:halwawala@yahoo.com). The issue is whenever they are trying to access the above mentioned E-mail IDs, E-mail server posing security questions to ensure that the right user accessing this mail ID from the Country. Afore mentioned E-mail IDs/web-chat ID have been regularly accessing from Nepal. After arresting the accused No.5 Md.Ahmed Siddibaba @ Yasin Bhatkal @ Imran @ Sharukh @ Yousuf, NIA trying to access afore said Email IDs/web-chat IDs from India. Yahoo mail server identifies the system is having IP address which belongs to India, therefore Yahoo mail server assuming that a hacker is trying to access these accounts, as such the Yahoo server automatically asks security questions as a second level authentication which is mandatory according to security policy of Yahoo. The NIA officials informed that the above mentioned accused person

forgot his security questions which were posed by Yahoo server as such the E-mails pertaining to the above said E-mail addresses of the accused could not be accessed. The remedy for this hurdle is to take remote control of the system installed at Nepal Country. He offered suggestion to the officials from NIA, to install one computer terminal at Indian Embassy in Nepal which should have installed the software called 'Team viewer'. Accordingly the said software was installed in the system at Nepal Indian Embassy as well as the login credentials of "team viewer software" of the remote system were seen shared via G-mail ID [kumarviresh04@gmail.com](mailto:kumarviresh04@gmail.com) to the local G-mail ID and received team viewer system ID "266728314" and password "6911". The local system which was installed at CRPF Camp, Bawana Camp, New Delhi and team viewer software as well as another software tool called fast stone capture, which records screen of the computer. The extraction of E-mail ID/web -chat ID has been commenced at 1400 hours on 03-09-2013. As per the procedures the team viewer software was launched from the local system and entered system ID and password of Remote Computer Terminal. The session has been successfully established between these two computers. Afterwards he asked the accused person mentioned above to enter in his credentials pertaining to mail ID [jankarko@yahoo.com](mailto:jankarko@yahoo.com) of Yahoo mail server and they have successfully logged into accused E-mail IDs. NIA officials came to ICERT to seek help of extractions of E-mail communications and chat messages pertaining to afore mentioned E-mail IDs. He assured them that he could help them. Accordingly NIA, New Delhi has sent formal request letter to Director General of ICERT to depute Cyber Expert for the said purpose. The Director General of ICERT given authorization to him to assist NIA Officials for the purpose of extraction of E-mail messages and chat messages of afore mentioned E-mail IDs. On 03-09-2013 around 01-00 pm., he reached Bawana CRPF Camp. So NIA offered one computer

terminal which is internet connector to perform the operations. Prior to commencement of these operations he explained about requirement of hardware and software installations to extraction of E-mail Chats and E-mail communications to two witnesses i.e., 01.Sri.Gyanender Rana, Patwari, S/o.Bhawan Singh and 02.Sri Swarn Kumar, Patwari, S/o.Anand Dabas. Around 02-00 pm., he started the software called 'Faststone capture' which records screen of the computer terminal for ensuring complete operations. After checking the local computer terminal properties such as time stamp, IP address details and computer name launched the software called 'team viewer'. After obtaining system ID and password of remote computer terminal which were installed at Indian Embassy from Nepal successfully connected to the remote system. The accused No.5 Md.Ahmed Siddibaba @ Yasin Bhatkal @ Imran @ Sharukh @ Yousuf, Aged 30 years entered his user ID "[jankorko@yahoo.com](mailto:jankorko@yahoo.com)" and password into the Yahoo mail server client applications. Initially the first attempt of logging into the Yahoo mail server, the accused person wrongly entered the password and in the next attempt he entered the password 'nepalAL12345'. Subsequently the mail box pertaining to afore said mail ID was opened. There were no mail communications noticed in the INBOX folder, draft folder but there was one mail from "lovesam361" was noticed in the sent items folder which contains one encrypted attachment file called "diy.zip" and this would open using the password '59455945'. Investigation officer asked the accused person about the sender 'lovesam361', accordingly the accused person replied that this mail belongs to the absconding accused No.1 Riyaz Bhatkal. The attachment named diy.zip has been downloaded and saved into the folder called 'NIA DELHI' for the purpose of digital evidence preservation. Also there were no messages noticed in the Trash folder, spam folder and calendar. Finally the mail account was signed out. To retrieve chat messages of afore mentioned mail ID,

downloaded Yahoo messenger and installed in the remote computer terminal. Similarly, the next mail ID “[hbahaddur@yahoo.com](mailto:hbahaddur@yahoo.com)” with password ‘kjhgbnm0987’ entered by the accused person mentioned as above into the Yahoo mail server. After opening this E-mail ID it has been noticed that when E-mail pertaining to Patara Singh which was Riyaz Bhatkal’s code which contains one attachment called “new dae.rar” which is also true crypt file (encrypted file). This file has been opened with the password ‘59455945’ entered by the accused person containing scanned password. Another E-mail from Patara Singh was opened which belongs to Riyaz Bhatkal contains one attachment named “name.rar” which is encrypted by software tool called “Axcrypt” and it contains detail of mail ID of “Afiff @ Mota” as well as other relevant details like MTCN Codes used for fund transfer. The next mail from Patara Singh was opened which contains folder.rar as an attachment. It has been explained by the accused person that this file contains MTCN code of money transfer. The password of this file is ‘jaanjaan’ or ‘mariamaria’ revealed by accused person and the same has been downloaded and stored into the concerned folder. Another mail from Patara Singh contained attachment file named ‘bhai.rar’ which was also encrypted and same would be opened with the password ‘mariamaria’ or ‘jaanjaan’ which contains a copy of forged scanned passport. This also has been downloaded and saved. There was one more sent mail which belongs to Patara Singh contains attachment which include chat histories. To retrieve chat messages, the accused person was asked to sign in to Yahoo messenger using the ID ‘jankarko’. He had noticed there were plenty of chat communications with ID ‘lovesam31’. The entire conversations were copied saved as a text file (.txt). Similarly, the accused person was asked to log in using his second chat ID ‘hbahaddur@yahoo.com’ with the password ‘kjhgbnm0987’ in the Yahoo messenger. After successfully logging in, it has been noticed there is

one contact named “patara\_singh” and the accused person intimated to the Investigating officer Patara Singh was the absconding accused No.1 Riyaz Bhathkal. The entire chat history has been downloaded as saved as text file named “hbhaddur-chat-with-patarasingh.txt”. The third mail ID ‘halwa.wala@yahoo.com’ with the password ‘pakistanPK12345’ was accessed by accused person. Chat messages between halwa.wala and safarafe546 was extracted from Yahoo messenger and saved into the text file ‘chat-srrchive-halwa.wala-safarafe546.txt’. The accused person informed the investigation officer safarafe546 was Sultan. Also the same extracted chat messages have been saved into MS Word as ‘chat-archive-halwa.wala-with-safarafe546.docx’. The fourth Yahoo mail ID ‘ahaddad29@yahoo.com’ with the password ‘kzhgbnm0987’ was opened by the accused. The Inbox contains three E-mails from ‘muthuswami’ the accused informed the investigation officer that ‘muthuswami’ is a Afif Gelani, S/o.Hasan Bappa. There is an attachment file ‘fetau.rar’ was noticed in the received mail from Muthuswami and same has been downloaded. The accused person stated that this downloaded file could be opened using any one of the password of three passwords first one is ‘59455945’, second one is ‘jaanjaan’, third one is ‘mariamaria’. He also informed that this file contain pictures of the people to be recruited in the organizations. Another Email communications between “a.haddad29” and “muthuswami” contains some phone numbers was opened. The same credentials have been entered into yahoo messenger to access chat history. The chat messages between ‘a.haddad29’ and ‘muthumamu80’ was extracted from Yahoo messenger and saved into the text file ‘chat-msg-a.haddad29-with-muthumamu80.txt’ also same chat messages saved into MS Word file ‘chat-msg-a.haddad29-with-muthumamu80.docx’. After completion of this process, the accused person was asked to sign out from the Yahoo messenger. All the messages and chat details and

attachments pertaining to afore mentioned 4 email IDs are within the exclusive knowledge of the accused person as seen from the proceedings. The whole process went on for about 8 hours during which time the accused and police officers were present. The witness identified the said person as the Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh. Ex.P98 is the panchanama drafted during the above said extraction process which gives details of the exercise undertaken and also screen shots which contains 41 sheets. Similarly for the accused Asadullah Aktar @ Haddi @ Asad @ Tabrez @ Danial @ Younus @ Mamu @ Raees @ Haider @ Sameer, Aged 28 years the same process adopted for A5 was also adopted for the above named the accused for extraction of E-mail communication messages and chat messages pertaining to E-mail IDs [kul.chitra@yahoo.com](mailto:kul.chitra@yahoo.com) and [spent\\_those11@yahoo.com](mailto:spent_those11@yahoo.com). After extraction of E-mail communications and chat messages have been stored into a text file 'chat-msg-kul.chitra-with-coolallz-archive' and 'chat-msg-spent-those-11-with-james-usually-10-archive' respectively. During the process the accused person showed the chat transcripts and the frequent codes used in the chat with MirzaShadabBeig, pappu, chiken, Mulla/pandit, Tb, motabhai, Innd, tickkttt, Baba, Chta rzz, Tech, Voda, Operwalon, Anda, Saq, Shak, Danda, deposit chapm2, Qaqa, Chaloo ticket, Chrnnn etc., to the Investigation officer. During this process, the digital evidence such as E-mail messages, chat communications and attachments extracted from Yahoo mail server and Yahoo messenger were saved in the form of .txt, .docx, .tif, .rar and .zip files in the folder name called 'NIA-DELHI' in the remote computer terminal in the location of C:/Documents and Settings/user/Desktop/NIA-DELHI\ installed at Indian Embassy, Nepal. Immediately after the completion of extraction process MD5 hash of 40 files (ZIP-1, RAR-5, HTML-2, DOCX-6, TXT-25 and TIF-1) have been generated to retain integrity of the evidences by

the tool called 'MD5SUMS.EXE'. This process ensures that there will not be any kind of tampering in the extracted material from the E-mails/chats of both the accused. Ex.P99 is the chat messages panchanama consisting of 23 sheets. The information extracted was stored in the files mentioned at sheet 19, 20 of Ex.P99. The witness identified the said person as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad. After the entire folder 'NIA-DELHI' has been compressed as 'NIA-DELHI.rar' on the same location of the remote system. Due to the unexpected network failure in Nepal, the process of copying these files into local computer terminal were not completed. So it has been decided the remaining process will be resumed at office i.e., at ICERT. The process was resumed at office i.e, at ICERT using the same software 'team viewer'. After obtaining system specifications the secure connections established with the remote computer terminal which was installed at Indian Embassy, Nepal. The file 'NIA-DELHI.rar' copied from remote system into local computer and extracted into the folder called 'NIA-DELHI'. These folder and compressed file NIA-DELHI.rar have been burnt into three CDs which is one CD retained for ICERT office record purpose and the whole CD MD5 hash value is stated in the panchanama drafted. The panchanama is Ex.P100 containing three sheets. The hash value is at sheet No.3 of Ex.P100. The two CDs on to which the extracted information was copied as stated above, were handed over to the NIA police. The prints of the CDs were taken in 9 volumes containing 2,548 sheets which is Ex.P101 (9 volumes). In the 9<sup>th</sup> volume sheet No.2530 finds place after sheet No.2548. The cover containing 9 CDs which is sealed is now opened in the Open Court and the CD pertaining to Ex.P101 is now marked as Ex.P102. The NIA police further requested to carry out forensic analysis of the digital evidences were seized from the Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh by NIA, New Delhi as mentioned in their

forwarding letter No.CFSL/NIA/RC-06/2012/NIA-DLI 29616 Dt.04-09-2013 along with digital gadgets in sealed cover. ICERT has followed all the best practices and precautions in handling the digital evidences submitted by NIA. It was observed that the seized laptops, mobile phones, DVDs and other digital gadgets were properly sealed. On receipt the photographs of all sealed packets containing suspected digital devices were taken here and for reference it was placed in forensic analysis report. Also the list of evidences markings were mentioned in the same report. During examinations forensic image of two laptops, six DVDs, one micro SD card and one thumb driver have been created. During forensic analysis they have recovered numerous digital evidences such as video files, audio files, pictures, documents, SIM card data, contacts details, call records, SMSs, which have been extracted from the above mentioned gadgets. Soft copy of the extracted evidence has been provided into the hard disk bearing the details make: Seagate, serial No.Z2ABLW9W, size 500 GB. Ex.P103 containing 13 sheets is the forensic analysis report. The gadgets which were provided by the police are shown as Q1 to Q10 which are mentioned at sheet No.2 and 3 of Ex.P103. The suspected digital evidence is marked Q5, Q6 which is AGTEN-China Mobile phones doesn't have any interface to connect forensic work station for the purpose of extractions of digital evidence. As per international practice in such a circumstances video footages of evidence found by manual browsing using keyboard of the mobile phone by forensic expert in the forensic division of the ICERT. The soft copy of the captured video files are also given in the hard disk mentioned as above. Also the detailed internet browsing activities have been extracted from the Q1 and Q2. The soft copy of the extracted digital evidences also given in afore mentioned hard disk. A soft copy of extracted/recovered evidences copied into the hard disk mentioned as above handed over to NIA along with the

forensic analysis report. The list of files along with the MD5 hash value has been given in the file 'Filelist\_with\_MD5\_hash.csv' and the same has been given in the hard disk itself for further reference. In the last week of March, 2014 the ACP, Delhi Police Special Cell, New Delhi has sent a formal letter to the Director General, ICERT for extraction of the content of the E-mail communication and chat messages of the mail ID pertaining to one arrested accused person Md.Tahsin Aktar @ Monu, S/o.Md.Wasim Aktar. Accordingly DG, ICERT has authorized him to assist Delhi Police in the process of afore mentioned purpose. He reached Delhi Police Special Cell to extract the E-mail messages and chat messages pertaining to the mail Ids: [softyboy22@nimbuzz.com](mailto:softyboy22@nimbuzz.com), [hottie\\_22@nimbuzz.com](mailto:hottie_22@nimbuzz.com), [ghostrider7778@nimbuzz.com](mailto:ghostrider7778@nimbuzz.com), [coffeet1@numbuzz.com](mailto:coffeet1@numbuzz.com), [sardard2020@yahoo.com](mailto:sardard2020@yahoo.com), [hihoney93@yahoo.com](mailto:hihoney93@yahoo.com), [howwrudear@yahoo.com](mailto:howwrudear@yahoo.com), [s\\_smartee@yahoo.com](mailto:s_smartee@yahoo.com), [tomrider@gmail.com](mailto:tomrider@gmail.com), [gshaw@gmail.com](mailto:gshaw@gmail.com), [boyhot\\_38@paltalk.com](mailto:boyhot_38@paltalk.com), The accused person Md.Tahsin Aktar @ Monu, S/o.Md.Wasim Aktar logged into the afore mentioned mail IDs and subsequently he had downloaded all E-mail communications, chat messages, attachments and then stored into a local computer which was installed at Cyber lab, Delhi Police, Special Cell. Also MD5 hash (seal of security for evidence integrity) of the downloaded files have been generated and same has been burnt into CD. Ex.P104 is the photocopy of the extraction report pertaining to the above said accused containing 5 sheets. Ex.P105 is the print out of the chat transcriptions of the accused extracted under Ex.P104. Ex.P105 contains 383 sheets. The witness identified the said person as Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. On the request of Special Cell Delhi Police to Director General, CERT-In for technical assistance of forensic analysis of the digital gadgets seized from accused in connection with the banned terrorist organization Indian Muzahideen. Ex.P106 is the digital forensic

analysis report containing 24 sheets is given by him. The details of seized digital objects mentioned in the forensic analysis report Ex.P106 is at sheet No.3 & 4. The details of forensic analysis about extraction of the digital evidences and precautions taken during about security of the content is detailed at sheet No.4 & 5. During the investigation it has been observed that there are five TrueCrypt containers (data hiding/encrypting techniques) in the hard disk bearing the details make: Seagate serial No.5NH0BZ98, size 80 GB. These five encrypted containers have been extracted from the hard disk and forensic images have been created. During the investigations they have recovered numerous digital evidences such as video files, audio files, pictures, SIM data, contact details, call records, SMSs from the gadgets mentioned as above. A soft copy of all the retrieved/recovered digital evidences including deleted data have been copied into a portable USB hard disk bearing the details make: Seagate serial No.NA4ACB7X, size 500 GB for further reference. A file named as 'FILE-LIST-HDD-HASH.csv' in the above mentioned portable hard disk contains the list of all the extracted files provided in it along with the MD5 hash value and the same has also been provided into same portable USB hard disk. Ex.P107 is the copy of hard disk containing a soft copy of all the retrieved/recovered digital evidences including deleted data have been copied into a portable USB hard disk. Ex.P99-A, P100-A, P101-A, P103-A are certified copies of Ex.P99, 100, 101, 103 respectively.

262. During the course of Cross Examination, he stated that ICERT stands for Indian Computer Emergency Response Team, it's a Government Institution under the Ministry of Communication and IT, Government of India which addresses Cyber Security incidents in India as well as assisting Investigation of Digital Electronic Gadgets in connection with Cyber Crime Cases investigated by Law Enforcement Agencies in India. The Organization is headed by a Director General.

There are Scientists of Grade-B to G subordinate to the Director General and all of them are Class-I officers (Gazetted Officers). The lowest cadre Scientist is Grade-B and gradually they get promoted upto Grade-G. He stated that it is an Independent Organization falling under the Ministry of Communication and Information Technology, Government of India. He stated that the organization is not part of Central or State Forensic Science Laboratory and it is imparting training relating to Cyber Securities, search and seizure of digital evidence and investigation of digital gadgets to the National Law Enforcement Personnel and Cyber Forensics' Experts from the Central and State Forensic Science Laboratories. He stated that the work distribution to all the Scientist will be through the Director General. He stated that he received written directions from Director General Sri.Dr.Gulshan Rai to extract E-mails and give reports in this case. He stated that he is not aware that whether any such direction was given by Ministry to the Director General. He stated that he was not specifically appointed by any State or Central Government to act as an Government Scientific Expert and to give evidence in respect of Cyber Securities in this case. He stated that he had independently processed all the Extractions and Reports of Forensic Analysis of the material objects forwarded to the organization under Ex.P98 to P107 without anybody's assistance in this regard. He stated that in all the annexures appended to the Reports under Ex.P98 to P107 he had not put name or signature or official seal. He stated that annexures are linked to the main documents under Ex.P98 to P107. He stated that Ex.P98 does not contain name, signature and official seal. He stated that Ex.P98, P99 & P100 are the continuous documents as such he signed in Ex.P100. He stated that after searching Ex.P99 he stated that Ex.P99 does not contain name, signature and official seal. He stated that in Ex.P98 on the first page it is written that the extraction proceedings commenced at 1400 hours on 03-09-2013 and that

conclusion of proceedings was done at 02.30 hours on 04-09-2013. He stated that all these extraction proceedings vide Ex.P98 to P107 were undertaken at 27 Battalion, CRPF, Bawana Camp, New Delhi. Sri.Anup Kurvilla John, IPS, SP from NIA, Delhi took him to the afore mentioned venue since he does not know that place on 03-09-2013 around 12-30 noon. He stated that by the time he reached the above said place the police brought one accused and after some time they brought another accused. He stated that all the extractions proceedings vide Ex.P98 to P107 were conducted in respect of RC 06 / 13 / NIA/DLI. He stated that the extraction proceedings under Ex.P99 at Bawana Camp, New Delhi commenced at 2200 hours on 03-09-2013 and concluded on 0230 hours on 04-09-2013. He stated that in Extraction Proceedings under Ex.P100 the time of commencement and time of conclusion is not mentioned. He stated that in Ex.P101 (1) to Ex.P101 (9) name, designation, signature and official seal are not mentioned. He stated that he had signed on the CD. He stated that on Ex.P102 CD doesn't contain any slip or material to show name, designation, official seal. He stated that all the Ex.P98 to 107 are electronic records. He stated that there is no such certificate U/Sec.65-B of Indian Evidence Act in all the Ex.P98 to P107. He stated that he issued certificates along with original with NIA Delhi. He stated that it is not mentioned in Ex.P98 to P107 that the certificate U/Sec.65-B of Indian Evidence Act is given separately in respect of this case. He stated that all the screen shots appended to Ex.P98 and P99 are screen shots of the video footage. He does not know on whose name the IP addresses at Bawana Camp at New Delhi and at Indian Embassy, Nepal were created. He stated that there is no record to show when the E-mails as mentioned in Ex.P98 to 107 were created, who created them and from what IP addresses and from which place they have been created. He was not summoned to give evidence in RC 06 / 13 / NIA/DLI. He stated that all the Ex.P98 to 107 except

Ex.P104 are the Xerox copies of the documents which contain the stamp and seal of District & Sessions Judge, Delhi District, PHC. He stated that he did not put signature in Ex.P98 and Ex.P99. He stated that there is no mention in Ex.P98 to P107 that he has extracted these chat messages saved them and then copied them into CD/DVD. He stated that Email accounts may be prone to hacking. He stated that if Email accounts are opened from different IP addresses than the original IP address, the service provider posses a question to give the secret word given at the time of creating account. He stated that he carried 'Teamviewer' Software to Bawana Camp on 03-09-2013 after being directed by the Director General to assist the NIA Delhi team. He stated that the said software was already installed at Remote Computer, Nepal Embassy but he cannot tell as to who was operating the Remote System there at Nepal till the possession undertook by him through 'Teamviewer' software. He stated that someone who has knowledge of mail IDs and passwords may also access the Remote Computer at Nepal. He stated that he had not given any evidence in respect of Ex.P98 to P107 in RC No.06 of 2012/NIA/DLI before the Hon'ble Special Court for NIA Cases at New Delhi. He stated that he had not been appointed by any State Government or Central Government to analyze, observe, examine and report about the Email IDs and chats as referred to in Ex.P98 to P107.

#### PANCH FOR EMAIL EXTRACTION RETRIVAL:

263. PW99 Swarn Kumar who is working as Delhi Revenue Patwari since 2011 stated that on 02-09-2013 he was called by NIA Police to BSF Camp, Bawana. Two accused were present and on their providing information about E-mail addresses and their passwords, one person by name Subrahmani Babu (PW81) was extracting the data from the said E-mail addresses. He acted as witness to the said proceedings. The said accused name was Aasadullah Akthar. The witness identified

the said two persons as the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and the Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh. Ex.P259 is the disclosure statement of A2 (the relevant portion is at sheet No.4 marked in red ink excluding the inadmissible portion). Ex.P260 is the disclosure statement of A5 (the relevant portion is at sheet No.2 marked in red ink excluding the inadmissible portion). Ex.P261 is the disclosure statement of A5 made on 05-09-2013. He had also signed as witness in Ex.P98, P99, P101. He had only observed the proceedings under the above said exhibits.

264. During the course of Cross Examination, he stated that he does not know in which case he was requisitioned as panch witness in Delhi. Two NIA officials took him to Bawana Camp from his office situated at Nayabans which is near to Bawana Camp. His Superior Officer sent him to Bawana Camp on that day. He was not involved in the process of extraction of data but he was only observing the proceedings. He stated that he does not know where and when the accused were arrested and since how long they were in custody. He stated that he does not know the computer language. He denied that as such he does not know what proceedings took place. He stated that he never stayed there continuously during the proceedings as he used to receive phone calls and he went out about 10-12 times. He stated that on one occasion the internet server failed as such he was asked to come again on next day. He stated that he cannot say on which date and on how many dates he went to Bawana Camp. He stated that the Bawana Camp was the Head Quarters of CRPF and ITBP where Police belonging to CRPF and ITBP were stationed. He stated that he use to make entries while making ingress or egress at the Bawana Camp. He denied that he signed the exhibits referred to in chief examination without knowing the contents thereon only to oblige the NIA Police. He

denied that he saw the photographs of the accused in the newspaper and as such he identified them in the Court. He stated that he did not give evidence in RC No.06/12/NIA/DLI of NIA New Delhi so far. He denied that the accused did not disclose anything before him to the NIA authorities and no E-mail IDs were traced and extracted in his presence.

**INVESTIGATING OFFICER OF RC No.06/2012:**

265. PW140 who is working as Additional Deputy Commissioner of Police, Special Cell, Delhi Police stated that he was posted in the Special Cell as Assistant Commissioner of Police in June, 2012. The Special Cell of Delhi Police works on all major terrorist organizations active in the National Capital of Delhi. Since 2008 the Special Cell has been working upon the Terrorist outfit Indian Mujahideen. The primary case against this Terrorist Organization registered with the Special Cell is Case FIR No.54/2011 P.S. Special Cell. During the investigation of this case, the names of Waqas (later identified to be Zia-ur-Rehman, R/o.Pakistan), Monu (later identified to be Tahsin Akthar, R/o.Bihar) and many others were revealed as being active members of Indian Mujahideen. Sincere efforts were being made since late 2011 for identifying, locating and apprehending these terrorists. In continuation of the same, non-bailable warrants against Waqas, Monu and many others had been obtained from the Hon'ble Special Court constituted U/Sec.22 of NIA Act for Delhi Police. On 21-03-2014 secret information was received that accused Waqas was expected to arrive at Ajmer Railway Station in Rajasthan on the next day i.e., 22-03-2014. Accordingly a team was sent along with the informer and on the said date in forenoon hours the accused Zia-ur-Raheman @ Waqas (the accused No.3) was arrested against the Non-bailable Warrant issued for him. Subsequently on 25-03-2014, the accused Tahsin Akthar @ Monu (the accused No.4) was arrested by another team from the area of Naxalbari District, Darjeeling, West

Bengal. From the possession of the accused No.4 several voters ID cards were recovered amongst other recoveries. He was found using the identity of Armaan, S/o.Aman Sori, R/o.Ranchi, Jharkand while he was arrested. The accused No.3 during his interrogation revealed that he was staying at various places under the assumed identity of Nabeel Ahmed. Both the accused No.3 and 4 also revealed various chat IDs and Email IDs which were being used by them for maintaining contact with their handlers Riyaz Bhatkal (the accused No.1) and others. Accordingly he had sent a request to the Director General, ICERT to depute an Expert for extracting the contents of these disclosed communication platforms to assist in investigation. Upon his request Sri.Subramani Babu (PW81) and Sri.Omveer Singh were deputed. PW81 visited his office where an in-house cyber lab is situated. There in the presence of public witnesses and the accused No.3 and 4 separately, PW81 after following all the formalities downloaded and extracted the available data on various chat platforms and Email platforms which were accessed by the accused No.3 and 4 using their passwords. All this data was subsequently transferred to a sterile storage media and taken into possession with a seizure memo and certificate under 65-B of Indian Evidence Act. During the analysis of the retrieved data, it was revealed that the accused No.4 was in constant communication with the accused No.1 and was desperately trying to procure explosives (mentioned as CHEEZUN) through his contacts of Ranchi. Furthering the investigations he had deputed teams to Munnar, Mangalore, Agra, Bhuvaneshwar, Ranchi and other places to verify the disclosures made by the accused No.3 and 4. Ex.P105 is the Chat extract of the accused No.4 and the relevant extracts are from page No.202 of Ex.P105. On 06-01-2013 there were specific chat between the accused No.4 and the accused No.1 regarding arranging explosives. Then on 10-01-2013 there was a chat wherein the accused No.1 informed the accused No.4

that Daniyal (the accused No.2) and the accused No.3 were about to receive explosives and the accused No.4 will have to leave for a new place soon. On 23-01-2013 the accused No.1 and the accused No.4 discussed about the new place being Hyderabad. On 26-01-2013 the accused No.1 informed the accused No.4 that recce of a few places in Hyderabad had already been done. After the blasts on 23-02-2013 the accused No.1 had expressed his happiness about the Hyderabad Blasts saying that it was "Bahut zabardast" etc., to which the accused No.4 replied that "Upar wale ka karam tha". The details of the chats were confronted with the accused No.4 and his explanations thereto were recorded under Ex.P104. In Munnar and Bhuvaneshwar, the complete details of the fictitious ID of Nabeel being used by the accused No.3 were revealed. Similarly investigations in Ranchi revealed the complete details of the fictitious ID of Girish Joshi which was used by the accused No.4 for taking admission in Vision Informatics, Ranchi. These details were subsequently sent to Western Union Money Transfer along with a notice U/Sec.91 of Cr.P.C for providing the complete details of financial transactions that might have taken place by the use of the above mentioned identity parameters. As per the report received from WUMT, the accused No.3 had received Rs.1,66,000/- and the accused No.4 had received Rs.1,00,000/- Indian Currency and Rs.40,000/- in Nepali Currency using the above mentioned fictitious IDs. Both the accused in their interrogation had revealed their participation and role in the 21<sup>st</sup> February, 2013 Hyderabad Blasts. The recovered chats from the accounts being used by the accused No.4, there were sufficient indicators of his active participation in the Dilsukhnagar Blasts. The accused No.4 revealed that in the second week of February, 2013 Riyaz Bhatkal (the accused No.1) had directed him to go to Hyderabad. In Hyderabad he had stayed for a brief period along with PW83. The contact of PW83 was provided to the accused No.4 by one Asif (PW82)

who was his roommate in Ranchi. Thereafter the accused No.4 had taken up a room in Abdullapurmet. Some days after the accused No.2 had visited Hyderabad and the accused No.4 had taken him to the said rented room. The accused No.2 had informed the accused No.1 that the accommodation was satisfactory. Thereafter the accused No.2 had left Hyderabad only to return some days later along with the accused No.3. Thereafter the accused No.2, 3 and 4 had assembled the two IEDs which were subsequently used on 21-02-2013 for committing the blasts. The accused No.4 had also revealed that he had purchased two pressure cookers from Dilsukhnagar Market and had along with the accused No.2, subsequently purchased two second hand bicycles which were used for planting the IEDs. Thereafter on 06-09-2014 he had arrested the accused No.6 from Saharanpur, Uttar Pradesh. At the time of his arrest, a total of 19 electronic devices were recovered from his possession including a Dell Laptop, mobile phones, USB-stick, micro SD card etc.. During his interrogation the accused No.6 revealed that his responsibility as a member of Indian Mujahideen was for preparing forged identities, receiving and delivering Hawala Money, explosives and for composing E-mails whereby his organization used to take claim for various terrorists strikes in the Country. The accused No.6 revealed that he had sent the threatening E-mail in 2008 after the Varanasi blasts which were investigated by Uttar Pradesh Police and in 2010 after Jama Masjid blast of Delhi which have been investigated by him. The accused No.6 also disclosed several E-mail and chat IDs over which he was in communication with the accused No.1 and others. Accordingly a fresh request was sent to the Director General of ICERT to depute an Expert to assist in investigation. First sheet of Ex.P106 is the letter addressed to the Director General. PW81 was deputed to attend to the request and he visited his office and in the in-house cyber lab the same procedure as was adopted earlier for the accused No.3 and 4 was

repeated for the accused No.6. All the data retrieved from the chat IDs and Email IDs disclosed by the accused No.6 was transferred to a sterile DVD and handed over along with the certificate and was seized through a seizure memo under Ex.P438-A containing 13 sheets. In addition to this, the Forensic Analysis Report pertaining to the electronic devices including the laptop recovered from the accused No.6 was received from ICERT. The said report is at sheet No.2 to 24 of Ex.P106. Ex.P106-A is the original report to Ex.P106 received from ICERT containing 22 sheets along with covering letter. As per the analysis of the laptop recovered from the accused No.6 the voters ID in the name of Girish Joshi which was used by the accused No.4 for many financial transactions was prepared by the accused No.6. Further from the same laptop many other forged voters IDs bearing photographs of the accused No.2 and 3 were also recovered as having been prepared by the accused No.6 using photo shop software which was found installed in his laptop. Further a draft letter on the letter head of Indian Mujahideen, is strikingly similar to the E-mails which was sent out as per Jama Masjid strike of 2010 was also recovered. The difference between the E-mail sent in 2010 and the draft recovered in 2014 was that the former related to a terrorist strike which had actually taken place whereas the later pertained to a planned terrorist attack by Indian Mujahideen in Muzaffarnagar of Uttar Pradesh. With the arrest of the accused No.6 this planned terrorist activity was averted and the E-mail was never sent. Because of the sensitivity of this draft E-mail recovered from the laptop of the accused No.6 for it was submitted before the Hon'ble Special NIA Court for Delhi Police in a sealed envelope at the time of submitting the charge sheet against the accused No.6. Ex.P439 is the seizure memo at the instance of the accused No.6 which articles mentioned in Ex.P439 were recovered on 06-09-2014 containing 5 sheets. Ex.P440 is the explanation of the accused No.6 regarding the

articles seized under Ex.P439 containing 7 sheets. Ex.P441 is the disclosure statement containing 4 sheets which was made on 06-09-2014. Ex.P442 is the supplementary disclosure statement of the accused No.6 giving details of chat IDs and E-mails IDs etc., containing 2 sheets which was conducted on 11-09-2014. Subsequently upon the directions of this Hon'ble Court addressed to ICERT, he received a request from NIA to hand over a copy of the digital evidence as seized from the accused No.6. On receipt of the same, the said digital evidence as received from ICERT was handed over to the NIA representative under Ex.P107 along with the necessary integrity certificates i.e., U/Sec.65-B of Indian Evidence Act. In his examination in Chief he had submitted about an incriminating E-mail which was recovered in the Forensic Analysis of the pen-drive seized from the accused No.6. This E-mail was a draft which was to be sent upon the directions of Accused No.1 Mohammad Riyaz @ Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri. after a planned strike in Muzafer Nagar, Uttar Pradesh would have been executed. Since this strike was averted with the arrest of the accused No.6, this draft E-mail was never sent. Ex.P487 is the Certified copy of the said E-mail extracted from the pen-drive which was in the possession of the accused No.6. Ex.P488 is the certified copy of the E-mail sent by the accused No.6 at the time of Jama Masjid blast in the year 2010 carried out in Delhi. The device which was used for sending Ex.P488 has been made a part of the charge sheet filed in F.I.R.No.66/2010, P.S.Jama Masjid (investigated by the Special Cell, Delhi). The Simcard used to send Ex.P488 was purchased by the accused No.6 in the name of Purva Shinde. The signature available on the application form for purchase of the Simcard was sent to Handwriting Expert after obtaining the specimen signatures of the accused No.6. Ex.P489 is the certified copy containing 17 sheets are the customer application form in the name of Purva Shinde, identity

proof and specimen signatures. The signatures on the application form and the identity proof were analyzed by the Central Forensic Scientific Laboratory and found to be made by the accused No.6. Ex.P490 is the certified copy of the Central Forensic Scientific Laboratory report of the Handwriting Expert containing 5 sheets. Ex.P491 is the Certificate U/Sec.65-B of Indian Evidence Act in case of Ex.P107 (hard disk). Ex.P492 is the Certificate U/Sec.65-B of Indian Evidence Act issued by me in respect of Ex.P105 chat extracts. There was a direction from this Court to the ICERT to provide the Digital Evidences which were retrieved in my case i.e., F.I.R.No.54/2011 and F.I.R.No.66/2010 (both investigated by the Special Cell, Delhi) and the same direction was forwarded for necessary action to his office. In compliance of the same, he had issued Ex.P491 and Ex.P492 to the representative of NIA, Hyderabad.

266. During the course of Cross Examination, he stated that what all he stated in Chief Examination earlier and in further examination in chief are subject matter of F.I.R.No.66/2010 of P.S. Jama Masjid (investigated by Special Cell, Delhi) for the offences U/Sec.16/18/20 of UAPA r/w. Sections 201/468/471/120-B IPC and Sections 3/4/5 of Explosive Substances Act, Section 25 of Arms Act and Section 66 of Information Technology Act and F.I.R.No.54/2011 of P.S. Special Cell, Delhi for the offences U/Sec.17/18-A/18-B/19/20 of UAPA r/w. Sections 3/4/5 of Explosives Substances Act, Section 201/468/471/474/489-B/489-C/120-B of IPC, Section 12 of Passport Act, Section 25 of Arms Act and Section 14 of Foreigners Act. Ex.D8 is the certified copy of the final report filed in F.I.R.No.66/2010 and is pending before the Additional District & Sessions Judge-cum-Special Judge for NIA Cases, Patiala House, Delhi for trial. He stated that in F.I.R.No.54/2010 of Special Cell, Delhi charge sheet has already been filed. He stated that he had not given any evidence in these two cases

as both the matters are pending for trial. He stated that the identities, addresses and photographs of the accused No.2 and the accused No.1 Mohd.Riyaz Bhatkal were already known to them after the Bhatla Encounter Case in Delhi in the year 2008. He stated that during the investigation of Case F.I.R.No.54/2011 of P.S.Special Cell the correct identities, addresses and photographs of the accused No.5 Mohd.Ahmed Siddappa and the accused No.4 Tahsin Akhtar @ Monu were known to them in the year 2012. He stated that the identity of the accused No.3 as Waqas and his photographs were available to them in the year 2012. He stated that all the exhibits referred to by him in his Chief Examination and in further Chief Examination viz., Ex.P105 to P107, Ex.P439 to P442 and Ex.P487 to Ex.P492 are subject matter of F.I.R.No.54/2011 of P.S. Special Cell, Delhi and F.I.R.No.66/2010 of P.S.Jama Masjid, Delhi investigated by him. He stated that there are Functional Officers who are having the custody of entire Cyber Lab situated in their office at Lodhi Colony which stores all the electronic equipments used for in house research and assistance in investigation. He stated that in the said lab all the investigational records pertaining to these two cases are reduced into electronic records by Experts from ICERT and the copies of those electronic records are in his custody till the time they are filed into the Court. He stated that he does not know when the ICERT Office at Delhi received the letter from this Court to file the digital copies of the evidence collected in these above mentioned two cases of which he is the Investigating Officer. Thereafter, digital copy of the downloaded data under Ex.P104 to Ex.P107 as provided to him by the ICERT Expert was copied into a fresh hard disk and the same was handed over by him to NIA, Hyderabad along with a certificate U/Sec.65-B of Indian Evidence Act which is Ex.P491 and Ex.P492. He stated that in Ex.P491 and Ex.P492 he had not mentioned the descriptive particulars/make/configuration of the computers system or

copying system used in their lab. He stated that in Ex.P491 and Ex.P492 he had not mentioned the descriptive particulars/make/configuration of the CD's, DVD's and the USB Hard disk. He stated that functional officers posted in their cyber lab at Special Cell Lodhi Colony, Delhi are the custodians of the computer systems or the copying systems installed in their lab. He stated that the Email if printed will disclose the time, date and the header and footer relevant to that E-mail. He stated that an attachment to any E-mail can be opened using the particular program which was used to create it and thereafter it can be saved or printed or copied. He stated that Ex.P487 is only a draft document which was supposed to be attached and sent but it was not done. He stated that Ex.P487 does not reveal any details about the sending or the receiving E-mail IDs. He stated that Ex.P488 does not reveal any details about the sending or receiving E-mail IDs and also it does not reveal the date and time of the corresponding E-mail sent or the creation of this document as an attachment. He stated that he could not trace out the address and also the person i.e., Purva Shinde and other details mentioned in Ex.P489. He stated that he did not verify whether such mobile number mentioned in Ex.P489 was a subject matter of any complaint. He stated that the specimens signatures which form part of Ex.P489 were obtained by him during investigation in F.I.R.No.66/2010 P.S. Jama Masjid investigated by him. He stated that he did not mention the date and time on which he issued Ex.P491 and Ex.P492. He stated that he did not give any Certificate U/Sec.65-B of Indian Evidence Act in F.I.R.No.66/2010 of P.S.Jama Masjid of Delhi and F.I.R.No.54/2011 of P.S. Special Cell, Delhi (both investigated by him) in respect of Ex.P104 to Ex.P107. He stated that he did not accompany the team which arrested A3 Zia-ur-Rehman on 22-03-2014 at Ajmer Railway Station, Rajasthan. He stated that he did not accompany the team which arrested A4 on 25-03-2014 at Naxalbari,

Darjeeling, West Bengal. He stated that he did not accompany the team which arrested A6 Ajaz Shaik on 06-09-2014 at Saharanpur, Uttar Pradesh. He stated that he does not remember as to the descriptive particulars of the Official who had arrested A3 and A4 who were arrested on execution of non-bailable warrants issued by concerned Courts at Delhi in F.I.R.No.54/2011 of P.S.Special Cell. He stated that he does not remember as to the descriptive particulars of the Official who had arrested A6 U/Sec.41 (1) of Cr.P.C. in case F.I.R.No.66/2010 P.S.Jama Masjid, Delhi investigated by him. He denied that A3 Zia-ur-Rehman was arrested on 13-02-2014 at Dhaka Airport, Bangladesh by the agents of Research and Analysis Wing and since then he was in illegal custody for about a month and that A3 was brought into India illegally by RAW agents in drugged condition and then handed over to the Special Police, Delhi and produced before the Court at New Delhi on 23-03-2014 in F.I.R.No.54/2011 and 16/2012 and that nothing was seized from his possession at his instances. He denied that A4 Tahsin Akhtar was arrested originally on 28-02-2014 at Kathmandu, Nepal by the RAW agents and was kept in the illegal custody till 23-05-2014 at Special Cell, Lodhi Colony, New Delhi and he was produced before the concerned Court on 25-03-2014 in F.I.R.No.54/2011 and 16/2012 both of P.S.Special Cell, Lodhi Colony, New Delhi and nothing was seized from his possession or at his instance. He denied that A6 Ajaz Shaik was arrested originally on 15-02-2014 from Pune by the Intelligence Officials of Maharastra Police at Pune and was kept in the illegal custody at Beni, Nepal till 06-09-2014 by the RAW agents and later on handed over to Special Cell and he was produced before the concerned Court on 06-09-2014 in F.I.R.No.54/2011, F.I.R.No.65/2010 and F.I.R.No.66/2010 of P.S.Special Cell, Lodhi Colony, New Delhi and nothing was seized from his possession or at his instance.

267. During the course of Re-Examination he stated that

the Functional Officers of Cyber Lab are working under his instructions.

**MAGISTRATE WHO RECORDED THE 164 CR.P.C CONFESSITIONAL STATEMENTS OF A2 & A5:**

268. PW97 V.Satyanarayana who is working as Judicial First Class Magistrate (Prohibition & Excise) Nalgonda District since 09-04-2014 stated that while he was working as IX Metropolitan Magistrate, Kukatpally at Miyapur on 10-10-2013 he received a requisition from the Deputy Superintendent of Police, NIA-Delhi camp at Hyderabad along with the orders of the Hon'ble I Additional Assistant Sessions Judge, Rangareddy District to record the 164 Cr.P.C. Statement of Md.Ahmed Siddibba (the accused No.5) and accordingly he addressed a letter to the Prison Authority, Cherlapally to produce the accused No.5 before him to record his statement U/Sec.164 of Cr.P.C on 11-10-2013. On 11-10-2013 the accused is produced through the Escort and accordingly the questions were put regarding his identity, purpose and the reason for which he was produced. Further he was also questioned whether there was any external influence of threat etc., and whether he was willing to voluntarily give a statement. He was also cautioned about repercussions about disclosing any facts about the offence committed. Being satisfied with his answers that he was voluntarily making his confession statement, then the accused was remanded to Judicial custody and ordered to be detained in jail with a direction to the jail authorities that the accused shall be kept in a separate cell free from other inmates of the jail and further directed the authorities to produce the accused on 15-10-2013 at 11-00 am., On 15-10-2013 the jail authorities produced the accused No.5 through proper escort and accordingly the statement U/Sec.164 of Cr.P.C was recorded after satisfying that the accused was giving the statement voluntarily without any threat or coercion or undue influence from any quarter. After completion of recording confessional statement on 15-10-2013 for want

of time the recording of confession was deferred to 17-10-2013. The Jail authorities were instructed to keep the accused in separate cell free from other inmates of the jail. Accordingly on 17-10-2013 the accused was again produced and a statement was recorded. On conclusion of his confession statement he once again explained to the accused that he was not bound to make any confession and if he does so, any such confession would be used as evidence against him and accordingly the proceedings are concluded. During the course of recording the confessional statement on all the three days, the accused narrated in English Language which was recorded accordingly. Ex.P252 is the certified copy of the proceedings recorded on 11-10-2013, 15-10-2013 and 17-10-2013. On 11-10-2013 while he was as IX Metropolitan Magistrate, Kukatpally at Miyapur received the proceedings from Hon'ble 1 Additional Assistant Sessions Judge, Rangareddy District to record the confessional statement of the accused No.2 (Asadullah Akhtar @ Haddi S/o.Md.Javeed Akhtar). Accordingly he addressed a letter to the Prison Authority, Cherlapally to produce the accused No.2 to record his statement U/Sec.164 of Cr.P.C on 15-10-2013. On 15-10-2013 the accused No.2 is produced through the escort and accordingly the questions were put regarding his identity, purpose and the reason for which he was produced. Further he was also questioned whether there was any external influence of threat etc., and whether he was willing to voluntarily give a statement. He was also cautioned about repercussions about disclosing any facts about the offence committed. Being satisfied with his answers that he was voluntarily making his confession statement before me then the accused was remanded to Judicial custody and ordered to be detained in jail with a direction to the jail authorities that the accused shall be kept in a separate cell free from other inmates of the jail and further directed the authorities to produce the accused before me on 18-10-2013 at 11-00 am., On 18-10-2013 the

jail authorities produced the accused No.2 through proper escort and accordingly recorded the statement U/Sec.164 of Cr.P.C after satisfying that the accused was giving the statement voluntarily without any threat or coercion or undue influence from any quarter. On conclusion of his confession statement he once again explained to the accused that he was not bound to make any confession and if he does so, any such confession would be used as evidence against him and accordingly the proceedings are concluded. During the course of recording the confessional statement on the said two dates, the accused narrated in English Language which was recorded accordingly. Ex.P253 is the authorization given by the Hon'ble I Additional Assistant Sessions Judge, Rangareddy District dt.11-10-2013 vide dispatch No.4793/2013. Ex.P254 is the proceedings U/Sec.164 Cr.P.C. dt.15-10-2013 including the statement recorded on 18-10-2013 in continuation of the proceedings dt.15-10-2013.

269. During the course of Cross Examination, he stated that the proceedings U/Sec.164 Cr.P.C are the Judicial Proceedings. He stated that in all Judicial proceedings there is no bar to use the services of a Steno-Typist. He stated that Ex.P252 and P254 are not typed by him personally. He stated that on his dictation, the Stenographer typed the proceedings. He stated that there is no stamp in Ex.P252 and P254 stating that "typed to my dictation in the Court read over and explained and admitted to be correct". He stated that such stamp is not required while recording the statement U/Sec.164 Cr.P.C. He stated that Ex.P252 was recorded in RC No.6 / 2012 of NIA Police New Delhi. He stated that he received requisition from NIA Delhi Police along with authorization from the Hon'ble I Additional Assistant Sessions Judge, Rangareddy District. Usually every statement U/Sec.164 Cr.P.C will be recorded on the requisition of the Investigating agency before the Hon'ble Assistant Sessions Judge-cum-Chief Judicial Magistrate within whose jurisdiction

the offence is alleged to have been committed. Thereafter the Chief Judicial Magistrate nominates any one of the Judicial First Class Magistrate within his jurisdiction to record such statements U/Sec.164 Cr.P.C. He stated that he acted as per the Orders of the Hon'ble I Assistant Sessions Judge. He stated that it is mentioned in Ex.P254 in first page that this confessional statement of the accused Aasadullah Akhtar was recorded in RC No.2 / 2013 of NIA-New Delhi. He stated that it is a typographical mistake as instead of "Hyderabad" it was typed as "New Delhi". He stated that at the time of signing Ex.P254 he had verified the entire document and only then he subscribed signatures on Ex.P254. He stated that in both Ex.P252 and P254 it was not mentioned that the contents therein were typed to dictation. He stated that in Ex.P252 and P254 there is no round seal of the Court and there is no Designation Stamp. He stated that affixation of round seal is not required in 164 Cr.P.C statements. After receiving the requisition he came to know that the 164 Cr.P.C statement of the accused involved in RC No.2 / 2013 of NIA Police pertaining to twin bomb blasts case at Dilsukhnagar. According to A2, he was arrested on 28-08-2013 at Pokra at Nepal. He stated that he did not put any question to the accused No.2 as to whether any 164 Cr.P.C statement was recorded by any Magistrate at Pokra, Nepal or at Delhi. He stated that after the accused No.2 told that he has got a counsel to defend himself, he did not take any steps to ensure that the accused is defended by a counsel during the recording of 164 Cr.P.C statement. He stated that while recording the statement of the accused U/Sec.164 Cr.P.C it should be recorded by observing in camera proceedings. He stated that he did not take any steps to record the confessional statements of A2 and A5 by Audio and Video electronics means. The proceedings do not disclose that the accused personally made any requisition to the Police to record their confessions. He stated that in both Ex.P252 and P254 he did not obtain

the signatures of the accused for each question and answer. He stated that the signatures of the accused are taken after completing the day-to-day proceedings in Ex.P252 and P254. He stated that he did not appoint any state brief counsel to the accused during the recording of 164 Cr.P.C statements. He stated that since accused submitted that they have got the counsel to defend as such appointment of State brief counsel does not arise. After reflection time is over, when the accused was again produced, he did not question the accused about the availability of their advocates during the recording of their confessional statements. After reflection time is over, he did not once again ask the accused whether they have contacted their advocates or not. He stated that he did not ask the names of the advocates of the accused. He stated that he did not ask the accused specifically after the reflection time is over where they were detained. He stated that he did not take the signatures of the accused in both Ex.P252 and P254 during the questionnaire and after reflection time is over. He stated that he had not appended any certificate at the bottom of confessions in Ex.P252 and P254 that he was satisfied that the accused made the voluntary confession as contemplated in the provisions of Criminal Rules of Practice. He stated that in both the confessional statements of the accused vide Ex.P252 and P254 the time of conclusion of recording the confession is not mentioned. He stated that he did not ask the accused in both Ex.P252 and P254 as to in whose custody the accused were there before producing. He stated that he came to know through the requisition that they were lodged at Cherlapally Central Prison. After recording the confessional statement he sent the statements to the concerned Courts after indexing.

270. In so far as the legal assistance is concerned, the learned Special Public Prosecutor submitted a decision reported in 2012 (3) SCC (Cri) 481, MOHAMMED AJMAL MOHAMMAD AMIR KASAB @ ABU

MUJAHID; STATE OF MAHARASHTRA, the Hon'ble Supreme Court observed at- Para.456.. We are also not impressed by Mr. Ramachandran's submission that providing a lawyer at the stage of trial would provide only incomplete protection to the accused because, in case the accused had already made a confession under Section 164 CrPC, the lawyer would be faced with a fait accompli and would be defending the accused with his hands tied. Para 457.. The object of the criminal law process is to find out the truth and not to shield the accused from the consequences of his wrongdoing. A defense lawyer has to conduct the trial on the basis of the materials lawfully collected in the course of investigation. The test to judge the Constitutional and legal acceptability of a confession recorded under Section 164 CrPC is not whether the accused would have made the statement had he been sufficiently scared by the lawyer regarding the consequences of the confession. The true test is whether or not the confession is voluntary. If a doubt is created regarding the voluntariness of the confession, notwithstanding the safeguards stipulated in Section 164 it has to be trashed; but if a confession is established as voluntary it must be taken into account, not only constitutionally and legally but also morally.

UNDER SECRETARIES WHO ADDRESSED A LETTER TO YAHOO INCORPORATION:

271. PW148 V.Vishwanatham who is working as Under Secretary (Legal-I), IS-II Division of MHA since 9 days stated that previously he worked as Under Secretary (Grievances) of the Department of Justice, New Delhi. He brought the file pertaining to the communication in between the NIA, Department of Justice, New Delhi and the Department of Justice of United States of America. The IS-IV Section of Ministry Home Affairs (MHA) had in September, 2012 directed National Investigation Agency to investigate the alleged terrorist activities of the proscribed terrorist organization (Indian Mujahideen)

under the Unlawful Activities (Prevention) Act, 1967. Under Mutual Legal Assistance Treaty (MLAT) our Country (Central Authority of Republic of India) has signed with the U.S. Department of Justice, wherein evidence is shared between the countries for the purpose of investigation and Court trial. In the present case, a letter was addressed by NIA on 09-09-2013 enclosing request for assistance in investigation of R.C.No.06/2012/NIA/DLI seeking information about Yahoo IDs and Paltalk IDs and the extract of the said chats pertaining to the said IDs. The details of the chat IDs, order of NIA Special Court and other requirement of the Investigation Agency were mentioned under Ex.P452 containing 37 sheets. Ex.P452 was sent under Ex.P453 letter of NIA. The request was sent to the U.S. Department of Justice on 09-09-2013 in which it was also said that in case of any query they should contact IGP Investigation-II of NIA. The reply sent by the Department of Justice on 24-09-2013 was forwarded to NIA by MHA on 11-10-2013. The Department of Justice has sent another letter dt.14-11-2013 which contains three sheets in which details of the IP Addresses where the Email IDs were created. Ex.P454 was handed over under Ex.P455 letter dt.20-11-2013 addressed to NIA along with CD Ex.P456. The evidence received from U.S. Department of Justice were handed over to the NIA for the purpose of investigation in the same condition as received from U.S. Department of Justice. On 29-01-2014 the U.S. Department of Justice sent further information in R.C.No.6/2012/NIA/DLI under letter which is Ex.P457 stating that the evidence sought in mutual legal assistance request has been certified. The said letter was handed over by MHA to NIA on 03-02-2014 under Ex.P458. Ex.P452 to Ex.P458 are certified copies of NIA Court, Delhi. All the communication under Ex.P452 to 458 was done by his predecessors, the witness identified those signatures.

272. During the course of Cross Examination, he stated

that he had not issued any of the Ex.P452 to Ex.P458. He stated that he had no personal knowledge of Ex.P452 to P458 and he is giving evidence based on records. He stated that there are no specific directions in writing by Ministry directing to give evidence in this case in respect of R.C.No.06/2012/NIA/DLI. He stated that as per Ex.P452 the background and purpose of requesting for Email chats and other Email IDs as mentioned in Chief Examination is only in respect of R.C.No.06/2012/NIA/DLI sent by NIA through letter dt.09-09-2013 and they were not summoned for investigation in other cases alleged to have committed by Indian Mujahideen. He stated that as per Ex.P452 they have sought all the Email chats and mails as mentioned on sheet No.5 i.e., 12 Yahoo mail IDs and two Paltalk IDs from U.S. State Department of Justice in reference to R.C.No.6/2012/NIA/DLI. He stated that he was not present at the time of execution of all these documents by the concerned Authorities vide Ex.P452 to P458. He stated that he was not summoned by Special Court for NIA, Delhi in R.C.No.06/2012/NIA/DLI. He stated that all the evidence and material papers sent by U.S. State Department of Justice were handed over to NIA Police Delhi without verifying the contents therein.

273. PW122 S.K.Ahuja who is working as Under Secretary, Ministry of Home Affairs, Government of India since 2008 stated that they received a letter dt.27-08-2014 addressed by the IG, NIA seeking permission/consent from the Ministry to take up the matter to the US Authorities for the purpose of using the E-mail Chat details of the accused who were involved in Twin Bomb Blast Case. The said copy of letter is Ex.P396 addressed by IG, NIA. On the basis of the said letter he had addressed a letter dt.04-09-2014 to the Director, US Department of Justice under Ex.P397 for using evidence i.e., reports of Yahoo Email and permission to allow the said evidence in NIA Case Nos.RC-01 and RC-02/2013/NIA/Hyderabad. Thereafter they received a copy of letter

under Ex.P398 addressed by the Director, US Department of Justice permitting sharing of evidence in the investigation vide RC-01 and RC-02/2013/NIA/Hyderabad. Thereafter he addressed letter under Ex.P399 to the IG, NIA intimating about permission to use the evidence of Yahoo Email in the present case. The communication was undertaken which is in accordance with the Mutual Legal Assistance Treaty between India and USA. Ex.P396 to P398 are photocopies which are marked subject to production of Originals/Attested/Certified copies. The certified copy is filed under Ex.P398-A. Since the defence counsel took a plea that there is knowledge on the part of Anup Kuruvilla John with regard to the E-mails, if that is so, this document cannot be doubted. Even without this document the evidence of this witness cannot be doubted. Even otherwise these two documents would not cause any prejudice to the otherside.

274. During the course of Cross Examination, he stated that in Ex.P396 it is clearly mentioned that the details 12 Yahoo IDs and two Paltalk IDs have been received from the U.S. Authorities through MLA Request sent in NIA Case No.RC-06/2012/NIA/DLI and the same have been cited in the List of Documents in the Supplementary Charge Sheet-I filed in the Court of Ld. Special Court (NIA Cases), New Delhi. (MHA File No.25011/54/2013-LC of IS-II Div.Legal Cell refers). He stated that as per Ex.P396 all the chat details and mails arising out of 12 Yahoo IDs and two Paltalk IDs were already in the knowledge and possession of the NIA Police, Delhi. He stated that Ex.P396 does not disclose as to from which source the NIA Police derived all the details of the 12 Yahoo IDs and two Paltalk IDs. He stated that the details which were sought for by the NIA Police in No.RC-06/2012/NIA/DLI earlier from the U.S. Authorities are to be used in other cases for which permission of the U.S. Authorities is necessary and Ex.P398 is the said permission given by the U.S. Department of Justice dt.08-09-2014 and Ex.P399 is the

permission granted the Government of India which bears his signature as Under Secretary. He stated that the NIA Police, Hyderabad can use any material arising out of the twelve Yahoo IDs and two Paltalk IDs referred to in Ex.P396 in RC.No.01 & 02 of 2013/NIA/Hyderabad only after 09-09-2014.

CHIEF INVESTIGATING OFFICER IN R.C.No.06/2012/NIA/DLI:

275. ex Vikas Vaibhav who is working as Assistant to Inspector General (Training), at Patna, Bihar stated that previously he worked with NIA Delhi from 05-12-2011 to 01-06-2015 as Superintendent of Police and he was the Chief Investigating Officer in NIA case No.RC.06/2012/NIA/DLI, dt: 10-09-2012 which relates to the conspiracy hatched by certain operatives of the proscribed terrorist outfit named "Indian Mujahideen" to wage war against Government of India by Indulging in Terrorist Attacks including bomb blasts at different places in India. For the said purpose the operatives were recruited in different parts of India and also received funds from India as well as abroad. During Investigation it was established that the Indian Mujahideen was formed some time during the end of the year 2003/early 2004, after a series of meetings in the place called Bhatkal in Karnataka. The group was earlier called as "USABA" which in Arabic means a group of more than 11 persons but less than 40 who have come together with a common purpose which in this case was to wage "JIHAD" against the Indian State. The investigation revealed that the members of Indian Mujahideen understand JIHAD as religious obligation to enforce Islamic rule and also used religious text for advancement of their purposes. They have identified during investigation that Accused No.1 to 5 (Mohammad Riyaz @ Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri, Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed, Mohd.Taseen Akhtar @ Hassan @ Monu, Mohammed Ahmed Siddibapa

@ Yasin Bhatkal @ Sharukh) were part of the organization called Indian Mujahideen. Accused No.6 (Aziz Sheik) is not part of entire investigation in RC.No.06/2012/NIA/DLI. He filed three charge sheets in RC.NO.06/2012/NIA/DLI against a total of 29 accused persons including accused No.1 to 5 (Mohammad Riyaz @ Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri, Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed, Mohd.Taseen Akhtar @ Hassan @ Monu, Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh) in this case. The bomb blasts were carried at different places of India starting from the year 2005. The places included Uttar Pradesh Court blast of 2007, Delhi, Jaipur, Ahmedabad and Surat in 2008, German Bakery blast in pune on 13-02-2010 followed by Chinnaswamy Stadium blast at Bangalore on 17-04-2010, Jama masjid Terrorist Attack on 18-09-2010 at Delhi, Varanasi Blast on 07-12-2010, Mumbai blast on 13-07-2011, Pune Junglee Maharaj Road blast on 01-09-2012 and Dilsukhnagar Hyderabad blasts on 21-02-2013. After the Dilsukhnagar blasts, accused persons were planning to commit more blasts at places in Rajasthan which was established in investigation. He was Chief Investigating Officer of the Special Investigation Team, New Delhi which included several Officers of NIA from different branches of NIA including the head quarters of Delhi. All the Assistant Investigating Officers were working under his directions and supervision. They were regularly submitting supplementary diaries. PW138, LW503, Mr. Venkatadri ACIO and others were part of the team. During the course of investigation, the accused No.2 and 5 (Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh) were arrested on 29-08-2013 at Raxaul, Bihar State. They were produced before Special NIA Court at Delhi on 30-08-2013 and thereafter they were examined in Police custody. During the course of examination the

above said accused persons i.e., A2 and A5 (Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh) revealed the modus operandi and their roles in different attacks carried out earlier by the outfit as well as about their future plans. Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh (A2 & A5) also confessed about Email/chatting accounts of different service providers which were used to communicate of other operatives of the outfit including Riyaz Bhatkal accused No.1 (absconding) and others. Based upon this disclosure of Email/chatting addresses, recovery of contents was made with the assistance of PW81 and others from CERT-IN in the presence of Independent witnesses by Sri Anup Kuruvilla John (LW503) under his supervision, he also frequented the place where the proceedings were being conducted under ExP98-A, ExP99-A, ExP101-A (9 volumes). They obtained certified contents of the Email/chatting accounts are disclosed by the accused from the original service provider in United States of America using channels of Emergency disclosure request followed by formal request under provisions of mutual legal assistance treaty between the two countries. Ex.P459 is certified copy of the letter, dt: 06-09-2013 addressed to NIA by FBI Legal Attache in Delhi US Embassy enclosing Disc from Yahoo containing E-mail and IM (internet messaging) content pertaining to 6 E-mails, the said DVD is marked as ExP460 which was sent along with ExP459 letter. ExP461 is certified copy of certification of record sent by service provider Yahoo enclosing ExP462 DVD containing the contents as mentioned above. ExP463 is the certified copy of certification of two DVD's containing records sent as requested under emergency disclosure request by Yahoo. The said two DVD's containing records are now marked as ExP464 and ExP465. Ex.P466 is the certified copy of letter, dt:13-09-2013 addressed to NIA by FBI Legal Attache in Delhi US Embassy

enclosing Disc from Yahoo containing E-mail and IM (internet messaging) content pertaining to 4 E-mails, the said DVD is marked as ExP467 which was sent along with ExP466 letter. The information sent under emergency disclosure request was confirmed under the provisions Mutual Legal Assistance Treaty between the two countries under ExP457 which was sent under ExP458 enclosing letter. Ex.P468 (4 sheets) is the certified copy of emergency disclosure request through Yahoo sent by Sri Anup Kuruvilla John on 01-09-2013 pertaining to 8 E-mails ID's as disclosed by Accused No.2 and 5. (Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh). Ex.P469 (5 sheets) is the certified copy of emergency disclosure request through Yahoo sent by Sri Anup Kuruvilla John on 03-09-2013 pertaining to 6 E-mails ID's as disclosed by Accused No.2 and 5 (Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh). ExP452 and ExP453 are the requests for information under MLAT. All the communication by Sri Anup Kuruvilla John for getting information from Yahoo and other service providers under MLAT was at his instance and supervision. Ex.P470 is the DVD containing the details sent in response to emergency disclosure request pertaining to "[menothing1@nimbuzz.com](mailto:menothing1@nimbuzz.com)" which was account of accused No.1 Riyaz Bhaktal (absconding). Ex.P471 is the certified copies containing two sheets which is the arrest memo of accused No.2. (Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad) ExP101-B is the disclosure panchanama of accused No.5 (Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh) pursuant to which ExP101 was extracted. Under his instructions search and seizure was conducted at Zephyr Heights at Mangalore at instance of Accused No.2 and the material objects seized under ExP55-A, ExP56-A, ExP412, ExP189, ExP190, ExP259, ExP260 and ExP261 were originally deposited in Special NIA court at Delhi in

RC.No.06/2012/NIA/DLI. The NIA, Hyderabad made a request before the Special NIA Court at Delhi for taking the relevant material objects seized at Mangalore and Hyderabad on 06-09-2013 and 07-09-2013 under ExP55-A, ExP189 and ExP190. The Hon'ble NIA Court at Delhi allowed the prayer for handing over the material objects seized as stated above, as such the said material objects were handed over under Ex.P472 which is HANDING TAKING OVER MEMO with enclosures (copies of ExP55-A, ExP189 and ExP190). During the analysis of recovered chat material contents, it was established that the accused No.2 and 5 were constantly in touch with Accused No.1 Riyaz Bhaktal and other IM operatives based in Pakistan. They regularly conversed about plans to commit terrorist attacks and also referred to earlier terrorist attacks carried out by them, they also communicated about day to day activities of the outfit IM. In a series of conversations between accused No.5 (Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh) with E-mail ID, [hbbahadur@yahoo.com](mailto:hbbahadur@yahoo.com) and Accused No.1 with E-mail ID [patara\\_singh@yahoo.com](mailto:patara_singh@yahoo.com), dt: 28-11-2012, 16-12-2012, 20-12-2012, 27-12-2012, 22-01-2013, 27-01-2013, 07-02-2013, 11-02-2013, 16-02-2013, 17-02-2013 and 20-02-2013. They discussed about the plans to commit bomb blasts in Hyderabad which was known as per ExP101-A. The role of Accused No.2 to 4 was also discussed in detail in these conversations. In the last conversation of 20-02-2013, accused No.1 asked Accused No.5 (Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh) to pray for the success of the blast which was scheduled for next day. Investigation established that the accused persons generally used codes and abbreviations to share information which was mutually understood. This was done with a specific intention to conceal their nefarious designs from the possible vigil of law enforcement agencies. Further they changed various hide outs in course of time, adopting different alias names in furtherance of their conspiracy. They have

issued two preservation request letters to yahoo incorporation, California vide request letters dt: 01-09-2013 and another request letter dt: 03-09-2013, which are marked certified copies of Ex.P473 and Ex.P474. All the material evidence that were received from FBI and Yahoo Inc. were deposited before the jurisdictional court which is special NIA Court, Delhi.

276. During the course of Cross Examination, he stated that he filed the first charge sheet in RC.No.06/2012/NIA/DLI on 17-07-2013 against five accused persons namely Mohd. Danish Ansari, Mohd. Aftab Alam, Imran Khan, Syed Maqbool, Obaid Ur Rahman. He stated that in the said charge sheet the names of Accused No.2 to 5 (Asdullah Akthar, Zia-ur-Rahman, Mohd.Taseen Akhtar, Mohammed Ahmed Siddibapa) of this case were mentioned as absconding accused persons and warrants were issued against A2, A4 and A5 of this case. He stated that said charge sheet also mentions the details of the addresses and also photographs of A2 (Asdullah Akthar), A4 (Mohd.Taseen Akhtar) and A5 (Mohammed Ahmed Siddibapa) of this case. He stated that the said charge sheet also refers to alleged mobile numbers used by A2, A4 and A5 of this case used by them in the past up to 2011. He stated that Ex.P471 was issued by DIG Sri Mukesh Singh and there is no mention in Ex471 that he accompanied DIG Sri Mukesh Singh. He stated that Ex.P101-B does not reveal signature or official seal and stamp to show that he was present at the time of the proceedings under ExP101-B. He stated that in all the exhibits marked as ExP99-A, ExP100-A and ExP101-A there is no mention of name, designation or signature and no where it is mentioned that all these proceedings were conducted in his presence and under his direct supervision. He added that it is mentioned in all the exhibits that the concerned officers were assisting investigating officers but his name is not mentioned as a Chief Investigating Officer and that they assisted him. He filed 2<sup>nd</sup> charge sheet in RC

No.06/2012/NIA/DLI on 20-02-2014 after the arrest of Accused No.2 and 5 (Asdullah Akthar and Mohammed Ahmed Siddibapa) and one Manzar Imam and Ujjair Ahmed. As per the 2<sup>nd</sup> charge sheet filed in RC.No.06/2012/NIA/DLI the following items were seized from the personal search of Accused No. 2 and 5. Items recovered from Accused No.5 Mohammed Ahmed Siddibapa are 1. Toshiba Laptop Bag, 2. Samsung N 100 laptop serial number HFGP93LB70632BK, July 2011, BA68-07500A10, Model-Code NP-N100-MA011N, 3. Toshiba Laptop Qosmio-F 750, PART No.PQF754-06D01P, S.No.4C080930H, DC 19V = 4.74A, 4. 1 Pocket Diary Floder containing, a: Election ID Cards Two Numbers in the names of Sameer Suri No.DWB340258 and Vinod Desai No..Nil. b: Other incriminating documents including but not limited to Visiting Cards, Indian Driving License in the Name of Sameer Suri No.WB-20-2006588511, Photstat of Nepali Citizenship Card in the name of Sheikh Habibullah, Handwritten papers containing phone numbers and document containing expenses. (item No.2, 3 and 4 found within item No.1). 5. Panasonic VHS written Birthday, Family Film with name Irshad, 6. Nokia-1280 without Battery with IMEI No.35517705174996. 7. Two AGTEL Phones with dual SIM facility with IMEI Nos.352899051479987, 352899051479995 containing SIM No.899770212212775988 and IMEI Nos.352899051833043, 352899051833050 with SIM No.899770212212775989. 8. Nokia E 50/1 Phone with IMEI No.351895/01/028981/5. 9 DVD 10 Nos. Items recovered from Accused No.2 Asdullah Akthar are 1. Samsung GTC Mobile 3303 1 with IMEI No.35846901/1266805 with N Cell SIM No.899770212212027258, 2. Kingston 4 GB Pen Drive. 3. Video Game Port GADMEI-TV-3820E. He stated that in the first charge sheet filed on 17-07-2013 in RC.NO.06/2012/NIA/DLI, he had mentioned various hideouts of accused No.5 Mohammed Ahmed Siddibapa, Accused No.2 Asdullah Akthar, Accused No.3 Waqas and accused No.4 Mohd.Tahseen

Akhtar which were used previously by them. He stated that the identity of accused No.5 Mohammed Ahmed Siddibapa was known in the year 2008 after the Batla House Encounter on 19-09-2008. He stated that he had mentioned in the charge sheet filed in RC.No.06/2012/NIA/DLI, that case is a case of conspiracy alleged against various members of Indian Mujahideen which is still continuing. He did not examine any person from any press or TV channels as to who issued the statements on behalf of Indian Mujahideen when ever blast took place in the country and from which IP address and places those statements were made on behalf of Indian Mujahideen. He added that various investigating officers have dealt with the same and they are witnesses in RC.No.06/2012/NIA/DLI and certified copies of those documents were filed. He stated that no persons from any press or TV Channels was examined as a witness by him in RC.No.06/2012/NIA/DLI. He stated that he is giving evidence in this case only in respect of investigation done in RC.No.06/2012/NIA/DLI. He stated that various materials seized in RC.No.06/2012/NIA/DLI at Hyderabad and Mangalore which were material to this case were transferred to this Court. He stated that the proceedings under ExP98 to ExP107, ExP189, ExP190, ExP259 to ExP261 and ExP459 to ExP472 and MO158 to MO160 were done by the respective NIA officials in RC.No.06/2012/NIA/DLI. He stated that PW91, PW99 and PW81 were originally cited as witnesses in the charge sheet filed by him in RC.No.06/2012/NIA/DLI. He stated that he was present at the time of arrest of Accused No.2 Asdullah Akthar and Accused No.5 Mohammed Ahmed Siddibapa on 29-08-2013 and they were produced before Hon'ble Chief Judicial Magistrate of Motihari at Bihar State. Both of them were taken to New Delhi on transit warrant for three days and produced before NIA Special Court, Patiala at New Delhi on 30-08-2013 and they were granted policy custody till 10-09-2013 and then police custody was further extended till 17-09-2013. He stated that Accused

No.2 Asdullah Akthar was given transit custody to NIA police Hyderabad on 17-09-2013 by the Special Court, NIA, New Delhi and they were taken away by the NIA police, Hyderabad on 17-09-2013 to his memory. He stated that Accused No.2 and 5 were in police custody from 30-08-2013 to 17-09-2013 and Accused No.5 Mohammed Ahmed Siddibapa was in his police custody till 21-09-2013. He stated that he has mentioned in his charge sheet in RC.No.06/2012/NIA/DLI on 11-09-2013 a memo was prepared for breaking of sealed envelope containing small papers/chits of various visiting cards, voter ID cards, driving licenses, handwritten chits etc., which were seized by them from the laptop bag of accused persons during the personal search of accused No.5 Mohammed Ahmed Siddibapa on 29-08-2013 at the time of his arrest. He stated that the sealed envelop which was opened on 11-09-2013 contained the following items as mentioned in para No.17-29 of charge sheet, dt: 20-02-2014 filed in RC.No.06/2012/NIA/DLI. Several visiting cards of Napalese firms, indicating their various types of activities of the accused persons in Nepal, in order to obtain cover for evading arrest. Visiting cards of chemical shop, visited for procurement of Sulphuric Acid used for titration of nitrocellulose which was used to prepare propellants for bullets at Mir Vihar Arms Factory. Phone Numbers including the numbers of the contacts of the accused Md. Ahmed Siddibapa's in Nepal and India (family members and associates) and the list of Dubai contacts, sent on chat by the absconding accused Afeef @ Mota including the members of the absconding accused persons Noor @ Anwar and Abdul Wahid @ Khan. Email ID's of other IM operatives including the email id of Waqas ([laho0@yahoo.com](mailto:laho0@yahoo.com)), and of Tahseen Akhtar @ Hassan ([ubhot4u@yahoo.com](mailto:ubhot4u@yahoo.com)), which was given to the accused A6 by Riyaz, to be used for contact with them and Nimbuzz ID of Riyaz Bhatkal - menothing1. Details about skype ID 'diwanapyarka114' rediff ID [guddukahke@rediffmail.com](mailto:guddukahke@rediffmail.com) and Yahoo ID's

[ggzw@yahoo.com](mailto:ggzw@yahoo.com), [jankarko@yahoo.com](mailto:jankarko@yahoo.com), [hbbahadur@yahoo.com](mailto:hbbahadur@yahoo.com), [halwawala@yahoo.com](mailto:halwawala@yahoo.com), [paell@yahoo.com](mailto:paell@yahoo.com) and Davidthapa177@yahoo.com. Fake identity documents including fake Election ID card from Kolkata, in the name of Sameer Suri, fake electrol identity card made in the name of Vinod Desai, used to receive money through Western Union money transfer and a citizenship certificate of Nepal, in the name of "Sheikh". He stated that the items mentioned in para 17.29 in the 2<sup>nd</sup> charge sheet, dated: 20-02-2014 filed in RC.No.06/2012/NIA/DLI in respect of Mohammed Ahmed Siddibapa (A5) are not specifically mentioned in para 17.6 of the said 2<sup>nd</sup> charge sheet but some of the items are mentioned. He stated that in para 17.6 in the 2<sup>nd</sup> charge sheet, dated: 20-02-2014 filed in RC.No.06/2012/NIA/DLI in respect of Mohammed Ahmed Siddibapa (A5) there is no mention of any sealed envelope containing certain other documents as mentioned in para 17.29 of the said 2<sup>nd</sup> charge sheet. He added that this envelope mentioned above was sealed in the presence of witnesses at the time arrest and it contained items seized from the accused person as mentioned in personal search memorandum. He added that as per charge sheet the sealed envelope as mentioned in 17.29 of the 2<sup>nd</sup> charge sheet in RC.No.06/2012/NIA/DLI was opened only on 11-09-2013. He added that in para No.17.20 and 17.21 in the 2<sup>nd</sup> charge sheet, dt: 20-02-2014 in RC.No.06/2012/NIA/DLI there is no specific mention that one expert by name Subramanya Babu (PW81) has assisted NIA officials of Delhi for extracting Emails chats vide ExP98 to ExP107 and also there is no mention in those two paragraphs in the 2<sup>nd</sup> charge sheet that Email extraction was done at Bavana CRPF Batallion, Head quarters at New Delhi. He added that the details have been mentioned in those proceedings under ExP98 to ExP107. He added that in this Ex.P98 to Ex.P107 there is no mention that he was present during those proceedings and that those proceedings were done under his direct

supervision and direction. He had not handed over ExP460, ExP462, ExP464, ExP465 and ExP467 to the Chief Investigating Officer of this case. He cannot say exactly whether these exhibits are copies of the original CD's which were received from US Department of Justice and Yahoo.in.co to his memory and he cannot say who prepared this CD's and from which source they were prepared. The items mentioned in Ex.P189 and Ex.P190 were not deposited in the concern Courts within whose jurisdiction they were seized. The witness volunteers that they were deposited in the Delhi Special NIA Court. He stated that if they don't request the yahoo messenger and any service provider to preserve the emails, then they may be deleted after three months of the date of non-usage of such emails by the service provider and subscriber will lose his email ID contents but it depends on the service provider as to such time provided any country or any investigating agency gives requisition to the concerned service provider to preserve the emails contents if they are required in investigation of terrorist case and in this case they have issued two such preservation request letters to yahoo incorporation, California vide request letters dt: 01-09-2013 and another request letter dt: 03-09-2013, which are marked as Ex.P473 and Ex.P474. He stated that they could not trace the original IP addresses from where the Email IDs mentioned in Ex.P473 and Ex.P474 were created and who created them in RC.No.06/2012/NIA/DLI, but they could analyze that proxy servers were used for operating those emails IDs. In case of one particular email ID menothng1 which was traced as belonging to Pakistan telecommunication Company Limited and letters rogatory has already been issued to the Government of Pakistan to ascertain the owner of the IP address. He stated that IP addresses are always dynamic and they keep on changing. He stated that they could not detect the IP addresses of the proxy servers in respect of email IDs mentioned in ExP473 and ExP474. He stated that he did not give any

evidence so far in respect of RC.No.06/2012/NIA/DLI before the Special NIA Court at Delhi in respect of what all he stated in his Chief Examination, as the trial has not commenced.

277. The learned Special Public Prosecutor relied upon a decision reported in 1997 SCC(Cri) 1032 STATE OF RAJASTHAN V/S BHUP SINGH. It is immaterial whether the information was supplied in connection with the same crime or a different crime.

**OWNERS AT ABDULLAPURMET:**

278. PW54 (Protected Witness) who is resident of Abdullapurmet for the past 20 years stated that her relative one Brahmaiah constructed a house in Abdullapurmet Village. After construction of the said house the said Brahmaiah did not occupy the said house as the daughter of the said Brahmaiah was about to deliver. So the said Brahmaiah asked her to show the said house to the prospective tenants and handed over the keys of the house to her. On one day in the first week of February, 2013 one student asked her to show the said house for tenancy and also informed her that he contacted the owner. Then she handed over the keys to the said person. The said student told her that the said Brahmaiah would come and talk to him on the next day. The said student is identified by the witness as the Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. On the day of bomb blast in the evening she came to know that the A4 handed over the keys to P.Venkateshwarlu (my husband). Ex.P44 is the signature of the witness (at page No.3) during TIP proceedings conducted on 28-06-2014 at Central Prison, Cherlapally.

279. During the course of Cross Examination, she stated that the NIA Police recorded her 161 Cr.P.C. statement at their office. She stated that she cannot state the name and designation of the officer who recorded her 161 Cr.P.C. statement. She stated that she did not state in her 161 Cr.P.C statement or 164 Cr.P.C statement or during

the TIP proceedings the name of A4. So also she did not state the descriptive particulars of that person in her 161 Cr.P.C statement or 164 Cr.P.C statement or during the TIP proceedings.

280. PW55 (Protected Witness) the husband of PW54 stated that they are residing at Abdullapurmet and own a house in the said locality. One Brahmaiah Chary who is their relative constructed a house in our locality and it was lying vacant. The said house was situated on the corner of the lane. The said Brahmaiah Chary was a resident of Kavadiguda, Secunderabad. Though the said Brahmaiah Chary wanted to occupy the said house but due to delivery of his daughter he didn't occupy the same. Then he placed a to-let board with phone number on the said house as it will take three months time for him to occupy the said house. He came to know that some persons under the guise of students contacted the said Brahmaiah Chary and took the said house on rent. His wife PW54 handed over the keys to the said persons in the first week of February, 2013. On the date of bomb blast at around 3 to 4 pm., A4 handed over the keys of the said house to him stating that his mother was not feeling well and he was going to Mumbai. The witness identified the said person who handed over the keys to him as the Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. The said house of Brahmaiah Chary is situated at a distance of 300 yards. The witness also identified the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed twice or thrice during their ingress and egress from the colony. To reach the above said new house one has to cross through his house. The A2 and A3 were staying along with A4 in the said house. From the date of bomb blast A2 to A4 were not found in that house. Ex.P45 is his signature on TIP proceedings dt.28-06-2014 conducted at Cherlapally Central Prison.

281. During the course of Cross Examination, he stated that he did not identify A2 and A3 in the TI parade. He stated that he has seen them only two or three times as such he could not identify A2 and A3 in the TI parade. He stated that he gave 164 Cr.P.C. statement before the Magistrate at Nampally Court. He stated that he did not enter into that new house of Brahmaiah Chary. There are 10 house between his house and house of Brahmaiah Chary. He is residing in one storied building. He stated that he can't say the date, time and the dress worn by the A2 to A4 when he saw them in the colony.

#### NEIGHBOURS OF ACCUSED AT ABDULLAPURMET:

282. PW60 (Protected Witness) who is an auto driver stated that he is residing at Abdullapurmet in plot No.99 and my neighbor Brahmaiah constructed a house in plot No.100. He put up a to-let board on his house with his mobile number. Two or three persons came on rent in the said house of Brahmaiah in the first week of February, 2013. As he did not construct the toilet in his house, he used to go outside in the open. Two or three times he had seen one tenant talking on the phone prior to the bomb blast at Dilsukhnagar and on one occasion he noticed the said person while he was carrying Bananas into his home. He was looking like a student and he was talking Urdu or some other language which he cannot understand. The said person is identified by this witness as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad whom he had seen. He did not see A2 from the next day of bomb blasts.

283. During the course of Cross Examination, he stated that he never had gone to NIA office, Begumpet. He stated that he was never examined by NIA Police in the NIA office. He stated that he did not inform to Saroornagar Police and LB Nagar and any other police that he noticed A2 as stated by him in the chief examination. So also he did not go to NIA office and give any statement as stated in his chief

examination. He stated that he cannot say the date and time when he saw A2. He stated that he never talked to the tenants of Brahmaiah. He stated that he do not know whether several students of other states stay in their area. He stated that the house of Brahmaiah is situated by the side of his house. He stated that he was not summoned by any Magistrate for identifying the accused. He stated that he did not state in his 164 Cr.P.C. statement that he saw A2 for two three times in their area.

284. PW62 Shaik Riyazuddin who is working in a private sector stated that he is residing at Abdullapurmet in plot No.102. One Brahmaiah who died owned a house in plot No.100. Some youngsters occupied the house of Brahmaiah as tenants in the middle of February, 2013. He usually leave house at 07-30 to 08-30 and come back in between 10-11:00 pm., from office. His wife complained that there were bachelors residing in the house of Brahmaiah adjoining their house. On one day morning between 07-30 to 07-45 am., he knocked the door of the above said persons but they did not open the door, then he went to his office. Two days thereafter he noticed one person sitting on the steps of the house of Brahmaiah while he was proceeding to office. Then he returned back and enquired him as to how many persons residing in that house. Then he stated that they were four persons staying in that house and he informed that they were studying in Brilliant College in final year of B.Tech. Then he asked his name who in turn informed that his name is Joshi. Then he also asked his mobile number and he gave his mobile number. Then witness was permitted to go near to accused persons and when the accused persons standing he identified the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad as the person who talked to him and whose name was informed as Joshi at the same time he noticed two other persons from the behind. The witness volunteers that could not identify those two

persons and due to lapse of time. Since the afternoon of the day of bomb blasts at Dilsukhnagar, the above said persons were not found. The witness identified his two signatures on his TIP statement which are marked as Ex.P54. Ex.P54 (A) is the second signature on TIP statement.

285. During the course of Cross Examination, he stated that he never went to NIA office at Begumpet. He stated that earlier only once he was summoned by the learned Magistrate. He stated that he did not state in 164 Cr.P.C. statement that "I usually leave my house at 07-30 to 08-30 and come back in between 10-11:00 pm., from office, my wife complained that there were bachelors residing in the house of Brahmaiah adjoining our house and on one day morning between 07-30 to 07-45 am., I knocked the door of the above said persons but they did not open the door, then I went to my office." He stated that he did not refer specifically in 164 Cr.P.C statement that "two days thereafter I noticed one person sitting on the steps of the house of Brahmaiah while I proceeding to my office." But he stated that the said Joshi was sitting on the steps. He stated that his statement was recorded by the learned Magistrate at the time of conducting TIP proceedings. He stated that he did not give the cell phone number given by the said Joshi before the Magistrate during 164 Cr.P.C statement and TIP proceedings. He stated that he only stated that the said Joshi gave the cell phone number. He stated that he participated in the TI parade twice. On the first occasion on 28-06-2014 he could not identify any accused. He stated that due to lack of sufficient light and more distance and due to placing of 15 persons at a time as suspects and non-suspects he could not identify any accused. Though he complained to the Magistrate, it was not recorded in the TIP proceedings. He stated that two months after the bomb blast the said Brahmaiah died. He stated that the said Brahmaiah was aged 65 years. He stated that he did not give any complaint to Saroornagar Police in spite of not finding the above said persons

immediately from the date of blast. He stated that till he received summons from the learned Magistrate to appear in the TI parade, what all he stated in Chief Examination he did not tell to anybody. He stated that he stated in his statement during TI parade that Mr.Brahmaiah got tin sheeted shed adjoining to his house.

OWNER OF MAHALAKSHMI STEEL SHOP:

286. PW58 Mohanlal Sencha who is running a steel utensil shop situated at LB Nagar. His son LW214 Suresh assists him in running the shop. They sell in shop mixes, cooker, gas stove and other home appliances. They usually close shop at 09-00 pm.,. One day prior to the bomb blast three persons came to shop and two out of three persons were standing outside the shop at a distance of 6 feet to him. One person asking him to sell two cookers of same big size. Then the said person was talking in some other language which doesn't belong to South or North India. Then they packed two cookers of big size. They were looking like college students but there were no colleges nearby. These three customers were unusual to shop because they normally get lady customers. He identified the said persons as the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed, Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. The witness identified A2 as the person who came inside the shop. On the next day he came to know that the blast took place at Dilsukhnagar as there was news item that cooker was used in the bomb blast, the said accused were fixed in his mind. The witness identified his signatures on TI parades conducted on 19-10-2013 and on 28-06-2014. Ex.P50 is his signature on TI parade conducted on 19-10-2013 and Ex.P51 is his signature on TI parade conducted on 28-06-2014.

287. During the course of Cross Examination, he stated that he did not go to the NIA office at Begumpet. He stated that never

gave any statement before Magistrate. He stated that he remembers giving statement at Nampally Court. He stated that what all he stated in his chief he stated before the Magistrate for the first time and he did not state these aspects to anybody till he gave the statement before the Magistrate. He is the owner of the said shop. He stated that he did not mention in 164 Cr.P.C. statement that he is the owner of the said shop. He is running the shop in the premises on rent but he did not tell the same before the Magistrate. There is no record to show that he sold two cookers to the above said two persons. He stated that many companies manufacture pressure cookers. He stated that he did not state before the Magistrate as to the manufacturing company of the cooker. He stated that he did not state in 164 Cr.P.C. statement that "one day prior to the bomb blast three persons came to our shop and two out of three persons were standing outside the shop at a distance of 6 feet to me and one person asking me to sell two cookers of same big size and then the said person was talking in some other language which doesn't belong to South or North India and then we packed two cookers of big size and they were looking like college students but there were no colleges nearby, these three customers were unusual to our shop because we normally get lady customers." He is paying Income tax and sales tax. He stated that he did not state in 164 Cr.P.C. statement that A2 is the person who came inside the shop. He stated that he did not know the designation of the person who served summons on him and did not ask his ID card before giving statement U/Sec.164 Cr.P.C statement. He stated that he cannot say what all items sold on that day or on subsequent day. He stated that if some persons purchases some items which were rarely sold of old stock, they will remember those customers. He stated that he did not give any complaint to either to LB Nagar Police or Saroornagar Police that some persons purchased two cookers from the shop. He stated that he did not visit the scene of

offence and he cannot say what caused the blast. He stated that he did not hand over the records of sale of cookers and other house hold items for the period from 2010 onwards to the Magistrate who recorded his statement or to the Police. He stated that he cannot give the details of the items sold on that day and the names of the customers thereon. He stated that till he gave 164 Cr.P.C. statement before the Magistrate he did not tell about the sale of two pressure cookers to the persons who came to him on 20-02-2013 to the shop.

**MAGISTRATE WHO CONDUCTED TIP OF A3 & A4:**

288. PW130 Radhika Jaiswal who is working as VIII Metropolitan Magistrate, Cyberabad since April, 2014 stated that she had received the nomination letter from Hon'ble II Additional Assistant Sessions Court vide Dis.No.249/2014 dt.12-06-2014 to conduct test Identification parade of the accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed and the Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu on that as per the procedure she had issued summons to the witnesses and taken permission from the concerned Authority to go and conduct test identification proceedings at Cherlapally Jail on 28-06-2014 she issued summons to all the witnesses. Ex.P414 is the Nomination letter. On 28-06-2014 she proceeded to Central Prison, Cherlapally and conducted the test identification proceedings of A3 and A4. For accused No.3 list of 14 witnesses were given and for A4 the list of 8 witnesses were given. The proceedings were conducted in the Conference Hall of the Jail which was not visible from the other portions of the Jail. As per the list of witnesses LW1 to 7 witnesses were common for the both the accused as such the non-suspects were selected keeping in view the similar age, height, similar complexion in appearance. Even she asked the suspects whether they have any objections for these proceedings and they replied that they have no objections. Thereafter the suspects and non-suspects stood in

a row from left to right. The proceedings were typed by her Typist simultaneously. All the proceedings are recorded as per the procedure and while conducting the proceedings no one was present except the witnesses, suspects and non-suspects, herself and her Typist. All the precautions were taken while conducting the proceedings and the witnesses were also not allowed to meet the other witnesses who have already undergone the process of test identification proceedings. Ex.P415 is the proceedings of test identification parade dt.28-06-2014 conducted at Central Prison Cherlapally containing 16 sheets. The said proceedings were typed to her narration simultaneously and the signatures of suspects and non-suspects are also obtained in Ex.P415. Ex.P416 is the letter addressed to the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad enclosing the proceedings under Ex.P415. Ex.P44, 45, 51, 47, 58, 52, 73, 413, 82 are the signatures of the witnesses which form part of Ex.P415.

289. During the course of Cross Examination, he stated that he did not examine the witnesses and record their statements before conducting Test Identification parade. She stated that the witnesses did not attribute any individual specific overtacts at the time of identifying the suspects. She stated that he did not ask the witness specifically about the individual overtacts of the persons whom they identified. She stated that she did not ask the witnesses whether they participated in test identification parade in this case earlier and the witnesses also did not voluntarily state before her that whether they participated in test identification parade in this case earlier. She stated that the witnesses were wearing scarfs/handkerchiefs while identifying the suspects. She stated that the witnesses did not complain before me that the distance between them and the accused is too long and that there was very poor light causing poor visibility as such they could not identify some of the suspects. She stated that she did not mention

specifically in Ex.P415 about the facial descriptions, height and colour of dresses worn by the non-suspects. She stated that she did not give any directions to the Jail Authorities to provide the suspects with additional dresses for use during Test identification parade. She stated that she have informed the suspects that they can change their dresses. She stated that one witness by name Shaik Riyaz (PW62) did not identify both the suspects in her proceedings under Ex.P415. She stated that PW55 did not identify A3 during the Test Identification proceedings vide Ex.P415. Similarly (PW58) Mohan Lal did not identify A3 in her proceedings vide Ex.P415. Similarly (PW56) did not identify A3 in her proceedings vide Ex.P415. Similarly Shaik Ismail (PW57) did not identify both the suspects in her proceedings vide Ex.P415. Similarly PW67 did not identify A4 i.e., Tahseen Akthar in her proceedings vide Ex.P415. Similarly Merugu Illaiah (PW59) did not identify both the suspects in her proceedings vide Ex.P415. Similarly PW72 did not identify A3 but wrongly identified another non-suspect. Similarly PW73 did not identify A3 and identified some other non-suspect wrongly. She stated that in Ex.P415 she had mentioned that both the suspects have complained before her that the Police have brought some persons and showed them to those persons when they were in Police Custody.

290. During the course of Re-Examination she stated that out of fear of the suspects the witnesses had covered their faces with scarfs/handkerchiefs. She also stated that the witnesses are of different ages and some of them were wearing spects. She also stated that the vision power of individuals differ. Ex.P415 does not reveal that the witnesses were questioned about the distance and light during the identification process.

291. During the course of Cross Examination, he stated that whatever she stated in her re-examination is not mentioned in Ex.P415. She also stated that it is not mentioned in Ex.P415 that the

witnesses complained before her that they are afraid of the accused as such they wanted to cover their faces with scarfs/handkerchiefs during the Test identification parade proceedings.

FRIENDS OF A4:

292. PW82 Md.Asif Iqbal who is resident of Ranchi stated that he was studying DME at Chennai. He met one Sameer when he was in Ranchi. He was staying in the adjacent room in chotu lodge where he was staying. They were conversing regularly and he informed that he wanted to do MBA. He tried to get him admission in Chennai but failed. He expressed that he wanted to study MBA in Hyderabad. One of his cousin brother Sharique Iqbal (LW448) was studying Diploma in Hyderabad. Then he gave address and phone number of his cousin to Sameer. Then Sameer went to Hyderabad and met his cousin. His cousin brother informed that his friend Sameer had met him in Hyderabad and was staying in his room. The witness identified the said Sameer as Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu.

293. During the course of Cross Examination, he stated that he does not remember the phone number and address of his cousin brother which he had given to the accused No.4. He had seen the photographs of the accused at the time of incident. He denied that he is deposing falsehood only at the instance of the NIA police.

294. PW83 (Protected Witness) stated that during the year 2012 he was studying in St.Mary College, Deshmuki Village, Batasingaram. He was residing in a room along with his friend in Deshmuki Village. PW82 is his cousin brother who was in Ranchi at the relevant time. In the last week of January, 2013 PW82 called him and informed that his friend by name Sameer was interested in studying MBA and he would come to his place. PW82 asked him to show the college. The said Sameer came to him two days after his cousin PW82 called him. After Sameer came, he stayed with them for 3-4 days. After

4 days he left to Ranchi. From Ranchi he called his roommate who informed that the said Sameer stayed for one day and left. The witness identified the said Sameer as Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu.

295. During the course of Cross Examination, he stated that he was not summoned any Magistrate for identification of the accused. He stated that he cannot tell the mobile number from which his brother called and his number and the number from which the accused called him. He had seen the photos of the accused in Jharkhand. He does not know anything about the accused.

**SELLER OF Mo.6 CYCLE:**

296. PW56 (Protected Witness) who is running Auto to eke-out his livelihood stated that previously for about 20 years he used to do business by assembling cycles by buying parts of the cycle from Lohe-ki-mandi. After assembling cycles he sell them in Jumerath Bazar near Puranapool. The said Market at Jumerath Bazar is held only on Thursdays. He assemble two cycles weekly and after selling them at Jumerath Bazar he again assemble two cycles and sell the same in the said market. He is not having any shop particularly but on every Thursday people come and sell in the open ground. He sell cycles only at particular place in that market near opposite to Masjid. On a Thursday two persons came to him and asked for purchasing a cycle, he told the price of a cycle as Rs.1,700/- but the said two persons bargained for Rs.1,500. Then he sold it for Rs.1,500/- . Generally the Municipal authority collects Rs.40/- on every sale of cycle. Then he asked the above said two persons to pay Rs.40/- and obtain a receipt but they refused to pay and obtain receipt. At the time of conversation with them he observed their language was not local language. On the same day in the evening at 07-30 pm., he came to know that there was a bomb blast near Saroornagar. He came to know that the bomb was

placed on a cycle. He was scared as he have sold a cycle on that day. The witness identified the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad as one of the above said two persons who purchased the bicycle. The witness identified the cycle which is already marked as Mo.6 which he sold away to A2 and another. He found that Police were making enquires at Jumerath Bazar about sale of cycle as such out of fear he stopped going to Jumerath Bazar for 5 to 7 months. Then one Police officer after about 7 months came and served a summon to identify the cycle which was sold by him on the day of the blast. He identified Mo.6 cycle among 3-4 other cycles in the Magistrate Court. Ex.P46 is the proceedings of the Identification of cycle conducted by a Magistrate on 07-06-2014. He identified the said cycle because the same was assembled by him using different company parts (Ralco tyre, KW handle, Hercules frame). His signature on TIP proceedings dt.28-06-2014 is Ex.P47. At this stage, the witness was partly resiled from 161 Cr.P.C. Statement. During the Cross examination by learned Special Public Prosecutor he stated that he participated in the TI parade. Now he remembered that during the TIP proceedings he identified two persons. At this stage the witness identified the Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh wrongly in place of A4 as the second person among the two persons. Ex.P48 (relevant portion) is the relevant portion of 161 Cr.P.C. statement and 164 Cr.P.C. Statement.

297. During the course of Cross Examination, of the accused he stated that this is the first time he is giving evidence before the Court as a witness. He stated that he never gave any evidence in Nampally Court. He stated that he cannot give the names of the persons to whom he sold away the cycles from 2010 onwards. He stated that he can identify the purchasers and the cycles if they are shown to him. They don't maintain any records for selling away the

cycles. He stated that he not holding any license to do business at Jumerath Bazar. He stated that immediately after hearing about the blast at Saroornagar he did not give any complaint to the Police Stations at Hussaini Alam, Saroornagar, Malakpet and Santhoshnagar on the same day. He stated that never went to any police station particularly to the NIA police in connection with this case. He stated that he did not give any complaint or state to Police that he sold away particular cycle to particular persons on the date of blast till the NIA Police served summons on him. He stated that he had no records to show that he used to purchase spare parts of the cycles and after assembling he used to sell away them every week at Jumerath bazaar. He stated that he is running an auto No.5844 to eke-out his livelihood for the past four years.

298. At this stage the learned PP submitted that at the time of identification of the accused this witness correctly identified A2 but instead of A4 he identified A5 as all the accused persons were wearing similar dress and having beard and also putting some monkey caps on their faces while entering into Court, therefore out of confusion this witness could not identify A4.

#### SELLER OF Mo.5 CYCLE:

299. PW57 Shaik Ismail who is running a puncture shop at Malakpet gunj 1<sup>st</sup> gate since 10 years stated that two days prior to the bomb blast he purchased an old cycle from one Mallaiah (LW217) who is hamali in Malakpet gunj. The said cycle was repaired by replacing with a big handle and ganga tyre. Two persons came to him to purchase the said cycle two days prior to the bomb blast. The said two persons enquired him whether he was going to sell away the said cycle. Then he told Yes he is going to sell away for Rs.1,500 but they bargained for Rs.1,400/- and the said persons gave me 500/- rupees as advance. On the next day the said two persons came and one person paid Rs.900/-

and another person was standing nearby. The said two persons are identified by the witness as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, the Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. After selling away the above said cycle he did not sell any other cycle. The witness identified the said cycle as Mo.5. He identified MO.5 as he fitted a big handle to it which belongs to a rickshaw. He also participated in the TI parade under Ex.P46 (property identification) which contains his signature in page No.3 and he also participated in TI parade for identification of the accused. The witness identified his signature on TIP proceedings conducted at Cherlapally Central Prison which is marked as Ex.P49. After the bomb blast he was scared listening to the news that the bomb blast was carried out on a cycle. He closed his shop for two weeks on coming to know that the Police were making enquires. 5-6 months thereafter the accused in bomb blast case were arrested as such he volunteered to give statement before Magistrate after receiving summons.

300. During the course of Cross Examination, he stated that he purchased a cycle two days prior to the date of the blast in the morning and he repaired the said cycle by the evening. He stated that he never went to the NIA office. His statement was not recorded by any NIA official. He stated that he did not go to scene of offence on the day of blast. He stated that he did not give any complaint to the Police of Saroorangar, Chaderghat, Malakpet stating that two persons came and purchased one cycle. Till the time he received summons from the NIA officials to give a statement under section 164 Cr.P.C. statements he never stated these aspects to anyone. He stated that he cannot give the designation of the person who served summons on him before recording statement U/Sec.164 Cr.P.C. Totally he received summons thrice before recording 164 Cr.P.C statement. He is running a iron tin dabba which can be locked by keeping cycle repair instruments and he

sat outside and work and he is not having any license for running the above said cycle shop dabba. He stated that he did not in 161 Cr.P.C. statement that he had a shop situated at Malakpet specifically. He stated that he is running puncture-ka-dabba. He stated that he did not state before the Magistrate that two persons came before him three days prior to the bomb blast and purchased the cycle for Rs.1,400/- and took it away on the same day. He stated that he don't have any record to show that he sold Mo.5 to the above said accused. He stated that last week and before last week he came to this Court for the purpose of giving evidence.

301. PW61 Vankolla Mallaiah who is a Hamali at Malakpet gunj for about 3-4 years stated that he owned a cycle which he had sold to PW57 Shaik Ismail 15-20 days prior to Dilsukhnagar Bomb blast for Rs.300/-.

302. During the course of Cross Examination, he stated that he brought his Aadhar Card as ID proof and at this juncture the learned counsel pointed out that the name printed on the Aadhar Card is "Qnka Mallesh", S/o.Qnka Timanna with the year of birth as 1978. The Xerox copy of this Aadhar card as Ex.D2 after verifying the same with the original which was produced by the witness. The Court observed that the photograph of the witness in Ex.D2 Aadhar Card is not in dispute as per the learned Special Public Prosecutor and the learned defense counsel. It is also observed by this Court that the defense counsel did not raise any objection during the chief examination. He received Aadhar Card the original of Ex.D2 through post after verification by concerned Authorities. He is receiving all the Government subsidies by the name as mentioned in Aadhar Card. His father is also called as Yerra Timmanna.

303. During the course of Re-Examination he stated that he does not know reading and writing English and he does not know

what is written in Ex.D2 and the concerned officials have taken down his name before issuing Aadhar Card.

**ASSISTANT INVESTIGATING OFFICER:**

304. PW135 Md.Tajuddin Ahmed who is working as Assistant Commissioner of Police, Central Crime Station, Hyderabad since 01-12-2014 stated that prior to that, he worked as Deputy Superintendent of Police, NIA, Hyderabad from 01-11-2010 to 31-10-2013. During his tenure in NIA, Hyderabad as per the instructions of Chief Investigating Officer Sri.Sunil Emmanuel he secured the presence of witnesses PW56, Shaik Ismail (PW57), Mallaiah (PW61) at NIA office, Begumpet on different dates and he examined them and recorded their statements under Section 161 Cr.P.C. Further on 29-09-2013 he visited shop No.2 at Temple Complex, LB Nagar, Hyderabad and examined (PW58) and Suresh Kumar Sencha (LW214) and he assisted the Chief Investigating Officer.

305. During the course of Cross Examination, he stated that he had no prior acquaintance with PW56, PW57 and PW61. He stated that he cannot say the exact dates on which he visited the places like Jumerath Bazar, Malakpet etc., On the respective dates, mentioned in 161 Cr.P.C statements of PW56, PW57 and PW61 he informed the witnesses through his staff to come to NIA Office at Begumpet but he cannot say the particulars of the staff whom he sent on those dates. He denied that he had never examined or recorded the statements of PW56, PW57 and PW61 at NIA Office, Begumpet and that he fabricated the statements of these witnesses to suit the prosecution case. He stated that the NIA Office, Begumpet looks like a house in Begumpet Area and not like police station. He stated that there is a board "the National Investigation Agency, Hyderabad" at their office at Begumpet. He stated that he did not go to LB Nagar and record the statement of

PW58 and LW214 and that he fabricated their statements to suit the prosecution case. He stated that PW56, PW57, PW61 are the stock witnesses of the Local Police Stations where they were as such they were summoned by him by contacting the Local Police. He stated that the Local Police has no role in the examination of these witnesses. He stated that he had not played any role in the investigation of this case. He stated that he accompanied the accused No.2 and 5 when they were taken to Miyapur Court for recording 164 Cr.P.C. Statements. He stated that he had forcibly taken the accused No.2 and 5 to Miyapur Court for recording their 164 Cr.P.C statements and that 164 Cr.P.C statements were recorded on the basis of papers showed by him to the concerned Magistrate.

#### MAGISTRATE WHO CONDUCTED TIP OF Mo.5 & 6 CYCLES:

306. PW114 Ch.Venkateshwara Rao who worked as III Metropolitan Magistrate at Hyderabad between 05-04-2014 to 31-07-2014 stated that on the requisition filed by the Chief Investigating Officer, DSP, NIA, Hyderabad to conduct Test Identification Parade of seized damaged two bicycles from the place of blast in this case and in view of the proceedings of the Hon'ble Chief Metropolitan Magistrate, Hyderabad dt.28-05-2014 nominating him to conduct Test Identification parade of the said two bicycles Mo.5 and Mo.6 and issue summons to the witnesses to PW56 and PW57 Md.Khaja Pasha and Shaik Ismail respectively, he issued summons to them fixing the Test Identification parade on 07-06-2014, on which date, the Chief Investigating Officer filed memo with served summons of the witnesses. The said witnesses were present and he recorded their statements which were incorporated with proceedings i.e., Ex.P46. After recording the statements of the witnesses he entered into the Court Hall where the Chief Investigating Officer produced two half damaged cycles with dents whose details are mentioned in the Test identification proceedings. The CIO also

produced four damaged similar parts of the cycles of the two material objects No.5 and 6 seized in the case as directed by the Court. The description of the said four items are with the company emblems of one Atlas Company and one A1 Company and two Hero Company. The Mo.5 and 6 are mixed with the said damaged cycles. Later he called PW56 and asked him to identify the cycle sold by him to unknown persons. He identified the material object No.6 on seeing the English letters 'KW' on the handle and also the fork of the cycle as if it is a Herculais cycle part and also ralco tyre and he asked him to leave the Court hall. He called the second witness, PW57 Shaik Ismail and asked him to identify the cycle which was sold by him to unknown persons. He identified Mo.5 which is half of the damaged cycle produced by CIO stating that the cycle is make of 'Atlas' as written on the fork frame and also Ganga tyre, then he asked the witness to leave the Court Hall. The Proceedings under Ex.P46 were concluded. Ex.P46 is the Test Identification Parade Proceedings conducted by him. He also obtained signatures of PW56 and 57 on their statements. Ex.P333 is the requisition filed by the Chief Investigating Officer, NIA, Hyderabad. Ex.P334 is the proceedings Chief Metropolitan Magistrate, Hyderabad dt.28-05-2014 nominating him to conduct Test identification parade. He submitted Ex.P46 with its enclosures Ex.P333, P334 with a covering letter which is Ex.P335 to I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad on 14-07-2014.

307. During the course of Cross Examination, he stated that in Ex.P46 both the witnesses PW56 and PW57 stated before him in their statements that they sold one old cycle each to two unknown persons in the month of January, 2013. He stated that in Ex.P46 both the witnesses PW56 and 57 did not state before him the descriptive particulars of the old cycles sold by them to the unknown persons. He stated that in Ex.P46 both the witnesses PW56 and 57 did not state

before him the descriptive particulars of the unknown persons to whom they sold the cycles. He stated that in Ex.P46 the slips signed by the panch witnesses were not available on the material objects Mo.5 and 6.

308. During the course of Re-Examination he stated that he did not ask PW56 and 57 about the descriptive particulars of the cycles and unknown persons who purchased both the cycles.

309. During the course of Cross Examination, he stated that the question No.3 in Ex.P46 is: "Do you know about this case?". He stated that while answering question No.3 what both the witnesses PW56 and 57 stated he recorded.

#### MALAKPET PARKING CONTRACTORS:

310. PW67 (Protected Witness) who is an Agriculturist at Godavari-Khani, Kharimnagar stated that from 16-03-2012 he was employed by PW66 on a target basis for one year. He had to pay to PW66 Rs.95,000/- every month as per the above said target and the remaining amount is profit. The said parking was being maintained by him and his younger brother. From morning 09-00 to evening 09-00 pm., he used to maintain the said parking and his younger brother used to maintain rest of the time. On 20<sup>th</sup> February about three years ago at about 12-00 in the noon three persons came to the parking with a cycle and parked the said cycle in the parking area. All the three persons appeared to be stylish wearing Jean pants and T-shirts. One person was six feet height and two persons are in medium height of 5.5. After parking the said cycles all the three persons left by an auto. On 21<sup>st</sup> February at about 01-00 pm., two persons out of above said three persons again came to his scooter parking with another cycle and parked the second cycle in their parking stand. Then he sent his worker Srinivas to enquire about the reason for parking cycle. Then the said person enquired them, on that they stated that both the cycles were under repair and they would take it away after some time. On the same

day at about 04-30 or 05-30 pm., the above said three persons who came on the previous day also came and one person was standing outside the road and two persons came to the cycle stand wearing caps and also wearing bags on their backs. The person standing outside on the road at a distance of 10-15 feet was having two boxes holding in his hands. The two persons at the cycle stand took their previously parked two cycles and gave one cycle to the person outside on the road and that person peddled the cycle and these two persons peddled another cycle and proceeded towards Dilsukhnagar side. On the same day night at 08-00 pm., he came to know that there was bomb blast at Dilsukhnagar. The person who was holding the box outside the road is identified as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed and the other two persons are identified by the witness as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. Except the A2, A3, A4 no other persons accompanied them on the said two days. As A2, A3 and A4 were looking posh and they were not looking persons maintaining the cycle as such he identified them and also for the reason that he came to know through news that the blast occurred due to bombs placed on the cycles. Ex.P58 is the signature on the Test Identification parade proceedings on 28-06-2014 at Cherlapally.

311. During the course of Cross Examination, he stated that his date of birth is 21-08-1986. He stated that as on the date of giving evidence he is 36 years and two years ago he was 34 years old. He is not having any document to show that he worked under PW66 for maintaining the parking lot at Malakpet Railway station. He stated that he did not state in 161 Cr.P.C statement specifically that he is Sub-Contractor and the parking lot was taken for Rs.95,000/- per month and he did not state as in Ex.D4. He stated that he stated in his 164 Cr.P.C. statement that he had taken Malakpet Railway Station parking lot

between 16-03-2012 to 23-04-2013 as a Sub-Contractor from PW66 but infact he is not the Sub-Contractor to PW66. He stated that he did not take the above said parking lot on rental basis @ Rs.95,000/- per month. All types of vehicles are being parked in parking lot. The total extent of parking lot is of 1 ½ acres and there are two entrances to the parking lot one on the east and one on the west. They are maintaining the token system of Railway Department. They charge Rs.3 for a two wheeler for six hours. For three wheelers they charge Rs.15/- for 12 hours and they charge Rs.10/- for car for 3 hours and they charge Rs.5/- for cycle for 24 hours. He stated that he did not state in 161 Cr.P.C. as well as in 164 Cr.P.C. statement and during Test identification parade about charges and token system and token issued to the accused and money collected from them. He stated that he cannot say as to how many persons came to the parking lot and what dresses they were wearing and what vehicles they brought on 20<sup>th</sup> and 21<sup>st</sup> February. Himself and his worker only maintain the entire parking lot and his worker keeps writing the vehicles list. The Police did not seize any records of parking of vehicles. Any person can park his vehicle in parking lot and that it is not mandatory that only persons travelling in the trains only park the vehicles. He stated that he did not lodge any complaint with the Chadarghat or Malakpet P.S. alleging all that he stated in his chief examination today. He He stated that he never went to NIA office, Begumpet at any time. He stated that never voluntarily went to NIA office to give a statement. He stated that NIA police came and recorded his statement. The Police recorded his statement by hand written. He cannot give the designation of NIA police who recorded his statement. The Police never shown to him any photograph when they came to record his statement. He stated that he do not know the auto number by which on the first day the accused proceeded. So also he stated that he cannot give auto number by which they came on the next

day. He stated that he cannot say the colour and design of the dresses worn by the accused on the both the days. This is the first time he is giving evidence before the Court. What all he stated in his chief examination he did not state to anybody till the time the NIA police came to him. The Police did not ask him to identify the broken cycles. He stated that he did not state in his 161 Cr.P.C. as well as in his 164 Cr.P.C. statement and in Test identification parade proceedings that he was working with PW66 Md.Ayub as a worker. He stated that he identified one person during test identification parade. He stated that he did not state in his 164 Cr.P.C statement and 161 Cr.P.C statement and test identification parade the descriptive particulars of both the cycles brought by the accused for parking. He stated that he did not state in his 164 Cr.P.C. statement and the statement during Test identification parade that the accused were holding carry bags. He stated that he did not state the colour and size of the box held by the third person standing on the road on that day.

312. PW66 Md. Ayub stated that he undertake Railway parking contracts of Railway Stations. For the years 2012, 2013 and 2014 he had taken the parking contract of Malakpet Railway Station. He had given the said contract for management to one Venkatesh, R/o.Karimnagar on a monthly target basis. During January and February, 2013 the said Venkatesh was taking care of the parking contract in Malakpet Railway Station and thereafter he left.

313. During the course of Cross Examination, he stated that the said contract is a Railway Contract after inviting tenders and bidding took place and as he was the best bidder he was given the said contract. He got this contract on his individual name. For many other parking in the same Railway Division (Hyderabad) i.e., Kurnool, Gadwal, Mahaboobnagar, Kachiguda he got the contracts for limited periods. He had not given the Malakpet parking for sub-contractor but he had given

it for parking Management on target basis. He stated that he did not hand over any document to the police to show that all the parking areas are given to management. The witness volunteers that he has given only one Malakpet Railway station area to be managed by one Venkatesh. He stated that there is no document to show that he had given Malakpet Railway station parking area to one Venkatesh as he is his employee. He stated that as per Government contract he had not to sub-let to anybody. He had not stated in his 161 Cr.P.C. statement as in Ex.D3 that "as I am engaged with other business and parking lots I have given this Malakpet parking lot on a monthly lease to one Sri.Tadhaboina Venkatesh, S/o.Rajaiah, Age: 32, R/o.H.No.14-3-27, Jawaharnagar, Godavari-khani on a monthly rental of Rs.95,000/-". No written agreement was prepared for that lease and that the sub-lease period was from 16<sup>th</sup> March, 2012 to 23<sup>rd</sup> April, 2013 and that after the lease period of that said Venkatesh I have given the same to one Dasarath who is presently maintaining the said Malakpet Railway Station parking".

TV9 REPORTER:

314. PW143 T.Nageshwar Rao who is working as TV9 News Channel Senior Reporter for the past 11 years stated that on 21-02-2013 they came to know that bomb blasts took place at Dilsukhnagar at around 06-50 pm., and he reached scene of offence at 07-30 pm., he got video-graphed the scene of offence and dead bodies and the wreckage of the impact of the blasts. Then one person by name Merugu Illaiah (PW59) came to him and stated that he has seen one person having parked a cycle mounted a box which might have resulted in the blasts. He also stated the identification particulars of the said person, as the said person was having beard. He crossed the road after observing the said person and there was a blast. Then he requested the said person to give his interview, then he refused to do so out of fear,

then he asked him to cover his face with cloth and then he gave his interview. He also promised to him that he will not reveal his identity to any one and within ½ hour the same was tele-cast. Ex.P444 is the CD of the telecast. Ex.P445 is the certificate Under Section 65-B of Indian Evidence Act provided by him authenticating the content of the CD. Ex.P446 is the letter addressed to the Managing Director TV9 requesting for providing the said telecast by NIA Police. Ex.P446 was received by him. He provided the details of Merugu Illaiah to the NIA Police in September, 2013.

315. During the course of Cross Examination, he stated that he did not inform to any one that he interviewed one of the witnesses at the spot on 21-02-2013 until he received the letter from the NIA, Hyderabad on 11-06-2013. He stated that the recorded interview was telecast on the same day after half an hour of recording it and that itself is an information to everyone and he is also seen in the interview. There are about 10-12 Reporters in TV9 News Channel. Within one week approximately from 21-02-2013 he received a phone call from NIA Office directing him to come to NIA Office at Begumpet. He was asked by the NIA Police to contact the person who gave the interview on 21-02-2013 and when he contacted him, he refused to come out of fear. He stated that in Ex.P446 there is no mention that Managing Director of TV9 received and also there is no endorsement of the Managing Director of TV9. He stated that in Ex.P446 there is no mention of the name of the person whom he interviewed but it was only mentioned that it was a 'masked person'. He stated that in Ex.P446 there is no mention that he was the Reporter of TV9 who interviewed the mask man. He stated that the name of the person whom he interviewed on 21-02-2013 is not mentioned in Ex.P445 (certificate). He stated that he did not state in 161 Cr.P.C Statement dt.12-06-2014 before the NIA Police about the name of the person whom he

interviewed on 21-02-2013 as by that time the name and particulars of the person were not known to him. His job as a Reporter is Field work and every day they go to Office to report back what news item they have collected on a particular day. He stated that the Master Computer is located at Banjara Hills Road No.3 of III Floor of building. One Chandra Mouli is in-charge of the Master Computers. He stated that whatever video recordings they collect in the form of CD/DVD or Micro Chip or Cassette will be uploaded by them in the Office Computers and then it will be telecasted. After the telecast is over for that day, they will be stored in the library for which one Chandra Mouli is in-charge. He interviewed the mask man on 21-02-2013 at about 10-00 pm... He stated that he did not state before the Police that the masked man who gave interview on 21-02-2013 gave him descriptive particulars of the person who parked the cycle. He stated that the mask man whom he referred in Chief Examination is Merugu Illaiah (PW59) gave descriptive particulars during his interview. He stated that he stated before the Police in 161 Cr.P.C Statement as in Ex.D6. He stated that his Statement was recorded on 12-06-2014 by Sri.M.Venkatadri, Deputy Superintendent of Police, NIA, Hyderabad (Chief Investigating Officer) for the first time. He stated that he did not give any Statement in this regard either to the Local Police (Saroonagar or Malakpet Police Station) or to the SIT, Hyderabad and CCS, Hyderabad or to the NIA Police prior to 12-06-2014. He stated that Ex.P444 was handed over on 16-09-2014 to the Chief Investigating Officer, NIA, Hyderabad. He stated that the CD in Ex.P444 does not contain any details as to what it contains on the CD itself. But the CD cover which is sealed contains the details as "Received from T.Nageshwar Rao" but it is not written as to what are the contents of the CD. He stated that he is acquainted with PW59 from the date of the blasts but he did not reveal his identity to the Police when he was examined on 12-06-2014.

## ASSISTANT INVESTIGATING OFFICER FOR FINGERPRINTS:

316. PW125 Harischandra Hejmady who is working as Legal Consultant for Sri Ram Transport Finance Company, Mumbai since January, 2015 stated that during the year 2013, he was working as Deputy Superintendent of Police at Mangalore holding the charge of Uthara Kannada District, Dakshina Kannada District including the Mangalore Commissionerate and Udupi District. On 06-09-2013 around 12-30 pm., the Commissioner of Police, Mangalore has instructed him to visit the scene of crime located at Attavar Flat No.301, Zephyr Heights Apartments and help the NIA Officials in investigation for searching for possible chance of finger prints. Himself along with Sub-Inspector by name Rudresh.A.K and Mrs.Pushpavathi, Women Police Constable visited the Flat No.301, Zephyr Heights Apartments around 01-00 pm., and did the crime scene search for possible chance finger prints upto 05-00 pm., in the evening. They have examined 22 articles from the Bedroom and another room and a Hall. He was able to develop two chance finger prints, one on the red colour plastic cup which is marked as 'A' and the other on the book by name Pulse's Human Anatomy and Physiology which is marked as 'B'. The examination of scene crime has been mentioned on Spot Mahanzar under Ex.P55. He issued a scene of crime certificate on 07-09-2013 and sent it to the Investigating Officer by Post. Subsequently, he received a letter from the Superintendent of Police dt.04-12-2013 instructing him to compare the chance finger prints marked 'A' & 'B' with the finger prints of the accused Aasaudallh Akthar @ Haddi which has been sent by the CD. Upon the taking the photograph of the chance finger prints and making a comparison of the chance prints to the ten finger prints sent by CD it is found that the chance finger print marked as 'A' is found to be identical with the admitted left thumb print of Aasaudallh Akthar @ Haddi. The chance print marked as 'B' is found to be identical with the admitted right

thumb finger of accused Aasaduallh Akthar @ Haddi in that connection he had sent a details report along with the enlarged photographs and grounds for opinion on 21-01-2014 which has been sent by Registered Post to the Superintendent of Police, NIA, Hyderabad. Ex.P408 is the covering letter signed by him enclosing the certificate of finger print examination under Ex.P409 and grounds of opinion as annexure 2 under Ex.P410 and also enlarged photographs of the finger prints under Ex.P411 as annexure 1.

317. During the course of Cross Examination, he stated that the Finger Prints Bureau is one of the wings of the Karnataka State Police Department. He stated that in Ex.P411 there is no mention of the date, time, place and age of the Finger Print sent to them. He stated that there is no mention as to who collected the chance print under the column material examined. He stated that Ex.P409 was issued by him. He stated that the longevity of the chance prints is generally 3-4 years in closed areas and it is 4-6 months in open areas. He stated that in Ex.P409 under the opinion column he had not mentioned the date and time of examination. He stated that he did not mention in the details of matching under the opinion column under Ex.P409. He stated that there are no methods of classifications for comparison of chance finger prints. He stated that in his opinion i.e., Ex.P409 he did not mention as to how the latent prints are developed. He stated that he did not mention in his opinion as to the details of what physical methods are used for comparison. He stated that he put it on the annexure 1 and 2 which is part of his opinion i.e., Ex.P410 and P411. He stated that it is not mentioned in Ex.P409 as to what techniques of developing chance prints are used. He stated that it is not required to mention the techniques as there are several techniques. He stated that only latent prints and chance prints of thumb of left and right hand were only taken. He stated that the prints of other fingers of the right and left

hands were not available. He stated that he did not receive any Orders from the concerned Court to develop chance and latent prints, as it is not mandatory and part of investigation. He stated that in Ex.P411 there is no mention as to which finger the chance prints belongs. He stated that in Ex.P411 under annexure 1 the date on which the chance prints and admitted prints were taken is not mentioned. He stated that in Ex.P411 there is no mention as to from which material these admitted prints were taken and sent by CD from the Superintendent of Police, National Investigation Agency, Hyderabad. He stated that there is no mention of prescribed form in which admitted prints were obtained. He stated that there is no mention in Ex.P411 as to which finger the chance prints marked as 'A' and 'B' under Ex.P411 belongs. He stated that after comparison he had mentioned that it belongs to left thumb and right thumb respectively. He stated that the Finger Print Bureau, Bangalore is headed by a Director who is of the rank of Superintendent of Police and the Mangalore Branch of Finger Print Bureau is headed by an Inspector which was vacant then. He stated that though he is a Police Officer of Deputy Superintendent of Police rank he issued opinion as an Expert. He stated that there is no Notification by the Central Government or State Government of Karnataka appointing him as a Finger Print Expert. He stated that he had certificate from the Central Government. He denied that without any authority he issued Ex.P409 to P411.

**PANCH FOR POINTING OUT BY A2:**

318. PW126 Nithyananda Das who is working as Revenue Inspector, Mulki since 4 years stated that on 06-09-2013 they were asked by Superior Officer to witness the proceedings of NIA Police. They were taken to Mangalore Airport at 10-00 am., and flight arrived at 10-30 am., wherein Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad was brought by NIA Police. The said accused voluntarily

took them to flat in an apartment where he stayed earlier. He informed that he would point out places. From there the said accused has pointed out AJ Hospital, VRL Travels, Shop where watches were purchased, Supama Forex Limited where money was taken, Falnar Cyber Point where they used internet and from there he took them back to the Apartment where he is staying. Ex.P412 is the pointing out and seizure memo drafted in his presence by the NIA Police. The accused had taken them to Zephyr Heights where Ex.P55 was drafted and all the articles mentioned in Ex.P55 were seized in his presence. He also witnessed production-cum-seizure memo under Ex.P56 wherein Ex.P57 lease deed was seized. The witness identified the said accused as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed.

319. At this stage, the learned Special Public Prosecutor cross examined the witness as he turned hostile to the extent of identification.

320. During the course of Cross Examination, by learned Special Public Prosecutor he stated that due to lapse of time he could not identify.

321. During the course of Cross Examination, he stated that all the exhibits i.e., Ex.P55 to 57 and Ex.P412 are drafted in RC No.06/212/NIA/Delhi. He stated that he was not served any summons or notice by the NIA Police to act as a panch witness. The Deputy Commissioner of Revenue Department contacted the Tahsildar to send two people and their Tahsildar in turn directed him and the other panch witness to go to Bhandhar Police Station and help the Police. He stated that all these panchanamas Ex.P55 to 57 and Ex.P412 were typed by the Writer to the dictation of NIA Officer. He stated that Tahsildar keeps deputing the staff to act as panch witness. He stated that he was not summoned by any Court from Delhi to give evidence in respect of these

panchanamas. He stated that Ex.P412 was drafted on 06-09-2012. He stated that in Ex.P412 it is written in last para that the proceedings therein concluded at 01-00 pm., on 06-09-2012.

#### CDFD EXPERT FOR FINGERPRINTS:

322. PW80 Vijay Girnar who is working as Technical Examiner, CDFD, Nampally, Hyderabad stated that he is M.Tech in Bioprocess Technology from Mumbai University in 2010 and they are carrying out examination of DNA finger printing cases forwarded from Police and Hon'ble Courts. In DNA finger printing they are identifying the genetic markers called as STR (Short Tandem Repeats) called as Micro Satellite which are polymorphic which identifies humans at molecular level. The probability of having same DNA profile in two individuals is one in quintillionth which is more than the population of the earth. They are having facilities which are as per the requirements of DAB (DNA Advisory Board) and scientific working group for DNA Analysis Method (SWGDAM), the same are followed by FBI (Federal Bureau of Investigation), United States of America. In this case named as RC 01 & 02/2013 NIA they received 54 exhibits on 03-10-2013 by Dr.Devender Kumar and Mr.Ch.V.Goud. The acknowledgment for the same was given on 04-10-2013. The case was allotted in coded form to him and Ms.Sruthi Das Gupta. The examination for the case was completed on 18-12-2013 and then the case was decoded. The draft report prepared and submitted to Director on 31-01-2014 for the approval. The report No.DCDFD/LDFS/2159/2740/2014 and remnants of the exhibits was handed over to authorized messenger Mr.Damodar Reddy, NIA. The Hon'ble I Additional Metropolitan Sessions Judge, Special Court for NIA Cases has sent letter dt.01-10-2013 bearing No.2020/IAddl.MSJ/HYD/2013 along with items bearing No.6, 22, 27 to 50, 52 to 61, 67 to 78, 80 collected from the house of the accused at Zephyr Heights building at Mangalore and items No.83 to 87 collected

from temporary shelter of the accused at Abdullapurmet, Hyderabad. The articles/items No.6, 22, 27, 58, 83, 85 were utilized during examination as such were not returned. The articles bearing No.28 to 50, 52 to 57, 59 to 61, 67 to 78, 80, 84, 86 & 87 are now marked as Mo.113 to 160. For the sake of convenience, the MOs are referred to as corresponding articles as mentioned in the reports. Ex.P96 is the letter addressed by the Hon'ble I Additional MSJ along with the report containing 14 sheets. The findings of the reports are: 01. Exhibit C (NIA ART 27), Exhibit Z7 (NIA ART 58), Exhibit Z26 (NIA ART 55) matches with the Exhibit Z30 (Asadullah Aktar), 02. Exhibit A (NIA ART 6), Exhibit ZA (NIA ART 59), Exhibit Z20 (NIA ART 76) matches with the Exhibit Z29 (Md.Wasim Aktar), 03. Exhibit W (NIA ART 47), Exhibit Z (NIA ART 50), Exhibit Z3 (NIA ART 54), Exhibit Z4 (NIA ART 55), Exhibit Z6 (NIA ART 57), Exhibit Z16 (NIA ART 72) given same DNA. We received the letter RC No.1 & 2 / 2013 NIA / HYDERABAD dt.24-07-2014 on 30-07-2014 suggesting to perform comparison between the above Exhibits profile with article Exhibit O (Zia-ur-Rehman) and Exhibit N (Tahsin Aktar). The additional draft report was prepared and submitted to Director, CDFD for approval on 20-08-2014. The report was dispatched by post to the Hon'ble I Additional Metropolitan Sessions Judge, Nampally, Hyderabad the report No.DCDFD/LDFS/2740/1/2332/2014. Ex.P97 is the said letter of I MSJ along with correspondence and report containing 22 sheets. For the sake of convenience, the MOs are referred to as corresponding articles as mentioned in the reports. The findings of the reports are: 01. Exhibit W (NIA ART 47), Exhibit Z (NIA ART 50), Exhibit Z3 (NIA ART 54), Exhibit Z4 (NIA ART 55), Exhibit Z6 (NIA ART 57), Exhibit Z16 (NIA ART 72) matches with Exhibit O (Zia-ur-Rahman), 02. Exhibit A (NIA ART 6), Exhibit Z8 (NIA ART 59), Exhibit Z20 (NIA ART 76) matches with Exhibit N (Tahsin Aktar). The Letter No.RC No.1 & 2 / 2013 NIA, Hyderabad dt.17-03-2015 was received seeking clarification about Article No.58

and Article No.33. The clarification for the same was given vide our letter No.CDFD/LDFS/2015/2740 dt.24-03-2015 to NIA, New Delhi.

323. During the course of Cross Examination, he stated that their office is CDFD is headed by a Director. The present Director's name is Sri.Gowri Shankar. CDFD comes under the Department of Bio-Technology, Ministry of Science & Technology, Government of India. There are Scientist of Grades-A to E above him. He stated that it is not mentioned in Ex.P96 and P97 that he had authorized along with one Smt.Sruthi Das Gupta to conduct DNA test in this case. He stated that they have been authorized for conducting all DNA test as per office Order. He stated that in Ex.P96 and 97 it is not mentioned that all the items/articles were received by the office along with slips containing the signatures of the panch witnesses. He stated that in Ex.P96 the relevant DNA Typing Report issued by them is from sheet No.6 to 11. He stated that the said report was signed by him and Smt.Sruthi Das Gupta, Technical Examiner. He stated that in Ex.P97 the relevant DNA Typing Report issued by them is form Sheet No.17 to 22 and it was signed by him and said Sruthi Das Gupta.

#### DMRL EXPRET FOR METAL PIECES:

324. PW78 M.Sai Madhav who is working as Technical Officer 'B' DMRL from 1999 till date stated that on 01-04-2013 they received two metal pieces and five aluminum vessels of which are three pressure cookers, one idly cooker and one aluminum container. They were informed by the Police by way of forwarding note that two metal pieces (one big and one small) were collected from the blast site at Dilsukhnagar and the above mentioned five containers were provided by Police which were marked as S1 to S5 for the purpose of examination. The metal pieces were analyzed for chemical examination using instrumental analysis. The two metal pieces were subjected to dissolution to know its chemical composition. It was revealed that the

said aluminum pieces contained aluminum as a major element and it also contains silicon, magnesium, zinc, copper, manganese and iron in different percentages. The five samples of aluminum vessels S1 to S5 were also analyzed in a similar way and found that big sample of metal piece matches with S1 (aluminum pressure cooker Ganga Company) and S4 (Hawkins pressure cooker 12 liters). The small metal piece did not match with any of the samples under S1 to S5. Both the metal samples contained black deposit which was analyzed as containing magnesium in varying compositions which could be the residue of explosives used in the blast site from where the two metal sample pieces were provided. Ex.P88 is the book-let of Investigation report done by him at DMRL (Defence Metallurgical Research Laboratory) in respect of the said two metal pieces and vessels S1 to S5.

325. During the course of Cross Examination, he stated that Ex.P88 does not disclose anything as to the name and designation of the person who handed over the two sample pieces and five aluminum cookers of different brand. He stated that DMRL is not a wing of the State or Central Forensic Science Laboratory. He stated that there is no record of the Ministry of Defence to show that he is authorized to examine and analyze and give evidence in respect of material sent to them. He stated that whatever material sent to them, they will analyze the same and give report. He stated that in Ex.P88 there is no reference to show that Director has received requisition from NIA police for analysis and his direction authorizing him to conduct analyze and give a report. He stated that they have received requisition from NIA and the same is not enclosed with Ex.P88. There are Director, Assistant Director and Deputy Director are there in DMRL and there are also Scientists. In fact this report was done by himself and one M.Srinivas who is Scientist. The process of analysis conducted by them is not mentioned in Ex.P88.

SENIOR SALES EXECUTIVE IN CENTRUM DIRECT LIMITED SPOKEN ABOUT MONEY TRANSACTION OF A3:

326. PW68 Dilip Kumar who is working as a Senior Sales Executive in Centrum Direct Limited stated that during the year 2012-2013 he worked in M/s.VKC Credit and Forex Private Limited as a Senior Sales Executive. The firm was dealing with receiving and sending money to foreign countries. If money sent from foreign country a MTCN (Money Control Transfer Number) is generated and the same is given to the person receiving the money. Basing on MTCN number the said person can withdraw the money from any of the authorized money exchange centers by providing sufficient identity proof and the document containing MTCN number. When a receiver comes to them he has to fill in a TRM form giving particulars of senders name, receivers name, amount and present address and mobile number of the receiver. After providing the said details they match the said details in their system and after being convinced about the identity and other details, the receiver is given the money. For money below 50,000/- the same is given in Cash and above 50,000/- it is given by way of cheque. On 20-09-2013 some NIA officials from Hyderabad came to their office at Mangalore and enquired about certain transactions of receiving money by some persons and shown photographs. He identified one of the photograph to be that of the person who had received money by filling up the requisite forms and also ID proof was provided. The said person had come to their out-let and transacted business of receiving money on three occasions and on all the three occasions forms were filled up for withdrawing the money. After checking out their record they learnt that the above said person transacted three times, one is on 26-02-2013 and 20-03-2013 and lastly on 12-04-2013. On two transactions dt.12-04-2013 and 20-03-2013 he was personally present during transactions. But one Mr.Nitin Kumar Shetty (LW234) and Chitrakshi Shetty was

present for all the transactions. On 20-09-2013 two taluk people (panchayathdars for seizure) along with NIA police came and seized the documents and prepared a statement. Ex.P59 is the seizure memo dt.20-09-2013. He also attested on Ex.P59 containing four sheets. Ex.P60 TRM form containing three sheets of the transaction done on 26-02-2013 along with system generated receipt and copy of ID provided by the receiver. Ex.P61 TRM form containing three sheets of the transaction done on 20-03-2013 along with system generated receipt and copy of ID provided by the receiver. Ex.P62 TRM form containing three sheets of the transaction done on 12-04-2013 along with system generated receipt and copy of ID provided by the receiver. The three transactions were done at their out-let by Nabeel Ahmed who had provided his identity proof and signed on the documents. The witness identified the said Nabeel Ahmed as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed.

327. During the course of Cross Examination, he stated that he was not summoned by any Magistrate to identify the accused. He stated that he is giving evidence basing on the documentary evidence. He stated that he had not stated in 164 Cr.P.C. statement that the details of the three transactions as stated in Chief Examination. But stated that only three transactions took place. So also he did not state about the presence of taluk officials (panchayathdars) for Ex.P59 to 62 in 164 Cr.P.C. He stated that he did not state in 164 Cr.P.C. statement specifically that he handed over Ex.P60 to 62 to the NIA officials. The accused No.3 was not present along with the NIA police at the time of seizure of above documents. He stated that they do not have any mechanism to verify the ID proof of the customers who come to them. On an average they receive three customers per day. On his own memory he cannot say on which day, which customer came and did the transactions without verifying the records. He stated that all the

three transactions vide Ex.P60 to 62 were not personally attended to by him. He stated that in all three documents Ex.P60 to P62 his initials are not there to show his presence. A copy of seizure memo was furnished to him by NIA officials at the time of seizure of the above documents. He had taken the acknowledgment from NIA officials for seizure of the above said documents. One Mr.R.K.Sharma, DSP, NIA came to him at the time of seizure. He stated that the NIA police recorded his statement in their lap-top. He stated that the NIA police showed the Xerox copy of voter ID card photograph of A3 which was brought by them and which was identical to the Xerox copy of the voter ID card pinned to Ex.P60 to P62. He stated that the Police have not shown him the original of the above said voter ID card of A3. He stated that in all the Xerox copies of the voter ID proof pinned to Ex.P60 to P62 the name of the person is written as Nabeel Akbar Ali Ahmed. He stated that in Ex.P60 the name of the beneficiary is written as Nabeel Ahmed, while in Ex.P61 it was written as Nabeel and in Ex.P62 it was written as Nabeel Ahmed. He stated that in Ex.P60 the date of birth of the beneficiary was written as 10-10-1988 and mobile number is written as 9019452245. He stated that in Ex.P61 the date of birth of the beneficiary was written as 15-07-1988 and mobile number is written as 9036234525. He stated that in Ex.P62 the date of birth of the beneficiary was written as 01-01-1988 and mobile number is written as 9036230999 and in all these three transactions vide Ex.P60 to 62 the beneficiary signature: "NABEEL". He denied that the above Ex.P60 to 62 are fabricated documents handed over him to the NIA police and that A3 never came or written or signed these exhibits. He stated that the column in sender's details also shows different names in Ex.P60 to 62.

#### HAWALA MONEY TRANSACTION BY ACCUSED:

328. PW72 (Protected Witness) who is doing Electronic items business selling TVs, Radios, watches, wall-clocks, DVD etc.,

stated that his brother Abdul Rehman stays in Dubai doing Electronic Business. Both of them were doing business together. His brother used to send money from Dubai to him to pay to his contacts. His brother used to call him on telephone and he pay the amount of less than 50,000/- to the person as informed by his brother. For the amount above Rs.50,000/- he used to give him a serial number of a ten rupee note and he used to pay money to the person bringing the said ten rupee note with the serial number intimated by his brother. The NIA police, Hyderabad came to him and questioned him about transactions. Two persons came twice and took one lakh once and again Rs.50,000/- by showing 10 rupee note bearing the serial number as intimated by his brother. If the amount is Rs.50,000/- and above he used to question the person getting the ten rupee note. The said persons informed that they were studying in SDM College, Mangalore and his father had sent the money from Dubai through his brother. The witness identified the said the above said two persons as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed and Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh. Ex.P73 is his signature in TI parade proceedings dt.28-06-2014 and Ex.P74 is his signature in TI parade proceedings on 26-07-2014.

329. During the course of Cross Examination, he stated that Police examined him and recorded statement. In 161 Cr.P.C. statement he stated that he had been doing this business since 1982. He stated that he is holding trade license to Dingdong electronic items for dealing in business of electronic goods. He stated that he does not have any separate license to do Hawala business. He stated that he does not reading and writing English. He stated that both the signatures belongs to him but appearing differently on the TI parade proceedings. He is a Hawala agent to Ahemd, Mohammed, and his brother Abdul Rehman who is no more now. He stated that whenever

anybody comes to receive Hawala money the money is given to one Tamin Manager and then to his worker Abdul Rehman. He stated that the accumulated Hawala money is given by 5-6 marwadis namely Rakesh Mobile No.09663833693, Suresh, Nathuram and others, whose names he cannot recollect now. These Marwadies receive Hawala money from Mumbai, which is sent by one Yousuf @ Amu, working in M/s.Almas shop in Sharjah - Mobile No.00971555757486. The said Yousuf @ Amu is a resident of Kanjangad, Kasargodu District., but settled in Sharjah. He stated that he calls Mr.Aboobakar, Tameem and himself to enquire about delivery of Hawala money to such persons whose details he has informed them over telephone earlier to the delivery. He stated that as a matter of practice, if a person desires to collect Hawala money, then he has to give his name and mobile number mandatorily, and in the instances where the transaction is more than Rs.50,000/- he has to show a five rupees or ten rupees note, which they check and match with the number on the note which Yousuf had informed them earlier from Sharjah telephonically. He stated that he is only after verifying and satisfying themselves, they pay Hawala money to the individual. On a previous occasion, Hawala money was sent by one - owner of Alams shop in Sharjah and brother of Mr.Aboobakar, Mr.Abdul Rehman has expired two years back and his shop had been taken over by one Ahmed Almas, S/o.Abdul Rehman R/o.Kainath house via Melapuram, Kallanad post, Kasargod and other partner is Mohammed Kunhi, S/o.Khasim, R/o.Kattakal housevia Melapuram, Kallanad post, Kasargod of his native village Kasargod. He stated that he is at this shop Mr.Yousuf of Kanigad, used to work, but he is unable to exactly furnish his address, that's because he only talks on mobile and give them directions to whom Hawala money is to be given along with the code and other details will be. Sometimes Mohammed Kunhi and Ahmed Almas also call from the mobile number 00971555757486

from which Yousuf calls. He had saved those numbers as 'Sharjah', 3. Moorthy'. After the delivery of money to concerned party, Mr.Yousuf would necessarily call again to get the confirmation. He denied that he did not state in 161 Cr.P.C. statement as stated in Chief examination that "The NIA police, Hyderabad came to me and questioned me about transactions. Two persons came twice and took one lakh once and again Rs.50,000/- by showing 10 rupee note bearing the serial number as intimated by my brother. I can identify the said two persons. If the amount is Rs.50,000/- and above I used to question the person getting the ten rupee note. The said persons informed that they were studying in SDM College, Mangalore and his father had sent the money from Dubai through my brother." He denied that he did not stated in 161 Cr.P.C. statement that if the above said two persons are shown to him he can identify them. He stated that he is not maintaining any accounts in respect of the Hawala business. He stated that he had 10-15 transactions in a month. He denied that as the NIA police showed the photographs of the accused before the conducting the TI parade on both the occasions he could identify the accused during the TI parade on the second occasion and also in the Court. He denied that due to lapse of time of 1 ½ years he could not recollect and as such he could not identify any accused. He stated that very few people do this Hawala business. He stated that he later came to know that Hawala business is an illegal business, after which he stopped it. After the death of his brother Abdul Rehman he stopped this business. He stated that he get Rs.100 or Rs.200 per each transaction. He denied that as he is doing illegal Hawala business instead of arresting him but the Police made him a witness in this case as he managed them in not making him accused in this case. He stated that he did not state the codes and also the distinct number of the ten rupee note given by the accused in 161 Cr.P.C. and 164 Cr.P.C. statements and in the statement during TI

parade proceedings. He denied that the accused never came to him and that he is identifying them and deposing false at the instance of NIA police.

#### WESTREN UNION MONEY TRANSACTION BY A3:

330. PW73 (Protected Witness) who is working as a Manager in Western Union doing money transfer business stated that the firm receives money from other countries and pay the money to the intended person by receiving proof of his identity and also the transaction slip. The person receiving the money will fill-up a form known as MTC number form. The NIA police made enquires about transactions done in their out-let and accordingly he had provided three transactions done by one Nabeel Ahmed. The said Nabeel Ahmed received money thrice i.e., Rs.25,000 on 16-07-2013 and Rs.16,364 on 08-08-2013 and Rs.25,000/- on 29-08-2013. On all the three occasions the said person provided voters ID card with his photograph. He stated that he signed on the photocopy of the ID and handed over along with the MTC number form on all the three occasions. He stated that on 30-09-2013 the NIA police examined him and seized the said documents under seizure memo. He stated that the said seizure memo dt.30-09-2013 is marked as Ex.P75. Ex.P76 is containing two sheets MTC form with photocopy of the ID dt.16-07-2013. Ex.P77 is containing two sheets MTC form with photocopy of the ID dt.08-08-2013. Ex.P78 is containing two sheets MTC form with photocopy of the ID dt.29-08-2013. The said person also took Rs.25,000/- on 10-06-2012 in the name of Suleiman Sood. Ex.P79 is the computer printout of MTC form scanned copy along with election ID card of the receiver who also received money under Ex.P76 to 78. The witness identified the said person as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed. He stated that the said A3 has taken money from their out-let on the said four occasions. Ex.P80 is the register maintained by

them in their out-let reflecting the details of the payments made to the different individuals who received money during 16-09-2010 to 30-05-2014. The transactions mentioned in Ex.P76 to 79 are reflected in Ex.P80. Ex.P81 is his signature on the TI parade proceedings conducted at Cherlapally Central Jail at Hyderabad on 26-07-2014. He also participated in TI proceedings conducted on 28-06-2014 at Cherlapally Central Jail, Hyderabad and He could not identify the above said person due to long distance and also all the persons were wearing round white Muslim caps. Ex.P82 is his signature in the TI proceedings dt.28-06-2014.

331. During the course of Cross Examination, he stated that he does the money transfer business in the name of M/s.C.S.Tours and Travels. They are franchise of M/s.Western Union. He stated that there is an agreement between them and Western Union Money transfer. Ex.P80 doesn't contain the name of branch M/s.C.S.Tours and Travels. He had not written the contents of Ex.P80. He stated that in Ex.P80 contains the name of the customer who receives money from them and also the amount received from them and also the date of receipt. He is the individual proprietor of C.S.Tours and Travels. He stated that in Ex.P80 in the relevant page dt.16-09-2010 item No.7 and 8 dt.27-09-2010 his name as 'M.P.Chandran' is written having received Rs.44,669/- on each transactions. Again in the same page in the month of October, 2010 item No.17 dt.12-10-2010 his name as 'M.P.Chadran' is written. Again in relevant page pertaining to December, 2010 item No.5 dt.03-12-2010 his name as 'M.P.Chandran' is written for an amount of Rs.44,619/-. He stated that page pertaining to August, 2011 in item No.8 dt.04-0-2011 his name as 'M.P.Chandran' is written for an amount of Rs.43,719/-. Similarly page pertaining to October, 2011 item No.54, 60, 56 and November, 2011 item No.37, 28 and also in other months and several transactions his name as 'M.P.Chandran' is written as

receiver of the respective amounts in Ex.P80. He stated that for the money transactions of Rs.50,000/- and above only cheques will be given to the receivers and no cash will be given and cash will be given only to the extent of Rs.49,999/- only. He stated that he stated in chief examination that he is the manager of the Western union. He denied that the NIA police have taken away some forms and taken some signatures of the accused while he was in custody. He stated that he was shown the accused No.3 in the Bandar Police station at Mangalore before summoning him to the TI parade at Hyderabad. He denied that A3 never came to him for money transfer and never did any transactions as in Ex.P76 to 79 and that he identified him in the TI parade and also in this Court as he was shown to him in Bandar Police station. He denied that accused had not written or signed in Ex.P76 to 79 and that police have taken away the blank MTC forms from his office and later on the signature of the accused was taken in those forms.

#### ELECTORAL ROLL OFFICERS SPEAKS ABOUT FAKE VOTER IDs:

332. PW123 Raj Kumar he is working as Assistant Electoral Roll Officer in Delhi since January, 2014. The NIA Hyderabad addressed a letter under Ex.P400 dt.02-07-2015 requesting to certify the authenticity of EPIC No.KPT0212341 along with photocopy of the Voter ID under Ex.P400-A. He had verified the details and issued a letter under Ex.P401 dt.02-07-2015 that as per the records there is no such person and no such Voter ID card exists.

333. During the course of Cross Examination, he stated that the photocopy of the ID card filed along with Ex.P400-A does not clearly reveal the photograph of the person therein and the details mentioned therein but only EPIC Card Number is visible.

334. PW136 Suresh Jagtap who is working as Joint Commissioner, Municipal Corporation of Pune since 2012 stated that he is holding Additional Charge of Electoral Registration Officer 208,

Vadgaon Sheri, Assembly Constituency. The NIA Police addressed a letter along with photocopy of election ID card in the name of Nabeel Akbar Ali Ahmed bearing No.TBZ4419279 and asked for details. After verification he addressed letter Ex.P427 dt.14-11-2013 intimating the NIA that the name Nabeel Akbar Ali Ahmed with EPIC card No. TBZ4419279 is not found in the electoral roll of 208, Vadgaon Sheri, Assembly Constituency. Ex.P428 is the photocopy of Election ID provided by NIA for the purpose of verification. Ex.P429 is the list of Electoral Voter List in part containing names of the voters and serial numbers of the details mentioned in the Card as 208/65/1129/08 of EPIC card No. TBZ4419279. "208" pertains to Constituency, "65" pertains to part of electoral roll, "1129" is the serial number which is found at page No.13 of Ex.P429 and "08" pertains to the year which was published in the year 2009. The name of Mohite Prakash Dhondiram is found in the said serial number found on EPIC Card.

335. During the course of Cross Examination, he stated that the NIA Police did not send the original card of Ex.P428. He stated that the original photograph of the said Mohite Prakash Dhondiram is not available in their records as seen in Ex.P429. He stated that he cannot say whether the said Mohite Prakash Dhondiram gave any complaint to the Chief Electoral Officer that he lost the voter ID card issued to him as he was not holding any post in relation is Electoral Registration Office in the year 2008-09. He stated that he took charge as Electoral Registration Officer in June, 2012. He stated that after the letter was addressed to him by NIA and after thorough verification he issued Ex.P427 and during his verification he did not find any complaint given by said Voter Mohite Prakash Dhondiram. He stated that the NIA Police in their letter did not inform him where from they got into possession of the photocopy of the voter ID card which is marked as Ex.P428. He stated that after receiving the letter from NIA Police and

after verification of the entire records, he did not ask the NIA Police to provide original of Ex.P428.

**ASSISTANT INVESTIGATING OFFICER:**

336. PW134 who is working as Deputy Superintendent of Police, NIA, Hyderabad since 21-10-2013 stated that as per the instructions of the CIO, NIA on 29-11-2013 he had visited Mumbai and interacted with one person by name LW441 R.Murali, Director of Western Union Services, AML. He enquired into the money transactions which were received by one Nabeel Ahmed and Naveed Ahmed. Sri.R.Murali (LW441) could identify 7 transactions wherein the funds have been transferred from overseas and delivered to Nabeel and Naveed Ahmed at Mangalore, Karnataka. These deliveries of money were against an EPIC Card TBZ4419279 for all seven transactions. The delivery of money was through the franchisee agent of Western Union Services. The name of agents at Mangalore were: 01. M/s.VKC Credit and Forex Services, Mangalore, 02. C.S. Tours and Travels, Mangalore, 03. Supama Forex, Mangalore (Wall Steet Interchange Limited). Thereafter on 08-03-2014 on instructions from the CIO, NIA he had visited Patna, Bihar and interacted with one person Sri.Abid Ayub of M/s.Apna Tours and Travels Private Limited located at Subzi, Patna. Thereafter Sri.Abid Ayub on the specific enquiry about the transfer of fund on 27-12-2012 in the name of one Sri.Girish Chand Joshi, located one register wherein the transaction of Rs.25,000/- sent by one S.Ali, was registered. Thereafter Sri.Abid Ayub had located the EPIC card No.LJS2308815 in the name of Sri.Girish Chand Joshi which was submitted to the firm for receiving the money. The photograph on the said EPIC Card had the photo of the accused No.4 and underneath the photocopy of the EPIC card submitted, there was a signature in the name of "Girish". On 08-03-2014 a seizure memo was conducted in the presence of LW494 and LW495 who acted as witnesses. Ex.P424 is the

seizure memo dt.08-03-2014 conducted at Apna Tours and Travels containing 4 sheets including the attested photocopy of the register reflecting the name of Girish Chandra Joshi. The accused No.4 had impersonated as "Girish Chandra Joshi" for receiving the said amount. Then again on 30-05-2014 he had visited M/s. CS Tours and Travels, Mangalore and conducted the proceedings in the presence of two independent panchs LW462 and LW463. At M/s.CS Tours and Travels interacted with PW73 and specifically enquired into the transaction of money transfer in the name of one Suleiman Sood. PW73 thereafter located in his register under Ex.P80 wherein a transaction of Rs.25,000/- was disbursed to Suleiman Sood during June, 2012 which entry is found in Ex.P80 in the month of June, 2012 at serial number 49. This transaction was on the basis of a submission of the EPIC card bearing No.TOE0847243 the sender of this money was declared as one Md.Tareeq under these proceedings he had seized Ex.P79 and P80 and also photocopy of Suleiman Sood with election ID card No.TOE0847243 which was used by the accused No.3. Ex.P425 (3 sheets) is the seizure memo dt.30-05-2014, Ex.P426 is the photocopy of Suleiman Sood which was seized by him, Ex.P426 bears the photograph of the accused No.3. This proceedings were consequence of pointing out by the third accused at Mangalore during investigation. Thereafter on 20-01-2015, on the instructions from CIO, NIA he visited Dehradun and with the assistance of Local Police, he examined one Hawaldar (Retired) Sri.Girish Chandra Joshi (LW486) whose identity was used by the accused No.4 for withdrawing the money at Patna at Apna Tours and Travels. Sri.Girish Chandra Joshi accepted that the EPIC card bearing No.LJS2308815 belongs to him but the photograph shown on the EPIC card did not carry his photograph. Thereafter on 2<sup>nd</sup> of July, 2015 he had visited Rohini Area of New Delhi, as per the instructions of CIO, NIA. There at Rohini while visiting the AERO (Assistant Electoral Registration Office) he

interacted with one Raj Kumar (PW123) and enquired into the authenticity of EPIC No.KPT0212341 issued in the name of Sri.Ravindra Sharma, R/o.Naharpur, New Delhi. Sri.Raj Kumar (PW123) after conducting his search in the official records said that no such person was there in their records at the given address under Ex.P401. This identity of Sri.Ravindra Sharma was used by the accused No.4 for obtaining a SIM Card. Ex.P424 is the seizure memo dt.08-03-2014 conducted at Apna Tours and Travels containing 4 sheets including the attested photocopy of the register reflecting the name of Girish Chandra Joshi (marked subject to objection by the learned counsel for the accused the said documents are photocopies). A perusal of these documents shows that there are original signatures of the panchs and the investigating officer. Ex.P426 is the photocopy of Suleiman Sood which was seized by me, Ex.P426 bears the photograph of the accused No.3 (marked subject to objection by the learned counsel for the accused the said documents are photocopies).

337. During the course of Cross Examination, he stated that he had not arrested A3 and A4 in this case and they were never in his custody. He stated that the Chief Investigating Officer Sri.Venkatadri and himself only proceeded to Mangalore and A3 did not accompany them to Mangalore. He stated that he cannot say as to in whose custody A3 was already there in Mangalore and since how long he was in Mangalore. He stated that himself and CIO straightaway went to Bandar Police Station at Mangalore where A3 was already in custody. At this stage the Investigating Officer filed a memo S.R.No.794/2015 submitting that "an error was crept into the deposition may kindly rectified and read as "it is 'not' true that the Chief Investigating Officer Shri Venkatadri and myself only proceeded to Mangalore and A3 did not accompany us to Mangalore. It is 'not' true that I cannot say as to in whose custody A3 was already there in Mangalore and since how long

he was in Mangalore. It is 'not' true that myself and CIO straight way went to Bandar Police Station at Mangalore where A3 was already in custody". Perusal of the evidence of PW157 Chief Investigating Officer he stated that himself and PW134 went to Mangalore by taking A3. Therefore this witness might have, out of confusion, deposed as referred in the petition. However this would not cause any prejudice to the case of the prosecution, hence the petition is closed. He stated that amounts more than Rs.50,000/- can be transferred by way of money transfer through the Western Union only by issuing a cheque in the name of the beneficiary. He stated that the witness PW73 told him that one of his employee is maintaining this register and as such he could not ascertain as to who wrote the contents in serial number 49 relating to transaction on 20-06-2012. He stated that he did not examine PW73. He stated that he did not verify the address pertaining to EPIC card of Suleman Sood as he was not directed by the CIO in this regard. He stated that the witness by name Hawaldar (Retired) Girish Chandra Joshi did not state before him that he made a complaint before the concerned police that his EPIC card was being misused by some other person. He stated that he told him that he gave a photocopy of his EPIC card to Mangalam Finance situated at Dehradun, Utranchal State for obtaining loan. He stated that the Mangalam Finance without disbursing the loans has shutdown its operations and affected persons have given joint complaints against the Mangalam Finance. He stated that he did not collect the original EPIC card from the said Hawaldar (Retired) Girish Chandra Joshi. He stated that he has collected the photocopy of the EPIC card generated from the original EPIC card. He stated that it is specifically not mentioned in Ex.P425 that the contents therein were printed out at those respective places and that he obtained the signatures of the witnesses on the relevant dates mentioned therein. He stated that at both the places vide Ex.P424 and P425 he had not

recorded the statements of PW73. He denied that he have not conducted any proceedings vide Ex.P424 and P425 at the respective places at Patna, Mumbai, Dehradun, Rohini, Delhi, Mangalore. He denied that he had not recorded any statements of Girish Chandra Joshi and that Ex.P424 and 425 and the statement of Girish Chandra Joshi are fabricated to suit the prosecution case. He denied that he had not seized Ex.P79 and 80 and P426.

338. During the course of Re-Examination he stated that the NIA Special Court at Hyderabad has given police custody of Accused No.3 and 4 from 24-05-2014 to 02-06-2014 and was extended by another week thereafter for the purpose of investigation done as stated in Chief examination.

339. During the course of Re-Cross Examination he stated that he had not given requisition to the NIA Special Court for granting police custody of Accused No.3 and 4 from 24-05-2014 to 02-06-2014 which was further extended by another week. He stated that the requisition was given by the Chief Investigating Officer.

RETIRED INDIAN ARMY SAINIK SPEAKS ABOUT USAGE OF HIS FAKE VOTER ID:

340. PW154 Girish Chandra Joshi who is Permanent resident of Dehardun, Uttarakhand stated that he joined the Indian Army as Sainik and retired in the year 2003 as Hawaldar. He never resided in Pune, Maharashtra nor did he visit Pune at any time. He does not ave any relatives outside India and he had never made any money transaction in Western Union Money Transfer Outlet anywhere. He had an election ID card issued by Election Commission of India bearing No.LJS2308815. NIA police came and examined him and he had handed over the photocopy of Election ID card to the police officer. This witness produced the original ID card which is verified and returned. Ex.P480 is the photocopy of Election ID card given to NIA police at the time of his

examination in January, 2015.

341. The learned counsel for the accused reported no cross examination for this witness. So his evidence is unchallenged.

ASSISTANT INVESTIGATING OFFICER:

342. PW155 Sanjay Kumar Mallavia who is working as DSP NIA at Lucknow for the last 2 years stated that previously he worked in NIA, Headquarters, New Delhi as Inspector. During investigation the NIA, Hyderabad collected Ex.P212 which is an application for cell phone connection in the name of Prakash Chandra S/o Sanjiv Chandra R/o 25, Golghar Chowk, Buddhanagar, Patna - 800 001. The identification contained election voter ID card with No.YJE0752545 and the same was asked to be verified. Accordingly, he approached to Deputy Electoral Officer, Office of District Magistrate, Patna, Bihar and gave a letter which is ExP481, dt: 03-11-2014 asking for details about election voter ID card with No.YJE0752545. The said letter was forwarded by Deputy Electoral Officer to the concerned Electoral Registration officer. He receive reply under ExP482 containing two sheets on 05-11-2014 informing that no such voter ID was issued with the said EPIC number and the address was non existent. Accordingly he examined Baijunath Prasad Sinha, (LW485) and Sudhanshu Kumar Choubey (LW507). Both of them also confirmed the above quoted letters issued under their signature. They also confirmed that the EPIC Number which was being used was with EPIC number AFS, GBS, BH and further they stated that no such EPIC number YJE was ever used, hence this voter ID card purported to be shown against the name of Prakash Chandra is fake and false. The learned counsel for the accused reported no cross examination for this witness.

MONEY TRANSACTIONS BY THE ACCUSED:

343. PW137 Syed Mohammed Abid Ayub who is the Proprietor of M/s.Apna Tours and Travels Private Limited at Sabzi Bagh,

Patna, Bihar stated that on 08-03-2014 the NIA Police came to their office premises and asked for details about the transaction done by Girish Chandra Joshi who received money from their Western Union outlet which was being run in their premises of M/s.Apna Tours and Travels. The NIA Police drafted panchanama under Ex.P424. He handed over photocopy of relevant page of the transaction register and also the photocopy provided by the said Girish Chandra Joshi which is marked as Ex.P430.

344. During the course of Cross Examination, he stated that he cannot make out what is written in Ex.P430 except the name "Girish Chandra Joshi". He stated that the facial features of the person in Ex.P430 is not at all visible.

345. PW124 Raju Shetty who is working as Branch Head, Supama Forex Pvt., Ltd., Mangalore since 10 years stated that they do money transfers in association with Western Union Money Transferring Agency as franchises. The National Investigation Agency Police visited their Office on 16-09-2013 and asked for details of transactions undertaken by one Nabeel Ahmed. He had verified the records and found that two persons came to their Office on 03-11-2012 and they gave them the secret 10 digit code for the purpose of receiving money of Rs.25,006/- from their office. They provided a money transfer form to be filled. The said Nabeel Ahmed filled in the said form with a secret code and also provided his ID proof. The Money transfer form is Ex.P402 filled up by the said Nabeel Ahmed and signed by him. Ex.P403 is the Photocopy of ID Proof. Ex.P404 is the receipt issued by them. Ex.P405 is the seizure memo under which Ex.P402 to 404 were seized by the National Investigation Agency. He signed in the proceedings under Ex.P405. After verifying the details he had handed over the money to the said persons. The witness identified Nabeel Ahmed as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel

Ahmed and the person accompanied as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad. He had given statement U/Sec.164 Cr.P.C. at Mangalore. He identified the accused No.2 in Test identification proceedings dt.22-10-2013 under Ex.P258 and signature is Ex.P406. Ex.P407 is his signature on Test Identification proceedings dt.19-10-2014.

346. During the course of Cross Examination, he stated that he was summoned by learned Magistrate to identify the accused by sending summons. He is giving evidence basing on the documentary evidence. He stated that he had not stated in 164 Cr.P.C. statement that the details of the transaction as stated in Chief Examination. But he stated that only transaction took place. He stated that he did not state in 164 Cr.P.C. statement specifically that he handed over Ex.P402 to 404 to the NIA officials. He stated that the accused No.3 was not present along with the NIA police at the time of seizure of above documents. He stated that they does not have any mechanism to verify the ID proof of the customers who come to them. He stated that on an average they receive three customers per day. He stated that on his own memory he cannot say on which day, which customer came and did the transactions without verifying the records. He denied that transaction vide Ex.P402 to 404 were not personally attended to by him. He stated that in all three documents Ex.P402 to P404 his initials are not there to show his presence. He stated that a copy of seizure memo was not furnished to him by NIA officials at the time of seizure of the above documents. He stated that he had taken the acknowledgment from NIA officials for seizure of the above said documents. He stated that one Mr.R.K.Sharma, DSP, NIA came to him at the time of seizure. He stated that the NIA police recorded his statement in their lap-top. He stated that the NIA police showed the Xerox copy of voter ID card photograph of A3 which was brought by them and which was identical to the Xerox

copy of the voter ID card under Ex.P403. He stated that the Police have not shown him the original of the above said voter ID card of A3. He denied that he had identified the accused No.2 and accused No.3 falsely as the photograph of A2 and A3 was shown to him earlier. He denied that the NIA Police in order to implicate the A2 and A3 falsely has taken away the documents of transactions done by one Nabeel Ahmed and at the instance of police he had identified the said Nabeel Ahmed in the Court as A3 and that these transactions were done by another person by name Nabeel Ahmed and that A3 never came to his place to do any transaction in the place of Nabeel Ahmed. He stated that in the photocopy of the voter ID proof under Ex.P403 the name of the person is written as Nabeel Akbar Ali Ahmed. He stated that in Ex.P402 the name of the beneficiary is written as Nabeel Ahmed. He stated that in Ex.P403 the date of birth of the beneficiary was written as 1988 and mobile number is written as 9011218785 in Ex.P402. He stated that in this transaction under Ex.P402 the beneficiary signature: "NABEEL". He denied that the above Ex.P402 to 404 are fabricated documents handed over by him to the NIA police and that A2 and A3 never came or written or signed these exhibits. He stated that the column in sender's details is shown as Mohd.Ali in Ex.P402. He denied that both A2 and A3 were shown to him when they were in Police Custody at Bhandhar Police Station at Mangalore.

#### NODAL OFFICERS:

347. PW93 A.V.K.Naidu who is working as Legal, Regulatory & Nodal Officer of Idea Cellular Limited, for AP & Telangana Region from December, 2014 stated that previously he was working in the same Portfolio for Orissa Region in Idea Cellular Limited since 2009. After his transfer to AP & Telangana Region of Idea Cellular Limited he is discharging duties here since December, 2014 to till date. The NIA police approached and sought information about the call details of two

MSISDN (mobile numbers). Accordingly Idea Cellular Limited, AP & Telangana Circle had furnished the information with respect to the numbers 9911772066 for the period from 29-10-2012 to 28-02-2013 and number 9553556802 for the period from 01-01-2013 to 22-02-2013. The above mobile number stands in the name of Ravindra Sharma, R/o.Sector-7, Naharpur, New Delhi and another number stands in the name of Sri.Perekiti Brahmaiah, R/o.Kavadiguda, Hyderabad respectively. The call records for the period from 29-10-2012 to 28-02-2013 for phone No.9911772066 and 9553556802 from 01-01-2013 to 22-02-2013 along with certificate under Section 65-B of Evidence Act. Ex.P203 and Ex.P204 are the certificates issued pertaining to the CDR of the above mentioned mobile numbers for the above specified periods. Ex.P205 is the CDR of Mobile number 9911772066 which contains 10 sheets and Ex.P206 is the customer application form including ID proof attested by the then Alternate Nodal officer. Ex.P207 is the CDR of mobile number 9553556802 which contains 11 sheets and Ex.P208 is the customer application form including ID proof attested by the then Alternate Nodal Officer. As per CDR of mobile number 9911772066 on 10-02-2013 there were two incoming calls from 8374041500 and from another number i.e., 9866831745. Similarly there were two incoming calls to 9911772066 on the same day i.e., 10-02-2013 at 08:11:39, 08:10:06, 07:09:08, 07:08:10 from the self same numbers. The duration the first two calls in seconds is 31 seconds and 31 seconds and the subsequent two calls are of 39 seconds and 10 seconds respectively. He can identify the signature of the erstwhile Alternate Nodal Officer who had signed on Section 65-B of Indian Evidence Act Certificate and CDR. On the basis of CDR pertaining to the mobile number 9553556802 there were three calls consecutively with 8603361890 on 07-02-2013 as would be transpired for 16 seconds, 262 seconds and 152 seconds.

the Nodal Officer of South on each and every page. Moreover he stated that he verified with original. Therefore the objection is not sustained.

349. During the course of Cross Examination, he stated that he is deposing basing on the records. He stated that they respond to the Law Enforcement Agencies queries on day-to-day basis when it comes from Designated Authorities under Department of Telecommunication at an average of 800 requests per day therefore they need not have personal knowledge, moreover they are not supposed to get into the details of the extracted information to be provided to the Law Enforcement Agencies. The CDR details i.e., Ex.P205 & 207 are the electronic records. He stated that for Call detail records the Superintendent of Police & Above Rank Officers of the Designated Security Agencies have the Authority to call for the details and similarly for Subscriber details Inspector of Police and above Rank Officers can ask for the details. There is seal of the company (Idea Cellular Limited) and signature of the then Alternate Nodal Officer and there is no separate certificate U/Sec.65-B on the CDRs marked as Ex.P205 & 207. He stated that a separate certificate U/Sec.65-B of Indian Evidence Act has been issued in support of authenticity of the CDRs and subscriber details under Ex.P203. All the printouts of the CDRs are taken from Idea Nodal Desk at Hyderabad. He stated that he cannot say the location of the master server of their company as he is not a Technical Expert. With the available records, he cannot say what has been transpired/conversation was made between the calling and called parties. He denied that Ex.P203 and 204 do not disclose the descriptive particulars of the device involved in production and printing of Ex.P203 and 204. He stated that the witness volunteers that however, it says about the extraction of information from the computer which has been printed and submitted to the Designated Security Agencies. He denied that what all he stated in his Chief examination is

falsehood.

350. PW94 R.Srinivas who is working with Tata Tele Services Limited, Hyderabad since 1999 stated that however as an Alternate Nodal Officer for AP & Telangana he was working since July, 2015 at Hyderabad Office. The NIA police approached them and sought information about the call details of three mobile numbers. Accordingly his predecessor Nodal Officer Sri.M.Srinivas Reddy had furnished the information with respect to numbers 8603361890, 9036230617 & 9290443216 from 01-01-2013 to 22-02-2013. The mobile numbers with phone No. 8603361890 stands in the name of Prakash Chandra, R/o.Buthanagar, Patna. The mobile No.9036230617 stands in the name of Sampath.M, R/o.Belur Taluka Hasan District, Karnataka State. The mobile number 9290443216 stands in the name of Pereketi Venkateshwarlu, R/o.Abdullapurmet, Ranga Reddy District. The call records for the period from 01-02-2013 to 22-02-2013 for phone No. 8603361890, 9036230617 & 9290443216 along with certificate under Section 65-B of Evidence Act. Ex.P209 is the covering letter issued by the then Nodal Officer of Tata Tele Services Limited. Ex.P210 is the certificate under Section 65-B of Evidence Act of Mobile No.8603361890. Ex.P211 is the call detail records of mobile No.8603361890. Ex.P212 is the customer application form for the same mobile number including ID and address proof. Ex.P213 is the covering letter for mobile No.9036230617 regarding which certificate U/Sec.65-B of Indian Evidence Act has been issued by the then Nodal Officer which is Ex.P214. Ex.P215 is the call detail records pertaining to the mobile No.9036230617 which contains 14 sheets. Ex.P216 is the customer application form stands in the name of Sampath.M including his ID and address proof. Ex.P217 is the covering letter issued by the then Nodal officer of Tata Tele Services Limited which is annexed with Section 65-B of Indian Evidence Act certificate signed by the then Nodal Officer

pertaining to the Mobile No.9290443216 which is at Ex.P218. The call detail records of mobile No.9290443216 is at Ex.P219 which contains 16 sheets. The customer application form stands in the name of Narsimha Chary is at Ex.P220 including its ID and address proof. Ex.P211 discloses the column of calling number and called numbers wherein there were three calls in between 8603361890 and 9553556802 on 07-02-2013. During the period of calling this mobile number 8603361890, he was in roaming in Andhra Pradesh Circle. On the basis of CDR of mobile number 9036230617 there were 16 calls between this number and one mobile No.9986954555 during the period of 04-11-2012 to 05-04-2013. Further on the basis of CDRs for the period of 01-01-2013 to 22-02-2013 it is revealed that there were two incoming calls from mobile number 8603361890 to 9290443216 on 07-02-2013 11:23 hours and conversation occurred for 104 seconds & 49 seconds. The covering letter, Section 65-B Certificate, CDR and Customer application form pertaining to the numbers 8603361890, 9290443216 and 9036230617 are signed by the then Nodal Officer.

351. Ex.P216 and 220 contains the seal and signature of the Nodal Officer of South on each and every page. Moreover he stated that he verified with original. Therefore the objection is not sustained.

352. During the course of Cross Examination, he stated that Ex.P211, 215, 219 are only a printouts. He had a separate cabin being a Nodal Officer. He stated that the Master server of Tata Tele Services Company is situated at Noida. He stated that the Master servers are being managed by Computer System Analyst who has the custody of all the records. Ex.P211, 215, 219 are printouts which were taken from Hyderabad Head Office. He stated that the customer's applications forms are received from the subscribers by the retailers who in turn hand over them to the distributors and then the distributors hand over them to the company and then only the number gets

activated only if all the conditions are complied for obtaining a mobile connection. He stated that they have certain teams to physically verify the ID particulars given by them in the application form and the supporting documents. He stated that only after such due verifications the mobile connections are allotted and activated. The local IT people will manage the computer systems at Hyderabad. He stated that the then Nodal Officer had access to the system and have to take the print-outs. He stated that wherever his predecessor signed in Ex.P211, 215, 219 his predecessor had not appended any certificate to show that he has verified the original and taken these print-outs and that after satisfying and believing it to be true he issued Ex.P211, 215, 219. He stated that Ex.P211, 215, 219 itself is an original print out taken from the system and one certificate is enough which is enclosed. He stated that in Ex.P211, 215, 219 the name and the designation of the person who downloaded this data was not mentioned and below the signature he did not put date. Similarly it is not mentioned in certificate attached to Ex.P211, 215, 219 that the contents of Ex.P211, 215, 219 were downloaded from the Master server of their company at Noida and that he had taken printout of the same. He stated that in the certificate attached to Ex.P211, 215, 219 there is no mention of place of location of master server but the place of location of the peripheral computer system from where Ex.P211, 215, 219 print-outs were taken is mentioned. He stated that the descriptive particulars of the device involved in the production and printing of Ex.P211, 215, 219 are not mentioned in the certificate attached to Ex.P211, 215, 219. He stated that the said certificate appended to Ex.P211, 215, 219 does not contain any endorsement or mention that the CDRs (Ex.P211, 215, 219) were enclosed to it. He stated that in Ex.P211, 215, 219 there is no mention that separate certificate is enclosed as required by Section 65-B of Indian Evidence Act. He stated that in Ex.P211, 215, 219 and the

certificate appended to it, there is no mention of the name and designation of the person who was responsible for the operation of the required device in the master server. He stated that in Ex.P211, 215, 219 except on certificate there is stamp and seal of the then Nodal Officer and his signature in the print-outs is not there. He stated that there is no mention of the date in the certificate appended to Ex.P211, 215, 219. He is giving evidence basing on the records and he had no personal knowledge of the contents Ex.P211, 215, 219. He stated that their company does not have any record to show what exactly has transpired/conversed between the called and caller. He stated that their company does not have any record to show as to the persons who used the mobile connections at the relevant point of time. Ex.P211, 215, 219 is a system generated online print-out. He stated that three mobile phone connections referred in chief examination are mobile connections.

353. PW74 Smt.G.Siva Kumari who is working as Alternate Nodal Officer, Vodafone South Limited from March, 2011 stated that the NIA police approached them asking for details of call data for phone No.9986954555. He provided the call details for the period 01-12-2012 to 30-08-2013 and 01-08-2012 to 31-12-2012 for the said number which stands in the name of Dr.Dilshad of Mangalore. The call details for the said period is certified under Section 65-B of Indian Evidence Act and the application of Dr.Dilshad is certified by him as the original has to be retained with the company. Ex.P83 is the call details for the above mentioned period issued by him under a certificate. Ex.P84 is the photocopy of the application form of the customer. The original application has to be retained with the company for the purpose of the record.

354. Ex.P84 contains the seal and signature of the Nodal Officer of South on each and every page. Moreover he stated that he

verified with original. Therefore the objection is not sustained.

355. During the course of Cross Examination, he stated that Ex.P83 is only a print out. He stated that he had a separate cabin being a Nodal Officer. He stated that the Master server of Vodafone company is situated at Pune, Maharastra. He stated that the Master servers are being managed by Computer System Analyst who has the custody of all the records. He stated that Ex.P83 and P84 print outs were taken from Hyderabad Head Office. He stated that the customer's applications forms are received from the subscribers by the retailers who in turn hand over them to the distributors and then the distributors hand over them to the company and then only the number gets activated only if all the conditions are complied for obtaining a mobile connection. They have certain teams to physically verify the ID particulars given by them in the application form and the supporting documents. Only after such due verification, the mobile connections are allotted and activated. The local IT people will manage the computer systems at Hyderabad. He stated that he had access to the system and he had to take the print-outs. Wherever he signed in Ex.P83 he had not appended any certificate to show that he had verified the original and taken these print-outs and that after satisfying and believing it to be true he issued Ex.P83. He stated that Ex.P83 itself is an original print out taken from the system and one certificate is enough which is enclosed. He stated that in Ex.P83 the name and the designation of the person who downloaded this data is not mentioned and below his signature he did not put date. He stated that even the certificate attached to Ex.P83 does not contain the date of issuance. Similarly it is not mentioned in certificate attached to Ex.P83 that the contents of Ex.P83 were downloaded from the Master server of their company at Pune and that he had taken print out of the same. He stated that in the certificate attached to Ex.P84 there is no mention of place of location of

master server and the place of location of the peripheral computer system from where Ex.P83 print-outs were taken. He stated that the descriptive particulars of the device involved in the production and printing of Ex.P83 is not mentioned in the certificate attached to Ex.P83. He stated that the said certificate appended to Ex.P83 does not contain any endorsement or mention that the CDRs (Ex.P83) were enclosed to it. He stated that in Ex.P83 there is no mention that separate certificate is enclosed as required by Section 65-B of Indian Evidence Act. He stated that in Ex.P83 and the certificate appended to it, there is no mention of the name and designation of the person who was responsible for the operation of the required device in the master server. He stated that in Ex.P84 contains some corrections with regard to the mobile number allotted. He stated that the corrections might have been written by the retailer. He stated that the name and address of the retailer and the distributor through whom Ex.P84 was received are not mentioned in Ex.P84. He stated that Ex.P83 and the certificate attached to it does not contain any details to show that NIA police gave them requisition to hand over Ex.P83 and 84 and so they handed over them. He stated that their company does not have any record to show what exactly has transpired/conversed between the called and caller. He stated that their company does not have any record to show as to the persons who used the mobile connections at the relevant point of time.

356. PW75 Muralidhar who is working as Principal Circle Nodal Officer, Airtel from 01-02-2006 stated that the NIA police approached them and sought information about the call details of two PCO (Public Call Office) numbers. Accordingly he furnished the information with respect to numbers 8374041500 and 9866831745 for the period from 01-02-2013 to 28-02-2013. The PCO with phone No.8374041500 stands in the name of Sheak Sheak Ayub at LB Nagar.

The PCO with phone No.9866831745 stands in the name of R.Tirupathi at Kukatpally. The call records for the period from 01-02-2013 to 28-02-2013 for phone No.9866831745 and 8374041500 along with certificate under section 65 of Evidence Act is Ex.P85. Ex.P86 is the photocopy of the application of R.Tirupathi with phone No.9866831745 and Ex.P87 is the photocopy of application of Sheak Sheak Ayub with phone No.8374041500. The originals of Ex.P86 and 87 are with the company and only photocopies are issued to NIA as per company policy. On 10-02-2013 at 07:09:08 am., a call was made from 9866831745 to 9911772066. Similarly two phone calls were made from 8374041500 to 9911772066 at 08:10:04 and 08:11:37 respectively. As per NIA request, he handed over print-outs of Ex.P85 and having verified the originals of Ex.P86 and 87 photocopies with his signature were handed over.

357. Ex.P86 and P87 contains the seal and signature of the Nodal Officer of South on each and every page. Moreover he stated that he verified with original. Therefore the objection is not sustained.

358. During the Cross Examination he stated that Ex.P85 is only a print out. He stated that he had a separate cabin being a Nodal Officer. He stated that the Master server of Airtel company is situated at Delhi. He stated that the Master servers are being managed by Computer System Analyst who has the custody of all the records. He stated that Ex.P85 are print outs which were taken from Hyderabad Head Office. He stated that the customer's applications forms are received from the subscribers by the retailers who in turn hand over them to the distributors and then the distributors hand over them to the company and then only the number gets activated only if all the conditions are complied for obtaining a mobile connection. They have certain teams to physically verify the ID particulars given by them in the application form and the supporting documents. Only after such due verification, the mobile connections are allotted and activated. The

local IT people will manage the computer systems at Hyderabad. He stated that he had access to the system and he had to take the print-outs. He stated that wherever he signed in Ex.P85 he had not appended any certificate to show that he had verified the original and taken these print-outs and that after satisfying and believing it to be true he issued Ex.P85. He stated that Ex.P85 itself is an original print out taken from the system and one certificate is enough which is enclosed. He stated that in Ex.P85 the name and the designation of the person who downloaded this data is not mentioned and below his signature he did not put date. Similarly it is not mentioned in certificate attached to Ex.P85 that the contents of Ex.P85 were downloaded from the Master server of their company at Delhi and that he had taken print out of the same. He stated that in the certificate attached to Ex.P85 there is no mention of place of location of master server but the place of location of the peripheral computer system from where Ex.P85 print-outs were taken is mentioned. He stated that the descriptive particulars of the device involved in the production and printing of Ex.P85 is not mentioned in the certificate attached to Ex.P85. He stated that the said certificate appended to Ex.P85 does not contain any endorsement or mention that the CDRs (Ex.P85) were enclosed to it. He stated that in Ex.P85 there is no mention that separate certificate is enclosed as required by Section 65-B of Indian Evidence Act. He stated that in Ex.P85 and the certificate appended to it, there is no mention of the name and designation of the person who was responsible for the operation of the required device in the master server. He stated that in Ex.P85 except on certificate there is no stamp or seal or name or designation or signature in the print-outs. He stated that there is no mention of the date in the certificate appended to Ex.P85. He is giving evidence basing on the records and he had no personal knowledge of the contents Ex.P85 to 87. He stated that their company does not have

any record to show what exactly has transpired/conversed between the called and caller. He stated that their company does not have any record to show as to the persons who used the mobile connections at the relevant point of time. Ex.P85 is a system generated online print-out. He stated that he did not give the marking (orange color) in Ex.P85 with regard to the three phone calls as mentioned in his chief examination. He stated that two phone connections referred in his chief examination are PCOs (Public Call office).

#### MOBILE SHOP OWNER WHO SOLD PHONE TO A3:

359. PW102 Harish Surabhi who is running Mobile shop business at Mangalore, MG Road in the name and style of SRS Mobile Shop stated that they sell SIM cards, recharge coupons of various service providers, mobile repair etc., On 30-05-2014 the NIA Police came to shop along with one person who purchased a dongle of Reliance company. He was brought as the said person told that he purchased the dongle from him. He also recognized the said person who had written his name and address in the dairy maintained in the shop having particulars of the customers. The said dongle was purchased by the said person in March, 2013 in the name of Parkash Jai Ram. He had written his name and address in the dairy maintained in the shop. The witness identified the person as the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed. Ex.P296 is the seizure memo drafted in the shop by the NIA police having seized the dairy of the year 2012 which is Ex.P297 and the relevant entry made by A3 is on the page dated 18<sup>th</sup> February which is Ex.P297-A.

360. During the course of Cross Examination, he denied that he did not state in 161 Cr.P.C statement that he was running SRM Mobile Shop. He stated that he did not hand over the license of shop but he shown the same to the Police. He denied that he did not state in

his 161 Cr.P.C statement that he shown the license of shop. He stated that the Bandar Police called him on one day. He stated that at that time the accused No.3 was present in the Bandar Police Station. He stated that so also the NIA Police were present at Bandar Police Station at that time. He stated that there is no date of entry in Ex.P297-A. He denied that he was not holding any shop and the accused No.3 did not purchase anything from shop and the book under Ex.P297 doesn't belong to that transaction and that the accused never visited the said shop. He denied that nothing was seized from shop.

#### PANCH WITNESS FOR POINT OUT BY A2:

361. PW92 who is working as Senior Assistant, MDO Office, Saroornagar stated that on 28-03-2013 at about 09-00 am., they were taken to Shameerpet CRPF Head Quarters by NIA Police. The previous day he was asked by MRO and Deputy Collector to attend to proceedings by NIA. Around 09-00 to 09-30 am., they were present in the CRPF Center. Himself and G.Santhosh Kumar, Junior Assistant were acting as independent panchas to the proceedings of NIA. The SP NIA produced one person by name Aasadulla Aktar @ Haddi who narrated about the offence committed by him which was taken down in the panchanama. The confession was typed in a laptop. The said person revealed that their plans and other aspects of executing bomb blast and informed that he would show them the places where they carried out the test blast and other places. The confession panchanama and other details were drafted and signed by them which is marked as Ex.P192. Admissible portion in last page of Ex.P192 is marked as Ex.P192-A. What all was narrated by the said person Haddi it was drafted in Ex.P192. He signed on all the pages of Ex.P192. From CRPF Center at the instance of Haddi (the accused No.2) they proceeded to Abdullapurmet and went towards Deshmukh Village and prior to

reaching the village there was a hillock to the right. The said Haddi asked them to follow him and he went up to the hill and showed the place where a test blast was conducted. In the place shown by him, they found some aluminum parts and some other items which were seized under panchanama under Ex.P193. The proceedings under Ex.P193 were conducted in between 02-30 to 04-30 pm., on 28-09-2013. Three rough sketches were drafted at the place given details of the evidence found. Ex.P194 to P196 are the said three sketches on which he signed. Mo.163 which is aluminum piece of detonator shell was seized. Mo.164 which is part of detonator with two white colour insulated wires were seized. Mo.165 is the control soil sample. Mo.166 is another suspected soil sample seized at the hillock site. Mo.167 is the part of detonator with two white colour insulated wires. All the Mos.163 to 167 were sealed in our presence and signed by them. From the test blast site, at the instance of the said Haddi they proceeded to a shop named Sri Maha Lakshmi Fancy Steel at LB Nagar. There was one young person in the shop who identified the said Haddi as the person who purchased two pressure cookers. Ex.P197 is the pointing out and seizure memo drafted at Maha Lakshmi Fancy Steel shop around 05-30 pm., on the same day. The police also seized one tax invoice of the said shop which is Ex.P198. He had signed on the panchanama also the tax invoice seized. Mo.168 is the Ganga make Pressure Cooker that was seized from Maha Lakshmi Fancy Steel shop. From Maha Lakshmi Fancy Steel shop the said Haddi took them to Siddartha Brothers shop at Putlibowl where plastic sheets were sold. Haddi informed that he purchased a plastic sheet used in the process of making a bomb. As shown by Haddi the Chief Investigating Officer has taken one meter plastic sheet and obtained their signatures. Ex.P199 is the pointing and seizure panchanama which was drafted at Siddartha Brothers, Putlibowl at 06-30 pm., One meter of the plastic sheet as shown by Haddi was

seized by Chief Investigating Officer. All of them from Siddartha Brothers went to Salamath Travels, Lakidikapool at the instance of the said Haddi where he informed that he purchased tickets on 20-02-2013 to travel to Bangalore on 21-02-2013. The booklet of tickets Ex.P191 was seized in their presence and he affixed signature. Ex.P200 is the pointing out seizure memo drafted at Salamath Travels signed by them. The panchanama was drafted around 07-00 pm., From Salamath Travels the said Haddi took them to Vijayanand Travels where he has informed that they travelled on 19-02-2013, 12-02-2013, 15-02-2013 and 23-02-2013. At the instance of the Chief Investigating officer a Branch Manager of the Travel Agency provided passengers list for the above said dates from the computer maintained by them. A pointing out and seizure memo was drafted under Ex.P201 wherein the CIO obtained the computer printouts of details of travel of passengers for the dates mentioned above. They have signed on all the pages of printouts given by the Manager of Vijayanand Travels. Ex.P202 is the printout of passenger list containing 42 sheets which gives details of list of passengers travelling in between Manipal, Mangalore, Hyderabad on 09-02-2013, 22-02-2013, 02-02-2013, 08-02-2013, 04-02-2013, 10-02-2013, 13-02-2013 to 28-02-2013. Ex.P192, 197, 199, 200, 201 were typed on the laptop brought by NIA police and printouts were taken in the printer which was also brought along with them. The witness identified the said Haddi as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad.

362. During the course of Cross Examination, he stated that he is working in the Saroornagar Mandal Parishad office situated at Kothapet, Saroornagar. He stated that the other panch by name G.Santhosh Kumar is working in the MRO office situated in the same premises. He stated that he did not receive any notice or summons in writing personally to act as a panch witness in this case. He was called

by officer Sri.Chandareddy, Deputy Collector-cum-MRO on the previous day on 27-09-2013 around 03-00 to 04-00 pm., and instructed him to report at NIA Office, Begumpet on the next day morning 08-00 am., i.e., on 28-09-2013. He stated that he did not tell him as to what he should do after going to NIA Office at Begumpet. He stated that his Officer had told him that he is being sent there in connection with Dilsukhnagar Bomb blasts case. He stated that becoming a panch witness in investigation of criminal cases is not his Official duty. His officer asked him to meet the Receptionist at NIA Begumpet office. At the time when he went to NIA office at Begumpet the accused No.2 was not there at NIA Begumpet Office. One DSP, other panch witness and himself had gone to CRPF Group Center at Shameerpet, Hyderabad. He stated that it is not mentioned in Ex.P192 panchanama that he was called by phone by officer on the previous day and that on his direction he went to NIA Office, Begumpet at 08-00 am., on the next day and that he went to CRPF Group Center at Shameerpet along with DSP and other panch witness and that the descriptive particulars of the vehicle in which they proceeded to CRPF Center is also not mentioned in Ex.P192. They started at NIA Office, Begumpet at 09-00 am., and they reached Shameerpet CRPF Center at 09-45 am.,. One DSP Tajuddin and SP Sunil Immanuel of NIA were already present at Shameerpet CRPF Center along with the accused when they reached there. Till 01-00 pm., on 28-09-2013 he was at CRPF Camp. He stated that he do not know as to when the accused No.2 was arrested, at which place he was arrested and since how long he is in custody at CRPF Camp Center, Shameerpet. He stated that 28-09-2013 was a Working day and he did not apply any leave on that day as he thought that he is acting at the instructions of Superiors. He stated that on all panchanamas Ex.P191 to P202 he did not put his signature at the bottom of each page except the last page. He stated that he had signed on the left side of each page. He stated

that he did not put date, name wherever signed in these exhibits. He stated that in all these panchanamas except in Ex.P193 it is not mentioned as to the descriptive particulars of the laptop and the printer used and the person who typed the same in the laptop. He stated that in Ex.P193 the descriptive particulars of the person who scribed it was not mentioned. He stated that two vehicles were used during the process of investigation at that time. He stated that the descriptive particulars of the two vehicles and the name and particulars of the drivers and number of police officials who accompanied them are not mentioned in Ex.P192 to P202. He stated that in Ex.P202 from sheet No.5 to 42 signatures are not there. He stated that in all the Ex.P192 to 201 there is no mentioned as to what road routes were adopted for reaching those places. He stated that all these panchanamas Ex.P192 to 201 except Ex.P193 might have been typed by the Writer of the NIA Police. He stated that he do not know whether the person who scribed Ex.P193 is the same person who typed the other exhibits from Ex.P192, P194 to P201. He stated that officer Chandra Reddy, Deputy Collector-cum-MRO of Saroornagar Mandal depute staff as panch witnesses in some of the criminal cases whenever the Police gives him requisitions within his jurisdiction. He stated that in one vehicle himself, two Sub-Inspectors of Police, NIA and the other panch witness travelled. He stated that in the other vehicle, the SP and two DSPs travelled. He stated that he was not summoned by any Magistrate to identify the accused. He stated that he saw the photographs of the accused in the various media channels and newspapers after their arrest in the year 2013.

**PANCH WITNESS FOR POINTING OUT BY A3:**

363. PW109 G.Sandeep Kumar who is working as Village Accountant since 2007 in Revenue Department of Government of Karnataka stated that their Tahsildar asked him and his colleague

Basava Raju, Revenue Inspector to act as panchayathdars for the proceedings to be conducted by NIA Police. Around 10-00 pm., on 30-05-2014 they went to Yelahanka Police Station. In the midnight the NIA Police arrived at the Police Station along with one accused. The accused informed that he would take them to a place near Majestic Tribhuvan Theater opposite to which Burma Bazaar was situated. The accused informed that he had taken Rs.1 lakh which was sent through Hawala from the shop at Burma Bazaar. The accused pointed out the directions from Yelahanka Police Station to the shop at Burma Bazaar from where the Hawala amount of Rs.1 lakh was taken by him. The accused pointed out a shop No.19/20 in the cellar of Burma Bazaar. He informed that the money was taken from the person of the said shop. The whole proceedings took about 2 hours. Pointing out memo was drafted by the NIA Police with respect to the proceedings that took place from 12-00 midnight to 02-00 am., on 30/31-05-2014. Ex.P315 (3 sheets) is the pointing out memo drafted by the NIA police and signed by him, the accused and other police officers. The witness identified the accused as the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed.

364. During the course of Cross Examination, he stated that the NIA police requisition to Tahsildar to depute two persons to act as panch witnesses and send them to Yalanka Police Station midnight of 30/31-05-2014. He stated that he does not know where from the accused was brought and in which flight he was brought and since how long he was in custody. He stated that Tahsildar always deputes some of their staff to act as panch witnesses in other criminal cases. He denied that he attested signature on Ex.P315 as directed by Tahsildar and that he does not know anything about the case and the accused was never brought before him at any point of time and that he identified A3 in the Court as the NIA Police showed the photographs of A3.

## CFSL EXPERT WHO SPEAKS ABOUT A3's KNOWLEDGE OF IED MAKING:

365. PW112 Dr.A.K.Srivastava who is working as Assistant Director, Explosives at Central Forensic Science Laboratory, Ramanthapur, Hyderabad stated that he is M.Sc., (Chemistry) Ph.D., (Zoology) PGDCA. He had received this case from Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad on 17-10-2013 and also received this case as internal forwarding case from Physics Division, Hyderabad. In this case he had received 11 sealed parcels pertaining to FIR No.RC 01 / 13 and 02/13 of NIA, Hyderabad. In this case he received letter of advice from Superintendent of Police, NIA enclosing material objects from Serial No.1 to 5, 96 to 101 which was forwarded by Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He had started the analysis on 28-03-2014 and completed the case on 27-06-2014. During the analysis various laboratory tests such as colour test and Thin Layer Chromatographic (TLC) technique and the result thus obtained are given below: 01. Ammonium and nitrate, ions have been detected in Ex.1, 02. Ammonium and nitrate, ions have been detected in Ex.2, 03. Ammonium and nitrate, ions have been detected in Ex.3, 04. Ammonium and nitrate, ions have been detected in Ex.4, 05. Ammonium and nitrate, ions have been detected in Ex.5, 06. No explosives substances detected in Ex.96, 07. No explosives substances detected in Ex.97, 08. Ammonium and nitrate, ions have been detected in Ex.98, 09. Chloride and Nitrate ions have been detected in Ex.99, 10. No explosives substances detected in Ex.100, 11. No explosives substances detected in Ex.101. The detected ingredients in Ex.1 to 5 and Ex.98 could be the constituents of Ammonium nitrate based improvised explosives composition and their post blast residue. (The exhibits mentioned as Ex.1 to 5 and Ex.96 to 101 are as detailed in the letter of advice). The letter addressed by the

Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad enclosing letters of advice. Ex.P329 is the letter of advice containing 9 sheets and the corresponding examination report is Ex.P330 (2 sheets) signed by him. He was called by the DSP, NIA to witness the disclosure and IED demonstration of the accused Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed S/o.Jalauddin. Accordingly he went to CRPF Camp at Hakimpet. The said accused volunteered and stated that if he was provided with different components of Improvised Explosive Device (IED) he would demonstrate as to how the bomb would be made. Accordingly different components required for assembling an IED were provided to the said accused. The entire process was also video graphed. After completing the process of assembling a bomb, the accused placed a bulb in place of explosive substance. The bulb glowed which indicated that circuit required for a bomb to explode has been completed. He was present during the entire proceedings. The accused also signed on the disclosure and IED demonstration memo dt.08-06-2014. The said disclosure and IED demonstration memo is Ex.P331 containing three sheets on which he had signed. The witness identified the said accused as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed. Mo.172 is the assembled IED by A3 during the demonstration process on 08-06-2014. Mo.173 is the sealed cover containing the video SD card (memory card). The Mo.173 memory card is identified by the number BI1309422908G embossed on it (made in China). He was also sent one sealed envelope containing two exhibits which are a piece of cotton marked as Ex.1 and Ex.2 is the envelope containing three defused detonators. On examination he found that no explosive substance was found on the exhibits. He was not aware nor informed about the process of diffusion of the detonators as such he cannot give specific reasons for not filing explosive substance. Ex.P332 is the

certified copy of the examination report dt.27-06-2014 signed by him.

366. During the course of Cross Examination, he stated that in Ex.P331 it is not mentioned specifically that he had attended the demonstration proceedings as an Expert. He state that in Ex.P331 name is mentioned in the beginning as an independent witness and he signed at the end as an independent witness but not as an Expert. He state that his signature is found under the column independent witnesses on the last page of Ex.P331 along with the other panch witnesses. His Director received requisition to send some Expert and so he has been deputed. He state that in Ex.P331 he did not put his official seal and stamp as an Assistant Director, Explosives, CFSL, Hyderabad. He had got official seal and stamp in respect of his designation in CFSL. He state that the descriptive particulars of company, make or manufacture of the SD card and the video camera used is not mentioned in Ex.P331. The NIA officials have brought the 23 items mentioned in Ex.P331 from the Local market. By the time he reached CRPF Camp (particular room where demonstration was held) the accused was already there. He stated that he do not know since how long the accused was there and who brought him there and from where he was brought. He state that by the time he reached the CRPF camp (particular room where demonstration was held) all the 23 items mentioned in Ex.P331 were already there. He state that he do not know the name and designation of the NIA Officials who brought those items and since how long they are there. He state that Ammonium Nitrate as it is, is not an explosive substance but it explodes if it is detonated. He state that it is only available in Granular or in powder form. He state that if it burns or explodes it will turn into black colour. He state that it is not mentioned specifically in Ex.P330 as to what colour tests he had done to give the opinion. He state that it is true that in Ex.P330 no explosive substance was detected in Ex.96, 97, 99, 100, 101. He state

that it is true that in his opinion in Ex.P330 in respect of items 1 to 5 corresponding to Ex.1 to 5 he had not mentioned the form and quantity in which Ammonium nitrate was detected. He state that ammonium nitrate is available in the market as one of the fertilizers used and another ammonium nitrate in granular form is available in the market for the quarry purposes for using to blast with a detonator and without a detonator the ammonium nitrate is only a chemical substance. He state that in Ex.P330 there is no mention that all the 11 items mentioned therein were received by CFSL, Hyderabad along with the slips containing the signatures of panch witnesses. He state that the entire material mentioned in Ex.P330 were received by CFSL on 17-10-2013 and they were in custody of Sri.P.N.Ramakrishna, Senior Scientific Officer, Physics and it was received by him on 24-03-2014 and he gave the Ex.P330 report on 27-06-2014. He stated that between 24-03-2014 to 27-06-2014 what tests or experiments he made with these 11 items mentioned in Ex.P330 is not mentioned in Ex.P330.

**CFSL EXPERT WHO SPEAKS ABOUT FINGERPRINTS OF A2:**

367. PW110 R.B.Bhosale who is working as Scientist-B, CFSL, Hyderabad since 2009 stated that he joined the office of Government Examiner of Questioned Documents, Hyderabad in the year 1999 as an Assistant Central Intelligence Officer Grade-I. He had undergone three years training in Identification of handwriting and detection of forgery. He had examined large number of documents and expressed his opinion on them independently. He had also attended various Courts of Law, Commissions and Departmental Enquires as an Expert witness. The documents of this Case were received in his laboratory from the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA cases vide Dis.No.3439/IAMSJ/HYD/2013 dt.30-11-2013 along with the covering letter. The documents marked as Q1, Q1/1, Q1/2, and Q1/3 as found on Ex.P57 lease deed, Q2 is a

register which is marked as Ex.P316, Q3, Q3/1 to Q3/29 as found in a note book which is marked as Ex.P317, Q4 and Q4/1 to Q4/21 found in classmate note book which is marked as Ex.P318, Q5 on the text book Human Anatomy and Physiology which is marked as Ex.P319. The said questioned signatures were compared with S1 to S22 which are specimen signatures and writing of Aasadullah Aktar @ Haddi, S/o.Javeed Aktar obtained by the Special Judge for NIA Cases at Hyderabad dt.09-10-2013. S1 to S22 specimens are marked as Ex.P320 (7 sheets). He had examined the documents in laboratory using necessary scientific instruments and expressed opinion. His opinion that: 01. The Person who wrote the blue enclosed writings stamped and marked as S1 to S22 also wrote the red enclosed writings similarly stamped and marked as Q1, Q1/1, Q1/2 and Q1/3. 02. It has not been possible to express any opinion on the writings marked as Q2, Q3, Q3/1 to Q3/29, Q4 and Q4/1 to Q4/21 in comparison with the writings marked S1 to S22 as all the writing characteristic features as occurring in questioned writings are not accounted from the supplied standard writings. 03. It has not being possible to express any opinion on the rest of the query. His opinion in the four pages and each page bears his signature. This opinion along with all the documents forwarded to his laboratory were returned to the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad vide his office letter No.CFSL(H)/2292/DOC/669/CH-171/2013/379 dt.17-04-2014. Ex.P321 is the covering letter along with the opinion (5 sheets) dt.31-01-2014. The specimen handwriting marked as S1 to S22 were enclosed with blue pencil and questioned writings enclosed with red pencil. He had affixed his office stamp on all the documents. During the examination he had prepared the reasons basing upon his opinion which were typed in continuation to the opinion i.e., from page No.2 to 4. Again his laboratory received documents from the Hon'ble I Additional

Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad vide Dis.No.1648/IAMSJ/HYD/2014 dt.05-08-2014 which is marked as Ex.P322 (4 sheets) which includes letter of advice. The documents were marked as Q3, Q3/1 to Q3/29, Q5 and S23 to S40 in 18 sheets and two volumes. He had examined these documents and expressed his supplementary opinion which is: "English writings and numerals in the enclosed portions stamped and marked as Q3, Q3/1 to Q3/29, Q5 and S23 to S25 and S35 to S40 where all written by one and same person." His opinion is in five pages and each page bears his signature. His opinion bears number CH-171/2013 dt.03-12-2014. The covering letter along with opinion dt.03-12-2014 is Ex.P323 containing 6 sheets. This opinion and all the documents of this case were sent to the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad vide his office letter No.CFSL(H)/2292/DOC/669/CH-171/2013/9527 dt.18-12-2014. He had affixed his office stamp on all the documents. During the examination he had prepared reasons basing upon his opinion which were typed on Page No.2 to 5 of his opinion. S23 to S25 and S35 to S40 are the specimen signatures and hand-writings of Zia-ur-Rehman @ Waqas @ Javeed @ Nabeel Ahmed @ Ahmed obtained by the Hon'ble Special Judge for NIA Cases, Hyderabad on 09-06-2014 and 22-07-2014 which is Ex.P324 containing 9 sheets. S26 to S34 are the specimen signatures and handwriting of Tahseen Akthar @ Monu @ Hassan obtained by the Hon'ble Special Judge for NIA Cases, Hyderabad on 09-06-2014 and 22-07-2014 which is Ex.P325 containing 9 sheets.

368. During the course of Cross Examination, his Department i.e., Government Examiner of Questioned Documents was one of the wings of Intelligence Bureau earlier. Afterwards it was under Bureau of Police Research and Development with its headquarters at Delhi. Now it is under Directorate of Forensic Sciences and its

Headquarters at Delhi with six divisions at Ramanthapur at Hyderabad, Kolkata, Chandigarh, Gauhati, Pune and Bhopal. His grade is Scientist-B in the Central Forensic Scientific Laboratory. Above his cadre there is a cadre of Scientist-C-cum-Assistant Director, above that Scientist-D-cum-Deputy Director, above that Scientist-E-cum-Director, above that Scientist-F-cum-Chief Forensic Scientist who is the Head of all the six laboratories in India. He stated that the Court has not directed him to examine the hand-writings and gave opinion in this case. He stated that there is no notification from the Central Government or any State Government directing him to examine analyze and give opinion in respect of the hand-writings of the accused particularly in this case. He stated that in general the work will be allotted in rotation among the Scientist of CFS. He stated that he had not mentioned the age of the disputed handwriting in Q1 to 4, Q1/1 to Q1/3, Q3/1 to Q3/29, Q4/1 to Q4/21. He stated that the age of the handwriting is not required for identification of the handwriting. He stated that while examining a handwriting they generally look into similarities in commencement, termination, shape of body part, loops, curves, eyelets, nature of connecting strokes, spacing, size etc., He gave his opinion basing on the reasons which is in continuation of the opinion and he mentioned in his reasons that he followed characteristics features of the handwriting while examining the documents but he did not mention the same in his opinion specifically as it is continuation of his opinion. He denied that without any Authority of Law, he gave opinions vide Ex.P321, P323 at the instance of Superior Officers in CFS. He stated that the concerned Court has given directions only to the Director CFS, Hyderabad to give opinion in respect of Ex.P321 and P323. He stated that in opinion vide Ex.P321 and P323 there is no mention that their Director has deputed him to analyze, examine, and give report in this regard. He stated that in the lease Agreement in which handwriting Q1 is marked, the lease

Agreement appears to be a Xerox copy. He denied that he had given the report Ex.P321 and 323 without making any analysis or examination of the questioned handwritings and the admitted specimen handwriting.

**INCHARGE OF BOMB SQUAD WHO SPEAKS ABOUT DEFUSING IED:**

369. PW115 Ch.N.S.V.Ramana who is working as Incharge-Officer, Bomb Squad, City Security Wing, Hyderabad stated that he received three live electrical detonators from NIA Police which were brought on the directions of the learned I Additional Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad for the purpose of defusing the said live electrical detonators and consequently hand over the remnants for further investigation. There is no method for defusing live electrical detonators except to dispose them off by using a power source like direct current. He used exploder dynamo to dispose (blast off) the said detonators. Only in the event of getting an IED (Improvised Explosive Device) the question of defusing arises, which involves separating the parts of the bomb. In general the electrical detonators are used as a part of an IED to trigger the explosive substance placed in the said IED. While defusing detonators, the high sensitive chemicals present in the detonators will be exploded as such the question of finding the chemicals in the detonators after the blast is not possible. A detonator is something like an aluminum tube which are in various sizes depending upon the manufacturer. He was forwarded the three live electrical detonators vide letter C.No.181/SP-1/NIA/Hyderabad dt.18-11-2013 by the DSP, NIA. After defusing the said detonators he issued a certificate Ex.P336 and handed over the remnants to NIA. He was also sent one cartridge containing mixture of ammonium nitrate and fuel oil which serves as an explosive. He adopted the procedure of open-burnt wherein he poured combustible oil i.e., Kerosene on the cartridge and burnt the same. The burnt remnants were handed over to NIA.

370. During the course of Cross Examination, he stated

that what all he stated in Chief Examination about the process of defusal was not mentioned in certificate Ex.P336. He stated that the NIA Police did not give him the Power Source along with the detonators. He stated that he do not know as to when and where those detonators were seized and since how long they were in custody of NIA Police.

**EYEWITNESS WHO SAW A4 PLANTING BOMB AT A1-MIRCHI CENTRE:**

371. PW59 Merugu Ilaiah who is making a film now stated that he was working in HDFC Bank as sales officer during 2012-13 stated that he got married in the year 2013 January, his wife is working in Pharmaceutical company at Banjara Hills. He used to drop his wife at Dilsukhnagar bus stop in the morning and used to receive her in the evening on the other side of the road bus stop and she used to call him from the bus when she was reaching Malakpet, so that he will be available at Dilsukhnagar to receive her. On 21-02-2013 around 06-30 pm., he reached Anand Tiffin center at Dilsukhnagar and he was waiting for his wife, meanwhile he had a cup of tea at Anand Tiffin center by parking his bike in between A1-mirchi center and Anand Tiffin center. One person brought a cycle with Tiffin carrier and parked the same in between two bikes. He observed because the cycle may fit between two bikes or not. He thought that the said person was idly seller and as such he got some bag containing Tiffin box on the carrier of the cycle. The witness identified the said person as Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. He crossed the road to reach the bus stop where his wife gets down. By the time he cross the road there was an explosion near Venkatadri Theater and within seconds he heard another sound of explosion from A1-mirchi center side. There was lot of commotion and people were running in all direction and he also noticed huge fires and smoke. He along with his wife rushed to the home. He came to know through the news of TV channel that there was bomb blast at Dilsukhnagar and he returned to scene with curiosity. He

noticed the police and other people and came to know that one blast was at Anand Tiffin center due to cycle bomb caused by a person having light beard. Meanwhile a media person came to him observing him conversing with others about his presence just few minutes before the blast. The TV9 Channel person took his interview after asking him to cover face with a kerchief, then he narrated the whole incident to TV9 reporter which was telecast on the same night. Ex.P52 is his signature on TI proceedings dt.28-06-2014. Ex.P53 is his signature on TI proceedings dt.09-07-2014.

372. During the course of Cross Examination, he stated that on one occasion he has gone to NIA office at Begumpet. He stated that he was never summoned by any Magistrate to give evidence U/Sec.164 Cr.P.C statement. He stated that during the first TI parade conducted on 28-06-2014 he identified another person instead of A4. He stated that at that time the learned Magistrate asked him as to in what circumstances he can identify the accused and whether he can identify the accused. He stated that what all he stated in chief examination he did not state the same before the learned Magistrate. He stated that on that day he was putting on mask and he was not able to go near to the suspects and non-suspects. He stated that he did not state what all he stated in his chief examination he did not state the same before the learned Magistrate at the second TI parade. He stated that on 05-06-2014 for the first time he went to NIA office. He stated that he does not know the designation of the Police who summoned him to NIA office. He stated that he does not remember whether he stated in his 161 Cr.P.C. statement and in 164 Cr.P.C. statement before the Magistrate during the TI parade that "I got married in the year 2013 January, my wife is working in Pharmaceutical company at Banjara Hills and I used to drop my wife at Dilsukhnagar bus stop in the morning and used to receive her in the evening on the other side of the road bus stop

and she used to call me from the bus when she was reaching Malakpet, so that I will be available at Dilsukhnagar to receive her, and on 21-02-2013 around 06-30 pm., I reached Anand Tiffin center at Dilsukhnagar and I was waiting for my wife, meanwhile I had a cup of tea at Anand Tiffin center by parking my bike in between A1-mirchi center and Anand Tiffin center, one person brought a cycle with Tiffin carrier and parked the same in between two bikes". What all he stated in his chief examination he did not tell the same to anybody after TV9 interview until he went to NIA office on 05-06-2014. He stated that by the time he reach the scene of offence after dropping his wife in the home, the entire scene was cordoned by Police upto Chaitanyapuri. He stated that the Police did not allow anyone including himself to go near the scene of offence. He stated that he had seen the news of the blast on the TV. He stated that he did not lodge any complaint either in Saroornagar Police Station or in Malakpet Police station complaining that he saw a person parking cycle at A1-mirchi center even after seeing the blast news in various TV channels. What all he stated in his chief examination he did not tell the Police present at the scene of offence when he went there at 08-30 pm., even lot of police personnel were present. He stated that he did not give any complaint to the learned Magistrate holding second TI parade on 09-07-2014 that he already participated in the TI parade earlier on 28-06-2014 and that he could not identify A4. He stated that he did not complaint to the Magistrate holding first TI parade that there was no sufficient light and distance was too long to identify the suspects. He stated that on 05-06-2014 the Saroornagar Police called him in the morning and requested him to accompany their constable to NIA office at Begumpet as he had given interview to TV9 on the date of the blast. He stated that on that date he was not enquired nor his statement was recorded by Saroornagar police.

**TICKET SELLER OF SALAMATH TRAVELS:**

373. PW89 Mohd.Sohail stated that during February, 2013 he was working as Ticket Seller at Salamath Travels. One day prior to the bomb blasts at Dilsukhnagar two persons came to their out-let and booked two tickets from Hyderabad to Bangalore. He remembered those two persons because their language was different and the said two persons purchased Bangalore Tickets on 20-02-2013 for travel on 21-02-2013 at 09-00 pm., Ex.P191 is the booklet and receipt/page No.8666 is the office copy of the Ticket issued by him to the said person named Nabeen. He handed over Ex.P191 to the NIA Police.

374. During the course of Cross Examination, he stated that Ex.P191 does not contain bus number. He stated that if the bus belongs to their travels the bus number will not be mentioned, if they book bus belonging to other travel agency then they mention the bus number.

**VRL TRAVELS WORKERS:**

375. PW113 Prakash.K who is working with VRL Travels since 14 years stated that for the last four months he had been working at Bijapur. Earlier to that, he worked in Hyderabad during the years 2013 and 2014. Their buses ply in between Mumbai, Mangalore, Bangalore, Hyderabad, Chennai, Goa and several other places in India. The NIA Police, Hyderabad approached them and asked for details of the passengers' who travelled in their buses during February, 2013. They had provided the details of buses plying on various dates in between Mangalore, Hyderabad, Bangalore and Manipal. Ex.P202 are the details furnished by them which includes the details of passengers and also buses during 01-02-2013 to 28-02-2013.

376. During the course of Cross Examination, he stated that except on the first pages, he had not put his signatures and stamps on the rest of the pages. Ex.P202 doesn't disclose the descriptive

particulars of the person who took printouts and from which office they were taken. The NIA Official by name Venkatadri came to him. Only NIA Officials came to their office to collect Ex.P202. He denied that he had simply handed over Ex.P202 to the Police without knowing the reasons thereof.

377. PW127 Sandesh.K who is working as Booking Clerk in VRL Travels at Mangalore since 3 years. His duties were to issue tickets, prepare charts and also verify the passengers after they have taken their seats in the bus with respect to their tickets. The NIA Police came to their Office and informed that two bomb blasts took place at Dilsukhnagar and enquired about passengers travelling in the month of February, 2013. He informed that one person by name Danish travelled on 09-02-2013 to Hyderabad and the same person traveled once again on 15-02-2013 to Hyderabad in the name of Ani. On 15-02-2013 the said Danish @ Ani and another person arrived at their Travels early and were looking tensed. They were repeatedly asking about the departure of the bus to Hyderabad and he asked them to wait till the bus arrives. The bus arrived at 02-15 pm., and they boarded the bus along with heavy baggage. He had seen the said two persons nearby Hampankatta 2-3 times prior to their travel. He also participated in Test Identification Parade at Cherlapally Central Prison on 28-06-2014. The witness identified the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed as the person whom he identified in Jail also. His signature on Test Identification parade is Ex.P413. The witness identified Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad as the person named Danish @ Ani.

378. During the course of Cross Examination, he stated that what all he stated in Chief Examination he did not state before the learned Magistrate at Mangalore during the Test Identification Parade in which his signature is marked as Ex.P413. He stated that in VRL Travels

there will be two Drivers who act as Conductor as well as Driver. He stated that in all their buses the passengers will not be allowed without checking the ID proofs of the passengers by the Conductor. He stated that in all the tickets it is printed that they are not transferable. He stated that all the passengers will be checked if they board the bus in all stations and wherever the bus starts from their Office their staff check the ID proofs. He stated that so many passengers keep boarding the bus and elighting the bus they cannot remember as to who elighted the bus and who boarded the bus. He stated that every ticket issued by them has a distinct number. He stated that he did not state before the police and before the learned Magistrate who conducted Test Identification parade and the before the learned Magistrate who recorded the 164 Cr.P.C. Statement about the details of the tickets and seat numbers issued to the persons whom he identified, the bus number and the particulars of the conductors and drivers of those buses. He denied that he had never seen the accused before in their bus stops.

**PANCH WITNESS FOR POINTING OUT BY A2:**

379. PW91 Jugal Kishor Pradhan who is working as Senior Tax Assistant, Office of Commissioner of Income Tax - I since December, 2007 stated that on 06-09-2013 some NIA officers came to their office and requested for two persons to act as witnesses during investigation. The Deputy Commissioner of Income Tax has asked them to act as mediators as such they proceeded to NIA office at Begumpet. From NIA office they along with NIA officials went to Begumpet Airport at 08-00 pm., Around 08-15 pm., a special flight arrived from Delhi. In the said flight one accused along with Immanuel the Investigating Officer and other officers were present. He along with another mediator by name Krishna Chaitanya, Immanuel, Investigating Officer accused and two other officers were sitting in one big car (Innova type). There was another vehicle following them in which some other officers were sitting.

They started from Begumpet and as per the directions of the accused and Investigating Officer, they came towards Nalgonda X Roads, Malakpet within one hour. From Nalgonda X roads towards Dilsukhnagar they proceeded for one furlong and there the accused pointed towards one puncture shop from where he said that he purchased a cycle. There was no one in the puncture shop. From there they went to LB Nagar X Roads and took a 'U' turn and the accused pointed towards one shop namely Maha Lakshmi Steels and stated that he purchased two 7 ½ liter pressure cookers from the said shop. The shop was closed. From there the accused has taken them towards A1-pan shop where Tea and samosa were sold and from there he has pointed out the bus stop where bombs were planted. From there the accused took them to Malakpet Railway Station parking area and informed that they parked the cycles there. From there he has taken them to 2-3 kms., and pointed out that there was Thursday Market from where he informed that second cycle was purchased. The seller of the cycle was not present. From there they travelled to a place opposite to Ramoji Film City at the instance of the accused. From there they took a katcha road to the right where he pointed out the house where they stayed as tenants. The said room where the accused earlier stayed was locked. The key to the said room was brought by the owner whose house was pointed out by the accused. The lock was opened and found that there were some materials. There they found hair, two water bottles, orange colour comb, small wire pieces etc., which were mentioned in the panchanama. The owners informed that after the accused left no one else had occupied the said room. Ex.P189 is the pointing out memo drafted during the above mentioned pointing out/investigation from 08-30 pm., on 06-09-2013 to 03-00 am., on 07-09-2013 in the presence of the investigating officer Immanuel, himself, his other colleague and other officers. He signed on Ex.P189. The

Police seized the said material found in the house under search and seizure panchanama which is Ex.P190. Mo.158, 159 & 160 were seized during Ex.P190 proceedings along with other material. The witness identified the said accused as Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh. The witness said that at that point of time the accused had no beard. All the accused are having beard but A6 was having goat beard. Mo.161 (handles of two cookers) and Mo.162 (two whistles of cookers) were seized in their presence. Mo.161 and 162 were in sealed condition with signatures.

380. At this stage the witness turned hostile to the extent of identification. During the course of Cross Examination, by the learned Special Public Prosecutor for NIA, the witness identified the accused as the accused No.2.

381. Ex.P189 is the pointing out memo drafted during the above mentioned pointing out/investigation from 08-30 pm., on 06-09-2013 to 03-00 am., on 07-09-2013 in the presence of the investigating officer Immanuel. He had signed on Ex.P189 (subject to the objection as on the date of the said panchanama the accused was not shown as an accused in this case). However there is no bar to receive the evidence of one crime in another crime as it was held in AIR 1998 SC 1686 State of Gujarat Vs. Mohammed Atic and others that the confession becomes admissible in evidence and it is immaterial whether the confession was recorded in one particular case or in a different case.

382. During the course of Cross Examination, he stated that Ex.P189 and 190 are Xerox copies bearing stamps of District & Sessions Judge, New Delhi. He stated that both the panachanamas are conducted in RC No.06/2012/NIA-Delhi. He stated that in Ex.P189 page No.1 and para No.1 it is mentioned that they were deputed to act as independent witnesses and assist the NIA officers from New Delhi. He stated that one Sri.R.Mohan Kumar, Deputy Commissioner of Income

Tax directed them to act as independent witnesses and assist the NIA police. He stated that his job is a Central Government Job as Senior Tax Assistant Officer and his duty timings are 09-15 am., to 05-45 pm.,. He stated that assisting the Police Officer is not part of his job. He stated that as he was deputed by Deputy Commissioner he acted as a panch witness. He stated that he does not remember week-day on which 06-09-2013 falls. He stated that the proceedings which he attended are not related to Income Tax Department. He stated that one Inspector and one Constable came to their office to take him and his other colleague to NIA office, Begumpet. He stated that the NIA police issued requisition to his Deputy Commissioner Income Tax to depute two persons to act as panch witnesses. He stated that Ex.P189 does not disclose that the NIA officials gave requisition to depute two persons for acting as panch witnesses. He stated that all the flights land and take-off from Shamshabad Airport for the past 10 years. He stated that Ex.P189 there is no mention of flight details, from which place the flight arrived and the number of officers who came in that flight. He stated that in Ex.P189 there is no mention that one Inspector and one Constable came to their office and took them to Begumpet NIA office. He stated that he does not know the name of the said Inspector and Constable. He stated that one DSP by name Kanakaraju and two other officers accompanied them to NIA office. He stated that in Ex.P189 & P190 the descriptive particulars of vehicle in which they were taken to Airport and subsequently to other places are not mentioned. He stated that he does not know as to when and where the accused was arrested, since how long he is in custody and in which case he was arrested. He stated that he was informed by the NIA SP Immanuel about the details of this case. He stated that on that day he was there with NIA officials till 03-00 am., on 07-09-2013. He stated that he was not summoned as witness to give evidence in RC.No.06/2012/NIA-Delhi by the Special Judge, NIA Court,

Delhi. He stated that the said SP Immanuel does not say that whether he belongs to NIA-Hyderabad or NIA-Delhi. Their Deputy Commissioner of Income Tax deputes the staff for acting as panch witness in other cases but he acted as panch witness in this case only. The NIA Police namely D.Srinivas Rao, Inspector/AIO/NIA Camp at Hyderabad examined him in RC No.06/2012/NIA/DLI on 25-01-2014 during which he was shown the panchanama Ex.P189 and 190 and confirmed his signature. He stated that he was not examined U/Sec.161 Cr.P.C. as a witness in the present case. He denied that I never acted as a panch witness in any case and simply signed as panch witness in Ex.P189 and 190 at the instance of Deputy Commissioner of Income Tax who deputed him. He denied that nothing was discovered, seized from the possession or at the instance of the accused. He denied that he identified A2 in the Court at the instance of NIA police. He denied that A2 never made any confession and that A2 never disclosed/discovered anything as mentioned in Ex.P189 and 190 and in Chief examination.

#### PANCH WITNESS FOR DISCLOSURE OF A3:

383. PW118 R.Ram Babu who is working as Junior Assistant, RDO, Saroornagar Mandal since 2 years. He joined in the Revenue Department in October, 2007. The RDO was orally informed by the NIA Police to depute two officials for the purpose of certain proceedings to be undertaken by the NIA at CRPF Center at Hakimpet. The RDO has directed him and another Senior Assistant by name Vinod Kumar to witness the proceedings of NIA Police. Accordingly on 26-05-2014 himself and his friend Vinod Kumar (LW453) were taken to CRPF Center at Hakimpet by NIA Police. There they found two accused by name Zia-ur-Rehman @ Waqas @ Ahmed @ Javeed and another by name Tahsin Aktar @ Hassan @ Monu. From 1200 hours the said accused had narrated about his involvement in Dilsukhnagar blasts case which was recorded by the NIA Police. Ex.P388 is the disclosure

panchanama dt.26-05-2014 excluding the inadmissible portion of Zia-ur-Rehman @ Waqas @ Ahmed @ Javeed containing 11 sheets. The admissible portion at page No.9 wherein the accused disclosed that he can lead the Police party to various places at Mangalore, Bangalore and Hyderabad. He also narrated his hideouts in India after entering into India from Pakistan. The panchanama was concluded at 1630 hours. From 1700 hours another accused had narrated about his involvement in Dilsukhnagar blasts case which was recorded by the NIA Police. Ex.P389-A and B are the disclosure panchanama dt.26-05-2014 excluding the inadmissible portion of Tahsin Aktar @ Hassan @ Monu containing 10 sheets. The admissible portion wherein the accused disclosed that he can lead the Police party to various places in Hyderabad. The panchanama was concluded at 2100 hours. He signed on both Ex.P388 and P389-A and B. The two accused and other Police personnel along with them proceeded to Abdullapurmet in four different vehicles. After crossing Abdullapurmet they went for about 4 or 5 kms., to a village where Tahsin Akthar showed a room where he resided. From there they proceeded to one hill near Abdullapurmet where they conducted a test blast 2 or 3 days prior to Dilsukhnagar blasts. From there they were taken to LB Nagar Cross Roads where the accused separately pointed out Maha Lakshmi Fancy Steel shop from where pressure cookers were purchased and used in the making of bomb. From there they were taken to A1-Pan shop near Anand Tiffin Center at Dilsukhnagar Cross Roads. There he pointed out a place where the cycle mounted with a bomb was placed. From there they were taken to the bus stop which is about 2 furlongs from A1-Pan shop. There they pointed out a place behind the bus stop where the cycle mounted with a bomb was placed. From there they were shown the place at Malakpet gunj entrance gate where one cycle was purchased. From there they were taken to Malakpet Railway Station where according to them, the

cycles were parked prior to mounting the bombs. From there they were taken to Jumerath Bazaar market where the second cycle was purchased. It was informed that after the blast that one of them boarded a train at Nampally Railway Station and another had taken a bus at Lakdikapool. Both the places were shown by the accused. Ex.P390 containing 4 sheets is the pointing out memo of the accused excluding the inadmissible portion. No persons were present at any of the places that were pointed out by the accused. He signed in Ex.P390. The witness identified both the accused as the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed and the Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu.

384. During the course of Cross Examination, he stated that he is working as Junior Assistant on regular basis. He stated that he was not given any written requisition by RDO to help the NIA Police. He stated that generally on oral instructions they keep going out to act as panch witnesses. He stated that so far this is the first case he acted as panch but RDO keeps deputing staff to act as panch witness. He stated that whenever there is time, RDO issues written proceedings. His Job is of Revenue Duty. He stated that he does not know whether acting as panch witness in criminal case is his duty or not but his Officers keep on instructing them to assist police in criminal cases. On the same day i.e., on 26-05-2014 the moment they joined the duty at 10-00 am., himself and other panch witness was directed to act as panch witness. The NIA Police came to their office and took them to their Head Office at Begumpet in their vehicle, it took one hours or 45 minutes to reach NIA Office at Begumpet. After one or two minutes of reaching NIA Office Begumpet they were taken in same vehicle to his remembrance. He stated that he is not perfect in English but he can read slowly. He stated that in the disclosure panchanama where the admissible portion is marked as Ex.P388 there is no mention that NIA Officials came to

their office and they took them from their Office at Goshamahal to NIA Office at Begumpet initially and from there they went to Hakimpet CRPF Camp Office and also there is no mention of descriptive particulars of the vehicles used and officials of the NIA Police. He stated that he did not make any signature in the entry register of CRPF Camp. He stated that he does not remember whether any entry pass was given to him. He stated that they entered into the CRPF Camp to an extent of 3-4 kms., he cannot say the exact place and room where he was taken by the NIA Police in the CRPF Camp. He stated that he was not summoned by any Magistrate to identify the accused. He denied that NIA Police showed them the photograph of the accused as such he could identify the accused. He stated that he does not know the number of NIA Police and CRPF police present there and that when and where the accused were arrested and since how long they were in custody. He stated that at the dictation of NIA officer the writer or the constable typed panchanamas including Ex.P388 to P390. He stated that in all these three panchanamas wherein Ex.P388 to P390 are marked it is not mentioned that the accused made the statements in Hindi and that it was translated into English by the NIA Officer who conducted the panchanama and dictated to his writer or constable and that the contents of these panchanamas were read over to him, explained in vernacular language and that he admitted them to be correct after going through the panchanamas. He denied that only at the pressures of his Superior Officer i.e., RDO himself and his colleague A.Vinod Kumar went to the NIA Office, Begumpet and signed the panchanamas where Ex.P388 to P390 are marked and that no disclosures were made by the accused A3 and A4 and that they did not point out at any locations in their presence.

**MAGISTRATE WHO CONDUCTED TIP OF A2:**

385. PW98 Y.Govind Reddy who is working as Senior Civil

Judge, Vikarabad stated that previously he worked as XIX Metropolitan Magistrate of Cyberabad at Kukatpally from May, 2012 to March, 2014. In this case he had been nominated by the Chief Judicial Magistrate of Rangareddy District at LB Nagar in proceedings No.475/2013 dt.10-10-2013 to conduct Test Identification Parade of the accused No.2 Aasadullah Akthar @ Haddi @ Daniyal, S/o.Dr.Javeed Akthar, Age: 28 years, R/o.Bazbahadur, Azamgarh, Uttar Pradesh State who was by then detained in Central Prison Cherlapally, Ranga Reddy District. In pursuance of such proceedings the Chief Investigating Officer National Investigation Agency, Hyderabad has filed a requisition before him to conduct Test Identification Parade in respect of the above named accused through the witnesses as mentioned in the requisition of NIA filed before him which is Ex.P255 (4 Sheets). Accordingly he addressed a letter to the Jail Authorities of Cherlapally fixing the date of TIP as 19-10-2013 under Ex.P256. He issued summons to nine witnesses as mentioned in Ex.P255 directing them to appear before Central Prison Cherlapally on 19-10-2013. On 19-10-2013 he reached Central Prison Cherlapally along with his laptop and printer to conduct TI proceedings. He reached the Jail premises by 10:30 am., he deposited my personal cell phone with Jail staff and entered into Chambers of Deputy Superintendent of Prison and secured the presence of the witnesses and identified them with the help of summons which he issued. He recorded the statements of Ms.Nabees (1<sup>st</sup> witness), Mr.Stephen Felex Squares (PW71, 2<sup>nd</sup> witness), Mr.Muttu Ravi Denakar (PW69, 3<sup>rd</sup> witness), Mr.Devaraj Shet (PW70, 4<sup>th</sup> witness), Mr.P.Venkateshwarlu (PW75, 6<sup>th</sup> witness), Mr.Shaik Riyaz (7<sup>th</sup> witness (PW58, 8<sup>th</sup> witness), (PW56, 9<sup>th</sup> witness). One witness by name Raju Shetty (Witness No.5) remained absent. He recorded the statements of the above witnesses. At the time of recording of statements no jail staff member and any police official were present. He asked the witness whether the Police have

shown any photographs of the suspect, for which the witnesses replied in negative. He instructed the witnesses to remain in the same place and reached Conference Hall where he conducted TIP. In Conference hall except himself nobody was present. He secured the presence of suspected person the accused No.2 Aasadullah Akthar @ Haddi @ Daniyal, S/o.Dr.Javeed Akthar, Age: 28 years, R/o.Bazbahadur, Azamgarh, Uttar Pradesh State. He had identified the suspect with the help of prisoner identification card and confirmed that the person before him was the right person in respect of whom he has to conduct TIP. The suspect was wearing Muslim cap, having beard and wearing pants and shirt. At the instance of suspect five non-suspects of same age, and body built and attire and other physical features were selected from among the inmates of the jail. All the non-suspects and suspect were wearing Muslim cap. Then he asked the suspect to change his dress if he so desires. Then he asked the suspect and five non-suspects to stand in a row. Accordingly they stood in a row and the suspect took third position in the row from left to right. Then he instructed the jail staff member who was outside the room to bring first witness. The witness came in burka and identified the suspect. He sent the first witness to ladies barrack in the jail. He had informed the suspect that he was at liberty to change his dress and position. The suspect stood in fourth position in the row, then he instructed the jail staff member who was the outside the room to bring the second witness from the Chambers of Deputy Superintendent. The witness came and identified the suspect. He sent the second witness to male barrack in the jail. Then he informed to the suspect that he was at liberty to change his position and dress but the suspect did not change his dress and took third position in the row. Then he instructed the jail staff member who was the outside the room to bring third witness. The witness came and identified the suspect. He sent the witness to male barrack. Once again

he informed to suspect that he is at liberty to change his attire and position. The suspect did not change his dress, but he took second position in the row. Then he instructed the jail staff member who was outside the conference hall to bring fourth witness. Accordingly fourth witness was brought to his room and this witness also identified the suspect who was in second position in the row. He sent the witness to male barrack. The fifth witness by name Raju Shetty was not present. Once again he informed to suspect that he is at liberty to change his attire and position. The suspect did not change his dress, but he took fifth position in the row. Then he instructed the jail staff member who was outside the conference hall to bring sixth witness. Accordingly sixth witness was brought to his room and this witness also identified the suspect who was in fifth position in the row. He sent the witness to male barrack. Once again he informed to suspect that he is at liberty to change his attire and position. The suspect did not change his dress, but he took second position in the row. Then he instructed the jail staff member who was outside the conference hall to bring seventh witness. Accordingly seventh witness was brought to his room and this witness also identified the suspect who was in second position in the row. He sent the witness to male barrack. Once again he informed to suspect that he is at liberty to change his attire and position. The suspect did not change his dress, but he took sixth position in the row. Then he instructed the jail staff member who was outside the conference hall to bring eighth witness. Accordingly eighth witness was brought to his room and this witness also identified the suspect who was in sixth position in the row. He sent the witness to male barrack. Once again he informed to suspect that he is at liberty to change his attire and position. The suspect did not change his dress, but he took first position in the row. Then he instructed the jail staff member who was outside the conference hall to bring ninth witness. Accordingly ninth witness

was brought to his room and this witness also identified the suspect who was in first position in the row. He sent the witness to male barrack. Ex.P257 is the Test Identification parade proceedings (15 sheets) including the statements of the witnesses. He had obtained the signatures of the non-suspects who participated in the proceedings on the 15<sup>th</sup> sheet of Ex.P257. At this stage he asked the suspect as to whether he has got any objection for the manner in which the proceedings are conducted. The suspect said nothing. He instructed the jail authorities to send away the witnesses from the jail premises and concluded his proceedings at 02-30 pm., Then once again on 22-10-2013 he conducted Test identification parade in respect of the same suspect through the witnesses namely Raju Shetty (5<sup>th</sup> witness in earlier proceedings who was absent on 19-10-2013 and 1<sup>st</sup> witness in the present proceedings) and Shaik Ismail (PW57, 2<sup>nd</sup> witness). He issued summons to the above named two witnesses to appear before Central Prison, Cherlapally on 22-10-2013 at 10-30 am., Accordingly they appeared at Central Jail, Cherlapally on 22-10-2013. He recorded their statements and obtained signatures. Then he secured the presence of suspect (accused No.2) to the conference hall and ascertained his identity with jail ID card. The suspect has selected five non-suspects from among the inmates of jail. The suspect was wearing pant and shirt and Muslim cap. He was having beard. The non-suspects were identical in their physical features and age group. Then he informed the suspect that he is at liberty to change his dress, if he so desires. But he did not change his dress. He asked the suspect and non-suspect to stand in a row. Accordingly they stood in the row forming from left to right. The suspect took first position in the row. Then he instructed the jail staff member who was outside the conference hall to bring first witness Raju Shetty. Accordingly first witness Raju Shetty was brought to his room and this witness identified the suspect who was in first position in the

row. He sent the witness to male barrack. He asked the suspect and non-suspect to stand in a row. Accordingly they stood in the row forming from left to right. The suspect took sixth position in the row. Then he instructed the jail staff member who was outside the conference hall to bring second witness Shaik Ismail (PW57). Accordingly the second witness Shaik Ismail (PW57) was brought to his room and this witness identified the suspect who was in sixth position in the row. He sent the witness to male barrack. At this stage he asked the suspect as to whether he has got any objection for the manner in which the proceedings are conducted. The suspect said nothing. He instructed the jail authorities to send away the witnesses from the jail premises and concluded his proceedings at 11-50 am., Ex.P258 is the Test identification proceedings dt.22-10-2013 (7 sheets) along with statements of the witnesses and signatures of the non-suspects.

386. During the course of Cross Examination, he stated that on 11-10-2013 he issued summons to the witnesses. He stated that he did not mention specifically in sheet No.15 of Ex.P257 and last sheet of Ex.P257 about the height, complexion and colour of dresses worn by the non-suspects. He stated that he mentioned in para No.7 of Ex.P257 and Ex.P258. He stated that he stated in both the proceedings in Ex.P257 that the suspect was in white in complexion and was wearing trousers and full sleeved shirt, and he had well grown black coloured beard. He stated that he did not specifically mention in his proceedings under Ex.P257 in para No.7 that the non-suspects are also having full grown beard. He stated that he generally noted that their appearance is identical. He stated that he did not specifically mention in his proceedings under Ex.P257 in para No.7 that the non-suspects were of white complexion and were wearing similar dresses as that of the suspect. He stated that he generally noted that their appearance is identical. He stated that he put a question to the witness whether they

had any occasion to see the suspect after his arrest and for which the witnesses answered negative. He stated that he had written in the proceedings vide Ex.P257 and Ex.P258 in para No.7 that the features of suspects and non-suspects are "identical". But the appropriate word would be "similar". He stated that he did not mention in his proceedings vide Ex.P257 and Ex.P258 that he asked the witnesses about the identification marks and facial features of the suspects whom they propose to identify. He stated that the same were mentioned in the statements of the witnesses. He stated that he did not mention in Ex.P257 and Ex.P258 that he asked the witnesses about the exact individual specific overtacts of the suspects. He stated that it is written in the statements of witnesses. He stated that he did not ask the suspects and non-suspects to bring their spare dresses to be used during the Test Identification Parade. He stated that no spare dresses will be available in the jail premises and as such he did not put that question but he asked the suspect and non-suspects to change their dresses among them. He stated that he had permitted the witnesses to wear black mask during the identification parade proceedings to hide their identities from the accused. He stated that the witnesses did not specifically state before him that they are afraid of the accused and as such they want to wear black masks while identifying the accused. He stated that he did not ask the witnesses to produce their ID proof as to their identity. He stated that he identified the witnesses basing on the summons. He stated that the suspect selected the non-suspects from among the inmates of the jail. He stated that in TI proceedings vide Ex.P257 and Ex.P258 he did not specifically mention the name of the witnesses, and that they were also having long beard and Muslim caps who were brought by the attender at the time of identification of the accused. He only referred them as first witness, second witness etc., he did not mention the descriptive particulars of his laptop and printer used

by him in this proceedings. He stated that the laptop and printer he used were supplied by the Hon'ble High Court. PW55 stated before him that he is a private employee working in Santhosh Lorry Transport, Peepelahad Village, Chotuppal Mandal, Nalgonda District. He stated that PW55 stated before him in the Test Identification parade proceedings that he got one elder brother Mr.P.Brahmaiah who has got one tin sheeted shed in Abdullapurmet, Hayathnagar Mandal, Ranga Reddy District. PW62 stated before him in his statement before conducting Test Identification parade that he has got a house in Abdullapurmet and Mr.Brahmaiah has got tin sheeted shed adjoining his house and that four young persons joined as tenants in the house of Brahmaiah. He stated that PW56 did not state in his statement about the descriptive particulars of the old cycle he sold. He stated that PW57 did not state in his statement about the descriptive particulars of the cycle he sold. He stated that PW62 stated before him that the tenants have left the house abruptly on the next day of blasting in Dilsukhnagar. He stated that he did not specifically mention that he had taken precautions to ensure that the witness after the identification parade does not come in to contract with the other waiting witnesses. He stated that after identification of the suspect each witness was sent to separate barrack in the jail. He denied that the suspect stated before him that all the witnesses saw him in NIA office during his police custody and as such they identified him in the test identification parade. He denied that he had not followed the procedure as contemplated by Law.

387. PW111 Syed Abdul Irshad who is working as Senior Assistant, Office of the Collector, Hyderabad District since three months stated that previously he worked as Mandal Revenue Inspector. Tahsildar received requisition through RDO from the NIA Office, Hyderabad who in turn deputed him to act as panch witness. On 14-04-2015 he along with his colleague Rahul Naik were taken to CRPF Group

Center Shameerpet by the NIA Police for the purpose of acting as a witness to the proceedings that were to be conducted by the NIA in respect of an accused. There he noticed one accused person and other Police officials of NIA. Then they questioned the accused person who has shown them information stored in the computer. He opened certain documents in folders by using passwords and upon entering the passwords some documents appeared. The printouts of the said documents were taken by the NIA Police. A disclosure panchanama was prepared simultaneously as and when the accused opened files in the computer and shown to them. Ex.P326 (8 sheets) is the disclosure of the Ajaz Sheikh drafted by NIA Police on 14-04-2015 from 11-00 am., to 05-00 pm., he had signed on all the pages. The accused did not sign on the disclosure statement because he was advised by his Advocate not to sign in anywhere in Police custody. Ex.P327 (17 sheets) are printouts of scanned copies. At the sheet No.6 of Ex.P327 there is one identity card of Girish Chand Joshi. The witness identified the said accused as Accused No.6 Ajaz Sheik. He signed on each and every sheet of Ex.P326 and P327.

388. Ex.P327 (17 sheets) are printouts of scanned copies (marked subject to objection that according to the learned counsel for the accused they are photocopies of printouts, whereas according to the witness the above said copies are taken from the printer in his presence. The witness stated that it was downloaded through electronic process in the presence of the mediators and accused as such the objection is not sustained.

389. During the course of Cross Examination, he stated that he did not receive any requisition directly from NIA Police to act as panch witness. Basically he is on Revenue Duty. He had to act upon the Superior Officer's Orders within the limits. He stated that he did not sign on the entry book of CRPF Group Center, Shameerpet. He stated

that the CRPF Camp at Shameerpet is well-guarded place with gun men around. He stated that he does not know when the accused was arrested and who arrested and where from he was brought and since how long he was in custody at CRPF Camp. He stated that there are several CRPF personnel present at the CRPF Camp. He stated that by that time his office was situated at Minister Road, Secunderabad. Their Tahsildar gave him written Orders to act as panch witness in this case. They started from their office in between 08-30 to 09-00 am., and reached CRPF, Shameerpet at about 11-00 am., The other panch witness was also working in their office by name Rahul Naik. There were four to five NIA police present but he does not know their names and designations. One Goud from NIA came and took them to CRPF Camp at Shameerpet. He stated that on the previous day itself his Tahsildar received requisition from NIA Police to depute two persons to act as panch witness. On the previous day itself Tahsildar instructed them to go to the DSP NIA Office at Begumpet. The NIA Police prepared the panchanama but he cannot say the name and rank of that NIA Official. He stated that Tahsildar keeps sending staff in other Criminal cases to act as panch witness. He denied that Ex.P327 contains photocopies. He stated that they are the printouts. He stated that he cannot say the details of the computer and printer through which the copies under Ex.P327 were downloaded and printouts taken. He stated that he never went to CRPF Camp, Shameerpet and that the accused never made any disclosures or extractions from the computer. He denied that no printouts were taken in his presence and the bunch of papers marked as Ex.P327 are all photocopies. He stated that he was not summoned by any Magistrate to identify the accused. He denied that he identified the accused in the Court as the NIA Police has shown him the photographs.

## PANCH WITNESS FOR RETRIVAL OF JIHADI MATERIAL FROM A6:

390. PW147 K.Suresh who is working as Panchayat Secretary, Shameerpet, M.P.D.O since the year 2009 stated that on 16-04-2015 himself along with LW5 Jagdeesh at 10.00 am went to the CRPF group center, Shameerpet and the panchanama proceedings taken place in their presence up to 4.00 pm and the DSP and NIA personnel were present during proceedings. The said DSP enquired one accused about contents of laptop which contains information. The said accused opened said certain files which contained Jihad material which was about 300 pages which was not printed but available in the hard disk, further there were fake identities. The accused gave the passwords for opening the files, which were opened in their presence. The printouts of resume containing two sheets were taken. Ex.P451 is the supplementary disclosure of the said accused containing 8 sheets including bio-data (only admissible portion is marked with red colour brackets). The witness identified the said Accused as Accused No.6 Aziz Sheik.

391. During the course of Cross Examination, he stated that he was not summoned by any learned Magistrate to identify the accused. He denied that he is identifying the accused for the first time as the NIA police has shown photographs of the accused. He stated that he was not given any written requisition by NIA police to act as panch witness but their Superiors were given requisition who deputed himself and other person by name V.Jageshwar to act as panch witness. He stated that it is not mentioned in Ex.P451 about the vehicles used for taking 1<sup>st</sup> Shameerpet and also number of personnel belonging to NIA police who took them to CRPF camp at Shameerpet. He stated that he does not know when accused was arrested, where he was arrested, since how long he was in custody at Shameerpet and who brought the laptop at shameerpet. He stated that he does not know who seized said

laptop and when and from whom it was seized and what material it contained. He stated that he does not know to operate computer. He stated that he does not know what exactly the NIA police did on the laptop at Shameerpet. He stated that Ex.P451 was typed to the dictation of DSP NIA, Hyderabad by the writer. He cannot say the descriptive particulars of the NIA police officials who came to shameepet on that day. He stated that he cannot say name of the DSP, NIA who dictated the contents of Ex.P451 and he cannot say the name of the Writer who typed the contents of Ex.P451. Before proceeding to shameerpet, they were taken to NIA office at Begumpet and from there they were proceeded to Shameerpet. At the time of proceeding to Shameerpet from Begupet, the accused did not accompany them. He stated that acting as panch witness is not part of their Revenue duties and they acted as panch witness in this case only on the instructions of Superior i.e., MPDO (Mandal Parishad Development Officer). He stated that Superior MPDO did not give them any written instructions directing them to act as panch witness in this case. He denied that they did not go to Shameerpet and act as panch witness vide Ex.P451 and they simply put their signatures in Ex.P451 as panch witness at NIA office Begumpet at the instance of NIA police and MPDO. He denied that the accused has not made any confession or disclosures leading to extraction of e-mail ID's and Bio-Data of the accused and no printouts as mentioned in chief examination is taken out in his presence.

**COLLECTOR WHO ISSUED SANCTIONS FOR PROSECUTION OF A2 & 5:**

392. PW119 B.Sreedhar who is working as VC & MD APIIC at Hyderabad since 1<sup>st</sup> September, 2015 stated that previously he worked as Collector and District Magistrate, Rangareddy District from July, 2013 to June, 2014. He received requisition from SP & CIO, NIA, Hyderabad vide C.No.SP/NIA/2013-14 dt.10-01-2014 requesting issuance of Prosecution Orders U/Sec.3 & 5 of Explosives Substances

Act, 1908 under Ex.P391. Under the Powers conferred U/Sec.7 of Explosive Substances Act he issued sanction proceedings giving permission to prosecute the accused namely Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh on 21-02-2014 for prosecuting the accused persons for the offences U/Sec.3 and 5 of Explosive Substances Act. The said sanction order is Ex.P392 and it bears his seal and signature.

393. During the course of Cross Examination, he stated that along with the requisition Ex.P391 he was supplied with copy of FIR and FSL reports only and he was not given the copies of the charge sheet, all the seizure panchanamas, confessions and disclosures reports of the accused, scene of offence reports and the list of material objects collected by the Police during the Investigation. He stated that the requisition mentions that the sanction to be accorded was in respect of RC No.02/2013 (Cr.No.146/2013 P.S.Saroornagar). He stated that the requisition doesn't mention the quantity of ammonium nitrate found and in which material object it was found. He stated that it was mentioned in the FSL report. He stated that the second last para of the requisition only mentions that the material objects were sent to CFSL, Hyderabad for analysis and report. But there is no specific mention that the FSL reports were received by the NIA Police by the time of filing requisition. He stated that the requisition vide Ex.P391 only makes a request to issue prosecution orders for prosecution of A2 and A5 U/Sec.3 & 5 of Explosive Substances Act, 1908. He stated that in Ex.P392 it is mentioned in the subject column that the NIA requested for permission U/Sec.7 of Explosive Substances Act, 1908 to prosecute the accused in NIA Case U/Sec.3 & 5 of Explosive Substances Act, 1908. He stated that in Ex.P392 he did not mention anywhere that Ex.P392 was issued in respect of RC No.02/2013 (Cr.No.146 of 2013 of P.S.Saroornagar). But

he mentioned in the Order about Cr.No.146 of 2013 of P.S.Saroornagar falling under the Jurisdiction of Cyberabad Commissionerate and District Collector, Rangareddy District. He stated that no where in Ex.P392 that Cr.No.146 of 2013 was directed to be investigated by NIA Police, Hyderabad and that NIA re-registered the case as R.C.No.02/2013. He stated that the phrase "entire facts of the case" as mentioned in the operative part of sanction order vide Ex.P392 only means the copies of FIR and copies of FSL report sent to him along with the requisition. He stated that he had not mentioned in Ex.P392 that he had perused the entire records of the case in Cr.No.146 of 2013 and that he was satisfied that it was a fit case for prosecution of the accused No.2 and 5 for the offences punishable U/Sec.3 & 5 of Explosive Substances Act. He stated that he mentioned in his order that "In view of the circumstances reported by the Superintendent of Police, Chief Investigating Officer, National Investigation Agency, Hyderabad and after pursuing and examining the entire facts of the case and found a prima facie case against the accused.". He stated that he did not refer specifically the word "consent" in his Order. He stated that in place of the word "consent" he mentioned the word "permission".

#### COLLECTOR WHO ISSUED PROSECUTION ORDERS FOR A2 TO A5:

394. PW156 Mukesh Kumar Mena who is working as Commissioner of Excise, Govt. of Andhra Pradesh since 3<sup>rd</sup> of November, 2015 stated that previously he worked as District Collector, Hyderabad from July, 2013 to January 2015. He received requisition from SP & CIO, NIA, Hyderabad vide C.No.SP/NIA/2013-14 dt.10-01-2014 requesting issuance of Prosecution Orders U/Sec.3 & 5 of Explosives Substances Act, 1908 which is marked as Ex.P483. (True copy) Under the Powers conferred U/Sec.7 of Explosive Substances Act he issued sanction proceedings giving permission to prosecute the accused namely Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad,

Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh on 10-03-2014 for prosecuting the accused persons for the offences U/Sec.3 and 5 of Explosive Substances Act. The said sanction order is Ex.P484 and it bears his seal and signature. He received requisition from SP & CIO, NIA, Hyderabad vide C.No.SP/NIA/2013-14 dt.26-06-2014 requesting issuance of Prosecution Orders U/Sec.3 & 5 of Explosives Substances Act, 1908 which is marked as Ex.P485 (True copy). Under the Powers conferred U/Sec.7 of Explosive Substances Act he issued sanction proceedings giving permission to prosecute the accused namely Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed and Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu on 19-07-2014 for prosecuting the accused persons for the offences U/Sec.3 and 5 of Explosive Substances Act. The said sanction order is Ex.P486 and it bears his seal and signature.

395. During the course of Cross Examination, he stated that along with the requisitions Ex.P483, Ex.P485 he was supplied with copy of FIR and FSL reports only and he was not given the copies of the charge sheet, all the seizure panchanamas, confessions and disclosures reports of the accused, scene of offence reports and the list of material objects collected by the Police during the Investigation. He stated that the requisition mentions that the sanction to be accorded was in respect of RC No.01/2013 (Cr.No.56/2013 P.S.Malkpet). He stated that the requisition doesn't mention the quantity of ammonium nitrate found and in which material object it was found. He stated that it was mentioned in the FSL report. He stated that the second last para of the requisition only mentions that the material objects were sent to CFSL, Hyderabad for analysis and report. He stated that but there is no specific mention that the FSL reports were received by the NIA Police by the time of filing requisition. He stated that the requisition vide Ex.P483 only makes a request to issue prosecution orders for prosecution of A2 and A5 U/Sec.3

& 5 of Explosive Substances Act, 1908. He stated that in Ex.P484, ExP486 it is mentioned in the subject column that the NIA requested for permission U/Sec.7 of Explosive Substances Act, 1908 to prosecute the accused in NIA Case U/Sec.3 & 5 of Explosive Substances Act, 1908. He stated that in Ex.P484 I did not mention anywhere that it was issued in respect of RC No.01/2013 (Cr.No.56 of 2013 of P.S.Malakpet) but the same is mentioned in ExP486. He stated that no where in Ex.P484, ExP486 that Cr.No.56 of 2013 was directed to be investigated by NIA Police, Hyderabad and that NIA re-registered the case as R.C.No.01/2013 but it is mentioned that the Ministry of Home Affairs has transferred the cases to NIA. He stated that the phrase "entire facts of the case" as mentioned in the operative part of his sanction order vide Ex.P484, Ex.P486 only means the copies of FIR and copies of FSL report sent to him along with the requisition. He stated that he had not mentioned in Ex.P484, Ex.P486 only that he had perused the entire records of the case in Cr.No.56 of 2013 and that he was satisfied that it was a fit case for prosecution of the accused No.2 to 5 for the offences punishable U/Sec.3 & 5 of Explosive Substances Act. He stated that he mentioned in his order that "In view of the circumstances reported by the Superintendent of Police, Chief Investigating Officer, National Investigation Agency, Hyderabad and after pursuing and examining the entire facts of the case and found a prima facie case against the accused.". He stated that he did not refer specifically the word "consent" in his Order. He stated that in place of the word "consent" he mentioned the word "permission".

UNDER SECRETARY WHO ISSUED SANCTION OF PROSECUTION OF A1 TO A5:

396. PW120 N.S.Bisht who is working as Under Secretary, Ministry of Home Affairs, Government of India since 2012 stated that he received two proposals from NIA along with Investigation reports

containing statements of the witnesses and other related documents seeking sanction of Central Government for prosecuting Accused No.1 Mohammad Riyaz @ Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri, Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad, Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed, Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu, Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh. Firstly the proposal was referred to the Authority constituted U/Sec.45 (2) of UAP Act comprising of Justice Sri.K.Rama Murthy, Retired High Court Judge and Sri.K.D.Singh, Former Law Secretary for making independent review of the evidence gathered in the course of investigation by NIA. Based on the recommendations of the Authority and perusal of all records and application of mind his issued prosecution sanction for prosecuting all the above five accused with the approval of Home Secretary. The first sanction was issued on 28-02-2014 against A2 and A5 under Ex.P393 which is faxed by their Office. The second sanction was issued on 10-09-2014 against A1, A3 and A4 under Ex.P394 (3 sheets) along with covering letter under Ex.P394-A which is the copy sent to the DG, NIA. He is authorized to sign on behalf of the Hon'ble President of India in accordance with Authentication (Orders and other Instruments) Rules, 2002.

397. During the course of Cross Examination, he stated that in both Ex.P393 and P394 no where it is specifically mentioned that NIA Police, Hyderabad has given written requisition to Central Government to accord Sanction for prosecution of the accused mentioned therein RC No.1 and 2 of 2013/NIA/Hyderabad. He stated that he had mentioned in the first page that NIA sought sanction for prosecution of accused No.1 to 5. He stated that in Ex.P394-A that the said requisition was referred as NIA's letter No.RC 01 & 02/2013/NIA/Hyderabad. He stated that it is not specifically mentioned

in Ex.P394 and 394-A that the above said letter was accompanied with all the material papers of RC.No.01 and 02 of 2013/NIA/Hyderabad. He stated that it is not mentioned in Ex.P393 and P394 that "Firstly the proposal was referred to the Authority constituted U/Sec.45 (2) of UAP Act comprising of Justice Sri.K.Rama Murthy, Retired High Court Judge and Sri.K.D.Singh, Former Law Secretary for making independent review of the evidence gathered in the course of investigation by NIA." He stated that it is a Gazette Notification which is already in Public Domain as such it is not necessary. He stated that in para No.2 of the page No.2 it has been specifically mentioned that the Authority after being satisfied on the material available on the record and on the facts and circumstances stated therein has recommended the Sanction proceedings against the above said accused persons under relevant sections of UAP Act. He stated that in Ex.P393 and P394 no where it is mentioned that as to when Central Government submitted proposals to the Constituted Authority above mentioned and when the Constituted Authority gave them the recommendations for prosecuting the case against the above accused. He stated that he had the details of the dates available in his file and the above said Authority gave its report within the prescribed period and the Central Government also issued the Sanction within the prescribed period. He stated that the proposal pertaining to Ex.P393 was sent to the Authority on 19-02-2014 and received report on 22-02-2014 and the Central Government issued sanction on 28-02-2014. He stated that the proposal pertaining to Ex.P394 was sent to the Authority on 03-09-2014 and received report on 06-09-2014 and the Central Government issued sanction on 10-09-2014. He stated that these specific dates are not mentioned in Ex.P393 and P394. He stated that it is not mentioned in the last para of Ex.P393 and P394 as suggested by the learned Defence Counsel that "I have perused the entire case records and after satisfying myself I accorded sanction

for prosecution of the accused in the respective cases". He stated that the satisfaction of granting sanction is mentioned in the penultimate paragraph of Ex.P393 and P394. He stated that in Ex.P393 and P394 in the last paragraph he had mentioned that the sanction was accorded by him for prosecution under Section 45 (1) of Unlawful Activities (Prevention) Act and Section 196 of Cr.P.C for prosecuting the accused mentioned therein in Cr.No.01 and 02/2013/NIA/Hyderabad for taking cognizance of the said offences by a Court of Competent Jurisdiction. He stated that he had not mentioned in concluding paragraphs in Ex.P393 and P394 about the penal provisions of Unlawful Activities (Prevention) Act and Indian Penal Code for which they are prosecuted but the same have been mentioned in tabulated form in the Sanction Orders vide Ex.P393 and P394.

#### UNDER SECRETARY WHO ISSUED SANCTION FOR PROSECTION OF A6:

398. PW121 Vijay Kumar Upadhyay who is working as Under Secretary, Ministry of Home Affairs, Government of India since 2011 stated that he received one proposal from NIA along with Investigation report containing statements of the witnesses and other related documents seeking sanction of Central Government for prosecuting Accused No.6 Aziz Sheik. Firstly, the proposal was referred to the Authority constituted U/Sec.45 (2) of UAP Act comprising of Justice Sri.K.Rama Murthy, Retired High Court Judge and Sri.K.D.Singh, Former Law Secretary for making independent review of the evidence gathered in the course of investigation by NIA. Based on the recommendations of the Authority and perusal of all records and application of mind, he issued prosecution sanction for prosecuting the above accused No.6 with the approval of Home Secretary. The sanction was issued on 27-05-2015 against A6 under Ex.P395 which is original Order. He is authorized to sign on behalf of the Hon'ble President of

India in accordance with Authentication (Orders and other Instruments) Rules, 2002.

399. During the course of Cross Examination, he stated that in both Ex.P395 no where it is specifically mentioned that NIA, Hyderabad has given written requisition to Central Government to accord Sanction for prosecution of the accused mentioned therein RC No.1 and 2 of 2013/NIA/Hyderabad. He stated that he had mentioned in the first page that NIA sought sanction for prosecution of accused No.6. He stated that in Ex.P395 that the said requisition was referred as NIA's letter No.RC 01 & 02/2013/NIA/Hyderabad. He stated that it is not specifically mentioned in Ex.P395 that the above said letter was accompanied with all the material papers of RC.No.01 and 02 of 2013/NIA/Hyderabad. He stated that it is not mentioned in Ex.P395 that "Firstly the proposal was referred to the Authority constituted U/Sec.45 (2) of UAP Act comprising of Justice Sri.K.Rama Murthy, Retired High Court Judge and Sri.K.D.Singh, Former Law Secretary for making independent review of the evidence gathered in the course of investigation by NIA." He stated that it is a Gazette Notification which is already in Public Domain as such it is not necessary. He stated that in para No.3 of the page No.2 it has been specifically mentioned that the Authority after being satisfied on the material available on the record and on the facts and circumstances stated therein has recommended the Sanction proceedings against the above said accused persons under relevant sections of UAP Act. He stated that in Ex.P395 no where it is mentioned that as to when Central Government submitted proposals to the Constituted Authority above mentioned and when the Constituted Authority gave them recommendations for prosecuting the case against the above accused. He stated that he had the details of the dates available in the file and the above said authority gave its report within the prescribed period and the Central Government also issued the

Sanction within the prescribed period. He stated that the proposal pertaining to Ex.P395 was sent to the Authority on 21-05-2015 and received report on 24-05-2015 and the Central Government issued sanction on 27-05-2015. He stated that these specific dates are not mentioned in Ex.P395. He stated that it is not mentioned in the last para of Ex.P395 as suggested by the learned Defence Counsel that "I have perused the entire case records and after satisfying myself I accorded sanction for prosecution of the accused in the respective cases". He stated that the satisfaction of granting sanction is mentioned in the 3<sup>rd</sup> paragraph of page No.2 of Ex.P395. He stated that in Ex.P395 in the last paragraph he had mentioned that the sanction was accorded by him for prosecution under Section 45 (1) of Unlawful Activities (Prevention) Act and Section 196 of Cr.P.C for prosecuting the accused mentioned therein in Cr.No.01 and 02/2013/NIA/Hyderabad for taking cognizance of the said offences by a Court of Competent Jurisdiction. He stated that he had not mentioned in concluding paragraphs in Ex.P395 about the penal provisions of Unlawful Activities (Prevention) Act and Indian Penal Code for which they are prosecuted but the same have been mentioned in tabulated form in the Sanction Orders vide Ex.P395.

**COLLECTOR WHO GRANTED PERMISSION FOR PROSECUTION OF A3 & 4:**

400. PW132 N.Sridhar who is working as Chairman and Managing Director, Singareni Collieries Company Limited since 1<sup>st</sup> January, 2015 stated that previously he worked as Collector and District Magistrate, Rangareddy District from June, 2014 to December, 2014. He received requisition from SP & CIO, NIA, Hyderabad vide C.No.SP-NIA/2013-14 dt.26-06-2014 requesting issuance of Prosecution Orders U/Sec.3 & 5 of Explosives Substances Act, 1908. Under the Powers conferred U/Sec.7 of Explosive Substances Act he issued sanction proceedings giving permission to prosecute the accused namely

Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed, Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu on 11-08-2014 for prosecuting the accused persons for the offences U/Sec.3 and 5 of Explosive Substances Act. The said sanction order is marked as Ex.P420 and it bears his seal and signature.

401. During the course of Cross Examination, he stated that along with the requisition he was supplied with copy of FIR and FSL reports only and he was not given the copies of the charge sheet, all the seizure panchanamas, confessions and disclosures reports of the accused, scene of offence reports and the list of material objects collected by the Police during the Investigation. He stated that the requisition mentions that the sanction to be accorded was in respect of RC No.02/2013 (Cr.No.146/2013 P.S.Saroornagar). He stated that the requisition doesn't mention the quantity of ammonium nitrate found and in which material object it was found. He stated that it was mentioned in the FSL report. He stated that in Ex.P420 it is mentioned in the subject column that the NIA requested for permission U/Sec.7 of Explosive Substances Act, 1908 to prosecute the accused in NIA Case U/Sec.3 & 5 of Explosive Substances Act, 1908. He stated that in Ex.P420 he did not mention anywhere that Ex.P420 was issued in respect of RC No.02/2013 (Cr.No.146 of 2013 of P.S.Saroornagar). But he mentioned in the Order about Cr.No.146 of 2013 of P.S.Saroornagar falling under the Jurisdiction of Cyberabad Commissionerate and District Collector, Rangareddy District. He stated that no where in Ex.P420 that Cr.No.146 of 2013 was directed to be investigated by NIA Police, Hyderabad and that NIA re-registered the case as R.C.No.02/2013. He stated that the phrase "entire facts of the case" as mentioned in the operative part of his sanction order vide Ex.P420 only means the copies of FIR and copies of FSL report sent to him along with the requisition. He stated that he had not mentioned in Ex.P420 that he had perused

the entire records of the case in Cr.No.146 of 2013 and that he was satisfied that it was a fit case for prosecution of the accused No.3 and 4 for the offences punishable U/Sec.3 & 5 of Explosive Substances Act. He stated that he mentioned in his order that "In view of the circumstances reported by the Superintendent of Police, Chief Investigating Officer, National Investigation Agency, Hyderabad and after pursuing and examining the entire facts of the case and found a *prima facie* case against the accused.". He stated that he did not refer specifically the word "consent" in his Order. He stated that in place of the word "consent" he mentioned the word "permission".

#### PREVIOUS CHIEF INVESTIGATING OFFICER OF THIS CASE:

402. PW138 Sunil Emmanuel who is working as Senior Superintendent of Police, Allahabad since June, 2015 stated that prior to that, he worked as Senior Superintendent of Police, Kanpur till 20<sup>th</sup> December, 2014. He worked as Superintendent of Police, NIA, Hyderabad from September, 2011 to January, 2014. During his tenure as Superintendent of Police, NIA, Hyderabad on 21-02-2013 twin bomb blasts took place at Dilsukhnagar. He visited the scene of offence after the blasts took place and guided the concerned Police. After the cases were investigated by Saroornagar and Malakpet Police by the Orders of the Government of India dt.13-03-2013 the investigation was handed over to National Investigation Agency. Ex.P431 is the Order dt.13-03-2013 issued by the Central Government for FIR No.56 / 2013 dt.21-02-2013 of Malakpet Police Station and Ex.P431-A is the Order dt.13-03-2013 for FIR No.146/2013 of Saroornagar Police Station after which the crime was re-registered as RC/1/2013 and RC/2/2013 of Malakpet and Saroornagar Police Stations respectively. Ex.P432 is the Re-registered FIR RC 1 / 2013 pertaining to Malakpet Police Station. Ex.P433 is the Re-registered FIR RC 2 / 2013 pertaining to Saroornagar Police Station. The FIRs were re-registered by the then DIG, NIA, Hyderabad Sri.Ravi

Shankar and handed over the investigation to him as Chief Investigating Officer on 14-03-2013. After taking over the investigation he visited the scene of offence on 20/21-03-2013 and prepared Ex.P434 which is rough sketch of the scene of offence at 72 bus stop and Ex.P435 is the rough sketch of offence at A1-Mirchi Center and Ex.P436 is the rough sketch showing both the places of blast. During the course of investigation, they tried to detect the case and efforts were made to detect the case and nab the culprits. During the investigation they came to know that two terrorists of Indian Mujahideen were arrested by NIA on 29-08-2013 in Bihar in connection with the ongoing investigation of RC 6/12/NIA/DLI which case was being investigated about the overall conspiracy of Indian Mujahideen. The Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh were produced in the nearest Court and they were remanded to Judicial Custody and meanwhile they obtained custody to NIA during transit to be taken to Delhi and produce before the concerned NIA Special Court. On the instructions from their Superior Officers, he proceeded to Patna on 29-08-2013 and examined the accused No.2 and 5 about their involvement in the Dilsukhnagar Twin Blasts. The accused No.2 and 5 were taken by the NIA, Delhi Officers and produced before the NIA Special Court at Delhi. The NIA Special Court granted Police custody of the accused No.2 and 5. During the Police custody the accused No.2 and 5 were interrogated and Ex.P259, P260, P261 are the disclosure statements. The accused No.2 was brought to Mangalore and Hyderabad on 06-09-2013 for the purpose of investigation. At Mangalore the accused No.2 pointed out to his place of stay along with accused No.3 Waqas and other places as mentioned in Ex.P412. Search and Seizure memo was drafted at Zephyr Heights and seized the material objects as mentioned in Ex.P55 to P57. After completing the investigation in Mangalore the

accused No.2 was taken to Hyderabad for further investigation. At Hyderabad in the presence of the independent witnesses the accused No.2 pointed out to the house No.100 of Abdullapurmet near Ramoji Film City as the house where he along with the other accused No.3 and 4 stayed to carry out the Dilsukhnagar Bomb blasts. In Hyderabad the accused No.2 pointed out the following places in relation to their transactions. Pointing out memos were prepared to this effect under Ex.P189 and P190. He pointed the place where he stayed at Abdullapurmet near Ramoji Film City, the places where the old cycles Mo.5 and 6 were bought on which the bombs were placed, the Mahalakshmi Steel Shop from where two pressure cookers were purchased to prepare IED, the cycle parking stand of Malakpet Railway Station where they parked both the old cycles before the blasts, Jumerath Bazaar from where they purchased the second old cycle on 21-02-2013, the place where the accused No.2 along with the accused No.4 threw the electronic watches and other places where they threw the trolley bag in which the explosives was brought. The accused also pointed out Abdullapurmet House and as per the search conducted by the NIA Team and the articles were seized. Ex.P197, P199, P201 are the pointing out and seizure memos. The accused No.2 and 5 during the course of investigation revealed their role along with the other accused, the accused No.2 pointed out all the places in Mangalore and Hyderabad. It is also revealed through investigation that the other accused involved in this case are the accused No.1 Riyaz Bhatkal, the accused No.3 Waqas and the accused No.4 Mohammed Tahsin Akthar. Therefore a memo was filed before the Hon'ble Special Court for NIA stating that involvement of the accused No.2 and 5 in the present case along with the names of the other accused. After obtaining permission from the Hon'ble NIA Special Court at Delhi, the accused No.2 Asadullah Akthar was formally arrested on 17-09-2013 and produced before the

Hon'ble Special Court for NIA at Delhi and obtained transit warrant for producing before the Hon'ble Special Court for NIA at Hyderabad. The accused No.2 was produced before the Hon'ble Special Court for NIA at Hyderabad on 19-09-2013 and on the request of the Chief Investigating Officer the Hon'ble Court granted Police custody of the accused No.2 from 20-09-2013 to 08-10-2013. Similarly after obtaining permission from the NIA Special Court New Delhi the accused No.5 was formally arrested on 21-09-2013 and produced before the same Hon'ble Court and request was made to grant transit remand so as to produce the accused before the Hon'ble NIA Court at Hyderabad. The accused No.5 was produced before the Hon'ble NIA Court at Hyderabad on 23-09-2013 and on the request of the Chief Investigating Officer the Hon'ble NIA Court at Hyderabad was pleased to grant Police custody of the accused No.5 from 24-09-2013 to 08-10-2013. During the course of the interrogation the accused No.5 volunteered to point out the places in addition to the places pointed out on 06/07-09-2013. Accordingly the pointing out memos were prepared and the accused No.2 led the NIA team to the hill-lock where the test blast was conducted by the accused opposite to Satyanarayananapuram Welfare Association at the outskirts of Battasingaram Village, Ranga Reddy District under Ex.P193 to P196. The accused also pointed out the VRL Travels, Salamath Travels from where they booked the tickets from Mangalore to Hyderabad and also return tickets from Hyderabad to Mangalore under Ex.P201 and P202. During the course of investigation it established that the accused before and after conducting the bomb blasts in Hyderabad had taken hide-outs in Bangladesh, Dubai, Pakistan, Nepal and India and at their instance the places were pointed on Google maps on 04-10-2013 and 08-10-2013 under Ex.P417 and P418. During the investigation the accused No.5 voluntarily disclosed about the chatting which was in between himself and the accused No.1. The accused No.5 revealed that in the chatting

he had a discussion for planning the Dilsukhnagar Blasts before and after the execution. They used to chat in coded languages using abbreviations which they could only understand. The disclosure memo revealing the codes of the words used in the chatting and its meaning which was disclosed by the accused No.5 is under Ex.P419. The extracts of the chatting in Ex.P419 were provided by Yahoo service provider and also which were at the instance of the accused No.5 after he reveled about the Email addresses, chat etc., On 16-12-2012 the accused No.1 Riyaz Bhatkal and the accused No.5 had discussion about sending money to the accused No.2 through Western Union Money Transfer and they also discussed about the difficulty in transferring the money. On 28-11-2012 the accused No.5 explained that in 'H' which means "Hyderabad" lot of anti-Muslim activities are going on and they discussed that this place has to be targeted for which the accused No.4 was given the task to carry out these activities. On 02-12-2012 the accused No.5 asks the accused No.1 about the preparations and progress done to carry out the blasts in Hyderabad and also the progress in procuring the explosives. On 16-12-2012 the accused No.1 tells to the accused No.5 that the accused No.4 is trying to recruit new boys into the organization Indian Mujahideen and the accused No.4 is also trying to get a house on rent in Hyderabad and once he gets the house on rent the bomb blasts will be carried out in Hyderabad. On 30-12-2012 the accused No.5 asked the accused No.1 about the progress of carrying out blast in Hyderabad to which the accused No.1 replied that whether the place was finalized to carry out the blast. The accused No.1 also tells that the explosives will be available within one week. The accused No.1 also tells to the accused No.5 that the accused No.2 was asking about the participation of the accused No.5 in carrying out the blast. On 27-01-2013 the accused No.1 informed the accused No.5 that the accused No.4 is leaving for Hyderabad to carry out the bomb

blast for which the accused No.4 has requested the accused No.5 to pray for the success of the bomb blast in Hyderabad. On 07-02-2013 the accused No.1 told to the accused No.5 that the accused No.4 had been searching for a rented house and on the said date he has been successful in getting a rented accommodation at Abdullapurmet near Ramoji Film City, Hyderabad. On 11-02-2013 the accused No.1 tells to the accused No.5 that the accused No.2 has also reached Hyderabad and he is along with the accused No.4 and the accused No.3 is busy preparing for the explosives. On 16-02-2013 the accused No.1 informed the accused No.5 that the accused No.2 and 3 had left for Hyderabad to meet accused No.4. On 17-02-2013 the accused No.2 informed the accused No.5 that all necessary arrangement to carry out the blasts in Dilsukhnagar is complete and only blessings of Allah is necessary for carrying out the blasts successfully and requested the accused No.5 to pray for the success of the blast. The accused No.1 tells to the accused No.5 that he has instructed the accused No.2, 3 and 4 to add 50 more detonators in the IEDs. This will help in proper explosion of the IEDs. On 17-02-2013 the accused No.1 informed the accused No.5 that some rental accommodation may be taken in Nepal as it may be risky till the return of the accused No.4 to the safe house for which the accused No.5 replied that he has arranged more than one rental accommodation in Nepal. The accused No.1 further told to the accused No.5 that he would call the accused No.2 to Pakistan via Nepal after the execution of the blasts and till such time the accused No.2 should be arranged accommodation in Nepal. On 20-02-2013 the accused No.1 tells to the accused No.5 that the blasts will be conducted tomorrow i.e., 21-02-2013 and the explosive materials were also tested by conducting a test blast. On 28-02-2013 the accused No.1 tells to the accused No.5 that the accused No.2 has reached Nepal and accommodation has to be arranged. The above said facts were known to them on the basis of

information provided by the accused No.5 about the coded words and the chat details which were given by Yahoo Service Provider after the accused No.5 disclosed the details of E-mail ID etc., on which they have chatted. The disclosures form part of Ex.P98 to P106. He sent requisition for examining Ex.P428 which is Election ID card in the name of Nabeel Ahmed having the photograph of the accused No.3. He received Ex.P427 reply that the said ID is fake. The defused detonators were received from PW115 pursuant to his requisition. He also received reports under Ex.P88 to P95.

403. At this stage the learned counsel for the accused raised an objection that the witness who is the Chief Investigating Officer is only deposing verbatim as to what is mentioned in Ex.P419 the contents of which are inadmissible in evidence as they are part of confession. Ex.P419 is marked through PW131 (Panch witness). For which, the learned Special PP stated that the facts about the chat were received from Yahoo Service Provider and the same was discovered pursuant to the confession as pointed out by the accused as such the same is admissible as the fact under Section 27 of Indian Evidence Act. Discovery under Section 27 of Indian Evidence Act is not confined to discovery of an object but also all such facts which come to the knowledge of the investigation officer after such facts are known through the accused who has exclusive knowledge of the same. He gave requisition for recording 164 Cr.P.C statement of the accused No.2 which was recorded under Ex.P252 and the accused No.5 under Ex.P253. He also gave requisition for Test Identification proceedings dt.19-10-2013 which was conducted under Ex.P257. Similarly requisition was given for conducting Test identification parade on 22-10-2013 under Ex.P258. He gave requisition for DNA typing which report was given under Ex.P96. On his requisition he received CDRs and other details under Ex.P208, P209, P83, P84, P85. He also sent request for

sending documents pertaining to the accused No.2 for the purpose of examination and opinion which were received under Ex.P321. Similarly on his requisition to the Hon'ble NIA Special Judge for handing over case property deposited in the Hon'ble Court for sending the same to FSL under Ex.P329.

404. The certified copy of Ex.P259 is marked as Ex.P259-A which is at page No.2 and 5 to 8. The certified copy of Ex.P260 is marked as Ex.P260-A which is at page No.3. The certified copy of Ex.P255 is marked as Ex.P255-A which is at page No.23 to 29 and 33 to 38. The certified copy of Ex.P190 is marked as Ex.P190-A which is at page No.30 to 32. The certified copy of Ex.P412 is marked as Ex.P412-A which is at page No.39 to 42. The certified copy of Ex.P189 is marked as Ex.P189-A which is at page No.43 to 46.

405. During the course of investigation, it has been revealed that the accused No.1 to 6 belong to the Organization named Indian Mujahideen which is banned Organization and declared as Unlawful as per the Provisions of Unlawful Activities (Prevention) Act, 1908 and the Organization has an ideology of establishing Islamic State and Jihad is an obligation from God to these servants.

406. The Organization Indian Mujahideen has previously conducted serial blasts in Varanasi, Mumbai, Hyderabad, Gujarat and Jaipur. Subsequently Indian Mujahideen had also carried out bomb blasts which included German Bakery Blasts in February, 2010 in Pune, Chinna Swamy Stadium Blasts in Bangalore in April, 2010, Jama Masjid Delhi Shootout and blasts on 19-09-2010, Varanasi Blast on 07-12-2010, Mumbai Serial Blasts on 13-07-2011, Pune Serial Blasts on 01-08-2012. In pursuance of their above ideology of establishing an Islamic State the members of the Organization carried out Dilsukhnagar Twin Blasts in Hyderabad.

407. During the course of Cross Examination, he stated

that the NIA Office, Hyderabad is notified as a Police Station and is maintaining General Diary and Movement Register. He stated that whatever procedures are followed by local Police Station, NIA Office at Begumpet, Hyderabad also follows the same. He examined PW1 and PW2 but he did not record their statements U/Sec.161 Cr.P.C. He stated that he did not record the 161 Cr.P.C Statements of all the local police officials of both Saroornagar and Malakpet Police Stations who initially investigated these two cases. He stated that he did not record the 161 Cr.P.C Statements of any of the prosecution witnesses in this case and more specifically he did not record 161 Cr.P.C Statements of PW1 to PW156 except PW113, PW138 (himself). He stated that the NIA Office at Delhi and NIA office at Hyderabad are only notified as Police Stations during his tenure at NIA Hyderabad and he does not know whether all the NIA Offices situated throughout the Country in different cities are notified as Police Stations or not. He stated that he did not record 161 Cr.P.C. Statements of all the NIA Police and other Police personnel viz., PW149, PW142, PW133, PW134, PW135, PW140 and LW440 DSP M.Venkatadri. He stated that he did not seize the laptops and the printers used by NIA Police Officers and the Local Police Officers during investigation. He stated that all the 161 Cr.P.C. Statements, Seizure reports, Mahazars, Inquest reports, wound certificates, Postmortem Examination reports and all material objects which were drafted/seized during his tenure as Chief Investigating Officer were handed over by him to LW440 M.Venkatadri, Deputy Superintendent of Police on 16-01-2014. All the material objects that were sent to the FSL was done after obtaining permission from the concerned Court. He stated that he did not deposit any material objects before the concerned Court personally. He stated that he had sent the requisition to the concerned Court for sending the material objects seized during his tenure to the FSL. He stated that to his memory it was sent on 19-09-2013. He stated that he

did not supply the black coloured masks to the witnesses during the TI parade proceedings dt.19-10-2013 and 22-10-2013 which are marked as Ex.P257 and Ex.P258 respectively. During his tenure as CIO in this case the I Additional Metropolitan Sessions Judge, Nampally, Hyderabad was the Special Court for Trial of Scheduled Offences Investigated by National Investigation Agency. He stated that on 10-10-2013 he filed requisitions before the Chief Metropolitan Magistrate, Rangareddy District to record the statements of A2 and A5 U/Sec.164 Cr.P.C. He stated that even though the case was pending at I Additional Metropolitan Sessions Judge, Nampally, Hyderabad he filed requisition at Chief Metropolitan Magistrate, Rangareddy District to record the statements. He stated that on 10-10-2013 he gave requisition to the Hon'ble XVI Metropolitan Magistrate, Hyderabad. He stated that the said requisition is marked as Ex.D7 (3 sheets) which bears his signature in original. He stated that it is mentioned in Ex.P254 in the first paragraph that DSP NIA Hyderabad gave a requisition to record the statement of A2 U/Sec.164 Cr.P.C. on 15-10-2013. He stated that the DSP might have filed the requisition given by him before the IX Metropolitan Magistrate, Kukatpally, Cyberabad. He stated that as on 15-10-2013 these cases were pending before the I Additional Metropolitan Sessions Judge, Nampally, Hyderabad. He stated that these cases were not transferred to any Court in the Rangareddy District Sessions Division. He stated that as the accused were lodged in Cherlapally Central Prison which falls under the Rangareddy District. He sent requisition to the IX Metropolitan Magistrate, Kukatpally. He stated that he filed the requisition before the Hon'ble Chief Metropolitan Magistrate, LB Nagar, Rangareddy District with a prayer to nominate Metropolitan Magistrate for recording the statement of A2 U/Sec.164 Cr.P.C. He stated that the Hon'ble Chief Metropolitan Magistrate, Rangareddy District in-turn nominated IX Metropolitan Magistrate,

Kukatpally for recording the statement of A2 U/Sec.164 Cr.P.C. He stated that in Ex.P254 there is no mention that he filed the requisition dt.09-10-2013 before the Hon'ble Chief Metropolitan Magistrate, LB Nagar, Rangareddy District with a prayer to nominate Metropolitan Magistrate for recording the statement of A2 U/Sec.164 Cr.P.C and the Hon'ble Chief Metropolitan Magistrate, Rangareddy District inturn nominated IX Metropolitan Magistrate, Kukatpally for recording the statement of A2 U/Sec.164 Cr.P.C. He stated that as on 09-10-2013 these cases were not pending before any Court in Rangareddy District Sessions Division. He denied that on 18-10-2013 he accompanied the accused for their production before the IX Metropolitan Magistrate for recording the 164 Cr.P.C. Statement of A2 along with his staff PW135 i.e., Mohd.Tajuddin Ahmed. He denied that he handed over the disclosure statement of A2 recorded in Delhi to the IX Metropolitan Magistrate, Kukatpally and the same matter was set into form as 164 Cr.P.C Statement and forced the accused A2 to sign them. He denied that he handed over the disclosure statement of A2 recorded in Delhi to the IX Metropolitan Magistrate, Kukatpally and the same matter was set into form as 164 Cr.P.C Statement and forced the accused A2 and A5 to sign them. He stated that on 11-10-2013 these cases were pending before the I Additional Metropolitan Sessions Judge, Nampally, Hyderabad. He stated that these cases were not transferred to any Court in the Rangareddy District Sessions Division. He sent requisition to the IX Metropolitan Magistrate, Kukatpally. He stated that he filed the requisition before the Hon'ble Chief Metropolitan Magistrate, LB Nagar, Rangareddy District with a prayer to nominate Metropolitan Magistrate for recording the statement of A5 U/Sec.164 Cr.P.C. He stated that the Hon'ble Chief Metropolitan Magistrate, Rangareddy District in-turn nominated IX Metropolitan Magistrate, Kukatpally for recording the statement of A5 U/Sec.164 Cr.P.C. He stated that in

Ex.P252 there is no mention that he filed the requisition dt.09-10-2013 before the Hon'ble Chief Metropolitan Magistrate, LB Nagar, Rangareddy District with a prayer to nominate Metropolitan Magistrate for recording the statement of A5 U/Sec.164 Cr.P.C and the Hon'ble Chief Metropolitan Magistrate, Rangareddy District in-turn nominated IX Metropolitan Magistrate, Kukatpally for recording the statement of A5 U/Sec.164 Cr.P.C. He stated that as on 09-10-2013 these cases were not pending before any Court in Rangareddy District Sessions Division. He stated that on 17-10-2013 he accompanied the accused for his production before the IX Metropolitan Magistrate for recording the 164 Cr.P.C. Statement of A5 along with his staff PW135 i.e., Mohd.Tajuddin Ahmed. He stated that he handed over the disclosure statement of A5 recorded in Delhi to the IX Metropolitan Magistrate, Kukatpally and the same matter was set into form as 164 Cr.P.C Statement and forced the accused A5 to sign them. He denied that he handed over the disclosure statement of A5 recorded in Delhi to the IX Metropolitan Magistrate, Kukatpally and the same matter was set into form as 164 Cr.P.C Statement and forced the accused A5 to sign them. He stated that the 164 Cr.P.C. Statement of A5 was recorded by the IX Metropolitan Magistrate (PW97) in RC.No.06/2012/NIA/Delhi. He stated that he was part of the investigation in R.C.No.06/2012/NIA/Delhi as Assistant Investigating Officer. He stated that there is a written Order to show that he was appointed as Assistant Investigating Officer while being the Chief Investigating Officer in this case. He stated that he was not present at the time of arrest of A2 and A5 on 28-08-2013. He stated that he was not physically present at the time of extraction of E-mail chats by PW81 (Subramani Babu) vide Ex.P98 to Ex.P106. He stated that for the first time he took A2 into his custody as Chief IO in these cases on 17-09-2013 by seeking permission from the Special Court NIA which gave a transit warrant to produce A2 by 19-09-2013 before the

Special NIA Court at Hyderabad. He stated that for the first time he took A5 into his custody as Chief Investigating Officer in these cases on 19-09-2013 on a transit warrant issued by Special NIA Court, Delhi. He produced A2 for the first time in these cases before the I AMSJ-cum-Special NIA Court at Hyderabad on 19-09-2013 and A2 was under his Police custody for the first time till 04-10-2013 after which he produced A2 before I AMSJ-cum-Special NIA Court at Hyderabad on 05-10-2013. Similarly A5 was taken by him into transit custody from Delhi Special Court for NIA on 21-09-2013 and he produced him before the Special NIA Court at Hyderabad on 23-09-2013 for the first time. He stated that after which A5 was under his police custody from 24-09-2013 to 08-10-2013 for the first time after which he was committed to Judicial custody. He stated that the Ex.P55 to 57 were drafted in R.C.No.06/2012/NIA/Delhi and the material objects seized thereon are also deposited before the Special NIA Court, Patiala House, Delhi. He stated that the originals of Ex.P55 to P57 are filed before the Special NIA Court, Patiala House, Delhi in R.C.No.06/2012/NIA/Delhi. He stated that in Ex.P56 which was drafted in R.C.No.06/2012/NIA/Delhi bears his signature as signature of the Chief Investigating Officer and he was never the Chief Investigating Officer of the said case at Delhi. He stated that on 21-02-2013 he was at the scene of offence from 11-00 pm., to 12-00 midnight. He stated that the collection of remnants from both the scenes of offence was almost over by the time he reached the scenes of offence to his memory. He stated that the NIA Staff wearing orange NIA jackets were present at the scene of offence by the time he went there. He stated that in R.C.No.06/2012/NIA/Delhi, the names, addresses, photographs of all the accused in this case were already available to the NIA Police, Delhi much before their arrest and they were all shown as wanted accused in R.C.No.06/2012/NIA/Delhi. He stated that CRPF Headquarters and Camp Offices at Bawana Camp, New Delhi,

Towlichoki, Hyderabad and Shameerpet, Hyderabad are all prohibited areas where nobody including the Police or the Politicians are allowed without prior written permission. He stated that he had not filed any records to show that he took the accused and the panch witnesses to the CRPF Camp at Shameerpet, Hyderabad by taking written permission but DIG has taken permission. He stated that as on 05-09-2013 and 11-09-2013 A2 and A5 were not produced in these cases at Hyderabad. He stated that the disclosure statement dt.05-09-2013 in which Ex.P261 (admissible portion is marked) there is no reference to the date, time, of E-mail chats, mobile communications, mobile numbers, Email IDs. He stated that the disclosure statement dt.05-09-2013 in which Ex.P261 (admissible portion) is marked there is no mention of name of the apartments at Mangalore. He stated that the disclosure statement dt.05-09-2013 in which Ex.P261 (admissible portion is marked) there is no mention as to the dates on which the Cyber Cafes visited by the accused at Mangalore and also there is no mention as to the amounts transacted through the Western Union Money Transfers. He stated that he did not arrest the unknown person and also he did not recover the golden colour trolley bag as mentioned in the last paragraph of page one of the disclosure statement wherein Ex.P261 is marked. He stated that he did not examine or arrest the watchman and the person who delivered the explosives as mentioned in the first paragraph of the page two but he made efforts to arrest them and he could not. He stated that the disclosure statement dt.05-09-2013 in which Ex.P261 (admissible portion is marked) there is no reference to the details of the dates on which the accused traveled. He stated that the disclosure statement dt.05-09-2013 in which Ex.P261 (admissible portion is marked) there is no reference to the hillock where test blast was allegedly conducted. He stated that the disclosure statement dt.05-09-2013 in which Ex.P261 (admissible portion is marked) there is no reference as to the cycles

were containing big handles and big carriers specifically. He stated that the disclosure statement dt.05-09-2013 in which Ex.P261 (admissible portion is marked) there is no mention of the time of the conclusion, details of the scribe/typist, details of laptops and printers. He stated that the disclosure statement dt.05-09-2013 in which Ex.P261 (admissible portion is marked) there is no endorsement made by him in the conclusive part to the effect that accused A2 has made the said statement voluntarily without any inducement or coercion. He stated that in Ex.P412 there is no reference to the disclosure statement dt.05-09-2013 in which the admissible portion is marked as Ex.P261. He stated that there is no direct flight from Delhi to Mangalore. He stated that it is a Special Flight of Border Security Force (BSF). He stated that there is no record filed before this Court to show that they used a BSF special flight. He stated that it is in their Headquarters at Delhi. He stated that he does not remember the above said BSF Flight details but the number of BSF staff is 3 and he does not remember their details. He stated that in Ex.P412 there is no mention that they flew from Delhi to Mangalore in a BSF Special Flight. He stated that under Ex.P412 no seizure of incriminating material were done under Ex.P412. He stated that as on 06-09-2013 on which date Ex.P412 is drafted both the accused A2 and A5 were not in custody in R.C.No.01 and 02/2013/NIA/Hyderabad. He stated that there is no mention of the descriptive particulars of the driver and the staff who accompanied them to the various places mentioned in Ex.P412. He stated that the pointing out and seizure memo dt.06-09-2013 marked as Ex.P412 there is no endorsement made by him in the conclusive part to the effect that accused A2 has pointed out the various places mentioned in Ex.P412 voluntarily without any inducement or coercion. He stated that in Ex.P412 there is no mention of the descriptive particulars of the laptops and printers used and also there is no mention about the Typist who

typed the contents of Ex.P412. He stated that Ex.P189 and Ex.P190 are drafted in R.C.No.06/2012/NIA/Delhi. He stated that in Ex.P189 and Ex.P190 there is no reference to the pointing out memo under Ex.P412 dt.07-09-2013. He stated that in Ex.P189 there is no mention as to the details of the flight by which they landed at Begumpet. He stated that since the year 2004-2005 the Commercial flight facility is only available at RGI Airport, Shamshabad. He stated that NIA has no special Aircraft for itself. He stated that in Ex.P189 there is no mention as to the Flight details in which they traveled and from which departure point they started and landed at Begumpet Airport. He stated that under Ex.P189 no seizure of incriminating materials were recovered from the possession or at the instance of the accused No.2. He stated that the pointing out and seizure memo dt.07-09-2013 marked as Ex.P189 there is no endorsement made by him in the conclusive part to the effect that accused A2 has pointed out the various places mentioned in Ex.P189 voluntarily without any inducement or coercion. He stated that in Ex.P189 there is no mention of the descriptive particulars of the laptops and printers used and also there is no mention about the Typist who typed the contents of Ex.P189. He stated that in Ex.P189 there is no mention of the descriptive particulars of the vehicles used and the staff who accompanied to various places as mentioned in Ex.P189. He stated that in Ex.P190 there is no mention of the details and descriptive particulars of the Forensic Team who have been summoned by him. He stated that the pointing out and seizure memo dt.07-09-2013 marked as Ex.P190 there is no endorsement made by him in the conclusive part to the effect that accused A2 has pointed out the various places mentioned in Ex.P190 voluntarily without any inducement or coercion. He stated that in Ex.P190 there is no mention of the descriptive particulars of the vehicles used and the staff who accompanied to various places as mentioned in Ex.P190. He stated that in Ex.P190

there is no mention of the descriptive particulars of the laptops and printers used and also there is no mention about the Typist who typed the contents of Ex.P190. He stated that in Ex.P192 there is no reference to the Ex.P259 to P261, P412, P55 to P57, P189 and P190. He stated that under Ex.P192 no seizure of incriminating material were effected from the possession or at the instance of the accused No.2. He stated that the pointing out and seizure memo dt.28-09-2013 marked as Ex.P192 there is no endorsement made by him in the conclusive part to the effect that accused A2 has pointed out the various places mentioned in Ex.P192 voluntarily without any inducement or coercion. He stated that in Ex.P192 there is no mention of the descriptive particulars of the vehicles used and the staff who accompanied to various places as mentioned in Ex.P192. He stated that in Ex.P192 there is no mention of the descriptive particulars of the laptops and printers used and also there is no mention about the Typist who typed the contents of Ex.P192. He stated that in Ex.P193 there is no reference to the Ex.P259 to P261, P412, P55 to P57, P189, P190 and P192. He stated that the pointing out and seizure memo dt.28-09-2013 marked as Ex.P193 there is no endorsement made by him in the conclusive part to the effect that accused A2 has pointed out the various places mentioned in Ex.P193 voluntarily without any inducement or coercion. He stated that in Ex.P193 there is no mention of the descriptive particulars of the vehicles used and the staff who accompanied to various places as mentioned in Ex.P193. He stated that in Ex.P194 to P196 there is no mention of the name and particulars of the scribe who prepared these rough sketches. He stated that in Ex.P197 there is no reference to the Ex.P259 to P261, P412, P55 to P57, P189, P190, P192 and P193. He stated that the pointing out and seizure memo dt.28-09-2013 marked as Ex.P197 there is no endorsement made by him in the conclusive part to the effect that accused A2 has pointed out the

various places mentioned in Ex.P197 voluntarily without any inducement or coercion. He stated that in Ex.P197 there is no mention of the descriptive particulars of the vehicles used and the staff who accompanied to various places as mentioned in Ex.P197. He stated that there is no mention of the E-mail IDs and E-mail chats in all the disclosure statements marked as Ex.P259 to P261, P55 to P57, P189, P190, P252 to P258, P412, P192, P193 and P197. He stated that in Ex.P417 dt.04-10-2013 there is no reference of the disclosures made earlier which are marked as Ex.P259 to P261, P55 to P57, P189, P190, P252 to P258, P412, P192, P193 and P197. He stated that in Ex.P417 there is no mention of the passwords which were used for operating the 10 Email IDs mentioned therein. He stated that in both Ex.P417 and Ex.P418 there is no endorsement made by him at the conclusive portion to the effect that the accused have voluntarily disclosed the Email IDs mentioned therein. He stated that he had not filed any document or record to show that he obtained necessary permission from concerned Authority at Group Center CRPF, Rangareddy District to conduct the proceedings under Ex.P417 and Ex.P418. He stated that there is no mention of the descriptive particulars of the vehicles and the NIA Staff with whom he took the accused and the panch witnesses thereon to the Group Center, CRPF Campus, Rangareddy District. He stated that in Ex.P417 and Ex.P418 there is no mention as to how and in what manner the witnesses mentioned therein were summoned by him to the Group Center, CRPF Campus, Rangareddy District. He stated that requisition was given to the Director, BITS Pilani to send the panch witnesses mentioned in Ex.P417 and Ex.P418. He stated that in Ex.P419 dt.04-10-2013 there is no reference of the disclosures made earlier which are marked as Ex.P259 to P261, P55 to P57, P189, P190, P252 to P258, P412, P192, P193, P197, P417 and P418. He stated that under Ex.P419 no incriminating materials were seized from the possession or at the

instance of the accused. He stated that all the details mentioned in Ex.P419 in respect of Email chats were already provided to their office at New Delhi by the Yahoo Service Provider in the first week of September, 2013. He stated that in Ex.P419 there is no endorsement made by him at the conclusive portion to the effect that the accused have voluntarily disclosed the Email IDs mentioned therein. He stated that in Ex.P201 dt.28-09-2013 there is no reference of the disclosures made earlier which are marked as Ex.P259 to P261, P55 to P57, P189, P190, P252 to P258, P412, P192, P193, P197, P417, P418 and P419. He stated that the pointing out and seizure memo dt.28-09-2013 marked as Ex.P201 there is no endorsement made by him in the conclusive part to the effect that accused A2 has pointed out the various places mentioned in Ex.P201 voluntarily without any inducement or coercion. He stated that in Ex.P201 there is no mention of the descriptive particulars of the vehicles used and the staff who accompanied to various places as mentioned in Ex.P201. He stated that in Ex.P201 there is no mention of the descriptive particulars of the laptops and printers used and also there is no mention about the Typist who typed the contents of Ex.P201. He stated that Ex.P259 to P261, P55 to P57, P189, P190, P252 to P258, P412, P192, P193, P197, P417, P418, P419 and P201 are typed by his Typist to his dictation on the respective dates mentioned therein. He stated that there is no mention of the name of his Steno-Typist who typed some of these exhibits as he had also typed some of these exhibits. He denied that A2 and A5 have never made any disclosure statements or pointing out statements and that I have fabricated all Ex.P259 to P261, P55 to P57, P189, P190, P252 to P258, P412, P192, P193, P197, P417, P418, P419 and P201 to suit the prosecution case. He denied that A2 and A5 did not lead him to any places either in Hyderabad or in Mangalore and that he had fabricated the pointing out memos drafted by him to suit the prosecution case. He

denied that A2 and A5 never made any confessions or statements before him leading to discovery of any fact or any incriminating material. He denied that nothing was seized from the possession or at the instance of A2 and A5. He denied that no fact was discovered at the instance of A2 and A5. He denied that he is deposing false at the instance of Higher Officials in the Ministry of Home Affairs who are at New Delhi.

**PANCH WITNESS FOR POINTING OUT HIDEOUTS BY A5:**

408. PW131 Chittaranjan Hota who is working as Professor in BITS Pilani since 2000 stated that he moved to Hyderabad Campus in the year 2008. The Director deputed him and his colleague Abishek Thakur (LW313) to witness certain proceedings that were to be conducted by the NIA Police, Hyderabad. On 04-10-2013 and on 08-10-2013 they went to CRPF Campus and witnessed proceedings pertaining to two different accused. On 04-10-2013 they were taken to CRPF Campus by NIA Police where they found one accused by name Asdullah Akthar. The accused was answering the questions posed by the NIA Officials and they also asked questions about the types of communications used and about proxy servers which enables to hide the identity of a person while communicating by E-mail or chat. The accused provided E-mail addresses of different domains and also opened them by using login and passwords voluntarily. They also found that some of the mails were read. They also showed some chat communications which were used in Cryptographic Communications. Cryptographic communication means hiding ones communications using a key. Unless the said key is available to a person the said communication cannot be read. He used Google-earth services of Google to show his hiding places in Nepal and other places such as Bihar. The screen shots of the proceedings and also the printouts of the places shown by the accused were printed in their presence. Ex.P417

are the proceedings conducted on 04-10-2013 containing 22 sheets showing the screen shots, Google-earth maps, prints, photographs of their relatives etc., On 08-10-2013 they were taken to CRPF Campus by NIA Police where they found one accused by name Mohammed Ahmed Siddibapa. The accused was answering the questions posed by the NIA Officials and they also asked questions about the types of communications used and about proxy servers which enables to hide the identity of a person while communicating by E-mail or chat. The accused provided E-mail addresses of different domains and also opened them by using login and passwords voluntarily. They also found that some of the mails were read. They also showed some chat communications which were used in Cryptographic Communications. He used Google-earth services of Google to show his hiding places in Nepal and other places such as Bihar. The screen shots of the proceedings and also the printouts of the places shown by the accused were printed in their presence. Ex.P418 are the proceedings conducted on 08-10-2013 containing 7 sheets showing the screen shots, Google-earth maps including the hideout at Nepal. Ex.P419 is the disclosure memo of the accused containing 21 sheets wherein the accused voluntarily gave the details of coded words and the communication which he made using code words could be decoded. The chat communications disclosed funding, regarding explosives and other aspects which are narrated in Ex.P419. The said disclosures were voluntarily given by the accused as they could see and perceive from the proceedings. The witness identified both the accused as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and Accused No.5 Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh.

409. During the course of Cross Examination, he stated that himself and one Abhisek Thakur (LW313) was not issued any notice or summons by the NIA Police to act as panch witness in this case. He

stated that NIA gave requisition to Director Professor Sri.V.S.Rao 2 or 3 days prior to 04-10-2013 to depute two officials from BITS Pilani to act as panch witness in this case. He stated that acting as a panch witness in a Criminal case is not part of their duties in BITS Pilani. He stated that he thought he is going to help the NIA Police in retrieving the chats and E-mails as he is Computer professional and he did not think that he is going to act as a panch witness in a Criminal case. He stated that the NIA Police did not inform him whether the ten E-mail IDs mentioned in Ex.P417 were already accessed by the NIA Police. He stated that only two mail IDs were opened mentioned in Ex.P417 in third page and fourth page. He stated that the mail ID on the third page is in respect of mail ID '[Paandu\\_aayo@gmx.com](mailto:Paandu_aayo@gmx.com)' only shows the phrase "Diljan Lelo" and the mail ID on the fourth page shows the word "Hello". He stated that except these two mails all the materials available in the 'Inbox' and 'Sent mails' were not retrieved in their presence in respect of all the ten mail IDs mentioned on page No.1 of Ex.P417. He stated that all the Google images from page No.8 to page No.21 of Ex.P417 does not require any mail IDs for viewing them and they can be accessed from any computer having Internet connection. He stated that in all the screen shots of Google-maps attached to Ex.P417 vide page No.8 to Page No.21 do not reveal the exact door number and street number and area. He denied that the Google maps when opened in a desktop computer does not show a close-up view of the entire place or address except a building a conspicuous building. He stated that it is not mentioned in Ex.P417, P418 and P419 that the one NIA Police Inspector came to our office 2 or 3 days before and met the Director and later on met them and that we asked him to provide a vehicle and he went away and sent a NIA vehicle to their office on 04-10-2013. He stated that the vehicle numbers and the descriptive particulars and the number of staff are not mentioned in Ex.P417 to P419. He stated that mentioned in

Ex.P417 to P419 as to the exact place where the Group Center, CRPF Campus is located. He stated that Group Center CRPF Campus is a High Security area and well-guarded by lot of CRPF personnel. He stated that they were taken to the Guest House inside the CRPF campus but the same is not mentioned in Ex.P417 to P419. He stated that himself and his colleague LW313 were not given any Security Passes while entering the CRPF Campus. He stated that all the E-mails referred to in Ex.P417 to P419 are from different service providers. He stated that they went to the CRPF Campus on 04-10-2013 between 10-30 to 11-30 am., and they were there in the campus till 11-30 pm... Similarly on 08-10-2013 they went to CRPF Camp between 10-30 am to 11-30 am., and they were there at CRPF Camp till 11-00 pm... He stated that he does not know as to when and where both the accused No.2 and 5 were arrested and since how long they were in custody and in whose custody. He stated that he came to know through the discussions of NIA Officials that A5 was arrested at Nepal. He stated that the NIA Police told him that some of the mails referred to in Ex.P417 to P419 were already accessed by the accused in the presence of NIA Police Delhi at Delhi but he does not know the date and place where they were accessed. He stated that both A2 and A5 did not accompany them on 04-10-2013 and 08-10-2013 to the CRPF Camp and they did not accompany them while leaving the CRPF Camp on the same day. He stated that on both the occasions after they reach the CRPF Campus, after about half-an-hour the accused were brought in a separate vehicle along with Police but he cannot say the vehicle number and descriptive particulars of that vehicle. He stated that the Guest house where they were taken inside the CRPF Campus was about 1 ½ kms., from the entrance and there were lot of security personnel were present but the same is not mentioned in Ex.P417 to P419. He denied that he never participated any proceedings under Ex.P417 to P419 and he simply signed them at

NIA Office, Begumpet at the instance of their Director. He stated that he was not summoned by any Magistrate to identify the accused in the test identification parade. He denied that the accused No.2 and 5 did not make any confession or disclosure in his presence at CRPF Campus, Rangareddy District. He denied that A2 and A5 did not disclose anything in their presence and that they did not open or retrieve any mails in their presence at CRPF Campus. He denied that before coming to this Court and on 04-10-2013 and 08-10-2013 he saw the accused in the custody of the NIA Police at NIA Office at Begumpet.

**MAGISTRATE WHO CONDUCTED TIP OF A3 & A4:**

410. PW139 B.Sridevi who is working as XIII Metropolitan Magistrate, Cyberabad, RR District at LB Nagar stated that previously she worked as AJCJ-cum-XVI Metropolitan Magistrate, Cyberabad, RR District at Kukatpally, Miyapur from 2012 to 2015. On 09-07-2014 she received requisition from Deputy Superintendent of Police, Chief Investigating Officer, NIA, Hyderabad to conduct the TI parade of the Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed and the Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. Accordingly, she fixed the date of parade on 26-07-2014 at Central Prison, Cherlapally and issued summons to the witnesses. She submitted a letter to Hon'ble Metropolitan Sessions Judge, Rangareddy District seeking permission to conduct TI parade proceedings and also addressed a letter to Jail Authorities, Cherlapally Central Prison asking them to make necessary arrangements. On 26-07-2014 at 10-30 am., she reached the Central Prison to conduct TI parade. The Police concerned produced the witnesses i.e., PW57, PW59, PW72, PW73 and PW124 after duly serving summons on them. Then she verified the summons and particulars of the witnesses i.e., PW57, PW59, PW72, PW73 and PW124 mentioned in the requisition and recorded the preliminary statements of them in the Office Room of Deputy

Superintendent, Central Prison, Cherlapally. The witnesses expressed their capability to identify the suspects. The statements of the witnesses i.e., PW57, PW59, PW72, PW73 and PW124 are enclosed along with the proceedings. Thereafter she asked the witnesses to sit in rooms allotted to them at the Ingate of Central Prison. Thereafter she proceeded to the Conference Hall located at the Upper Floor of Central Prison where the parade proceedings are arranged. She directed the Jail Authorities to produce five non-suspects who are having similar features, height, general appearance, complexion as that of the accused No.3/suspect. She obtained the names and signatures/thumb impressions of the non-suspects and enclosed along with the proceedings. She called for A3. All the non-suspects were standing in a row then she asked A3 to choose his position in the row and he choose and stood in between non-suspect 2 and non-suspect 3. Then she asked her attender to bring the witnesses PW124, PW72, PW73 who identified A3 one after the other and precaution was taken that the witness after identification does not meet the other witnesses and there is no chance of access among the witnesses to interact with each other during the proceedings. Then after handing over the non-suspects to the Jail Authorities she recorded the statements of the suspect/accused No.3 and he stated that he has no grievance and no objection in the manner in which the TI parade proceedings were conducted by her. Then the accused No.3 was handed over to the Jail Authorities. Thereafter she directed the Jail Authorities to produce another set of five non-suspects who are having similar features, height, general appearance, complexion as that of the accused No.4/suspect. She obtained the names and signatures/thumb impressions of the non-suspects and enclosed along with the proceedings. She called for A4. All the non-suspects were standing in a row then she asked A4 to choose his position in the row and he choose and stood in between non-

suspect 2 and non-suspect 3. Then she asked her attender to bring the witnesses PW59, PW57 who identified A4 one after the other and precaution was taken that the witness after identification does not meet the other witnesses and there is no chance of access among the witnesses to interact with each other during the proceedings. Then after handing over the non-suspects to the Jail Authorities she recorded the statements of the suspect/accused No.4 and he stated that he has no grievance and no objection in the manner in which the TI parade proceedings were conducted by her. Then the accused No.4 was handed over to the Jail Authorities. During the TI parade proceedings of A3 and A4 she had taken all the precautions and asked A3 and A4 respectively in their proceedings whether they wish to change their position in the row or they would like to change their dress or shirt with that of non-suspect but A3 and A4 stated 'No', in their respective proceedings. She have taken all the precautions and followed the procedure as per the Provisions prescribed under rule 34 of Criminal Rules of Practice while conducting TI parade. Further she had taken care that neither the Police Officials nor the Jail Personnel are present at the time of TI parade. Thereafter she concluded the proceedings at 01-30 pm... Along with the proceedings she enclosed preliminary statements of the witnesses for A3 and A4 and also the list of non-suspects for A3 and A4 and served summons and statement of the suspects A3 and A4. Ex.P437 is the TI proceedings conducted by him on 26-07-2014 including the statements of the witnesses, signatures of suspects and non-suspects containing 13 sheets. The entire proceedings were drafted in his handwriting. Ex.P437 proceedings were sent to the Hon'ble I Metropolitan Sessions Judge-cum-Special NIA Court, Nampally, Hyderabad through incharge Magistrate under Ex.P438 Covering letter.

411. During the course of Cross Examination, she stated that it is mentioned in Ex.P437 that she received the requisition from

the DSP, Chief Investigating Officer, NIA, Hyderabad to conduct the TI proceedings on 09-07-2014. She stated that the Hon'ble Metropolitan Sessions Judge, Cyberabad, RR District has nominated her and relevant papers were received through Hon'ble Metropolitan Sessions Judge, Cyberabad, RR District but the same is not mentioned in Ex.P437. She stated that before conducting the TI parade she submitted a letter to the Hon'ble Metropolitan Sessions Judge, Cyberabad, RR District for permission to conduct TI parade and also letter addressed to the Jail Authorities for making necessary arrangements. She stated that she had not mentioned in Ex.P437 that after receiving her letter, the Hon'ble Metropolitan Sessions Judge, Cyberabad, RR District accorded her permission/nominated her to conduct TI parade in this case. She stated that she received Nomination Orders from the Hon'ble Metropolitan Sessions Judge, Cyberabad, RR District even prior to sending the said Letter but the same is not mentioned in Ex.P437. She stated that the Chief Judicial Magistrate of Rangareddy District did not issue any directions nominating her to conduct TI parade in this case. She stated that the Hon'ble Metropolitan Sessions Judge, Cyberabad, RR District nominated her for conducting TI parade but the same is not mentioned in Ex.P437. She stated that she do not remember whether the suspects were sporting long beards at the time of conducting the TI parade under Ex.P437. She stated that all the witnesses did not attribute the exact individual specific overt acts against the suspects A3 and A4 and the circumstances in which they saw the suspects earlier. She stated that the witnesses gave identification particulars of the suspects. She stated that she did not ask the witnesses whether they admit prior acquaintance with the suspects whom they identified. She stated that the question No.6 as recorded in the statement it is questioned as "Did you see the suspect at any time after the incident?" and the witnesses answered as "No". She stated that she did not mention the

approximate height, weight and facial features and identification marks of the non-suspects in the proceedings under Ex.P437. She stated that the non-suspects were having similar feature, height, general appearance, complexion as that of the accused No.3 and 4 as mentioned in the proceedings. She stated that she did not mentioned in Ex.P437 that she verified the ID proof of the witnesses before conducting the TI parade. She stated that she verified the ID proofs of the witnesses and after being satisfied with their identity then only she proceeded to conduct TI parade. She stated that she did not ask the witnesses whether they had attended TI parade earlier in this case in respect of the same suspects viz., the accused No.3 and 4. She stated that she does not remember exactly whether it was mentioned in requisition given to her to conduct the TI parade that the same witnesses were already summoned by Hon'ble VIII Metropolitan Magistrate (PW130) to identify A3 and A4 on 28-06-2014. She stated that she does not remember whether she asked the Chief Investigating Officer, NIA, Hyderabad that earlier any TI parade was conducted by another Magistrate in respect of A3 and A4 with the same witnesses who participated in the proceedings conducted by her. She stated that in her proceedings i.e., Ex.437 it is not mentioned whether any earlier TI parade was conducted or not by PW130 in respect of the same witnesses and the same accused No.3 and 4. She stated that after conclusion of entire proceedings under Ex.P437 she took the signatures of the accused No.3 and 4 after their answering of the questions posed by her on the 12<sup>th</sup> and 13<sup>th</sup> sheet of her proceedings under Ex.P437. She denied that A3 and A4 stated before her that they were shown to these five witnesses during their Police custody in NIA office and also that earlier TI parade was conducted on 28-06-2014 by the Hon'ble VIII Metropolitan Magistrate in which the same witnesses were summoned to the Jail and they did not identify the accused No.3 and 4 at the time

of making their statements before her after the conclusion of the proceedings under Ex.P437. She stated that in Ex.P437 there is no stamp and seal of the Court of the XVI Metropolitan Magistrate, Cyberabad, RR District. She stated that on the first page she mentioned her Name and Designation. She stated that whenever a requisition for TI parade it will be allotted a Miscellaneous Petition Number by the Hon'ble Metropolitan Sessions Judge, RR District and only after that it will be sent to the concerned Magistrate who is nominated thereon to conduct the TI parade. She stated that in Ex.P437 there is no mention of the Criminal Miscellaneous Petition Number allotted to these proceedings for nominating her to conduct the proceedings under Ex.P437. She denied that as the Criminal Miscellaneous Petition Number is not mentioned in her proceedings under Ex.P437, there is no record in respect of these proceedings in her Court. She denied that she did not follow procedure prescribed by Law for conducting Test Identification parade vide Ex.P437 and that she conducted these proceedings without any Nomination from the Hon'ble Metropolitan Sessions Judge, Cyberabad, Rangareddy District at LB Nagar.

**FSL EXPERT:**

412. PW141 B.C.Ravinder who is working in FSL, Madiwale since 30 years in various capacities stated that he is a B.Sc. Graduate and obtained the Diploma in Forensic Ballistics in the Institute of Criminology and Forensic Science, New Delhi. During his 30 years of experience he had visited and examined about 3,000 crime scenes and he had also issued reports and also rendered evidence in Hon'ble Courts. On 05-09-2013 at 09-00 pm., he received a message from the Director, FSL, Bangalore with an instruction to proceed to Mangalore and contact the Commissioner of Police, Mangalore City. As per the directions of Director he proceeded to Mangalore by crime scene vehicle and reached the Regional Forensic Science Laboratory, Mangalore at 07-

00 am., on 06-09-2013. From there he had contacted the Commissioner of Police, Mangalore City. He instructed him to wait there until further instruction. At about 01-00 to 01-15 pm., he received a requisition letter from the Deputy Superintendent of Police, NIA through one Sri.Mahesh, SI of NIA requesting to assist in the investigation of the crime. On receipt of the requisition he had proceeded to the spot along with Sri.Mahesh. He took them to Flat No.301, Zephyr Apartments located at Attavar Main Road. On inspection of the flat No.301 he had collected the following material evidence: Mo.174 is one paper packet containing Ammonium Nitrate Fuel Oil cover (ANFO,~ 250-300 GM), I. one paper packet containing IDEAL powder 90 gel explosive was sent to FSL. II. one polythene cover containing three electrical detonators which were diffused and Mo.175 is the remnants of the diffused detonators. Mo.176 is one paper packet containing white polythene cover use to wrap the ANFO Bottle, Mo.177 is one polythene cover containing one Red Polythene cover use to wrap the ANFO Bottle, Mo.178 is one polythene cover containing one paper used to wrap the IDEAL 90 gel explosive, Mo.179 is one polythene cover containing 1 ½ “ gum tape, Mo.180 is one polythene cover containing GL-one brown gum tape, Mo.181 is one polythene cover containing hammer and saw blade, III. one polythene cover containing one digital multimeter -CE-Master, IV. one polythene cover containing timer devises with connected wires, circuits with battery connections (Electrical Detonators), V. one polythene cover containing soldering (yellow wire with black, red and white color), VI. one polythene cover containing 10 batteries of 09 volts, VII. one polythene cover containing three packets of wires (yellow, orange, green and blue in colour), VIII. one paper packet containing CK electronic circuits-project board. IX. one polythene cover containing Diodes and one brown circuits, X. one polythene cover containing timer (WRIST WATCH)-45 pieces, XI. one polythene cover containing one pack

of batteries and connectors, XII. one paper packet containing hairs collected from the Maroon colour blanket lying on the floor of bedroom No.1, XIII. one polythene cover containing one set of needle file set kit-06 needle (one is cut), XIV. one polythene cover containing small circuit board (07) Pin (05) cutters (03) Hitech electrical solution (01) battery connectors (03) saw blade (01), XV. one polythene cover containing small tool kit box, XVI. one polythene cover containing diodes, connected wires etc with batteries, XVII. one paper packet containing one red comb with black hairs collected from bedroom No.2, XVIII. one paper packet containing hairs collected from floor, XIX. one polythene cover containing one multimeter (MASTECH), XX. one polythene cover containing Mobile parts and wires (Three circuits, two mobile handsets). After collection of the above articles Mo.174 to 181 and items No.I to XX (not received by this Court from CFSL according to prosecution) were handed over to Superintendent of Police, NIA for further investigation. The seizure of above articles are reflected in last sheet of Ex.P55 and Ex.P55-A on which he signed. The witness identified Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad who was present during the proceedings.

413. During the course of Cross Examination, he stated that as on 06-09-2013 he was in the post of Assistant Director Ballistics and Head of the Crime Scene Unit. He stated that FSL Department is one of the wings of the Karnataka State Police Department. Ex.D5 is the original requisition given to Director seeking deputation of FSL Expert to the crime scene. He stated that in Ex.D5 the date column was typed as 05-09-2012 and subsequently the last digit "2" is changed as '3' thereby making the date as 05-09-2013. He stated that the said correction was made by him but he did not put his signature or initial there. He stated that the requisition was signed by Sri.M.Venkatadri, DSP, NIA, Hyderabad and the date was 05-09-2013. He stated that in Ex.D5 there

is no mention that the Director, FSL, Karnataka State has deputed him to go to the NIA Police at Mangalore City on 06-09-2013 by 09-00 am.,. He stated that Ex.D5 was issued in respect of RC No.6 of 2012/NIA/DLI. He stated that he received the Ex.D5 as Head of the Team from the DSP, NIA Police, Hyderabad but the same is not mentioned in Ex.D5. He stated that Ex.D5 does not disclose that the Director to whom the Ex.D5 was addressed gave him instructions to receive the same and act accordingly. He stated that he received oral directions from Director. He stated that all the Mos.174 to 181 and items I to XX were part of material evidence collected in RC No.06 of 2012/NIA/DLI. He stated that he had not been summoned to give evidence in respect of these Mos before the Hon'ble Special NIA Court, Delhi. He stated that he had not sealed the Mos.174 to 181 and items I to XX after collecting them and the last sheet which contains his signature in Ex.P55-A does not disclose that panch slips were pasted to the above Mos.174 to 181 and items I to XX and that they were sealed in his presence. He stated that in Ex.P55 and Ex.P55-A his signature was not obtained in the search and seizure memo. He stated that his name is not referred to in Ex.P55/55-A as the Karnataka FSL Official to collect the said Material objects. He denied that he had not gone to the crime scene on 06-09-2013 at Zephyr Heights Mangalore and that he had issued the last page of the Ex.P55/55-A only to oblige the Police and that the last sheet is a fabricated document to suit the prosecution case. He stated that his Scientific Officer by name Geetha Lakshmi has typed the last sheet of Ex.P55/55-A which contains his signature but the same is not mentioned there. He stated that in the said last sheet of Ex.P55/55-A there is no mention that the accused was present during those proceedings under Ex.P55/55-A. He stated that he had not been summoned by any Magistrate to identify the accused in Test Identification parade. He denied that the photographs of the accused are shown by the NIA Police

to him as such he could identify the accused in the Court.

**ASSISTANT INVESTIGATING OFFICER:**

414. PW142 R.K.Sharma who is working as Deputy Superintendent of Police, NIA, Hyderabad since December, 2012 stated the Chief Investigating Officer (PW138) deputed him to conduct investigation pursuant to disclosures made by the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad pertaining to Money transactions of Western Union Money Transfer at Mangalore as pointed out by the accused No.2. Accordingly he proceeded to Mangalore on 15-09-2013 and reached Mangalore at 14-55 hours. He conducted panchanama under Ex.P405 on 16-09-2013. He requisitioned two independent witnesses and in the presence of PW124 the proceedings under Ex.P405 for the seizure of Ex.P402 to P404 was conducted, which transaction is dt.03-11-2012. On 16-09-2013 he examined and recorded statement of PW124. On 20-09-2013 he visited VKC Credit and Forex Service Limited, Ganesh Mahel Complex, A.S.Rao Road, Kanpankata, Mangalore and seized documents having details of transactions under Ex.P60, P61 and P62 dt.26-02-2013, 20-03-2013, 12-04-2013 respectively. Ex.P60 to 62 were seized under panchanama Ex.P59. PW68 was present during the seizure along with two independent panchas. He examined and recorded the statement of PW68 and Nitin Kumar Shetty (LW234). On 23-09-2013 again requisitioned the Deputy Commissioner, Mangalore for providing two independent witnesses and conducted and drawn a seizure mahazar in the presence to two independent witnesses and seized Rs.50,000/- which was paid to the house owner PW64. He examined and recorded the statements of PW64 and Dr.Dhanesh. On 30-09-2013 on checking the records of Western Union Money transfer, three transactions were there. He requisitioned two independent witnesses for conducting seizure at CS Tours and Travels, Milagres Mansion at Mangalore. He

seized documents pertaining to three transactions under Ex.P76, Ex.P77 and Ex.P78 under Ex.P75 panchanama. The said three transactions were dt.16-07-2013, 08-08-2013 and 29-08-2013 respectively. All the above seven transactions were in the name of Nabeel Ahmed and transacted by the accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed by using photocopy fake identity card. On 03-10-2013 again in the presence of independent witnesses he had drawn a seizure mahazar at Dingdong House of Electronics Market Road, Mangalore, this is for the seizure of three mobile phones which were used to contact Mobile No.00971555757486 which was in possession of one person named Yousuf who is in Sharjah, United Arab Emirates and he contacts these three persons namely PW72, Sri.Thameem and Sri.Abdul Rehman. His investigation revealed that PW72 had handed over Rs.1,00,000/- to the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad. Ex.P443 is the mahazar drawn on 03-10-2014 at Dingdong House of Electronics Market Road, Mangalore for seizure of three mobile phones. On 21-09-2013 he examined and recorded statement of Sri.Prasad Shetty who is working as Waiter in New Jain Restaurant.

415. During the course of Cross Examination, he stated that he had not mentioned in all the 161 Cr.P.C. Statements of the witnesses LW220 to LW239, LW300 to LW305, LW308 to LW311, LW435 that he had carried Computer/Laptop and a printer to record the statements. He stated that all these statements of these witnesses were typed to his dictation by translating their statements in English. He stated that some of the statements he personally typed and some of the statements were typed to his dictation and corrected the grammatical mistakes, if any. He stated that some of the witnesses who gave their statements in Kanada and Hindi were translated into English and he got them typed in English. He stated that none of the

accused has accompanied him to the various places mentioned in Chief Examination. He stated that none of the accused made any disclosures to him during his investigation. He stated that he was carrying the photographs of all the accused while going to all the places as stated in Chief Examination. He stated that he showed the photographs of all the accused to all the witnesses examined by him i.e., LW220 to LW239, LW300 to LW305, LW308 to LW311. He stated that the accused No.2 and the accused No.5 were already under Police custody in R.C.No.1 and 2 of 2013 of NIA, Hyderabad by the time he proceeded to Mangalore on 15-09-2013. He stated that he does not remember the documents given by the Chief Investigating Officer in connection with the disclosure statements by the time of proceeding to Mangalore. He stated that he does not remember exactly what all the documents referred by the Chief Investigating Office to him but he briefed the specific places including Western Union Money Transfer and Dingdong House of Electronic at Mangalore. He stated that he went to AJ Hospital, Supama Forex, New Jain Restaurant, Zephyr Heights and also other relevant places during the investigation which seems to be important for collection of evidence. He stated that in Ex.P443, Ex.P75, Ex.P59, Ex.P405 he did not mention the names and designation of the NIA Staff who accompanied him to Mangalore and also he did not mention about the vehicles and the mode of transport by which they have gone to Mangalore. He stated that in Ex.P443 there is no mention that the articles seized by him vide Ex.P443 were sealed and slips containing signatures of the panch witnesses were affixed to the seized items. He stated that this is a document, hence they cannot put seal and affix the slips containing signatures of the panch witnesses. He stated that he did not personally give any notices or summons to the panch witnesses in writing to act as panch witnesses during the proceedings vide Ex.P75, P59, P443, P405. He stated that in all these places where he had

conducted panchanamas vide Ex.P75, P59, P443, P405 there were lot of shops around in those places and there were lot of people in those places. He stated that he joined CRPF in the year 1994 as Sub-Inspector of Police and later on after joining there he was posted in different places in the Country in CRPF and he joined NIA, Hyderabad on deputation in December, 2012. He stated that Hawala Business is illegal. He stated that whoever does Hawala business is liable for prosecution under relevant Laws. He stated that PW72 stated before him that he is doing Hawala Business since 1982 along with his brothers. He stated that he also explained the process of doing Hawala business. He stated that he did not give any complaint to any Local Police Station against PW72 for carrying on Hawala business which is illegal. He stated that he has already informed the same to his Superiors. He denied that PW72 is a Police informer of the Local Mangalore Police and as such on the request of the Local Police he had not initiated any action against him for doing Hawala business. He stated that he did not examine Yousuf, Ahmed Almas, Md.Kunhi, Yousuf of Kanigad who were named by the witness PW72. He stated that PW72 did not give the descriptive particulars of the accused and also the descriptive particulars of the other names stated by him in his 161 Cr.P.C Statement. He stated that PW72 did not refer to any person belonging to Pakistan. He stated that PW72 did not state before him the exact date on which the persons referred to in his statement under section 161 Cr.P.C had made transactions. He stated that PW72 did not state before him as to how much amount he has paid in Hawala transactions to the persons named by him in 161 Cr.P.C. Statements recorded by him. He stated that PW72 did not state before him as to the distinct numbers of torn currency notes handed over to him at the time of transactions made by him with the persons whose names are mentioned in the 161 Cr.P.C Statement recorded by him. He denied

that he had fabricated the 161 Cr.P.C statements of all the witnesses i.e., LW220 to LW239, LW300 to LW305, LW308 to LW311 at NIA Office, Hyderabad to suit the prosecution case without actually recording them at Mangalore. He denied that he had fabricated Ex.P443, Ex.P75, Ex.P59, Ex.P405 at NIA Office, Hyderabad to suit the prosecution case and that he had not seized anything and that he had not conducted any Mahazar or panchanama at the relevant places mentioned in Chief Examination.

#### CHIEF INVESTIGATING OFFICER OF THIS CASE:

416. PW157 M.Venkataadri who is working as Deputy Superintendent of Police, NIA, Hyderabad since 20-02-2013 stated that the investigation of bomb blasts which occurred on 21-02-2013 at Dilsukhnagar was handed over to NIA on 14-03-2013. He was part of the investigation which investigated various aspects of the case. During the course of investigation, he examined and recorded the 161 Cr.P.C. statements of PW54, PW55, PW60, LW212 Md.Arif, Md.Sohail PW89, PW62, PW67, LW314 P.Jayamma. On 17-01-2014 he took up further investigation from PW138 and he examined Nodal Officers PW73, PW72, PW75 and recorded their 161 Cr.P.C statements. On completion of the investigation after obtaining Sanction Orders from District Magistrates, Hyderabad and Rangareddy Districts i.e., PW156, PW132, PW119 under Ex.P391, 392, 420, P483 to P486 under Explosives Substances Act and also sanction Orders from Ministry of Home Affairs, Government of India under UAPA Act he filed charge sheet against A2 Asadullah Akhtar and A5 Mohd.Ahmed Siddippa. After knowing that A3 and A4 were arrested by Delhi Special Cell in connection with their case he filed petition and obtained PT Warrant from NIA Special Court, Hyderabad. However, on 05-05-2014 he obtained permission from Special Cell Court, Patiala House, Delhi for taking custody of A3 and A4. The learned Special Cell Court Judge, Delhi directed that the accused No.3 and 4 can be taken

only if their involvement in Dilsukhnagar Case was shown. He questioned the accused No.3 and 4 in the presence of Hon'ble Special Judge, Special Cell Court in the Court hall itself. The accused No.3 and 4 admitted about their involvement in the present case. As such he arrested accused No.3 and 4 and produced before NIA Special Court, Patiala House, Delhi on the same day. However the Delhi NIA Special Court granted transit remand on 23-05-2014 and produced both A3 and A4 before NIA Special Court, Hyderabad on 24-05-2014 and obtained Police custody from 25-05-2014 to 09-06-2014. On 26-05-2014 confession of A3 and A4 was recorded separately in the presence of independent witnesses i.e., PW118, LW453 A.Vinod Kumar. The facts disclosed in pursuant to the confession was written and also pointing out memo was reduced into writing under Ex.P388, 389-A, 389-B and P390. The places which were pointed out by A2 Aasadullah Akhtar were also pointed out by A3 and A4 separately i.e., the places where pressure cookers were purchased, the places of purchase of cycles, parking of cycles, place of test blast, place of hideout, places where IEDs were planted by A3 and A4 behind 107 bus stop and near A1-mirchi center at Dilsukhnagar respectively. Apart from the said details given by A2, A4 has given information about hideouts at Deshmukhi Village where A4 initially stayed with PW83 and also pointed out Nampally Railway Station from where he left Hyderabad immediately after bomb blasts. On 28-05-2014 reconstruction of events that conspired on 21-02-2013 was demonstrated by A3 and A4 voluntarily and the same was recorded under Ex.P337 in the presence of PW116, LW455 R.Trinath and LW457 S.Shiva Kumar and also he seized the hard disks from J.C.Brothers and Shiva Electronics. On 29-05-2014 in the presence of LW458 Dr.Sandeep Deshmukh and LW459 Dr.Vikranth Kumar disclosure-cum-plotting memo which is Ex.P493 (8 sheets) as pointed out by A3. On 29-05-2014 in the presence of LW458 Dr.Sandeep Deshmukh and LW459 Dr.Vikranth

Kumar disclosure-cum-plotting memo which is Ex.P494 (9 sheets) as pointed out by A4. On the same day, he along with PW134 and other NIA Staff went to Mangalore by taking A3. A3 pointed the places of stay at Zephyr Heights in the flat owned by PW64, Western Union Money Transfer outlet from where A3 and A2 withdrew money, Cyber cafes, Hawala Agent places, places where parts of IED making material purchased by A3 the same was reduced into writing in the presence of LW461 Pramod Kumar.K and LW460 Prashanth.K. On 29-05-2014 and 30-05-2014 the assistance of Local police was taken during the investigation due to security reasons while conducting investigation at Mangalore and Bangalore. On 30-05-2014 A3 was taken to Bangalore from Mangalore. A3 pointed out one shop at Burma Bazar, Bangalore from where he received Hawala amount of Rs.1,00,000/- in the presence of PW109 and LW464 Basava Raju.V under Ex.P315. On 30-05-2014 A3 pointed out one shop belongs to PW102 where A3 purchased a Reliance dongle for which proceedings were drafted as Ex.P296, P297 Diary, P297-A is the relevant portion in the writing of A3. Then he examined PW102, LW442 Alvin Desuza, LW444 Nisar Ahmed and recorded their 161 Cr.P.C. Statements. On 02-06-2014 he filed petition under Ex.P333 for conducting identification of damaged cycles seized from the scene. Accordingly the proceedings were conducted under Ex.P335 by PW104 on 07-06-2014. On 05-06-2014 he examined PW59 and PW143 and recorded their 161 Cr.P.C. statements. During the course of investigation, on 08-06-2014 A3 volunteered to demonstrate his knowledge about assembling an IED (Improvised Explosive Device). Accordingly, the details of necessary components were given by A3 and the same were provided to A3 except explosive substances and detonator. The assembling of IED was given by A3 in the presence of PW112 and LW468 Chandra Shiva Kumar and LW469 Balreddy. The said proceedings were drafted under Ex.P331. The entire process was

video-graphed and the same was stored in SD card under Ex.P173. On 09-06-2014 A3 and A4 after completion of Police custody produced back before the Hon'ble Special NIA Court and he filed petition with a prayer to obtain specimen signatures and writings of A3 and A4 for the purpose of comparison of their handwriting and signatures with the articles seized at Zephyr Heights, Mangalore and S.R.Mobile Shop belongs to PW102. Accordingly the Hon'ble Court obtained the specimen signatures and forwarded to CFSL. On 11-06-2014 he filed petition for conducting Test identification parade before the Chief Metropolitan Magistrate, Ranga Reddy District of A3 and A4. On 13-06-2014 petition was filed before VIII Metropolitan Magistrate for summons to witnesses for participation in test identification proceedings of A3. On 22-06-2014 he examined PW82, PW83, LW447 Md.Sameeruddin and recorded their 161 Cr.P.C statements. On 28-06-2014 Test identification parade of A3 and A4 were conducted by PW130 under Ex.P415. Some of the witnesses complained that at the time of identification there was poor lighting, the distance between the accused and witnesses was more, and also the accused wore namaz caps due to which they faced difficulty in identifying the accused correctly. The said witnesses volunteered to participate in Test identification parade once again, if they do not face such difficulty. Accordingly on 04-07-2014 he filed petition before the Chief Metropolitan Magistrate, Rangareddy District for conducting second Test identification parade proceedings of A3 and A4. Accordingly the Hon'ble Chief Metropolitan Magistrate nominated PW139 learned IX Metropolitan Magistrate, Miyapur. Accordingly he filed petition before learned IX Metropolitan Magistrate for issuing summons to the witnesses to attend the test identification parade which was held on 26-07-2014 under Ex.P437 and Ex.P438. Ex.P495 is the Office copy of petition filed for conducting Test identification parade. Ex.P496 is the nomination proceedings of PW139. Ex.P497 is the

intimation letter given by PW139 fixing the date of Test identification parade as 26-07-2014. Ex.P498 is the permission sought by PW139 from Hon'ble Metropolitan Sessions Judge dt.10-07-2014. Ex.P496, 497, 498 are copies provided to him. On 06-08-2014 he received DNA analysis report from CDFD, Hyderabad wherein it was opined that the articles seized from the flat at Zephyr Heights contains DNA of A2, A3 and A4 where they stayed. He received permission from US Authorities through Ministry of Home Affairs, Government of India to use the chatting material received under Emergency Disclosure Report (EDR)/MLAT (Mutual Legal Assistance Treaty) under Ex.P396, P397, P398, P399. On 16-09-2014 he filed a supplementary charge sheet against the accused No.1, the accused No.3 and the accused No.4 after obtaining sanction orders from District Magistrates under Ex.P392, P420, P484 under Explosive Substances Act and sanction Orders from Ministry of Home Affairs, Government of India under Ex.P394 under UAP Act. On 30-01-2015 after knowing that the accused No.6 also confessed about his involvement in this case, he filed petition before the NIA Special Court, Hyderabad and obtained PT warrant. However, on 06-04-2015 the accused No.6 was produced before the NIA Special Court, Rangareddy District (this Court) and Police custody was granted by the Hon'ble Court from 11-04-2015 to 17-04-2015. On 09-04-2015 he filed a petition before NIA Special Court for direction to the Director, CERT-IN for providing the materials extracted from the laptop and other digital devices at the instance of the accused No.6. Accordingly on direction of the Hon'ble Court, Ex.P107 was produced before this Court which is the mirror images of laptops and other digital devices extracted at the instance of the accused No.6 from the digital devices seized from him. He filed petition with a prayer to grant Police custody of A5. Accordingly this Hon'ble Court granted Police custody of A5 from 11-04-2015 to 13-04-2015. He filed petition with a prayer to grant Police custody of A6.

Accordingly this Hon'ble Court granted Police custody of A6 from 11-04-2015 to 17-04-2015. On 14-04-2015 in the presence of PW111 and LW509 Rahul Naik the accused No.6 volunteered to show the documents extracted under Ex.P326 and Ex.P327 from the mirror image and password protected Ex.P107. The mirror image contains the fake identity voter ID card of Girishchandra Joshi PW154 with the photo of A4 and also some other photo ID cards with photographs of A2 and A4. The said fake IDs were used by the accused No.2 and 4 for various purpose including obtaining sim cards, withdrawing money from Western Union Money Transfer etc., The proceedings were reduced into writing in the presence of PW111 and LW509 Rahul Naik. On 16-04-2015 in the presence of witnesses PW147, LW510 V.Jagadeeshwar the accused No.6 volunteered to show the Jihadi literature and his personal Curricular Vitae. The documents were extracted at the instance of the accused No.6 under Ex.P451 from Ex.P107. On 06-06-2015 he filed charge sheet against the accused No.6 after obtaining sanction orders from Ministry of Home Affairs, Government of India under Ex.P395. Ex.P499 is the pointing out memo of the accused No.3 conducted on 29-05-2014. Ex.P500 is the seizure memo conducted at Peral Electronics, Mangalore. His investigation revealed that A1 to A6 and other members are the banned Organization Indian Mujahideen (IM) carried out several blasts throughout India. In the present case at the instance of A1 and A5 who planned the bombing in Hyderabad directed A2 and A3 to shift their hideout from Belgam to Mangalore and A4 to take shelter at Ranchi. A1 provided logistics, money and explosives through his sources in the month of January, 2013. A1 asked A2, A3 and A4 to proceed to Hyderabad and identify places to carry out bomb blasts. A4 came from Ranchi in the last week of January, 2013 and stayed with PW83 at Deshmukhi Village. A4 identified the house at Abdullapurmet and took on rent from caretaker PW54 and PW55. A2 and A3 who were staying at

Mangalore, A2 came to Hyderabad and met A4 and visited the hideouts. After satisfying A2 again returned to Mangalore and A2 along with A3 and IEDs came to Hyderabad and stayed with A4 at Abdullapurmet hideout. A2 to A4 conducted recce of the places at Hyderabad and they finalized Dilsukhnagar for carrying out bomb blasts as the said area is predominately Hindu dominated area. Materials required for IED was brought from Mangalore which was obtained with the help of A1. A1 and A5 provided the logistics support and materials to A2 to A4. A6 was involved in the process by helping A2 to A4 by providing fake IDs to the accused. Hawala money, sim cards and other materials required for execution of bombing was supplied by A6. His investigation further disclosed that A2 to A4 purchased an old cycle from PW56 and PW57, as purchasing new cycles would be detected. Mo.5 was purchased from PW57 and Mo.6 was purchased from PW56. The cookers in which IEDs were placed was purchased from the shop of PW58. Prior to planting bombs on 21-02-2013 at Dilsukhnagar A2 to A4 conducted test blast on hillock area, the cycles which were purchased were parked in the parking area of Malakpet Railway Station of which PW67 is the Sub-Contractor or Manager. On 21-02-2013 A2 to A4 left Abdullapurmet in an auto carrying IEDs placed in a cooker and which was placed in white color boxes. His investigation reveals that IEDs were placed in a cooker for the reason having more impact resulting more loss of lives. A2 to A4 went to Malakpet Railway Station cycle parking place in an auto, A2 and A4 brought the cycle and A3 who was standing with a white colored catboat boxes containing IEDs, placed both the boxes on the cycle. A2 was guiding A3 and A4 who are taking the cycles carrying IED mounted cycle. A3 planted the IED mounted cycle behind 107 bus stop and A4 planted IED mounted cycle near A1-Mirchi Center. The bombs went off at about 18-58 hours resulting death of 17 persons and unborn child and injuries to 131 persons. After committing bomb blasts at

Dilsukhnagar A2 went to Nepal where A5 was staying and gave shelter to A2 as planned earlier which can be seen in the chat details extracted on the instance of A5 and also chat details received from US Authorities under MLAT/EDR. The accused No.1 to 6 are also involved in many other bomb blasts places which were investigated by various investigation agencies. The evidence collected during the course of investigation in several cases were infact relevant in more than one case and accordingly the investigation agencies NIA and State ATS have coordinated and also shared the evidence collected during the respective investigations carrying out against the accused and other responsible for committing the terrorist acts. His investigation further revealed that the bomb blasts were executed by the accused in a very planned and secretive manner to be undetected for the said purpose the accused adopted new strategies to circumvent the investigation agencies by not repeating the procedure adopted in earlier bomb blasts which were already detected. His investigation further revealed that they are also taking care and following that their telephones were being intercepted by Intelligence Agencies therefore the accused did not converse on telephones during the planning and execution of the bomb blasts but adopted the E-mails and chat process of communication. Further such electronic communications were being monitored by the intelligence agencies as such code words were used in the process of communication to remain undetected. In the process of communicating electronically the accused used the proxy servers which means that though the communication are sent from one place it would reflect that the said communication has been sent from different place or country. The material objects seized from the flat at Zephyr Heights where A2 to A4 were staying were seized during investigation and sent to CFSL. PW141 had informed that the following material objects were received by him. Mo.182 one polythene cover containing small circuit board (07)

Pin (05) cutters (03) Hitech electrical solution (01) battery connectors (03) saw blade (01), Mo.183 one polythene cover containing small tool kit box, Mo.184 one polythene cover containing diodes, connected wires etc with batteries, Mo.185 one polythene cover containing one set of needle file set kit-06 needle (one is cut), Mo.186 one polythene cover containing one pack of batteries and connectors, Mo.187 one polythene cover containing timer (WRIST WATCH)-45 pieces, Mo.188 one polythene cover containing Diodes and one brown circuits, Mo.189 one paper packet containing CK electronic circuits-project board. Mo.190 one polythene cover containing 10 batteries of 09 volts, Mo.191 one polythene cover containing three packets of wires (yellow, orange, green and blue in colour), Mo.192 one polythene cover containing soldering (yellow wire with black, red and white color) Mo.193 one polythene cover containing timer devises with connected wires, circuits with battery connections (Electrical Detonators), Mo.194 one polythene cover containing one digital multimeter -CE-Master, Mo.195 one polythene cover containing Mobile parts and wires (Three circuits, two mobile handsets), Mo.196 one polythene cover containing one multimeter (MASTECH). Ex.P501 is the Office copy directing me to continue the investigation in this case. Ex.P393-A is the attested copy of sanction order of A2 and A5 for prosecution. Ex.P393-B is the recommendation of the Review Committee proceeding along with the enclosed letter given by K.Ramamurthy recommending sanction against A2 Aasadullah Akthar and A5 Md.Ahmed Siddibapa under UAP Act (4 sheets). Ex.P394-B is the attested copy of the sanction order of A1 Riyaz Bhatkal, A3 Zia-ur-Rehman and A4 Tahsin Akthar for prosecution (3 sheets). Ex.P394-C is the Recommendation of the Review Committee proceeding along with the enclosed letter given by K.Ramamurthy recommending sanction against A1 Riyaz Bhatkal and A3 Zia-ur-Rehman and A4 Tahsin Akthar under UAP Act (6 sheets). Ex.P398-A is the

Original letter of Ex.P398 wherein US Department of Justice has advised that the evidence in the matter of RCNo.6/2012/DLI/NIA could be shared in NIA case Nos.1 & 2/2013/NIA/HYD i.e., present case. Ex.P502 is the attested copy of certificate U/Sec.65-B of Indian Evidence Act given by PW81 Subramani Babu who conducted the extraction process of chat details at the instance of the accused already marked as Ex.P99 to P106. Mo.197 is two red colour insulation like material, Mo.198 is two electronic watches, Mo.199 is aluminum insulation wire, Mo.200 is trolley bag, Mo.197 to 200 were seized under Ex.P190 panchanama conducted at Abdullapurmet house on 07-09-2013. The said Mo.197 to 200 were sent for FSL Examination and received directly by the Hon'ble Court on 20-01-2016. Mo.201 is magnet seized under Ex.P55 panchanama conducted at Zephyr heights on 06-09-2013. The said magnet according to investigation was for the purpose of fixing bombs to vehicles near the petrol tank. Mo.201 was sent for FSL Examination and received directly by the Hon'ble Court on 20-01-2016. After examination of the material objects sent, examination report dt.28-04-2014 which is marked as Ex.P503 was sent along with letter dt.20-01-2016 under Ex.P504. After examination of the material objects sent, examination report dt.30-07-2014 which is marked as Ex.P505 was sent along with letter dt.20-01-2016 under Ex.P506.

417. During the course of Cross Examination, he stated that Ex.D9 to D13 are the mails dt.01-09-2013 addressed to NIA, SP Anup Kuruvilla John by the Yahoo Incorporation, USA. Ex.D14 is the details of Yahoo Mail i.e., [hbhaddur@yahoo.com](mailto:hbhaddur@yahoo.com). Ex.D14 reveals the login name as "hbhaddur" with registration IP address 202.52.249.7. He stated that this account was created on Wednesday November 7<sup>th</sup> 2012 at 11.07.41 GMT. He stated that the full name is mentioned as "bhaddur Hum". He stated that the Country is mentioned as New Caledonia with Zip/Postal Code 778654. He stated that Ex.D15 is the

relevant details of the IP addresses and time pertaining to mail ID [hbhaddur@yahoo.com](mailto:hbhaddur@yahoo.com) sent by Yahoo Incorporation. Ex.D16 is the details of Yahoo Mail i.e., [mail77@yahoo.com](mailto:mail77@yahoo.com). Ex.D16 reveals the login name as "Mail77". He stated that this account was created on Friday October 10<sup>th</sup> 1997 at 18.45.36 GMT. He stated that the full name is mentioned as "Mail77". He stated that the Country is mentioned as City: Yuba City and State/Territory or Province: CA, USA with Zip/Postal Code 95991. Ex.D17 is the details of Yahoo Mail i.e., [kul.chitra@yahoo.com](mailto:kul.chitra@yahoo.com). Ex.D17 reveals the login name as "kul.chitra" with registration IP address 110.44.120.39. He stated that this account was created on Thursday June 6<sup>th</sup> 2013 at 09.30.02 GMT. He stated that the full name is mentioned as "kul.chitra". He stated that the Country is mentioned as Nepal. Ex.D18 is the relevant details of the IP addresses and time pertaining to mail ID [kul.chitra@yahoo.com](mailto:kul.chitra@yahoo.com) sent by Yahoo Incorporation. Ex.D19 is the details of Yahoo Mail i.e., [muthumamu80@yahoo.com](mailto:muthumamu80@yahoo.com). Ex.D19 reveals the login name as "muthumamu80@yahoo.com" with registration IP address 65.49.2.16. He stated that this account was created on Saturday October 30<sup>th</sup> 2010 at 10.30.39 GMT. He stated that the full name is mentioned as "Mr Muthu Swami". He stated that the Country is mentioned as United States with Zip/Postal Code: 99548. Ex.D20 is the relevant details of the IP addresses and time pertaining to mail ID [muthumamu80@yahoo.com](mailto:muthumamu80@yahoo.com) sent by Yahoo Incorporation. Ex.D21 is the details of Yahoo Mail i.e., [spent\\_those11@yahoo.com](mailto:spent_those11@yahoo.com). Ex.D21 reveals the login name as "spentthose11@yahoo.com" with registration IP address 110.44.120.39. He stated that this account was created on Wednesday May 22<sup>nd</sup> 2013 at 09.05.47 GMT. He stated that the full name is mentioned as "spent those". He stated that the Country is mentioned as Nepal. Ex.D22 is the relevant details of the IP addresses and time pertaining to mail ID [spent\\_those11@yahoo.com](mailto:spent_those11@yahoo.com) sent by Yahoo Incorporation. Ex.D23 is the

details of Yahoo Mail i.e., [patara\\_singh@yahoo.com](mailto:patara_singh@yahoo.com). Ex.D23 reveals the login name as “patara\_singh” with registration IP address 65.49.14.149. This account was created on Wednesday November 7<sup>th</sup> 2012 at 10.22.55 GMT. The full name is mentioned as “Patara singh”. The Country is mentioned as United Arab Emirates. Ex.D24 is the relevant details of the IP addresses and time pertaining to mail ID [patara\\_singh@yahoo.com](mailto:patara_singh@yahoo.com) sent by Yahoo Incorporation. Ex.D25 is the details of Yahoo Mail i.e., [coolallz@yahoo.com](mailto:coolallz@yahoo.com). Ex.D25 reveals the login name as “[coolallz@yahoo.com](mailto:coolallz@yahoo.com)” with registration IP address 65.49.14.54. This account was created on Wednesday July 17<sup>th</sup> 2013 at 08.25.42 GMT. The full name is mentioned as “Cool Allz”. The Country is mentioned as United Arab Emirates. Ex.D26 is the relevant details of the IP addresses and time pertaining to mail ID [coolallz@yahoo.com](mailto:coolallz@yahoo.com) sent by Yahoo Incorporation. He stated that the above said documents Ex.D9 to D26 were filed by Anup Kuruvilla John, Assistant Investigating Officer in R.C.No.6/2012/NIA/DLI and the same were filed by PW149 Vikas Vibhav, SP, CIO in R.C.No.6/2012/NIA/DLI and PW138 Sunil Emanuel have obtained certified copies of the same. As per investigation, the accused are using proxy IP addresses for creating mails and also for chatting with the other accused. He stated that he did not examine PW138 Sunil Emanuel, PW149 Vikas Vibhav and SP Anup Kuruvilla. He stated that after he received the documents marked as Ex.D9 to D26 he had not made any further investigation in respect of the mail IDs mentioned in Ex.D9 to D26. He stated that he did not go to the respective Countries mentioned in Ex.D9 to D26 to verify the IP addresses mentioned therein and he did not examine anybody in respect of these mail IDs. He stated that since his investigation revealed that the accused created proxy IDs as such he did not go to the above said respective Countries. He stated that he know the procedure involved in creating mail IDs and he had mail ID. He stated

that the above system is in force from the year 2014 but the above IDs were created in the year 2012-2013 and by that time the present system was not in force. He stated that he did not examine any service provider in this regard to know the procedure as to how E-mail IDs are created. He stated that for creating an E-mail ID IP address is necessary. He stated that without IP address no E-mail ID can be activated or used. He stated that the relevant IP addresses of the respective mails mentioned in Ex.D15, D18, D20, D22, D24, D26 are pertaining to July, August, September, 2013. Ex.D27 is the details of Yahoo Mail i.e., [laho0@yahoo.com](mailto:laho0@yahoo.com) and it reveals the login name as "laho0" with registration IP address 184.154.116.157. This account was created on Friday May 17<sup>th</sup> 2013 at 11.33.09 GMT. The full name is mentioned as "Name Name". The Country is mentioned as USA with Zip/Postal Code: 22313. Ex.D28 is the relevant details of the IP addresses and time pertaining to mail ID [laho0@yahoo.com](mailto:laho0@yahoo.com) sent by Yahoo Incorporation. Ex.D29 is the details of Yahoo Mail i.e., [halwa.wala@yahoo.com](mailto:halwa.wala@yahoo.com) and it reveals the login name as "halwa.wala" with registration IP address 49.244.131.6. This account was created on Monday July 22<sup>nd</sup> 2013 at 10.24.48 GMT. The full name is mentioned as "Halwa Wala". The Country is mentioned as India. Ex.D30 is the relevant details of the IP addresses and time pertaining to mail ID [halwa.wala@yahoo.com](mailto:halwa.wala@yahoo.com) sent by Yahoo Incorporation. Ex.D31 is the details of Yahoo Mail i.e., [jankarko@yahoo.com](mailto:jankarko@yahoo.com) and it reveals the login name as "jankarko" with registration IP address 49.244.135.141. This account was created on Saturday July 13<sup>th</sup> 2013 at 08.59.47 GMT. The full name is mentioned as "Karko Jan". The Country is mentioned as Nepal. Ex.D32 is the relevant details of the IP addresses and time pertaining to mail ID [jankarko@yahoo.com](mailto:jankarko@yahoo.com) sent by Yahoo Incorporation. Ex.D33 is the details of Yahoo Mail i.e., [a.haddad29@yahoo.com](mailto:a.haddad29@yahoo.com) and it reveals the login name as "a.haddad29" with registration IP address

110.44.120.39. This account was created on Sunday May 19<sup>th</sup> 2013 at 08.40.06 GMT. The full name is mentioned as "Haddad A". The Country is mentioned as Nepal. Ex.D34 is the relevant details of the IP addresses and time pertaining to mail ID [a.haddad29@yahoo.com](mailto:a.haddad29@yahoo.com) sent by Yahoo Incorporation. Ex.D35 to D38 are the mails dt.09-04-2013 sent by Yahoo Incorporation to Anup Kuruvilla John. Ex.D39 is the mail sent by Anup Kuruvilla John to Yahoo Incorporation. The dates mentioned in Ex.D35 to D38 are in MM/DD/YYYY format. He stated that the above said documents Ex.D27 to D39 were filed by Anup Kuruvilla John, Assistant Investigating Officer in R.C.No.6/2012/NIA/DLI and the same were filed by PW149 Vikas Vibhav, SP, CIO in R.C.No.6/2012/NIA/DLI and PW138 Sunil Emanuel have obtained certified copies of the same. He stated that as per investigation, the accused are using proxy IP addresses for creating mails and also for chatting with the other accused. He stated that he did not examine PW138 Sunil Emanuel, PW149 Vikas Vibhav and SP Anup Kuruvilla. He stated that after he received the documents marked as Ex.D27 to D39 he had not made any further investigation in respect of the mail IDs mentioned in Ex.D27 to D39. He stated that he did not go to the respective Countries mentioned in Ex.D27 to D39 to verify the IP addresses mentioned therein and he did not examine anybody in respect of these mail IDs. He stated that since his investigation revealed that the accused created proxy IDs as such he did not go to the above said respective Countries. He stated that he know the procedure involved in creating mail IDs and he had mail ID. He stated that the above system is in force from the year 2014 but the above IDs were created in the year 2012-2013 and by that time the present system was not in force. He stated that he did not examine any service provider in this regard to know the procedure as to how E-mail IDs are created. He stated that for creating an E-mail ID IP address is necessary. He stated that without IP address no E-mail ID can be

activated or used. He stated that the relevant IP addresses of the respective mails mentioned in Ex.D28, D30, D32, D34 are pertaining to July, August, September, 2013. He stated that except receiving these documents under Ex.D9 to D39 from PW138 he had not personally investigated anything in regard to these mails. He stated that he did not verify the part of investigation done by PW138, PW133, PW135, PW142, PW47, PW53 and PW49 and seizure of material objects and documents which were handed over to him by PW138. He stated that the cases in R.C.No.1 & 2/NIA/HYD were transferred to this Court from the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad and the records of these cases were received by this Court on 10-03-2015. He stated that prior to 10-03-2015, all the necessary petitions and requisitions were filed before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad. He stated that the case was transferred to him as Chief Investigating Officer on 17-01-2014 and all the statements Under Section 161 Cr.P.C., inquest panchanamas, Confessions and disclosure statements, seizure panchanamas of material objects and other proceedings done in these two cases were handed to me by PW138. He stated that he had filed the first charge sheet on 14-03-2014 against A2 and A5 before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad along with all the statements Under Section 161 Cr.P.C., inquest panchanamas, Confessions and disclosure statements, seizure panchanamas of material objects and other proceedings done (chart of documents listed in Annexure-II and list of material objects vide Annexure-III filed along with first charge sheet) in these two cases till 14-03-2014 and some of the documents were filed subsequently. He stated that he filed second charge sheet on 15-09-2014 against A1 Riyaz Bhatkal, A3 Zia-ur-Rehman and A4 Md.Tahsin Akthar before the

Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad along with all the relevant statements Under Section 161 Cr.P.C., inquest panchanamas, Confessions and disclosure statements, seizure panchanamas of material objects and other proceedings done (chart of documents listed in Annexure-II and list of material objects vide Annexure-III filed along with first charge sheet) in these two cases between 14-03-2014 to 15-09-2014 and some of the documents were filed subsequently. He stated that he filed second supplementary charge sheet in these two cases on 06-06-2015 against A6 Ajaz Shaik before this Hon'ble Court along with all the relevant statements Under Section 161 Cr.P.C., inquest panchanamas, Confessions and disclosure statements, seizure panchanamas of material objects and other proceedings done (chart of documents listed in Annexure-II and list of material objects vide Annexure-III filed along with first charge sheet) in these two cases between 15-09-2014 to 06-06-2015 and some of the documents were filed subsequently. He stated that in both these cases he had not examined or recorded the statements U/Sec.161 Cr.P.C., of the persons who acted as panch witnesses in various inquest panchanamas, seizure panchanamas, confession and disclosure statements and panchas for seizure of material objects who are cited as witnesses in all the three charge sheets. He stated that he had not examined or recorded the statements U/Sec. 161 Cr.P.C., of any Police Officials who are cited as witness in all the three charge sheets. He stated that he had not examined or recorded the statements U/Sec. 161 Cr.P.C., of any Officials belonging to APFSL, CDFD, Finger Print Bureau, CFSL Ramanthapur, Karnataka FSL and FSL Gujarat. He stated that he had not examined or recorded the statements U/Sec. 161 Cr.P.C., of any Officials of service providers belonging to Yahoo Incorporation, Google Incorporation. He stated that in Ex.P254 it is written that the Hon'ble IX Metropolitan Magistrate,

Cyberabad received a requisition from the Deputy Superintendent of Police, Assistant Investigating Officer, National Investigation Agency, Hyderabad to record the confession of the accused No.2 Aasadullah Akthar. He stated that he had not filed the said requisition filed by the said Deputy Superintendent of Police in the Court. He stated that all the records were transferred from Kukatpally Metropolitan Magistrate Court to the Hon'ble I Additional Metropolitan Sessions Court-cum-Special Court for NIA Cases, Nampally, Hyderabad and from there transferred to this Court. He stated that he had not filed the said requisition as mentioned in Ex.P254 and he does not remember who filed the same. He stated that verifies the CD files and filed the requisition filed by previous Chief Investigating Officer Sri.Sunil Emanuel dt.05-10-2013 before the Hon'ble I Additional Metropolitan Sessions Court-cum-Special Court for NIA Cases, Nampally, Hyderabad which was returned by the said Court and is marked as Ex.P507. He stated that the said Court returned the requisition with a direction to file the same before the Jurisdictional Court i.e., Rangareddy District Court. He stated that he did not file the said Order of returning the earlier requisition. He stated that it is mentioned in Ex.P254 as follows: "I received a requisition from Deputy Superintendent of Police, Assistant Investigating Officer, National Investigation Agency, Hyderabad to record the confession of the accused Asadullah Akhtar @ Haddi @ Tabrez @ Daiyal S/o.Dr.Javed Akthar, Aged 38 years, R/o.Baaz Bahadur, Gulami Ka Pura, Azamgarh, U.P., in R.C.No.1 and 2/2013 U/ss.302, 120-B IPC and Sections 3 and 5 of Explosive Substances Act and Sections 16, 18, and 20 of Unlawful Activities (Prevention) Act, 1967 of NIA, Delhi." He stated that it is mentioned in Ex.P252 as follows: "I received a requisition from the Deputy Superintendent of Police, Assistant Investigating Officer, National Investigation Agency, Delhi, Camp at Hyderabad to record the confessional statement of the accused Mohammed Ahmed Sidibapa @

Yasin Bhatkal S/o.Mohd.Zarrar Siddibapa, R/o. Bhatkal, Karnataka in R.C.No.6/2012 U/s.121-A and 123 of IPC and Sections 17, 18, 18-B and 20 of Unlawful Activities (Prevention) Act, 1967 of NIA, New Delhi." He stated that as on 11-10-2013, 17-10-2013, these two cases i.e., R.C.No.1 & 2/NIA/HYD were pending before the Hon'ble I Additional Metropolitan Sessions Court-cum-Special Court for NIA Cases, Nampally, Hyderabad. He stated that as on 05-10-2013, 15-10-2013 and 18-10-2013, these two cases were pending before the Hon'ble I Additional Metropolitan Sessions Court-cum-Special Court for NIA Cases, Nampally, Hyderabad. He stated that he or his predecessor i.e., PW138 did not file any requisition before the Hon'ble Chief Metropolitan Magistrate, Hyderabad for recording confession statements of A2 and A5 U/Sec.164 Cr.P.C. He stated that as the accused were lodged in Cherlapally Central Prison, Rangareddy District they filed requisition before Ranga Reddy District Court as stated above. He stated that on 07-06-2014 the Test Identification Parade of properties was conducted by the Hon'ble III Metropolitan Magistrate, Hyderabad vide Ex.P46 by summoning PW56 and PW57. He stated that PW56 and PW57 stated before the Hon'ble III Metropolitan Magistrate, Hyderabad in Ex.P46 that they sold one old bicycle to unknown persons in the month of January, 2013. He stated that both PW56 and PW57 did not state the descriptive particulars of the bicycles sold by them in their statements in Ex.P46 before the Hon'ble III Metropolitan Magistrate, Hyderabad. He stated that as on 19-10-2013 & 22-10-2013 these cases were pending before the Hon'ble I Additional Metropolitan Sessions Court-cum-Special Court for NIA Cases, Nampally, Hyderabad. He stated that he or his predecessor i.e., PW138 did not make any requisition before the Hon'ble Chief Metropolitan Magistrate, Hyderabad to nominate a Metropolitan Magistrate for conducting Test Identification Parade in these two cases. He stated that the said properties in Ex.P46 were lying at Begumpet NIA Office, Hyderabad and

as such he filed requisition before the Hon'ble Chief Metropolitan Magistrate, Hyderabad to conduct Test Identification parade. He stated that in Ex.P257 there is no mention that the witnesses summoned to Test Identification parade complained before the Hon'ble XIX Metropolitan Magistrate, Cyberabad that there was poor light, long distance and that all the suspects and non-suspects were wearing Muslim Caps. He stated that these two cases were pending before the Hon'ble I Additional Metropolitan Sessions Court-cum-Special Court for NIA Cases, Nampally, Hyderabad till 09-03-2015 and till that date he did not file any requisitions before the Hon'ble Chief Metropolitan Magistrate, Hyderabad for nominating a Metropolitan Magistrate to conduct the Test Identification Parade in these two cases. He stated that the since the accused were lodged in Cherlapally Central Prison, Rangareddy District which comes under the Jurisdiction of Rangareddy District, they filed all requisitions for conducting Test Identification parade of the accused before the Hon'ble Chief Metropolitan Magistrate, Rangareddy District. He stated that in Ex.P415 Test Identification Parade Proceedings conducted by PW130 there is no mention that all the 14 witnesses who are summoned to the Test Identification Parade Proceedings complained before the Hon'ble VIII Metropolitan Magistrate, Cyberabad (PW130) that there was poor light, long distance and all the suspects and non-suspects wearing Muslim Caps, so also it is not mentioned in Ex.P415 that the witnesses complained that out of fear of the suspects witnesses had covered their faces with scarfs and handkerchiefs. He stated that there is no mention in Ex.P415 the witnesses are of different ages and some of them were wearing spectacles. He stated that it is mentioned in Ex.P415 that on being inquired by the Hon'ble VIII Metropolitan Magistrate, Cyberabad both the suspects stated that the Police have got some persons and showed them to those persons when they were in Police custody. He stated that

they have not shown any accused to the witnesses during their Police custody. He stated that they summoned the witnesses to the NIA Office at Begumpet when the accused were in Police custody. He stated that the accused were kept in Shameerpet CRPF. He stated that he did not file any written record before this Court along with Chargesheet to show that all the accused in this case were kept at CRPF Battalion Headquarters, Shameerpet Hyderabad during their Police custody. He stated that written permission is not necessary from CRPF Battalion Headquarters Shameerpet and oral permission is sufficient as such they did not file any written record in this regard. He stated that their DIG obtained oral permission from the DIG of the CRPF Battalion Headquarters Shameerpet. He stated that he cannot say on which date their DIG obtained oral permission and through which phone number and for custody of which accused separately and at which time and date. He stated that while the accused were in Police custody they used to hide the identity of the accused by putting masks. During the Judicial custody of the accused they do not have any role to take precautions, as such they requested the Jail Authorities to take precautions. He stated that he was not the Chief Investigating Officer during the extension of the remand of the accused on 04-10-2013 and 09-10-2013. He stated that Sri.Sunil Emmanuel (PW138) and other Investigating Officers filed remand extension memos. He stated that he received the index of documents from PW138 at the time of handing over the charge of this case to him but he did not mention the same in the Charge sheet. He stated that at the time of obtaining PT warrant from NIA Special Court, Delhi on 17-09-2013. He stated that he had furnished all the hard copies of CDs and DVDs filed along with Charge sheet. He stated that there is no written index of documents but they were handed over physically. He stated that he did not mention in all the three charge sheet that the accused were lodged at CRPF Headquarters

Shameerpet during their Police custody. He stated that the said fact is mentioned in all the panchanamas. He stated that since the section 164 Cr.P.C. statements were recorded by the Magistrate, hence he cannot testify in this regard. He stated that he did not re-examine the de-facto complainant, injured persons, relatives of injured persons, the Officer who conducted inquest reports, the Doctors who conducted postmortem examination and treated the injured, the panch witnesses in all the panchanamas, mahazers, disclosure statements, inquest reports and seizure reports in both these cases and he did not examine the Police Officers i.e., PW140 Manish Chandra, PW149 Vikas Vibhav who arrested all the accused. He stated that Exs.P98 to P103, Ex.P459 to P474 are all part of R.C.No.06/2012/NIA/DLI where the case is still pending trial. He stated that Ex.P104 to P107 are all part of Cr.No.54/2011 of P.S.Special Cell, New Delhi. He stated that he did not examine PW81 Subramani Babu. Ex.D40 is the certified copy of the Charge sheet containing 2 pages in R.C.No.06/2012/NIA/DLI mentioning the offences U/Secs.121-A, 123 of IPC, 1860 and Sections 17, 18, 18B and 20 of the Unlawful Activities (Prevention) Act, 1967 as amended by Act 35 of 2008. He stated that the accused No.2 to 5 are all facing charges in R.C.No.06/2012/NIA/DLI. He stated that NIA Office is only one NIA Office building situated at Begumpet, Hyderabad and which falls under the Metropolitan Sessions Division Jurisdiction of Hyderabad and the Jurisdictional Court is Hon'ble 1 Additional Metropolitan Sessions Judge, Nampally, Hyderabad till the Constitution of this Court under the Special Act. He stated that Ex.D8 is the Final Report filed in Cr.No.66/2010 of P.S.Special Cell for the offences U/Sec.201, 468, 471, 120-B IPC and Section 3 to 5 of Explosive Substances Act and Section 25 of Arms Act and Section 66 of Information Technology Act. He stated that all the accused in this case except the accused No.4 are also facing charges in Cr.No.66/2010 of P.S.Special Cell on different allegations. He

stated that he was not made witness in the above case but he received documents in that case. He stated that all the accused in this case are also facing charges for the same offences in Cr.No.54/2011 P.S. Special Cell which is pending trial before the concerned Court at New Delhi. He stated that there is no reference of Ex.P496 in Ex.P437 Test Identification Parade Proceedings conducted by PW139. He denied that there is no reference of all the contents of Ex.P497 in Ex.P437 Test Identification Parade Proceedings conducted by PW139. Ex.P495 is the petition dt.04-07-2014 filed by him before the Chief Metropolitan Magistrate, LB Nagar. He stated that there is no reference of his petition vide Ex.P495 in Ex.P437 Test identification parade proceedings conducted by PW139. He stated that his petition was referred in proceedings of the Hon'ble Chief Judicial Magistrate Court, LB Nagar, and also PW139 mentioned about the proceedings in Ex.P497 regarding the orders of the Hon'ble I Additional Sessions Judge-cum-Chief Judicial Magistrate, Rangareddy District vide Dis.No.304/2014 dt.08-07-2014. He stated that he did not mention the names of the witnesses in Ex.P495 who have been summoned earlier on 28-06-2014 for Test Identification Parade proceedings. He stated that he did not record the statements of the witnesses who attended the Test Identification parade proceedings on 28-06-2014. He stated that in Ex.P415 no where it is mentioned that the witnesses who were summoned to test identification parade proceedings on 28-06-2014 complained of bad lighting at hall, the distance between the accused and the witnesses are more, the accused wore the Muslim Namaz Cap at the time of Test identification parade proceedings (when the witnesses were seen at the time of their evidence they have not seen the accused with such type of cap) the witnesses were not identified the accused, as mentioned in Ex.P495. He denied that Exs.P495, P496 are fabricated documents filed by him to fill up the lacunas and violation of procedure prescribed by Law. He stated

that he did not mention about any petitions vide Ex.P495 and proceedings under Ex.P496 in the Charge sheets filed by him. He stated that he did not mentioned in his Charge sheets that witnesses who were summoned on 28-06-2014 for test identification parade proceedings by PW139 complained of bad lighting at hall, the distance between the accused and the witnesses are more, the accused wore the Muslim Namaz Cap at the time of Test identification parade proceedings (when the witnesses were seen at the time of their evidence they have not seen the accused with such type of cap) the witnesses were not identified the accused, and that because of this reason he filed another requisition before PW139 to conduct test identification parade proceedings again. He stated that it is not mentioned in Ex.P437 that the witnesses who were summoned to test identification parade proceedings by PW139 were already summoned by PW130 on 28-06-2014 in respect of the accused No.3 and 4. He denied that Ex.P437 Test identification parade proceedings was conducted by PW139 on the basis of his requisition dt.09-07-2014 only. He stated that the above proceedings were conducted basing on Ex.P496 & Ex.P498 and also petition filed by him on 09-07-2014 the Hon'ble IX Metropolitan Magistrate, Cyberabad conducted Ex.P437 Test Identification Parade Proceedings and also PW139 mentioned in Ex.P497. He denied that there is no reference in Ex.P437. He stated that in Ex.P495 there is a correction inserted by him in his own handwriting below his signature. He stated that him have written 2015 and subsequently corrected as 2014. He stated that there is no mention of Criminal Miscellaneous Petition numbers in Ex.P495 to Ex.P498 filed by him. He stated that in Ex.P437 there is no mention of Criminal Miscellaneous Petition numbers nominating PW139 to conduct the test identification parade proceedings. He stated that there is dispatch numbers in the above proceedings as 304/2014 dt.08-07-2014 by Hon'ble I Additional

Assistant Sessions Judge, Rangareddy District. He denied that the above said dispatch number of 304/2014 dt.08-07-2014 pertains to the dispatch made to the Hon'ble Judicial First Class Magistrate, Ibrahimpatnam, Rangareddy District. He stated that as on the date of conducting two test identification parades proceedings on 28-06-2014 and 26-07-2014 respectively both these cases were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He stated that he does not know the provisions of Criminal Rules of Practice and Circular Orders of 1995. He stated that the Test identification parades proceedings were conducted as per the Orders of the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He stated that he did not examine the media persons in support of the averments made in para No.16.1 to 16.3 of his first charge sheet on 14-03-2014. He stated that he had not obtained any permission from the State Government of Andhra Pradesh to add the sections of Unlawful Activities (Prevention) Act in respect of Cr.No.56/2013 of P.S.Malakpet. He stated that the Central Government of India, Ministry of Home Affairs, New Delhi have already granted permission in this regard. He stated that he did not mention specifically in para No.16.7 the name of the Officers who arrested the accused No.2 and 5 at Raxsal, Bihar State and the name of the persons who produced them under transit remand before the Hon'ble Special Court for NIA Cases, New Delhi. He stated that he did not mention the details of memo filed as mentioned in para No.16.8 of the charge sheet No.1. He stated that the details of the interrogation reports and the details of the persons who interrogated the accused as mentioned specifically in para No.16.8 of first charge sheet. He stated that as mentioned in paragraph No.16.10 of first charge sheet the accused No.2 was arrested in these two cases on 17-09-2013 within the premises of the Hon'ble Special Court for NIA Cases

at Patiala House, New Delhi for the first time and then produced before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad which granted Police custody of the accused No.2 from 20-09-2013 to 08-10-2013 for the first time. He stated that the accused No.5 was formally arrested in these two cases on 21-09-2013 for the first time and produced before Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad on 23-09-2013 and the accused No.5 was granted Police custody from 24-09-2013 to 08-10-2013 for the first time. He stated that as per the interrogation report of the accused, he verified the chat details between the accused No.1 and the accused No.5. He stated that he had not gone to various places like Nepal, Pakistan, Bihar, Delhi, Varanasi, Mumbai, Pune in respect of paragraph No.17.02 of first charge sheet and he did not examine any witnesses. He stated that he had not examined any person from Belgaum as mentioned in paragraph No.17.03 of first charge sheet. He stated that he did not mention the name of the NIA Officer who conducted the investigation in paragraph No.17.05 of first charge sheet. He denied that he did not investigate into the averments mentioned in paragraph No.17.06. He stated that he tried but he could not detect. He stated that he did not specifically mention the details of the mobile phone and the tower locations as mentioned in paragraph No.17.07. He stated that it is mentioned that CDRs, SDRs and Customer Application Forms for those mobile numbers. He stated that the Customer Application Forms enclosed by him do not stand in the name of any of the accused in this case. He stated that the investigation established that all the IDs and names produced are fake. He stated that he did not mention the details of the bus numbers and the details of the public booths, telephone numbers and mobile numbers in paragraph No.17.08 of first charge sheet. He stated that he did not mention in paragraph No.17.09 of first

charge sheet specifically the details of the places of departure and arrival as mentioned therein and also from where the accused No.2 purchased the ticket. He stated that he did not mention in paragraph No.17.10 of first charge sheet about the date and time of reconnaissance. He stated that he did not mention in paragraph No.17.11 of first charge sheet about the details of the auto driver and the auto referred to therein. He stated that he did not collect the receipt from the counter as mentioned in paragraph No.17.13 of the first charge sheet. He stated that they could not detect the details of auto-rickshaw and driver of auto-rickshaw as mentioned in paragraph No.17.13 of the first charge sheet. He stated that the NIA Office located at Begumpet, Hyderabad is not notified as a Police Station as per his knowledge but they maintain General diary and movement register. He stated that the first charge sheet in these two cases was filed on 14-03-2014. He stated that on the last page of the first charge below the signature he had mentioned the date as 14-03-2013. He stated that by mistake the year was mentioned as 2013 instead of 2014. He stated that in the said last page of the first charge sheet DIG has signed and inserted date as 14-03. He denied that DIG have not done any investigation. He stated that in the page No.1 of the charge sheet it is clearly mentioned the date of charge sheet as 14-03-2014. He stated that on the last page of the first charge sheet the number of enclosures is written as 03 and the list of the enclosures is mentioned as Annexure-I list of witnesses, Annexure-II list of documents, Annexure-III list of material objects. He stated that he did not mention the number of pages contained in Annexure-I, II & III on the last page of the first charge sheet. He stated that he did not mention that the statements of witnesses, the documents seized and the material objects are filed along with the charge sheet. He stated that he filed all the documents, statements of witnesses and materials as per Annexure-I, II & III along with all charge

sheets. He stated that he had not mentioned on the last page of the first charge sheet that he produced all the material objects under Annexure-III. He stated that he did not mention in the first charge sheet about the filing of property indent form No.66 along with the material objects. He stated that he had filed all the material objects through form No.66 only. He stated that he filed supplementary charge sheet on which the date is mentioned in the first page as 15-09-2014 and on the last page he signed and put the date as 16-09-2014. He stated that the charge sheet was prepared on 15-09-2014 and the same was dispatched on 16-09-2014 to the Hon'ble Court. He stated that as on 14-03-2013 none of the accused in this case were arrested or produced in any case. He denied that he had prepared the first charge sheet on 14-03-2013 and accordingly he had falsified all the documents, statements of witnesses and material objects and filed them along with the charge sheet, and as such he had not filed all the statements of witnesses U/Sec.161 Cr.P.C and all the documents and materials objects and seizure reports in these cases immediately after those statements and seizure reports were drafted. He stated that all the seizure reports, material objects were produced before the Court immediately. He stated that the supplementary charge sheet in these two cases was filed on 16-09-2014. He stated that on the last page of the supplementary charge below his signature he had mentioned the date as 16-09-2014. He stated that in the said last page of the supplementary charge sheet DIG has signed and inserted date as 16-09-2014. He denied that DIG have not done any investigation. He stated that in the page No.1 of the charge sheet it is clearly mentioned the date of charge sheet as 15-09-2014. He stated that on the last page of the supplementary charge sheet the number of enclosures is written as 03 and the list of the enclosures is mentioned as Annexure-I list of witnesses, Annexure-II list of documents, Annexure-III list of material objects. He stated that he

did not mention the number of pages contained in Annexure-I, II & III on the last page of the supplementary charge sheet. He stated that he did not mention that the statements of witnesses, the documents seized and the material objects are filed along with the charge sheet. He stated that he filed all the documents, statements of witnesses and materials as per Annexure-I, II & III along with all charge sheets. He stated that he had not mentioned on the last page of the supplementary charge sheet that he produced all the material objects under Annexure-III. He stated that he did not mention in the supplementary charge sheet about the filing of property indent form No.66 along with the material objects. He stated that he had filed all the material objects through form No.66 only. He stated that the second supplementary charge sheet in these two cases was filed on 06-06-2015. He stated that on the last page of the second supplementary charge below his signature he had mentioned the date as 06-06-2015. He stated that in the said last page of the second supplementary charge sheet their SP Sri.L.R.Kumar has signed and inserted date as 06-06-2015. He denied that SP Sri.L.R.Kumar have not done any investigation. He stated that in the page No.1 of the second supplementary charge sheet it is clearly mentioned the date of charge sheet as 06-06-2015. He stated that on the last page of the second supplementary charge sheet the number of enclosures is written as 03 and the list of the enclosures is mentioned as Annexure-I list of witnesses, Annexure-II list of documents, Annexure-III list of material objects. He stated that he did not mention the number of pages contained in Annexure-I, II & III on the last page of the second supplementary charge sheet. He stated that he did not mention that the statements of witnesses, the documents seized and the material objects are filed along with the charge sheet. He stated that he filed all the documents, statements of witnesses and materials as per Annexure-I, II & III along with all charge sheets. He stated that he had not

mentioned on the last page of the second supplementary charge sheet that he produced all the material objects under Annexure-III. He stated that he did not mention in the second supplementary charge sheet about the filing of property indent form No.66 along with the material objects. He stated that he had filed all the material objects through form No.66 only. He stated that the date of dispatch of the second supplementary charge sheet is mentioned as 29-05-2015 on the last page of the second supplementary charge sheet. He stated that the date was mentioned as 29-05-2015 due to typographical mistake. He stated that in the running matter of all the three charge sheets filed by him there is no mention of the descriptive particulars some of the witnesses, officials belonging to NIA who conducted the proceedings and the panch witnesses for the seizure of the material objects. He stated that some of the names were mentioned in the running matter charge sheet and since the witnesses are protected witnesses, he had not mentioned all the descriptive particulars of the witnesses. He stated that in these cases only some of the witnesses are protected witnesses. He denied that as on the date of filing of all the three charge sheets respectively, all the statements of witnesses U/Sec.161 Cr.P.C mentioned in the list of witnesses annexure-I, all the documents mentioned in the list of documents vide annexure-II, all the material objects mentioned in the list of material objects under annexure-III were not in existence on the respective dates of filing of these charge sheets and all the documents and material objects in these case are falsified to suit the prosecution theory in these two cases as prepared by him on 14-03-2013 (first charge sheet). He stated that as per Ex.P431 mentions only three sections of Unlawful Activities Prevention Act, 1967 viz., Sections 16, 17 & 18 while directing the NIA, Hyderabad to investigate the case in Cr.No.56/2013 dt.21-02-2013 of P.S.Malakpet for offence U/Secs.302, 307, 120-B of Indian Penal Code, Sections 3 & 5 of

Explosive Substances Act, 1908 and Sections 16, 17, 18 of Unlawful Activities Prevention Act, 1967. He stated that as per Ex.P431-A mentions only three sections of Unlawful Activities Prevention Act, 1967 viz., Sections 16, 17 & 18 while directing the NIA, Hyderabad to investigate the case in Cr.No.146/2013 dt.21-02-2013 of P.S.Saroornagar for offence U/Secs.324, 326, 307, 302, 124 (A), 153 (A), 201 r/w. 120-B of Indian Penal Code, Sections 3 & 5 of Explosive Substances Act, 1908 and Sections 16, 17, 18 of Unlawful Activities Prevention Act, 1967. He stated that all the above sections were mentioned by the Ministry of Home Affairs, Government of India as per FIRs issued by the Police only. He stated that Ex.P432 is the FIR No.1 dt.14-03-2013 issued by Police Station National Investigation Agency, Hyderabad with regard to Cr.No.56/2013 of P.S.Malakpet as mentioned above. He stated that in column No.7 of Ex.P432 the details of known/suspected/unknown accused is mentioned as "unknown persons suspected to be members of a Terrorist Organization". He stated that there is no mention of the organization called "Indian Mujaheeddin" in Ex.P432. He stated that in column No.9 and 10 of Ex.P432 it is mentioned as "N/A". He stated that in column No.9 and 10 of Ex.P432 are applicable to the particulars of property stolen and total value of property lost in connection with property offences like theft, robbery etc., hence it is not applicable. He denied that the FIR vide Ex.P432 in column No.9 instead of "particulars of property stolen/involved," DIG has mentioned as "particulars of property stolen" only to hide the fact that all the properties involved in these cases were not handed over to the NIA Office. He stated that in the column No.11 with regard to "inquest report/U.D.Case No., if any," is typed as "NIL". He stated that all the properties involved in these cases, all the statements of the witnesses recorded in these cases, all the panchanamas and seizure reports drafted in these cases and all the material objects seized in

these cases were not handed over to the Police Station NIA, Hyderabad and as such those details are not mentioned in Ex.P432. He stated that the FIR No.1 of P.S.NIA, Hyderabad vide Ex.P432 was re-registered for offences U/Secs.302, 307, 120-B of Indian Penal Code, Sections 3 & 5 of Explosives Substances Act, 1908, Sections 16, 18 & 20 of Unlawful Activities (Prevention) Act, 1967. He stated that Ex.P432 is re-registered only on the basis of Ex.P431 (Order directing Police Station National Investigation Agency, Hyderabad to investigate) and Xerox copy of Ex.P23 (Original FIR) and copy of Ex.P1 (complaint) in Cr.No.56/2013 of P.S.Malakpet, Hyderabad dt.21-02-2013. He stated that the original FIR was already submitted before the concerned Jurisdictional Court by the State Police. He stated that Ex.P433 is the FIR No.2 dt.14-03-2013 issued by Police Station National Investigation Agency, Hyderabad with regard to Cr.No.146/2013 of P.S.Saroornagar as mentioned above. He stated that in column No.7 of Ex.P433 the details of known/suspected/unknown accused is mentioned as "unknown persons suspected to be members of a Terrorist Organization". He stated that there is no mention of the organization called "Indian Mujaheddin" in Ex.P433. He stated that in column No.9 and 10 of Ex.P433 it is mentioned as "N/A". He stated that in column No.9 and 10 of Ex.P433 are applicable to the particulars of property stolen and total value of property lost in connection with property offences like theft, robbery etc., hence it is not applicable. He stated that the FIR vide Ex.P433 in column No.9 instead of "particulars of property stolen/involved," DIG has mentioned as "particulars of property stolen" only to hide the fact that all the properties involved in these cases were not handed over to the NIA Office. He stated that in the column No.11 with regard to "inquest report/U.D.Case No., if any," is typed as "NIL". He stated that all the properties involved in these cases, all the statements of the witnesses recorded in these cases, all the

panchanamas and seizure reports drafted in these cases and all the material objects seized in these cases were not handed over to the Police Station NIA, Hyderabad and as such those details are not mentioned in Ex.P433. He stated that the FIR No.2 of P.S.NIA, Hyderabad vide Ex.P433 was re-registered for offences U/Secs.302, 307, 324, 326, 124-A, 153-A, 201 r/w.120-B of Indian Penal Code, Sections 3 & 5 of Explosives Substances Act, 1908, Sections 16, 18 & 20 of Unlawful Activities (Prevention) Act, 1967. He stated that Ex.P433 is re-registered only on the basis of Ex.P431-A (Order directing Police Station National Investigation Agency, Hyderabad to investigate) and Xerox copy of Ex.P26 (Original FIR) and complaint in Cr.No.146/2013 of P.S.Saroornagar, Hyderabad dt.21-02-2013. He stated that the original FIR was already submitted before the concerned Jurisdictional Court by the State Police. He stated that in paragraph No.17.13 of the first charge sheet he had not mentioned the descriptive particulars of Mo.5 & 6 and PW56 (LW209) & PW57 (LW210). He stated that the same were mentioned in the memo. He stated that he had not mentioned in paragraph No.17.13 of the first charge sheet that the descriptive particulars are mentioned in the memo of evidence and that the seizure reports of Mo.5 & 6 and statements of PW56 (LW209) & PW57 (LW210) were enclosed along with the charge sheet. He stated that the list of witness number 209 and 210 was mentioned as per the memo of evidence only. He stated that he had not mentioned in paragraph No.17.13 of the first charge sheet about the descriptive particulars of the bus tickets, bus numbers, time of departure, point of departure of the bus to Bangalore and the amount paid. He stated that he had not mentioned in paragraph No.17.13 of the first charge sheet about the colour of the plastic sheet and the name of the shop at Chaderghat bridge. He stated that all the details were mentioned in the seizure panchanama as per the Annexure-II. He stated that the auto drivers

were not traced and as such he did not mention the descriptive particulars of auto. He stated that he did not re-examine PW56 (LW209) & PW57 (LW210) and recorded their statements after taking over charge as Chief Investigating Officer in these two cases. He stated that after taking over the charge as Chief Investigating Officer he did not re-examine any of the witnesses in these cases who were already examined by other Officials. He denied that all the averments made in paragraph No.17.13 of the first charge sheet are totally false and fabricated to suit the prosecution case as prepared on 14-03-2013 and that the accused No.2 to 4 did not purchase Mo.5 and 6 from PW56 (LW209) & PW57 (LW210). He stated that he had filed first charge sheet on 14-03-2014. He denied that he did not conduct any investigation with regard to where from the accused brought the Improvised Explosive Devices (IEDs). He stated that in paragraph No.17.14 I have not mentioned the company name of the Digital Watches, Cooker Handles, size and colour of trolley bag mentioned therein. He stated that the same were mentioned in panchanamas. He stated that in paragraph No.17.14 he had not mentioned about the seizure reports of these articles and the descriptive particulars of the panch witnesses and the National Investigation Agency Officials who conducted those proceedings. He stated that they are mentioned in the concerned panchanamas. He denied that all the averments mentioned in paragraph No.17.15, 17.16, 17.17 are false and fabricated to suit the prosecution story as prepared on 14-03-2013. He stated that in paragraph No.17.15 there is no mention that the descriptive particulars of the articles thrown out, the descriptive particulars of the auto drivers and the autos as mentioned therein. He stated that he had not mentioned in paragraph No.17.16 of the first charge sheet about the details of death persons, injured persons, hospitals where they were admitted, descriptive particulars of the cycles, three motor cycles and

one scooter and incriminating materials seized at the scene of offences at both the places at A1-Mirchi Centre and 107 bus stop, details of the panch witnesses for scene of offence and seizure of materials on the spot, details of the Police Officials who investigated these materials on the spot on 21-02-2013 & 22-02-2013, details of the properties forwarded to Andhra Pradesh Forensic Science Laboratory for analysis, inquest reports and panch witnesses for inquest, Doctors who treated the injured, Doctors who conducted the postmortem examination of the deceased, Medical Officers who handed over the splinters retrieved from the bodies of the injured and the deceased, the Police Officials who received the such splinters from the dead bodies and the injured persons and the wound certificates which were collected by the Police. He stated that all the above details were mentioned in other part of the charge sheet. He denied that the Code words mentioned in paragraph No.17.18 of first charge sheet in respect of three E-mail IDs: "[spent\\_those11@yahoo.com](mailto:spent_those11@yahoo.com)','[kul.chitra@yahoo.com](mailto:kul.chitra@yahoo.com)','[coolallz@yahoo.com](mailto:coolallz@yahoo.com)' were created in the Month of May, June & July, 2013 as mentioned in Ex.D21, Ex.D17 & Ex.D25 respectively. He stated that he did not personally seized the computer systems which were used to operate these three E-mails. He denied that all these three mails were not created or used by any of the accused. He stated that in paragraph No.17.19, 17.20, 17.21, 17.22, 17.23 of first charge sheet he did not mention the names, particulars of the NIA Officials who seized the articles mentioned therein. He stated that all the details were mentioned in other paragraphs of the charge sheet. He stated that all the details mentioned in paragraph No.17.28 of charge sheet No.1 the period of operation of all these mails except one mail ID in column No.4 and column No.8 are between May, 2013 to August, 2013. He stated that all the E-mail IDs mentioned in paragraph No.17.29 are in respect of chat details received from Yahoo.com in R.C.No.06/2012/NIA/NEW

DELHI. He stated that the above E-mail IDs chat details received in R.C.No.06/2012 through Mutual Legal Assistance Treaty from United States of America, later he had received permission from US Authorities to use the above information as an evidence in these two cases. He stated that as on the date of seizure of all the articles mentioned in paragraph No.17.23 of first charge sheet none of the accused were arrested and produced in these cases and they were not seized from the possession. He stated that all the accused were not arrested and produced in these cases as on 06-09-2013. He stated that at the instance of the accused No.2 all the articles mentioned in paragraph No.17.23 of first charge sheet were seized in R.C.No.06/2012/NIA/Delhi and later as per the request of the Chief Investigating Officer (PW138) the Hon'ble Special Court for NIA Cases at New Delhi directed the Chief Investigating Officer (PW149) of R.C.No.06/2012/NIA/Delhi to handover all the documents and articles to the Chief Investigating Officer of these cases i.e., PW138. He stated that he recorded the statement of both wife and husband LW206 and LW207 at their house at Abdullapurmet on 18-09-2013. He stated that as on 17-09-2013 after the arrest of the accused No.2 in the Court premises, New Delhi he was granted transit custody up to 19-09-2013 and the Hon'ble Special NIA Court at Delhi directed to produce the accused No.2 before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He denied that he accompanied PW138 at the time of arrest of the accused No.2 on 17-09-2013 at Delhi. He denied that he had never gone to Abdullapurmet on 18-09-2013 to record the statements of PW54 and PW55 and that he fabricated their statements as per the first charge sheet prepared by him on 14-03-2013. He stated that as on 18-09-2013 the accused No.4 was not arrested in any case. He denied that PW60 did not state in 161 Cr.P.C. statement about the descriptive particulars of the students who took Brahmaiah's house on

rent. He stated that as per his investigation, it is mentioned in the 161 Cr.P.C. Statement of PW67 the date of examination as 29-09-2013 at NIA, Begumpet at Hyderabad. He stated that the name of the witness PW67 is mentioned as "Venkatesh Tadaboina". He stated that the alias names of this witness (PW67) is not mentioned in the said 161 Cr.P.C. Statement. He stated that he did not seize any records pertaining to parking of vehicle on 20/21-02-2013 from PW66 and PW67. He stated that he did not collect the details of the token number and money paid for the parking on 20/21-02-2013. He stated that he did not collect the Parking Contract Agreement between the Greater Hyderabad Municipal Corporation and the Contractor. He stated that in Test Identification Parade Proceedings and also in 164 Cr.P.C. proceedings recorded by the learned Magistrate the name of PW67 is mentioned as "Venkatesh Tadaboina". He stated that in all the three charge sheets he did not mention the name of any witness as "Venkat Swamy Taraboina". He stated that he mentioned as "Tadaboina Venkatesh" (PW67) in the charge sheets and "Tadaboina Venkatesh" and "Venkat Swamy Tadaboina" are one and the same person. He stated that he had not filed any document to show that the name of PW67 is "Tadaboina Venkatesh". He stated that at the time of Chief Examination of PW67 this Court verified the identity of PW67. He denied that he produced one person by name "Venkat Swamy Taraboina" in place of "Tadaboina Venkatesh" to give evidence before this Court to suit the prosecution case. He stated that the date of examination of LW219 (PW66) is mentioned as 17-09-2013 below his signature. He denied that the 161 Cr.P.C. Statements of PW66 and PW67 are fabricated by him to suit the prosecution case. He denied that he had shown the photographs of the accused to PW54, PW55, PW66 and PW67 before conducting the Test Identification Parade proceedings and also before deposing before this Court. He stated that he assisted PW138 on 06-09-2013 at Mangalore.

He stated that he did not file any records to show that the accused No.2 was brought on flight by PW138 from Delhi to Mangalore and subsequently from Mangalore to Hyderabad. He stated that he was in Mangalore along with PW138 from evening hours of 05-09-2013 to morning hours of 07-09-2013. He stated that he was not present at the time of pointing out of various places at Mangalore but he was present during the search proceedings at Zephyr Heights on 06-09-2013. He stated that he did not record the statements of all the witnesses who were summoned to Test Identification Parade Proceedings dt.28-06-2014 conducted by PW130. He stated that some of the witnesses came to him and explained that they faced some problems in Test Identification Parade Proceedings but he did not record their 161 Cr.P.C. statements. He stated that he did not make any representation before PW130 about the complaints made by the witnesses to him after the Test Identification Parade Proceedings dt.28-06-2014 vide Ex.P415. He stated that he did not report to the learned Magistrate about the complaints made to him by the witnesses. He stated that he informed the same to the learned Hon'ble Chief Judicial Magistrate through memo. He denied that Brahmaiah has no house at Abdullapurmet and he had only tin sheeted shed as stated by PW62 and he had fabricated all the statements of witnesses i.e., PW54, PW55, PW60 and PW62. He stated that there is a correction made in the date column in the statement of PW62 (LW218). He stated that the date was typed as 17-09-2013 by mistake and therefore he corrected it was corrected as 28-09-2013. He stated that he did not put his initial at the said place of correction. He denied that he prepared the 161 Cr.P.C. statement of PW62 on 17-09-2013 but subsequently to suit the case of the prosecution he had corrected it as 28-09-2013. He stated that he recorded the statement of PW59 (LW445) at his NIA Office, Hyderabad on 05-06-2014. He stated that he did not file any documents before

this Court to show that he summoned PW59 to NIA Office on 05-06-2014. He stated that from 05-06-2014 to 28-06-2014 he had kept PW59 in his illegal custody at NIA Office, Begumpet to force him to identify the accused No.4 in the Test Identification Parade Proceedings to be held on 28-06-2014 by PW130 vide Ex.P415. He denied that on 28-06-2014 PW59 did not identify the suspects and identified some other person as he doesn't want to falsely implicate anybody. He denied that as PW59 did not identify any suspect on 28-06-2014 in the Test Identification Parade Proceedings conducted by PW130 vide Ex.P415, he again took PW59 into custody to force him to identify the suspects again in the Test Identification Parade proceedings to be conducted on 26-07-2014. He denied that because of his coercion and illegal detention PW59 identified the accused No.4 in the Test Identification Parade proceedings held on 26-07-2014 vide Ex.P437. The TV9 Interview given by PW59 on the date of offence i.e., on 21-02-2013 was came to his knowledge through PW143 (T.Nageshwar Rao) and also through his informer who gave him the details of PW59. He stated that he examined many times but recorded the 161 Cr.P.C. statement of PW143 on 12-06-2014 for the first time. He stated that PW143 did not state before him the name and particulars of the person whom he interviewed on the date of offence i.e., on 21-02-2013. He stated that PW143 did not state before him the descriptive particulars of the person who parked the cycle and the descriptive particulars of the cycle so parked. He stated that PW143 stated before him on 12-06-2014 that "I did not know the name and other details of the person whom he has interviewed". He denied that PW59 is a false witness and planted witness in these cases to cover the lacunas in prosecution case. He denied that his statement that PW143 was examined by him many times and he gave him details of PW59 is totally false as PW59 was examined on 05-06-2014.

PW57 shows the date of examination as 13-09-2013 at NIA Office, Begumpet, Hyderabad examined by PW135. He stated that as on 13-09-2013 none of the accused were arrested or produced in these cases R.C.No.1 & 2/2013/NIA/Hyderabad. He stated that on the date of 13-09-2013 he was not the Chief Investigating Officer of these two cases R.C.No.1 & 2/2013/NIA/Hyderabad. He stated that he did not examine PW56 & PW57 subsequently after taking over charge as Chief Investigating Officer of these two cases R.C.No.1 & 2/2013/NIA/Hyderabad. He denied that both PW56 and PW57 were in his illegal custody at NIA Office, Begumpet and that he forced them to identify the accused in the Test Identification Parade Proceedings conducted on 28-06-2014 by PW130 vide Ex.P415. He denied that on 28-06-2014 as both these witnesses PW56 and PW57 did not identify the suspects he again detained them illegally at NIA Office, Begumpet till the date 26-07-2014 for attending the Test Identification Parade Proceedings conducted by PW139 vide Ex.P437. He denied that only after identifying the suspects in the second Test Identification parade proceedings held on 26-07-2014 he let them off with a promise that they will again identify the accused during the trial before this Hon'ble Court. He denied that both PW56 & PW57 are stock witnesses of the Police Department and as such they were made as witnesses in these two cases R.C.No.1 & 2/2013/NIA/Hyderabad. He stated that after taking over charge of these two cases R.C.No.1 & 2/2013/NIA/Hyderabad as Chief Investigating Officer he did not re-examine LW221 Abdul Rehman, LW222 Tamim and LW239 (PW72). He stated that at the time of pointing out seizure local Police also accompanied with the witnesses and local Police are also having knowledge about their business and as such they did not specifically inform them. He stated that he does not know the names of the local Police Officials who were present at that time. He stated that Ex.P259

dt.02-09-2013 was drafted in R.C.No.06/2012/NIA/Delhi. He stated that there is no mention in Ex.P259 (disclosure statement) that the accused No.2 was involved in the twin blast cases at Dilsukhnagar, Hyderabad on 21-02-2013. He stated that Ex.P260 dt.02-09-2013 was drafted in R.C.No.06/2012/NIA/Delhi. He stated that there is no mention in Ex.P260 (disclosure statement) that the accused No.5 was involved in the twin blast cases at Dilsukhnagar, Hyderabad on 21-02-2013. He stated that these two Exs.P259 & Ex.P260 are with regard to disclosure of E-mail IDs, passwords, code words and their organization name and activities of their organization used by the accused No.2 and 5 only. He stated that Ex.P261 was also recorded in R.C.No.06/2012/NIA/Delhi. He stated that his predecessor PW138 is also Assistant Investigating Officer in R.C.No.06/2012/NIA/Delhi. He stated that Ex.P55 Search and Seizure Memo and Ex.P56 Production-cum-Seizure Memo are part of the records in R.C.No.06/2012/NIA/Delhi. He stated that all the documents and material objects seized under Ex.P55 and Ex.P56 are part of the records in R.C.No.06/2012/NIA/Delhi. He denied that all the seized items (Mo.182 to Mo.201) under Ex.P55 and P56 were not deposited before the Hon'ble Special Court for NIA Cases at Delhi. He stated that Ex.P189 and Ex.P190 both dt.07-09-2013 are part of the records in R.C.No.06/2012/NIA/Delhi. He denied that nothing was seized from the possession or at the instance of the accused No.2 under Ex.P189 and Ex.P190. He stated that he did not file the records pertaining to the requisitions given by his Office to the Deputy Commissioner of Income Tax for sending two persons to act as panch witnesses vide Ex.P189 and Ex.P190. He stated that in Ex.P190 PW138 clearly mentioned the number and date of the Deputy Commissioner of Income Tax Officer's Order vide F.No.CCAP/Estt/8(9)/2013-2014 dt.06-09-2013 of the Deputy Commissioner of Income Tax, HQRS, Admn, O/o.CCIT, Hyderabad-1. He stated that he did not file the same before this Court. He stated that

Ex.P412, Ex.P55, Ex.P56 all dt.06-09-2013 are part of the records in R.C.No.06/2012/NIA/Delhi. He denied that nothing was seized from the possession or at the instance of the accused No.2 under Ex.P412. He stated that Ex.P421 Search and Seizure proceedings dt.16-09-2013 was conducted by PW133 in the present cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad. He stated that as on 16-09-2013 the accused No.2 was not arrested or in custody in these two cases R.C.No.1 & 2/2013/NIA/Hyderabad. He denied that the seizures of items mentioned Ex.P421 are not made from the possession or at the instance of the accused No.2. He stated that Ex.P422 Search and Seizure proceedings dt.17-09-2013 was conducted by PW133 in the present cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad. He stated that as on 17-09-2013 the accused No.2 was not arrested or in custody in these two cases R.C.No.1 & 2/2013/NIA/Hyderabad. He denied that the seizures of items mentioned Ex.P422 are not made from the possession or at the instance of the accused No.2. He stated that Ex.P423 Search and Seizure proceedings dt.18-09-2013 was conducted by PW133 in the present cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad. He stated that as on 18-09-2013 the accused No.2 was not arrested or in our custody in these two cases R.C.No.1 & 2/2013/NIA/Hyderabad. He denied that the seizures of items mentioned Ex.P423 are not made from the possession or at the instance of the accused No.2. He stated that in all the Seizure Proceedings vide Ex.P421 to Ex.P423 the accused No.2 did not accompany PW133 at the time of Search, Seizure and Drafting of the seizure proceedings. He stated that the material objects marked as Mo.158 to Mo.162, Mo.172 to Mo.173, Mo.174 to Mo.181, Mo.182 to Mo.186 were seized in R.C.No.06/2012/NIA/Delhi. He stated that the accused No.2 did not accompany PW142 (R.K.Sharma) during the Search and Seizure Proceedings vide Ex.P405. He stated that all the Exhibits marked as Ex.P104 to Ex.P107, Ex.P438-A, Ex.P439 to Ex.P442,

Ex.P487 to Ex.P492 were connected to Cr.No.54/2011 and FIR No.66/2010 of P.S.Special Operation Cell, New Delhi. He stated that all the Exhibits marked as Ex.P459 to Ex.P474 are connected to R.C.No.06/2012/NIA/Delhi. He stated that he had not filed the records pertaining to requisition given to the Deputy Collector, Saroornagar by PW138 for deputing two witnesses i.e., PW92 and LW307 G.Santosh Kumar to act as panch witnesses vide Ex.P192, Ex.P193, Ex.P197, Ex.P199, Ex.P200, Ex.P201. He stated that he did not file any record to show that he questioned the accused No.3 and the accused No.4 in the presence of Hon'ble Special Judge for NIA Cases, New Delhi and that they admitted their guilty and that he arrested them on 05-05-2014. He stated that on that day both the accused No.3 and the accused No.4 were brought to the Hon'ble Special Court for NIA Cases, New Delhi under the custody of the Escort Police. He denied that he did not file any memo before the concerned Court at New Delhi to show that the accused No.3 and the accused No.4 admitted their guilt. He stated that he did not any interrogation report of the accused No.3 and the accused No.4 before the Hon'ble Special Court for NIA Cases, New Delhi. He denied that he only filed a memo before the Hon'ble Special Court for NIA Cases, New Delhi on 05-05-2014 seeking transit custody. He denied that he did not accompany PW134 to Mangalore along with the accused No.3 and that the accused No.3 was already in custody at Bhandhar Police Station, Mangalore and that the accused No.3 did not lead them to various places in Mangalore on 29-05-2014, 30-05-2014 and nothing was seized from his possession or at his instance and that Ex.P315, Ex.P394, Ex.P296 are fabricated documents filed by him to suit the prosecution case. He denied that the proceedings under Ex.P331 conducted at Shameerpet CRPF Headquarters is totally false and fabricated by him to suit the prosecution case and that the accused No.3 was forcibly made to meddle with the articles placed there and

was forcibly video-graphed to falsely implicate the accused No.3 in these two cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad. He stated that he did not make any application before the Hon'ble Chief Metropolitan Magistrate, Hyderabad to conduct Test Identification Parade Proceedings of the accused in these two cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad at any time. He stated that as on 19-10-2013, 22-10-2013 when PW98 conducted Test Identification Parade Proceedings vide Ex.P255 to Ex.P258 these cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad. He stated that as on 28-06-2014 when PW130 conducted Test Identification Parade Proceedings vide Ex.P415 these cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad. He stated that as on 26-07-2014 when PW139 conducted Test Identification Parade Proceedings vide Ex.P437 these cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad. He denied that he did not file the requisitions for conducting Test Identification Parade Proceedings of the accused as per the procedure prescribed in Criminal Rules of Practice and that he misrepresented before the Hon'ble Chief Judicial Magistrate and the Hon'ble I Additional Assistant Sessions Judge, Rangareddy District and PW98, PW130, PW139 for conducting Test Identification Parade Proceedings in these cases thereby leading to illegal proceedings by PW98, PW130, PW139 against the procedure prescribed by Law and to cover these illegalities in conducting Test Identification Parade proceedings of the accused, and as such he managed with the Government to transfer these cases from the file of the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases,

Nampally, Hyderabad to this Hon'ble Court. He stated that these cases were transferred by the Hon'ble High Court to this Hon'ble Court. He stated that he had not given any requisition to the Hon'ble IX Metropolitan Magistrate, Cyberabad at Kukatpally, Miyapur for recording the confession of the accused No.2 and the accused No.5. He stated that he cannot say the name and particulars of the Deputy Superintendent of Police, National Investigation Agency, New Delhi Camp at Hyderabad to record the confession of the accused No.5 on 10-10-2013 in R.C.No.06/2012/NIA/Delhi. He stated that as on 18-10-2013 when PW97 recorded the confessional proceedings U/Sec.164 Cr.P.C of the accused No.2 vide Ex.P254 these two cases were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad. He stated that he or his predecessor PW138 did not make any application before the Hon'ble Chief Metropolitan Magistrate, Hyderabad to nominate any learned Magistrate to record the confession of the accused No.2 U/Sec.164 Cr.P.C. He stated that as on 17-10-2013 the case in R.C.No.06/2012/NIA/Delhi was pending before the Hon'ble Special Court for NIA Cases, Patiala House, New Delhi. He stated that he or his predecessor PW138 did not make any application before the Hon'ble Chief Metropolitan Magistrate, Hyderabad to nominate any learned Magistrate to record the confession of the accused No.5 U/Sec.164 Cr.P.C. in these two cases i.e., R.C.No.1 & 2/2013/NIA/Hyderabad. He denied that himself and his predecessor PW138 made misrepresentations before the Hon'ble Additional Assistant Sessions Judge vide Ex.P253 to nominate the IX Metropolitan Magistrate, Cyberabad (PW97) for recording the confession of the accused No.2 thereby leading to illegal proceedings of recording of confession U/Sec.164 Cr.P.C. vide Ex.P254 by PW97 against the procedure prescribed by Law. He denied that to cover these illegalities and circumvent the procedure prescribed by Law and as such he managed

with the Government to transfer these cases from the file of the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Court for NIA Cases, Nampally, Hyderabad to this Hon'ble Court. He stated that these cases were transferred by the Hon'ble High Court to this Hon'ble Court. He stated that during his Police custody the accused were kept in CRPF Headquarters, Shameerpet and the same was mentioned in all panchanamas prepared during the Police custody of the accused. He stated that except the panchanamas, he had not filed any other document before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad in this regard. He stated that he had not handed over the custody of the accused to the CRPF Police Headquarters, Shameerpet but he had taken the assistance of CRPF Police Headquarters, Shameerpet for security reasons. He denied that as on 01-09-2013 itself all the chat details as mentioned in Ex.P98 to P107 were given by Service Provider Yahoo Incorporation to the Government of India through the Department of Justice, United States of America and these chat details were not extracted by PW81 on 03/04-09-2013 and that the accused No.2 and 5 did not make any confession, disclosure, statement in respect of Ex.P98 to P107 and that all these documents are fabricated to suit the prosecution case. He stated that the Ex.P98 to P107 were not extracted in his presence and as such he cannot answer as to the details of Ex.P98 to P107. He stated that Ex.P98 to P107 were filed by him along with the charge sheet. He stated that he cannot say whether all the Ex.P98 to P107 are soft copies of the chats of suspicious E-mails in MS Word form and that they are not printouts taken from the Internet. He denied that whether the properties sent to CDFD for examination and analysis vide Ex.P96 were sent along with panch slips signed by panch witnesses. He denied that all the material objects marked in these cases Mo.1 to Mo.201 were sent to Forensic Scientific

Laboratory without the panch slips signed by panch witnesses pasted to them and as such all the Forensic Scientific Laboratory Reports filed in these cases do not show that all the material objects were sent along with the slips containing signatures of the panch witnesses. He stated that all the Exhibits pertaining to call details reports of the mobile phone vide Exs.P83 to P87 and P203 to P220 do not reveal the conversations that took place between the caller and the called. He denied that Ex.P88 is a fabricated document filed by him to suit the prosecution case and that PW78 has no legal authority to issue Ex.P88. He denied that Ex.P89 to 95 are fabricated documents filed by him to suit the prosecution case and that PW79 has no Legal Authority to issue Ex.P89 to 95 and the material objects mentioned therein are also falsely implanted to suit the prosecution case. He denied that Ex.P96 & 97 are fabricated document filed by him to suit the prosecution case and that PW80 has no Legal Authority to issue Ex.P96 & 97. He denied that Ex.P96 & 97 are fabricated documents filed by him to suit the prosecution case and that PW80 has no Legal Authority to issue Ex.P96 & 97 and the material objects (Mos.113 to Mos.160) mentioned therein are also falsely implanted to suit the prosecution case. He denied that Ex.P98 to P107 are fabricated document filed by him to suit the prosecution case and that PW81 has no Legal Authority to issue Ex.P98 to P107. He denied that Ex.P98 to P107 are fabricated documents filed by him to suit the prosecution case and that PW81 has no Legal Authority to issue Ex.P98 to P107. He denied that Ex.P312 to P314 are fabricated document filed by him to suit the prosecution case and that PW108 has no Legal Authority to issue Ex.P312 to P314. He denied that Ex.P312 to P314 are fabricated documents filed by him to suit the prosecution case and that PW108 has no Legal Authority to issue Ex.P312 to P314 and the material objects (Mos.45, 46, 169 to 171) mentioned therein are also falsely implanted to suit the prosecution case. He denied that Ex.P57, P316 to

P325 are fabricated document filed by him to suit the prosecution case and that PW110 has no Legal Authority to issue P316 to P325. He denied that Ex.P57, P316 to P325 are fabricated documents filed by him to suit the prosecution case and that PW110 has no Legal Authority to issue Ex.P316 to P325 and that the signatures of the accused No.2 were taken forcibly in Ex.P57 Sale deed as "Daniyal" while he was in Police custody to falsely implicate the accused No.2. He denied that Ex.P329 to P332 are fabricated document filed by him to suit the prosecution case and that PW112 has no Legal Authority to issue Ex.P329 to P332. He denied that Ex.P329 to P332 are fabricated documents filed by him to suit the prosecution case and that PW112 has no Legal Authority to issue Ex.P329 to P332 and the material objects (Mos.172 & 173) mentioned therein are also falsely implanted to suit the prosecution case. He denied that Ex.P55 are fabricated document filed by him to suit the prosecution case and that PW141 has no Legal Authority to issue Ex.P55. He denied that Ex.P55 are fabricated documents filed by him to suit the prosecution case and that PW141 has no Legal Authority to issue Ex.P55 and the material objects (Mos.174 to 181) mentioned therein are also falsely implanted to suit the prosecution case. He denied that Ex.P408 to P411 are fabricated document filed by him to suit the prosecution case and that PW125 has no Legal Authority to issue Ex.P408 to P411. He denied that Ex.P408 to P411 are fabricated documents filed by him to suit the prosecution case and that PW125 has no Legal Authority to issue Ex.P408 to P411. He denied that the panch witnesses viz., PW126 and LW294 Radhakrishna are stock witnesses of the Police Department and nothing was drafted or seized in their presence on 06-09-2013 and Ex.P55 to P57 and P412, Mo.174 to 181 are fabricated documents and articles shown therein are falsely implanted and as such the slips signed by the panch witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific

Laboratory. He denied that the panch witnesses viz., PW118 and LW453 A.Vinod Kumar are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P388 to P390 are fabricated documents shown therein and the documents and articles mentioned therein are falsely implicated to suit the prosecution case and as such the slips signed by the panch witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific Laboratory. He denied that the panch witnesses viz., PW116 and LW455 R.Trinath & LW457 S.Shiva Kumar are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P337, Mo.169 to 171 are fabricated documents and articles shown therein are falsely implanted and as such the slips signed by the panch witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific Laboratory. He denied that the panch witnesses viz., PW111 and LW509 Rahul Naik are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P326 & P327 are fabricated documents and articles shown therein are falsely implanted and as such the slips signed by the panch witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific Laboratory. He denied that the panch witnesses viz., PW109 and LW464 V.Bhasava Raju are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P315 is fabricated document and articles shown therein are falsely implanted and as such the slips signed by the panch witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific Laboratory. He denied that the panch witnesses viz., PW92 and LW307 G.Santhosh Kumar are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P192 to P206 are fabricated documents and articles shown therein i.e., Mo.163 to Mo.168 are falsely implanted and as such the slips signed by the panch

witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific Laboratory. He denied that the panch witnesses viz., PW91 and other panchas are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P189 & P190 are fabricated documents and articles shown therein i.e., Mo.158 to Mo.162 are falsely implanted and as such the slips signed by the panch witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific Laboratory. He denied that the panch witnesses viz., PW77 and LW290 J.Satyanarayananareddy are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P29 is fabricated document and articles shown therein i.e., Mo.85 to Mo.98 are falsely implanted and as such the slips signed by the panch witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific Laboratory. He stated that he had not filed any requisition to show that PW77 and LW290 J.Satyanarayananareddy were directed by the MRO, Saroornagar to act as panch witnesses in these cases. He denied that the panch witnesses viz., PW76 and LW289 A.Kirankumar are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P27 is fabricated document and articles shown therein i.e., Mo.53 to Mo.84 are falsely implanted and as such the slips signed by the panch witnesses were not pasted/accompanied along with the articles sent to Forensic Scientific Laboratory. He stated that he had not filed any requisition to show that PW76 and LW289 A.Kirankumar were directed by the MRO, Saroornagar to act as panch witnesses in these cases. He denied that the panch witnesses viz., PW73 and other panchas are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P75 to P80 are fabricated documents and documents shown therein are fabricated and as such the slips signed by the panch witnesses were not pasted/accompanied. He denied that the

panch witnesses viz., PW124 and other panchas are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P402 to P405 are fabricated documents and documents shown therein are fabricated and as such the slips signed by the panch witnesses were not pasted/accompanied. He denied that the panch witnesses viz., PW68 and LW234 Nitin Kumar Shetty are stock witnesses of the Police Department and nothing was drafted or seized in their presence and Ex.P59 to P62 are fabricated documents and documents shown therein are fabricated and as such the slips signed by the panch witnesses were not pasted/accompanied. He denied that the seven computer hard disks seized from the shop of PW71 and six computer hard disks seized from the shop of PW69 and fifteen computer hard disks seized from the shop of PW70 were seized under Ex.P71, P64 to 68 and P70 respectively but they were not marked as the prosecution did not rely on them. He stated that he cannot say whether the transactions under Ex.P60 to P62 vide Ex.P59 are post-offence transactions as he was not the Chief Investigating Officer at that time of seizing Ex.P60 to P62. He denied that the accused No.2 was not a tenant of PW64 and that he was falsely implicated as Daniyal and that the said person by name Daniyal was a different person who stayed in the house of PW64. He denied that Ex.P57 is a fabricated document and to falsely implicate the accused No.2, they have forcibly taken the signatures of the accused No.2 as Daniyal to falsely implicate the accused No.2. He denied that the accused No.2 to 4 never stayed as tenants at the house of Brahmaiah as stated by PW54, 55, 60 & 62 and that Brahmaiah had only a tin sheeted shed at Abdullapurmet and not a house and as such the said Brahmaiah or any of his family members or legal heirs were not examined and that PW54, 55, 62, 60 are stock witnesses of the Police Department to suit the prosecution case. He denied that the chance prints of the accused No.2 alleged to have been

recovered at Zephyr Heights, Mangalore and also at the house of Brahmaiah at Abdullapurmet are totally false and fabricated and that the NIA Police took the chance prints of the accused No.2 while he was in Police custody and then falsely implicated and that Ex.P55 and 56 (panchanamas) are fabricated for this purpose. He denied that he had not made any requisitions before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad for nominating the Metropolitan Magistrate to conduct Test Identification Parade Proceedings of the accused and for recording confessions of statements U/Sec.164 Cr.P.C of the accused. He stated that the proceedings under Ex.P393-A is in computerized form but the date on the first page is written by hand as "28-02-2014". He denied that he had not made any reference to Ex.P393-A in the first charge filed by him. He denied that Ex.P393-A was not in existence at the time of filing of first charge sheet and as such it was not referred to therein and that Ex.P393-A is a fabricated document filed by him during his Chief Examination to correct the lacunae and to fill up the gaps to suit the prosecution case. He stated that the proceedings under Ex.P393-B is in computerized form dt.22-02-2014. He denied that he had not made any reference to Ex.P393-B in the first charge filed by him. He denied that Ex.P393-B was not in existence at the time of filing of first charge sheet and as such it was not referred to therein and that Ex.P393-B is a fabricated document filed by him during Chief Examination to correct the lacunae and to fill up the gaps to suit the prosecution case. He stated that the proceedings under Ex.P394-B is in computerized form but the date on the first page is written by hand as "10-09-2014". He denied that he had not made any reference to Ex.P394-B in the first charge filed by him. He denied that Ex.P394-B was not in existence at the time of filing of first charge sheet and as such it was not referred to therein and that Ex.P394-B is a fabricated document filed by him during

Chief Examination to correct the lacunae and to fill up the gaps to suit the prosecution case. He stated that the proceedings under Ex.P502 is in computerized form but the date on the first page is written by hand as "20-10-2014". He denied that he had not made any reference to Ex.P502 in the first charge filed by him. He denied that Ex.P502 was not in existence at the time of filing of first charge sheet and as such it was not referred to therein and that Ex.P502 is a fabricated document filed by him during Chief Examination to correct the lacunae and to fill up the gaps to suit the prosecution case. He denied that PW81 who issued Ex.P502 has no Legal Authority to issue Ex.P502 as he is not the Head/Custodian of all the Electronic Digital Data stored in the office of the CERT-IN, New Delhi. He stated that as on 11-08-2014 these two cases vide R.C.No.01 & 02/2013/NIA/Hyderabad was pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He denied that PW132 who issued Ex.P420 dt.11-08-2014 has no Legal Authority to issue Ex.P420 as the cases were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He denied that he had not made any reference of Ex.P420 in all the three charge sheets filed by him. He stated that as on 12-06-2014 these two cases vide R.C.No.01 & 02/2013/NIA/Hyderabad was pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He denied that PW143 who issued Ex.P445 dt.12-06-2014 has no Legal Authority to issue Ex.P445. He denied that he had not made any reference of Ex.P445 in all the three charge sheets filed by him. He stated that as on 10-01-2014 these two cases vide R.C.No.01 & 02/2013/NIA/Hyderabad was pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He denied that PW119 who issued Ex.P392 dt.21-02-2014 has no Legal Authority to issue Ex.P392 as these

cases were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He denied that he had not made any reference of Ex.P392 in all the three charge sheets filed by me. He denied that his predecessor PW138 misrepresented before the Collector & District Magistrate, Rangareddy District vide Ex.P391 in causing issuance of Ex.P392 as on that date these two cases were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He stated that the proceedings under Ex.P395 is in computerized form but the date on the first page is written by hand as "27-05-2015". He denied that he had not made any reference to Ex.P395 in the first charge filed by him. He denied that Ex.P395 was not in existence at the time of filing of first charge sheet and as such it was not referred to therein and that Ex.P395 is a fabricated document filed by him. He denied that PW121 has no Legal Authority to issue Ex.P395 as these two cases were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad. He denied that except fabricating the statements of PW54, PW55, PW59, PW62, PW66, PW67 who are stock witnesses to the Police Department, he had not made any investigation in these two cases vide R.C.No.01 & 02/2013/NIA/Hyderabad. Prior to joining in National Investigation Agency he was working as Inspector Police, Badvel Police Station in Kadapa District. He denied that he got the accused identified through his stock witnesses i.e., PW54, PW55, PW59, PW62, PW66, PW67 in the Test Identification Parade Proceedings vide Ex.P415 by PW130, Ex.P437 by PW139, Ex.P255 to Ex.P258 by PW98 without any Jurisdiction by showing the photographs of the accused before the Test Identification Parade Proceedings and before giving evidence before this Court. He denied that he had bungled up the whole case by producing all documents and articles seized in other Crimes viz.,

R.C.No.06/2012/NIA/Delhi, Cr.No.54/2011 & Cr.No.66/2010 of P.S.Special Cell Operation, New Delhi thereby leading to miscarriage of Justice and double Jeopardy of the accused herein as those cases are still pending trial. He denied that he had caused miscarriage of Justice and loss of state exchequer by misrepresenting before the I Additional Assistant Sessions Judge-cum-Chief Judicial Magistrate, Rangareddy District at LB Nagar, PW130, PW139 & PW98 for conducting Test Identification Parade Proceedings and PW97 for recording confessional statements of the accused No.2 and 5 U/Sec.164 Cr.P.C. statements and thereby causing illegal proceedings vide Ex.P414 & 415 by PW130, Ex.P437 & Ex.P438 by PW159, Ex.P252 & Ex.P254 by PW97, Ex.P255 to Ex.P258 by PW98 who had no Jurisdiction to conduct those proceedings in these two cases i.e., R.C.No.01 & 02/NIA/Hyderabad as these two cases were pending before the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Nampally, Hyderabad as on the date of those proceedings. He stated that he had not given any requisition before the Hon'ble Metropolitan Sessions Judge, Cyberabad, Rangareddy District or Chief Judicial Magistrate, Rangareddy District to nominate Hon'ble Judicial First Class Magistrate to conduct Test Identification Parade Proceedings and record confessional statements of the accused after transfer of these two cases (this Special Sessions Cases No.1/2015) to this Hon'ble Court. He stated that he had not filed any such requisition before any Hon'ble Court after transfer of these two cases (Special Sessions Cases No.1/2015) to this Hon'ble Court. He denied that he had not followed the procedure prescribed by Law in effecting arrests, disclosure statements, search and seizure proceedings, Test Identification parade proceedings, recording of confessions of the accused and statements of witnesses U/Sec.164 Cr.P.C. thereby leading to miscarriage of Justice and false implication of the accused herein and further causing loss of Government Exchequer for prosecution of these

two cases. He denied that he got the witnesses of other cases viz., R.C.No.06/2012/NIA/Delhi, Cr.No.54/2011 & Cr.No.66/2010 of P.S.Special Operation Cell, New Delhi summoned to give deposition before this Hon'ble Court without examining them U/Sec.161 Cr.P.C. as Chief Investigating Officer of these two cases (this Special Sessions Case No.1/2015) and thereby causing malicious prosecutions of the present cases against the procedure prescribed by Law. He denied that at the time of remanding the accused No.2 and 5 to Judicial Custody on 09-10-2013, his predecessor PW138 has not referred to all the particulars of the search and seizure reports, pointing out memos, disclosure statements of the accused and seizure of material objects marked in these cases vide Ex.P259 to Ex.P261, Ex.P55 to Ex.P57, Ex.P189, Ex.P190, Ex.P252 to Ex.P258, Ex.P412, Ex.P192, Ex.P193, Ex.P197, Ex.P417 to Ex.P419, Ex.P201 which were done between 02-09-2013 to 08-10-2013 by his predecessor PW138 in the petition filed by them on 09-10-2013 for remanding the accused to Judicial Custody after completion of their Police Custody. He stated that the National Investigation Agency, Hyderabad has no Authority to investigate these cases prior to 13-03-2013 on which date both these cases were transferred to the National Investigation Agency, Hyderabad vide Ex.P431 & Ex.P431-A. He denied that the accused No.2 and 5 have never made any disclosure statements or pointing out statements and that he had fabricated all Ex.P259 to Ex.P261, Ex.P55 to Ex.P57, Ex.P189, Ex.P190, Ex.P252 to Ex.P258, Ex.P412, Ex.P192, Ex.P193, Ex.P197, Ex.P417, Ex.P418, Ex.P419 and Ex.P201 to suit the prosecution case. He denied that the accused No.2 and 5 did not lead his predecessor PW138 or other NIA Official to any places either in Hyderabad or in Mangalore and that he had fabricated the pointing out memos drafted by NIA Official to suit the prosecution case. He denied A2 and A5 never made any confessions or statements before any NIA

Official of Hyderabad and New Delhi leading to discovery of any fact or any incriminating material. He denied that nothing was seized from the possession or at the instance of A2 and A5. He denied that no fact was discovered at the instance of A2 and A5. He denied that he is deposing false at the instance of my Higher Officials in the Ministry of Home Affairs who are at New Delhi. He denied that A3 Zia-ur-Rehman was arrested on 13-02-2014 at Dhaka Airport, Bangladesh by the agents of Research and Analysis Wing and since then he was in illegal custody for about a month and that A3 was brought into India illegally by RAW agents in drugged condition and then handed over to the Special Police, Delhi and produced before the Court at New Delhi on 23-03-2014 in F.I.R.No.54/2011 and 16/2012 and that nothing was seized from his possession at his instances. He denied that A4 Tahsin Akhtar was arrested originally on 28-02-2014 at Kathmandu, Nepal by the RAW agents and was kept in the illegal custody till 23-05-2014 at Special Cell, Lodhi Colony, New Delhi and he was produced before the concerned Court on 25-03-2014 in F.I.R.No.54/2011 and 16/2012 both of P.S.Special Cell, Lodhi Colony, New Delhi and nothing was seized from his possession or at his instance. He denied that A6 Ajaz Shaik was arrested originally on 15-02-2014 from Pune by the Intelligence Officials of Maharastra Police at Pune and was kept in the illegal custody at Beni, Nepal till 06-09-2014 by the RAW agents and later on handed over to Special Cell and he was produced before the concerned Court on 06-09-2014 in F.I.R.No.54/2011, F.I.R.No.65/2010 and F.I.R.No.66/2010 of P.S.Special Cell, Lodhi Colony, New Delhi and nothing was seized from his possession or at his instance.

419. The learned counsel for the accused tried to elicit contradictions and omissions from the charge sheet but the charge sheet cannot be used for contradictions and omissions of the investigating officers and the purpose of filing charge sheet is only for

knowing indictment but not for contradictions and omissions as contemplated U/Sec.145 of Indian Evidence Act. It was held in Chauthi Yadav vs State Of U.P. on 16 September, 2015 that Laches or lapse on the part of the police or investigating agency will not affect the testimony of the ocular witnesses.

420. The learned counsel for the accused repeatedly contended that as to why the TV9 reporter PW143 or Merugu Illaih who claimed to have seen the accused No.4 parking cycle with cooker on its carrier and other circumstantial witnesses who claimed to have sold the cycles and cookers, and parking contractor who witnessed the accused No.2 to 4 taking away the cycle in a suspectable manner did not respond immediately and informed to the Police concerned about the facts within their knowledge till the accused were arrested. Certainly it is a reasonable question raised by the learned defence counsel for the accused but the human tendency in our Country is known to every one of us that generally no body would come forward to give complaint to the Police when a crime is committed in the public. Further more, there are several instances the people as Good Samaritans are not coming forward when a crime took place that's why the Hon'ble Supreme Court in Writ Petition (C) No.235 / 2012 between Savelife Foundation Vs. Union of India & Anr. gave guidelines in protection of the good samaritans who come forward to save the victims and lodge report etc., So on that count we cannot suspect their evidence by seeing with the aid of spectacles fitted with *lenses tinged with doubt, disbelief or suspicion.*

421. CREDIBILITY, TRUSTWORTHINESS OF THE WITNESSES: Almost all the witnesses produced by the National Investigation Agency are independent, and their evidence is trustworthy as their credibility is no where shaken inspite of lengthy cross examination. On the other hand, there is a ring of truth in the whole evidence. Added to this, most of the witnesses are official witnesses

viz., Forensic Experts from field of handwriting, fingerprinting, chemical analysts, computer data analysts, learned Judicial Magistrates of First Class, District Collectors and Executive Magistrates, Under Secretaries from Central Government, Doctors, and other witnesses from the non-official cadre who are also independent witnesses and they could identify the accused inspite of best efforts made by the accused to disguise themselves by wearing same colour dresses, sporting beard and putting on monkey caps and standing/sitting in their sequence and shifting their place before identification of each witness, and used to remove the same only after being asked by this Court at the time of identification. Super added to this, nothing was attributed to them to give false evidence against the accused and the entire documentary evidence as produced by the prosecution is legally admissible. In fact National Investigation Agency has taken double care in securing documentary proof, in as much as, they have filed primary evidence as well as secondary evidence in respect of electronic evidence.

422. Before going into the discussion on the circumstances, this Court already gave a finding that the deaths of the deceased are homicidal and the injuries are caused due to twin bomb blasts at Dilsukhnagar on 21-02-2013 at about 07-00 pm., 107 bus stop and at about 07-00 pm., at A1-Mirchi center.

423. The prosecution relied on the following circumstances to connect the accused with the Improvised Explosive Device bomb blasts at A1-Mirchi Centre and 107 bus stop hereinafter referred to twin bomb blasts:

01. Extracts of the retrieved online chatting about the placing bombs in Hyderabad prior to the blasts at Dilsukhnagar by the accused.

02. Retrieval of on-line chat material during investigation at the instance of A-2, A-4 and A-5.

03. Identification of cyber cafes in Mangalore where A-2 and A-3 frequented for browsing as pointed out by A-2 during investigation and records maintained therein confirming the same.

424. The learned counsel for the accused strenuously argued that the prosecution failed to establish the circumstantial evidence on chatting and online retrieval between the accused No.1 to 6 as there was no agreement between the accused No.2 to 6 and the absconding accused No.1 to attract the offence U/Sec.120-B IPC.

425. Whereas the learned Special Public Prosecutor submitted that the evidence adduced by the prosecution clearly establishes the complicity of each of the accused which makes them as conspirators of the crime. In cases of criminal conspiracy, the evidence would attract if there is an agreement between two or more persons to do or cause to be done an illegal act by illegal means. A criminal conspiracy would continue as long as the members of such conspiracy do acts in furtherance of the object of the conspirators: Under Section 10 of Indian Evidence Act the offence of criminal conspiracy is complete, where the conspirators have agreed to do an act, or in furtherance of their common intention such acts done by any one of them which in itself would be evidence and no specific overt acts need to be established as against each and every accused. In Ramnarayanan Popli Vs State reported in 2003 Supreme Court cases (criminal) page 869 the Hon'ble Supreme court held that the element of criminal conspiracy are: a)An object to be accomplished. b)A plan or scheme embodying means to accomplish such object. c)An agreement to commit such acts by affective means and d)An overt act if required by statute. For an offence punishable under 120 B of IPC it would not be necessary to give direct evidence of the agreement of conspirators but can be proved by necessary implications and inferences can be drawn from the acts of the perpetrators. The conspiracy can be proved from the circumstances of

the case indicating the meeting of minds. The Hon'ble Supreme Court in Mohammad Khalid Vs State reported in 2002 the Supreme Court cases (Crl) page 734 held that no overt act need be proved to establish criminal conspiracy when existence of an agreement to commit an act can be shown from circumstances of the case. In the judgment reported in 2001 SCC (Cri) 1341 FIROZUDDIN BASHEERUDDIN V/S STATE OF KERALA, the Hon'ble Supreme Court observed at Para 23... The rationale of conspiracy is that the required objective manifestation of disposition to criminality is provided by the act of agreement. Conspiracy is a clandestine activity. Persons generally do not form illegal covenants openly. In the interests of security, a person may carry out his part of a conspiracy without even being informed of the identity of his co-conspirators. Since an agreement of this kind can rarely be shown by direct proof, it must be inferred from circumstantial evidence of co-operation between the accused.... Para 24.... The law has developed several different models with which to approach the question of scope. One such model is that of a chain, where each party performs a role that aids succeeding parties in accomplishing the criminal objectives of the conspiracy. No matter how diverse the goals of a large criminal organization, there is but one objective; to promote the furtherance of the enterprise. So far as the mental state is concerned, two elements required by conspiracy are the intent to agree and the intent to promote the unlawful objective of the conspiracy. It is the intention to promote a crime that lends conspiracy its criminal cast. Para 25 Conspiracy is not only a substantive crime. It also serves as a basis for holding one person liable for the crimes of others in cases where application of the usual doctrines of complicity would render that person liable. Thus, one who enters into conspiratorial relationship is liable for every reasonably foreseeable crime committed by every other member of the conspiracy in furtherance of its objectives, whether or not he knew of the crimes or

aided in their commission. The rationale is that criminal acts done in furtherance of a conspiracy may be sufficiently dependent upon the encouragement and support of the group as a whole to warrant treating each member as a causal agent to each act. Under this view, which of the conspirators committed the substantive offence would be less significant in determining the defendant's liability than the fact that the crime was performed as a part of a larger division of labour to which the accused had also contributed his efforts. PARA 29..... Although it is not in doubt that the offence requires some physical manifestation of agreement, it is important to note the limited nature of this proposition. The law does not require that the act of agreement take any particular form and the fact of agreement may be communicated by words or conduct. Thus, it has been said that it is unnecessary to prove that the parties "actually came together and agreed in terms" to pursue the unlawful object: there need never have been an express verbal agreement, it being sufficient that there was "a tacit understanding between conspirators as to what should be done,".

426. On this aspect, PW69 being the owner of Falmir Cyber Cafe at Mangalore stated that the accused No.2 used to come to his cafe as a customer for browsing.

427. PW70 being the owner of Cyber café at Mangalore named Internet Café stated that the accused No.2 and 3 used to come to his cafe as customers for browsing.

428. PW71 being the owner of cyber café named Angel Cyber stated that the accused used to visit his cafe for browsing.

429. As seen from the evidence of PW81 the following material has been revealed through extraction of email chatting: On 27-12-2012 the accused No.5 and the absconding accused No.1 chatted about the role of the accused No.2 to 4 in executing bomb blasts. The accused No.5 advised for not keeping the explosive unused for long

time. On 30-12-2012 the accused No.5 enquired about the preparation of blasts to be conducted and advised that white gelatin was good for explosion. On 22-01-2013 the accused No.5 again enquired about the blasts, for which the absconding accused No.1 replied that they have procured the explosives, and there was discussion about the quality of explosives. On 27-01-2013 the absconding accused No.1 informed the accused No.5 about the accused No.4's tour in connection with the blast. On 07-02-2013 the absconding accused No.1 informed the accused No.5 about the finding of house by the accused No.4 at Hyderabad and the accused No.5 also prayed for success of the blast and the accused No.5 also informed about his network at Nepal. On 11-02-2013 the absconding accused No.1 told the accused No.5 that the accused No.2 had gone to the accused No.4 and that he was chatting with the accused No.3. On 16-02-2013 the absconding accused No.1 told the accused No.5 that on the previous day the accused No.2 and the accused No.3 met the accused No.4. On 20-02-2013 the absconding accused No.1 told that the accused No.5 that the blast was scheduled for the next day and asked to specially pray for the success of the blasts.

430. The following material was revealed as per the evidence of PW138 through online chatting that: On 28-11-2012 the accused No.5 explained that in 'H' which means "Hyderabad" lot of anti-Muslim activities are going on and they discussed that this place has to be targeted for which the accused No.4 was given the task to carry out these activities. On 02-12-2012 the accused No.5 asks the accused No.1 about the preparations and progress done to carry out the blasts in Hyderabad and also the progress in procuring the explosives. On 16-12-2012 the accused No.1 tells to the accused No.5 that the accused No.4 is trying to recruit new boys into the organization Indian Mujahideen and the accused No.4 is also trying to get a house on rent in Hyderabad and

once he gets the house on rent the bomb blasts will be carried out in Hyderabad. On 30-12-2012 the accused No.5 asked the accused No.1 about the progress of carrying out blast in Hyderabad to which the accused No.1 replied that whether the place was finalized to carry out the blast. The accused No.1 also tells that the explosives will be available within one week. The accused No.1 also tells to the accused No.5 that the accused No.2 was asking about the participation of the accused No.5 in carrying out the blast. On 27-01-2013 the accused No.1 informed the accused No.5 that the accused No.4 is leaving for Hyderabad to carry out the bomb blast for which the accused No.4 has requested the accused No.5 to pray for the success of the bomb blast in Hyderabad. On 07-02-2013 the accused No.1 told to the accused No.5 that the accused No.4 had been searching for a rented house and on the said date he has been successful in getting a rented accommodation at Abdullapurmet near Ramoji Film City, Hyderabad. On 11-02-2013 the accused No.1 tells to the accused No.5 that the accused No.2 has also reached Hyderabad and he is along with the accused No.4 and the accused No.3 is busy preparing for the explosives. On 16-02-2013 the accused No.1 informed the accused No.5 that the accused No.2 and 3 had left for Hyderabad to meet accused No.4. On 17-02-2013 the accused No.2 informed the accused No.5 that all necessary arrangement to carry out the blasts in Dilsukhnagar is complete and only blessings of Allah is necessary for carrying out the blasts successfully and requested the accused No.5 to pray for the success of the blast. The accused No.1 tells to the accused No.5 that he has instructed the accused No.2, 3 and 4 to add 50 more detonators in the IEDs. This will help in proper explosion of the IEDs. On 17-02-2013 the accused No.1 informed the accused No.5 that some rental accommodation may be taken in Nepal as it may be risky till the return of the accused No.4 to the safe house for which the accused No.5

replied that he has arranged more than one rental accommodation in Nepal. The accused No.1 further told to the accused No.5 that he would call the accused No.2 to Pakistan via Nepal after the execution of the blasts and till such time the accused No.2 should be arranged accommodation in Nepal. On 20-02-2013 the accused No.1 tells to the accused No.5 that the blasts will be conducted tomorrow i.e., 21-02-2013 and the explosive materials were also tested by conducting a test blast.

431. PW133 Kanaka Raju who is working as Deputy Superintendent of Police, NIA stated that as per the instructions of Chief Investigating Officer, NIA he proceeded to Mangalore along the team. On 16-09-2013 he secured the presence of the mediators Karunakar K.S and Sri.Bharath Kumar and proceeded to the Falmir Cyber point, Shop No.10, Tambey Ark, Falmir, Mangalore. There they found a person by name Ravi Dhinakar Mutthu (PW69) who is looking after the cyber cafe. He introduced himself and other members of the search party and vice-versa and explained the purpose of visiting the cyber cafe. After confirmation with him that the Accused No.2 and Accused No.3 used to visit his cafe for chatting with others. On his request he showed the computers through which they used to chat. On that with the assistance of Sri.K.V.Prasada Rao, Sub-Inspector of Police who has technical knowledge, taken screen shots of the six computers and seized hard disks duly packed, sealed and labeled and attested by him and other mediators, PW69 was present during the entire proceedings. Ex.P421 (5 sheets) is the search and seizure proceedings dt.16-09-2013 conducted at Falmir Cyber Point. He recorded the 161 Cr.P.C statement of PW69. On 17-09-2013 at 10-30 am., he along with the mediators and other team members proceeded to the Angles Cyber Gallery situated at Falmir. They found a person sitting in the incharge cabin and when he asked he revealed his name as Stephen Felix Suares (PW71) and he

introduced himself and other members of the search party and explained the purpose of their visit. On his request he confirmed that the accused No.2 used to visit his cafe frequently in the name of Danish. On his request PW71 showed the computers through which he used to chat with the others. With the help of Sri.K.V.Prasada Rao who has technical knowledge they took screen shots of 7 computers and the hard disks of the same were removed from the computers and sealed, packed and labeled and attested by me and other mediators. On my request PW71 produced Ex.P71 register wherein we found name of Danish in several pages reflecting his visit between 26-12-2012 to 23-02-2013. He seized Ex.P71 register duly signed by him and other mediators. Ex.P422 is the search and seizure proceedings conducted at Angles Cyber Gallery on 17-09-2013 containing 9 sheets which includes the trade license (attested photocopy), sketch, BSNL receipt and bill (attested photocopies) of the shop. Further he recorded the statement of PW71 under Section 161 Cr.P.C. On 18-09-2013 at 11-30 hours he along with his team proceeded to Internet cafe situated at Utility Royal Towers, K.S.Rao Road, Mangalore and found one person and on his question he revealed his name as Devaraj Shet (PW70). Then he introduced himself and his team and informed the purpose of visit to his cafe. On his questioning he informed that the accused No.2 and 3 frequently used to visit his cafe and showed the computers that they used during their visits. On that with the help of Sri.K.V.Prasada Rao, Sub-Inspector of Police who has got technical knowledge he took screen shots of the 15 computers then the hard disks were removed from the computers. The hard disks were sealed, packed and labeled and attested by him and other mediators. PW70 handed over Ex.P64 to 68 registers maintained in their shop during June, July, August months. Further he recorded his statement under Section 161 Cr.P.C Statement. Ex.P423 is the search and seizure proceedings conducted on 18-09-

2013 at Internet Cafe, Utility Royal Towers containing 9 sheets including sketch and trade license (attested photocopy).

04. A-4 Mohammed Tahseen Akhtar arriving from Ranchi to Hyderabad on the directions of A-1 Mohammed Riyaz, which was in the knowledge of A-5.

05. A-4 Mohammed Tahseen Akhtar coming down to Hyderabad prior to A-2 Asadullah Akhtar and A-3 Zia ur - Rahman and taking the house on rent at Abdullapurmet.

06. A-2 Asadullah Akhtar and A-3 Zia ur - Rahman arriving from Mangalore to Hyderabad on the instruction of A-1 Mohammed Riyaz and joining A-4 at Abdullapurmet, which is also in the knowledge of A-5.

432. PW82 who is resident of Ranchi stated that he was studying DME at Chennai. He met one Sameer when he was in Ranchi. He was staying in the adjacent room in chotu lodge where he was staying. They were conversing regularly and he informed that he wanted to do MBA. He tried to get him admission in Chennai but failed. He expressed that he wanted to study MBA in Hyderabad. One of his cousin brother Sharique Iqbal (LW448) was studying Diploma in Hyderabad. Then he gave address and phone number of his cousin to Sameer. Then Sameer went to Hyderabad and met his cousin. His cousin brother informed that his friend Sameer had met him in Hyderabad and was staying in his room. The witness identified the said Sameer as Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu.

433. PW83 stated that during the year 2012 he was studying in St.Mary College, Deshmuki Village, Batasingaram. He was residing in a room along with his friend in Deshmuki Village. PW82 is his cousin brother who was in Ranchi at the relevant time. In the last week of January, 2013 PW82 called him and informed that his friend by name Sameer was interested in studying MBA and he would come to his place.

PW82 asked him to show the college. The said Sameer came to him two days after his cousin PW82 called him. After Sameer came, he stayed with them for 3-4 days. After 4 days he left to Ranchi. From Ranchi he called his roommate who informed that the said Sameer stayed for one day and left. The witness identified the said Sameer as Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu.

434. PW113 who is working with VRL Travels since 14 years stated that he gave details of passengers who traveled between Mumbai, Bangalore, Mangalore, Hyderabad during February, 2013 under Ex.P202 are the details furnished by them which includes the details of passengers and also buses during 01-02-2013 to 28-02-2013.

435. PW54 who is resident of Abdullapurmet stated that one Brahmaiah constructed a house in Abdullapurmet Village and entrusted the same to PW54 and PW55 to lease out the same and PW54 and PW55 leased out the same to the accused No.4. PW55 the husband of PW54 stated that in the similar lines of PW53 and corroborated the evidence of PW53.

436. PW64 who is residing at Mangalore stated that on 05-11-2012 he leased out his flat for Rs.50,000/- towards advance and rent was fixed @ Rs.9,000 and Rs.750 towards maintenance and they entered into an Agreement and he started to stay there. After one month one more person stayed with him and when he asked him he told that he is his friend and was doing MBA in a College. Upto February, 2013 Daniyal (A2) used to give rent on every 5<sup>th</sup> of the month.

437. PW127 who is working as Booking Clerk in VRL Travels at Mangalore since 3 years stated that the accused No.2 and 3 travelled on 09-02-2013 to Hyderabad.

438. PW60 who is an auto driver stated that he is residing at Abdullapurmet in plot No.99 and his neighbor Brahmaiah constructed a house in plot No.100 stated that two or three persons came on rent in

the said house of Brahmaiah in the first week of February, 2013 including the accused No.2 and he did not see A2 from the next day of bomb blasts.

07. A-2 to A-4 Purchasing cookers at L B Nagar from PW58, a day prior to the blast which were used to plant bombs over the cycles.

439. PW58 (Protected Witness) who is running a steel utensil shop situated at LB Nagar stated that His son LW214 Suresh assists him in running the shop. One day prior to the bomb blasts the accused No.2 to 4 came to shop and two out of three persons were standing outside the shop at a distance of 6 feet to him. One of the accused asked him to sell two cookers of same big size.

08. Recovery of pressure cooker handles and whistles in the house at Abdullahpurmet where A-2, A-3 and A-4 stayed.

440. PW91 who is working as Senior Tax Assistant, Office of Commissioner of Income Tax - I since December, 2007 stated that the accused No.2 led this witness and PW138 to the Abdullahpurmet where Mo.161 (handles of two cookers) and Mo.162 (two whistles of cookers) were seized in their presence under Ex.P189 to P191 proceedings.

09. A-2 to A-4 conducting test blast on a hillock near Deshmukhi village prior to the twin blasts carried out at Dilsukh nagar. Remnants at the test blast site matched by FSL.

441. PW92 Syed Taquiuddin Ahmed who is working as Senior Assistant, MDO Office, Saroornagar stated that the accused No.2 Aasadulla Aktar @ Haddi narrated about the offence committed by him that their plans and other aspects of executing bomb blast and informed that he would show them the places where they carried out the test blast and other places. They proceeded to Abdullapurmet and went towards Deshmukh Village and prior to reaching the village there was a

hillock to the right. The said Haddi asked them to follow him and he went up to the hill and showed the place where a test blast was conducted under the proceedings Ex.P193. Ex.P194 to P196 are the said three sketches. Mo.163 which is aluminum piece of detonator shell was seized. Mo.164 which is part of detonator with two white colour insulated wires were seized. Mo.165 is the control soil sample. Mo.166 is another suspected soil sample seized at the hillock site. Mo.167 is the part of detonator with two white colour insulated wires.

10. Purchasing an old bicycle from PW - 57 one day prior to blast date.

442. PW57 who is running a puncture shop at Malakpet gunj stated that two days prior to the bomb blasts he purchased an old cycle from one Mallaiah (PW61) who is hamali in Malakpet gunj. The said cycle was repaired by replacing with a big handle and ganga tyre. The accused No.2 and 4 came to him to purchase the said cycle (Mo.5) two days prior to the bomb blasts for Rs.1,400/- and they gave 500/- rupees as advance and on the next day they paid Rs.900/-.

11. Purchasing another bicycle from PW - 56 from "Jummerat Bazar" on date of blast.

12. MO-5 and MO-6 identified by PW-56 and PW-57 as the bicycles sold to the accused.

443. PW56 who is running Auto to eke-out his livelihood stated that previously for about 20 years he used to do business by assembling cycles by buying parts of the cycle from Lohe-ki-mandi. On a Thursday i.e., 21-02-2013 the accused No.2 and 3 came to him and asked for purchasing a cycle (Mo.6) for Rs.1,500/- and purchased the same.

444. PW114 who worked as III Metropolitan Magistrate at Hyderabad between 05-04-2014 to 31-07-2014 stated that PW56 and PW57 Md.Khaja Pasha and Shaik Ismail and they identified Mo.5 and 6

under Proceedings Ex.P46.

13. Parking cycles at Malakpet Railway Station after the purchase of old bicycles from PW - 56 and PW - 57.

14. A-2 and A-4 taking out the old bicycles parked in Malakpet railway station parking area.

15. Placing of the Boxes with assembled IEDs by A-3 on the cycles and A-2, A-3 and A-4 proceeding towards Dilsukhnagar.

445. PW67 who is an Agriculturist at Godavari-Khani, Kharimnagar stated that from 16-03-2012 he was employed by PW66 on a target basis for one year. He had to pay to PW66 Rs.95,000/- every month as per the above said target and the remaining amount is profit. The said parking was being maintained by him and his younger brother. From morning 09-00 to evening 09-00 pm., he used to maintain the said parking and his younger brother used to maintain rest of the time. On 20<sup>th</sup> February about three years ago at about 12-00 in the noon three persons came to the parking with a cycle and parked the said cycle in the parking area. All the three persons appeared to be stylish wearing Jean pants and T-shirts. One person was six feet height and two persons are in medium height of 5.5. After parking the said cycles all the three persons left by an auto. On 21<sup>st</sup> February at about 01-00 pm., two persons out of above said three persons again came to his scooter parking with another cycle and parked the second cycle in their parking stand. Then he sent his worker Srinivas to enquire about the reason for parking cycle. Then the said person enquired them, on that they stated that both the cycles were under repair and they would take it away after some time. On the same day at about 04-30 or 05-30 pm., the above said three persons who came on the previous day also came and one person was standing outside the road and two persons came to the cycle stand wearing caps and also wearing bags on their backs. The

person standing outside on the road at a distance of 10-15 feet was having two boxes holding in his hands. The two persons at the cycle stand took their previously parked two cycles and gave one cycle to the person outside on the road and that person peddled the cycle and these two persons peddled another cycle and proceeded towards Dilsukhnagar side. On the same day night at 08-00 pm., he came to know that there was bomb blast at Dilsukhnagar. The person who was holding the box outside the road is identified as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed and the other two persons are identified by the witness as Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad and Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu. Except the A2, A3, A4 no other persons accompanied them on the said two days. As A2, A3 and A4 were looking posh and they were not looking persons maintaining the cycle as such he identified them and also for the reason that he came to know through news that the blast occurred due to bombs placed on the cycles.

446. PW66 stated that he undertake Railway parking contracts of Railway Stations and for the years 2012, 2013 and 2014 he had taken the parking contract of Malakpet Railway Station and he had given the said contract for management to PW67 on a monthly target basis. During January and February, 2013 the said Venkatesh was taking care of the parking contract in Malakpet Railway Station and thereafter he left.

16. Leaving the House at Abdullapurmet on the day of blast and handing over keys to PW-54 owner saying that they were leaving to Mumbai.

17. Abscondance of A-2 Asadullah Akhtar, A-3 Zia ur - Rahman and A-4 Mohammed Tahseen Akhtar from the time of blast. The accused persons left the rented accommodation at

Abdullapurmet saying that they were leaving for Mumbai and would return, but they never did.

447. PW55 who is resident of Abdullapurmet stated that on the date of bomb blasts at around 3 to 4 pm., the accused No.4 handed over the keys of the said house to him stating that his mother was not feeling well and he was going to Mumbai. The same was corroborated by the evidence of PW54.

18. PW59 being the eye witness of the bicycle with a box on its carriage being parked at "A-1 Mirchi Centre" by A-4 - Mohammed Tahseen Akhtar.

448. PW59 stated that on 21-02-2013 around 06-30 pm., he reached Anand Tiffin center at Dilsukhnagar and he was waiting for his wife, meanwhile he had a cup of tea at Anand Tiffin center by parking his bike in between A1-mirchi center and Anand Tiffin center. The accused No.4 brought a cycle with Tiffin carrier and parked the same in between two bikes. He observed because the cycle may fit between two bikes or not. He thought that the accused No.4 was idly seller and as such he got some bag containing Tiffin box on the carrier of the cycle. By the time he cross the road there was an explosion near Venkatadri Theater and within seconds he heard another sound of explosion from A1-mirchi center side. He came to know through the news of TV channel that there was bomb blasts at Dilsukhnagar and he returned to scene with curiosity. He noticed the police and other people and came to know that one blast was at Anand Tiffin center due to cycle bomb caused by a person having light beard. Meanwhile a media person came to him observing him conversing with others about his presence just few minutes before the blast. The TV9 Channel person took his interview after asking him to cover face with a kerchief, then he narrated the whole incident to TV9 reporter which was telecast on the same night.

449. The evidence of PW59 was corroborated by PW143 who is TV9 News Channel Senior Reporter that on 21-02-2013 they came to know that bomb blasts took place at Dilsukhnagar at around 06-50 pm., and he reached scene of offence at 07-30 pm., he got video-graphed the scene of offence and that Merugu Illaiah (PW59) came to him and stated that he has seen one person having parked a cycle mounted a box which might have resulted in the blasts.

450. PW128 Samba Siva Kumar who is Owner of Shiva Electronics beside Venkatadri Theater at Dilsukhnagar stated that on 21-02-2013 a bomb exploded at bus stop around 07-00 pm., he had installed CCTV in his shop and the same was handed over to Police under seizure report Ex.P41 and the hard disk which he handed over to the Police is Mo.46. He also signed on Ex.P41 and Mo.46.

451. PW129 M.Sai Kumar who is working as Manager, JC Brothers, Dilsukhnagar, Hyderabad stated that their shop is situated beside Venkatadri Theater at Dilsukhnagar. On 21-02-2013 a bomb exploded at bus stop around 07-00 pm., he had installed CCTV in his shop and the same was recorded in the said camera and the Police seized the same under seizure report Ex.P39 and the hard disk which he handed over to the Police is Mo.45. He had also signed on Ex.P39 and Mo.45.

19. Recovery of explosive material used in the bomb/IED making, from the flat in Mangalore where A-2, A-3 and A-4 had stayed, containing the same explosive, as to the one used in twin blast, as per the expert opinion.

452. PW64 stated that on 06-09-2013 at about 01-00 pm., the NIA Police seized wearing apparel, book, some mobile parts, wires and other electronic items as mentioned in Search and Seizure memo which is marked as Ex.P55. Ex.P56 is the production-cum-seizure memo dt.06-09-2013 which bears the original signatures of the witnesses and

himself and the officers who conducted panchanama, on 06-09-2013 he handed over the lease deed entered with A2 who identified himself as Daniyal. The said lease deed is Ex.P57. On 23-09-2013 the NIA Police seized Rs.50,000/- cash from him under a seizure panchanama which is Ex.P58. Mo.52 is the cash of Rs.50,000/- seized on 23-09-2013.

453. PW126 who is panch for seizure stated that on 06-09-2013 they were taken to Mangalore Airport at 10-00 am., and flight arrived at 10-30 am., wherein Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad was brought by NIA Police. The said accused voluntarily pointed out AJ Hospital, VRL Travels, Shop where watches were purchased, Supama Forex Limited where money was taken, Falnar Cyber Point where they used internet and from there he took them back to the Apartment where he is staying. Ex.P412 is the pointing out and seizure memo drafted in his presence by the NIA Police. The accused had taken them to Zephyr Heights where Ex.P55 was drafted and all the articles mentioned in Ex.P55 were seized in his presence. He also witnessed production-cum-seizure memo under Ex.P56 wherein Ex.P57 lease deed was seized.

454. PW80 who is working as Technical Examiner, CDFD, Nampally, Hyderabad stated that the items collected from the house of the accused at Zephyr Heights building at Mangalore and items No.83 to 87 collected from temporary shelter of the accused at Abdullapurmet, Hyderabad. The articles bearing No.28 to 50, 52 to 57, 59 to 61, 67 to 78, 80, 84, 86 & 87 are now marked as Mo.113 to 160. The findings of opinion reports are as follows: 01. Exhibit C (NIA ART 27), Exhibit Z7 (NIA ART 58), Exhibit Z26 (NIA ART 55) matches with the Exhibit Z30 (Asadullah Aktar), 02. Exhibit A (NIA ART 6), Exhibit ZA (NIA ART 59), Exhibit Z20 (NIA ART 76) matches with the Exhibit Z29 (Md.Wasim Aktar), 03. Exhibit W (NIA ART 47), Exhibit Z (NIA ART 50), Exhibit Z3 (NIA ART 54), Exhibit Z4 (NIA ART 55), Exhibit Z6 (NIA ART 57), Exhibit

Z16 (NIA ART 72) given same DNA. The findings of opinion reports are as follows: 01. Exhibit W (NIA ART 47), Exhibit Z (NIA ART 50), Exhibit Z3 (NIA ART 54), Exhibit Z4 (NIA ART 55), Exhibit Z6 (NIA ART 57), Exhibit Z16 (NIA ART 72) matches with Exhibit O (Zia-ur-Rahman), 02. Exhibit A (NIA ART 6), Exhibit Z8 (NIA ART 59), Exhibit Z20 (NIA ART 76) matches with Exhibit N (Tahsin Aktar).

20. Identification of money transfer outlets wherein A-2 and A-3 went for receiving money as pointed out by A-2 during investigation.

21. A-2 and A-3 identified as the persons receiving money on fake identities.

455. PW68 who is working as a Senior Sales Executive in Centrum Direct Limited stated that the accused No.3 had received money by filling up the requisite forms and also ID proof. The said person had come to their out-let and transacted business of receiving money on three occasions and on all the three occasions forms were filled up for withdrawing the money. After checking out their record they learnt that the above said person transacted three times, one is on 26-02-2013 and 20-03-2013 and lastly on 12-04-2013. On two transactions dt.12-04-2013 and 20-03-2013 he was personally present during transactions. But one Mr.Nitin Kumar Shetty (LW234) and Chitrakshi Shetty was present for all the transactions. On 20-09-2013 two taluk people (panchayathdars for seizure) along with NIA police came and seized the documents and prepared a statement. Ex.P59 is the seizure memo dt.20-09-2013. He also attested on Ex.P59 containing four sheets. Ex.P60 TRM form containing three sheets of the transaction done on 26-02-2013 along with system generated receipt and copy of ID provided by the receiver. Ex.P61 TRM form containing three sheets of the transaction done on 20-03-2013 along with system generated receipt and copy of ID provided by the receiver. Ex.P62 TRM form

containing three sheets of the transaction done on 12-04-2013 along with system generated receipt and copy of ID provided by the receiver. The three transactions were done at their out-let by Nabeel Ahmed i.e., the accused No.3 who had provided his identity proof and signed on the documents.

456. PW124 who is working as Branch Head, Supama Forex Pvt., Ltd., Mangalore who does money transfers in association with Western Union Money Transferring Agency stated that the accused No.3 i.e., Nabeel Ahmed filled in the said form with a secret code and also provided his ID proof. The Money transfer form is Ex.P402 filled up by the said Nabeel Ahmed and signed by him. Ex.P403 is the Photocopy of ID Proof. Ex.P404 is the receipt issued by them. Ex.P405 is the seizure memo under which Ex.P402 to 404 were seized by the National Investigation Agency. After verifying the details he had handed over the money to the said persons.

457. PW73 who is working as a Manager in Western Union doing money transfer business stated about three transactions done by one Nabeel Ahmed i.e., the accused No.3 received money thrice i.e., Rs.25,000 on 16-07-2013 and Rs.16,364 on 08-08-2013 and Rs.25,000/- on 29-08-2013. On all the three occasions the said person provided voters ID card with his photograph. Ex.P76 is containing two sheets MTC form with photocopy of the ID dt.16-07-2013. Ex.P77 is containing two sheets MTC form with photocopy of the ID dt.08-08-2013. Ex.P78 is containing two sheets MTC form with photocopy of the ID dt.29-08-2013. The said person also took Rs.25,000/- on 10-06-2012 in the name of Suleiman Sood. Ex.P79 is the computer printout of MTC form scanned copy along with election ID card of the receiver who also received money under Ex.P76 to 78. Ex.P80 is the register maintained by them in their out-let reflecting the details of the payments made to the different individuals who received money during 16-09-2010 to 30-

05-2014.

22. A-3 having knowledge of assembling an Improvised Explosive Device.

458. PW112 who is working as Assistant Director, Explosives at Central Forensic Science Laboratory, Ramanthapur, Hyderabad stated that he witnessed the disclosure and IED demonstration of the accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed S/o.Jalauddin at CRPF Camp at Hakimpet. The accused No.3 volunteered and stated that if he was provided with different components of Improvised Explosive Device (IED) he would demonstrate as to how the bomb would be made and accordingly different components required for assembling an IED were provided to the said accused and the accused No.3 demonstrated the preparation of IED bomb. After completing the process of assembling a bomb, the accused placed a bulb in place of explosive substance. The bulb glowed which indicated that circuit required for a bomb to explode has been completed under disclosure and IED demonstration memo is Ex.P331 containing three sheets on which he had signed. Mo.172 is the assembled IED by A3 during the demonstration process on 08-06-2014. Mo.173 is the sealed cover containing the video SD card (memory card). The Mo.173 memory card is identified by the number BI1309422908G embossed on it (made in China).

23. Retrieval of Jihadi material, draft e-mails on the letter head of Indian Mujahideen and also fake identities used by A-2, A-3 and A-4 from the laptop of A-6 at his instance.

459. PW111 who is working as Senior Assistant, Office of the Collector, Hyderabad District stated that on their questioning the accused No.6 had shown the information stored in the computer and he opened certain documents by using passwords under Ex.P326 (8 sheets) which is the disclosure of the Ajaz Sheikh.

460. PW147 who is working as Panchayat Secretary, Shameerpet, M.P.D.O stated that contents of laptop of the accused No.6 which contains information regarding Jihad material which was about 300 pages which was not printed but available in the hard disk, further there were fake identities and the accused No.6 gave the passwords for opening the files, which were opened in their presence. The printouts of resume containing two sheets were taken. Ex.P451 is the supplementary disclosure of the said accused containing 8 sheets including bio-data (only admissible portion is marked with red colour brackets).

461. PW140 Manish Chandra who is working as Additional Deputy Commissioner of Police, Special Cell, Delhi Police stated that the primary case against this Terrorist Organization registered with the Special Cell is Case FIR No.54/2011 P.S. Special Cell. During the investigation of this case, the names of Waqas (later identified to be Zia-ur-Rehman, R/o.Pakistan), Monu (later identified to be Tahsin Akthar, R/o.Bihar) and many others were revealed as being active members of Indian Mujahideen. Sincere efforts were being made since late 2011 for identifying, locating and apprehending these terrorists. In continuation of the same, non-bailable warrants against Waqas, Monu and many others had been obtained from the Hon'ble Special Court constituted U/Sec.22 of NIA Act for Delhi Police. On 21-03-2014 secret information was received that accused Waqas was expected to arrive at Ajmer Railway Station in Rajasthan on the next day i.e., 22-03-2014. Accordingly a team was sent along with the informer and on the said date in forenoon hours the accused Zia-ur-Raheman @ Waqas (the accused No.3) was arrested against the Non-bailable Warrant issued for him. Subsequently on 25-03-2014, the accused Tahsin Akthar @ Monu (the accused No.4) was arrested by another team from the area of Naxalbari District, Darjeeling, West Bengal. From the possession of the

accused No.4 several voters ID cards were recovered amongst other recoveries. He was found using the identity of Armaan, S/o.Aman Sori, R/o.Ranchi, Jharkand while he was arrested. The accused No.3 during his interrogation revealed that he was staying at various places under the assumed identity of Nabeel Ahmed. Both the accused No.3 and 4 also revealed various chat IDs and Email IDs which were being used by them for maintaining contact with their handlers Riyaz Bhatkal (the accused No.1) and others. Accordingly he had sent a request to the Director General, ICERT to depute an Expert for extracting the contents of these disclosed communication platforms to assist in investigation. Upon his request Sri.Subramani Babu (PW81) and Sri.Omveer Singh were deputed. PW81 visited his office where an in-house cyber lab is situated. There in the presence of public witnesses and the accused No.3 and 4 separately, PW81 after following all the formalities downloaded and extracted the available data on various chat platforms and Email platforms which were accessed by the accused No.3 and 4 using their passwords. All this data was subsequently transferred to a sterile storage media and taken into possession with a seizure memo and certificate under 65-B of Indian Evidence Act. During the analysis of the retrieved data, it was revealed that the accused No.4 was in constant communication with the accused No.1 and was desperately trying to procure explosives (mentioned as CHEEZUN) through his contacts of Ranchi. Furthering the investigations he had deputed teams to Munnar, Mangalore, Agra, Bhuvaneshwar, Ranchi and other places to verify the disclosures made by the accused No.3 and 4. Ex.P105 is the Chat extract of the accused No.4 and the relevant extracts are from page No.202 of Ex.P105. On 06-01-2013 there were specific chat between the accused No.4 and the accused No.1 regarding arranging explosives. Then on 10-01-2013 there was a chat wherein the accused No.1 informed the accused No.4 that Daniyal (the accused No.2) and the

accused No.3 were about to receive explosives and the accused No.4 will have to leave for a new place soon. On 23-01-2013 the accused No.1 and the accused No.4 discussed about the new place being Hyderabad. On 26-01-2013 the accused No.1 informed the accused No.4 that recce of a few places in Hyderabad had already been done. After the blasts on 23-02-2013 the accused No.1 had expressed his happiness about the Hyderabad Blasts saying that it was "Bahut zabardast" etc., to which the accused No.4 replied that "Upar wale ka karam tha". The details of the chats were confronted with the accused No.4 and his explanations thereto were recorded under Ex.P104. In Munnar and Bhuvaneshwar, the complete details of the fictitious ID of Nabeel being used by the accused No.3 were revealed. Similarly investigations in Ranchi revealed the complete details of the fictitious ID of Girish Joshi which was used by the accused No.4 for taking admission in Vision Informatics, Ranchi. These details were subsequently sent to Western Union Money Transfer along with a notice U/Sec.91 of Cr.P.C for providing the complete details of financial transactions that might have taken place by the use of the above mentioned identity parameters. As per the report received from WUMT, the accused No.3 had received Rs.1,66,000/- and the accused No.4 had received Rs.1,00,000/- Indian Currency and Rs.40,000/- in Nepali Currency using the above mentioned fictitious IDs. Both the accused in their interrogation had revealed their participation and role in the 21<sup>st</sup> February, 2013 Hyderabad Blasts. The recovered chats from the accounts being used by the accused No.4, there were sufficient indicators of his active participation in the Dilsukhnagar Blasts. The accused No.4 revealed that in the second week of February, 2013 Riyaz Bhatkal (the accused No.1) had directed him to go to Hyderabad. In Hyderabad he had stayed for a brief period along with PW83. The contact of PW83 was provided to the accused No.4 by one Asif (PW82) who was his roommate in Ranchi. Thereafter

the accused No.4 had taken up a room in Abdullapurmet. Some days after the accused No.2 had visited Hyderabad and the accused No.4 had taken him to the said rented room. The accused No.2 had informed the accused No.1 that the accommodation was satisfactory. Thereafter the accused No.2 had left Hyderabad only to return some days later along with the accused No.3. Thereafter the accused No.2, 3 and 4 had assembled the two IEDs which were subsequently used on 21-02-2013 for committing the blasts. The accused No.4 had also revealed that he had purchased two pressure cookers from Dilsukhnagar Market and had along with the accused No.2, subsequently purchased two second hand bicycles which were used for planting the IEDs. Thereafter on 06-09-2014 he had arrested the accused No.6 from Saharanpur, Uttar Pradesh. At the time of his arrest, a total of 19 electronic devices were recovered from his possession including a Dell Laptop, mobile phones, USB-stick, micro SD card etc.,. During his interrogation the accused No.6 revealed that his responsibility as a member of Indian Mujahideen was for preparing forged identities, receiving and delivering Hawala Money, explosives and for composing E-mails whereby his organization used to take claim for various terrorists strikes in the Country. The accused No.6 revealed that he had sent the threatening E-mail in 2008 after the Varanasi blasts which were investigated by Uttar Pradesh Police and in 2010 after Jama Masjid blast of Delhi which have been investigated by him. The accused No.6 also disclosed several E-mail and chat IDs over which he was in communication with the accused No.1 and others. Accordingly a fresh request was sent to the Director General of ICERT to depute an Expert to assist in investigation. First sheet of Ex.P106 is the letter addressed to the Director General. PW81 was deputed to attend to the request and he visited his office and in the in-house cyber lab the same procedure as was adopted earlier for the accused No.3 and 4 was repeated for the accused No.6. All the data retrieved from the chat IDs

and Email IDs disclosed by the accused No.6 was transferred to a sterile DVD and handed over along with the certificate and was seized through a seizure memo under Ex.P438-A containing 13 sheets. In addition to this, the Forensic Analysis Report pertaining to the electronic devices including the laptop recovered from the accused No.6 was received from ICERT. The said report is at sheet No.2 to 24 of Ex.P106. Ex.P106-A is the original report to Ex.P106 received from ICERT containing 22 sheets along with covering letter. As per the analysis of the laptop recovered from the accused No.6 the voters ID in the name of Girish Joshi which was used by the accused No.4 for many financial transactions was prepared by the accused No.6. Further from the same laptop many other forged voters IDs bearing photographs of the accused No.2 and 3 were also recovered as having been prepared by the accused No.6 using photo shop software which was found installed in his laptop. Further a draft letter on the letter head of Indian Mujahideen, is strikingly similar to the E-mails which was sent out as per Jama Masjid strike of 2010 was also recovered. The difference between the E-mail sent in 2010 and the draft recovered in 2014 was that the former related to a terrorist strike which had actually taken place whereas the later pertained to a planned terrorist attack by Indian Mujahideen in Muzaffarnagar of Uttar Pradesh. With the arrest of the accused No.6 this planned terrorist activity was averted and the E-mail was never sent. Because of the sensitivity of this draft E-mail recovered from the laptop of the accused No.6 for it was submitted before the Hon'ble Special NIA Court for Delhi Police in a sealed envelope at the time of submitting the charge sheet against the accused No.6. Ex.P439 is the seizure memo at the instance of the accused No.6 which articles mentioned in Ex.P439 were recovered on 06-09-2014 containing 5 sheets. Ex.P440 is the explanation of the accused No.6 regarding the articles seized under Ex.P439 containing 7 sheets. Ex.P441 is the

disclosure statement containing 4 sheets which was made on 06-09-2014. Ex.P442 is the supplementary disclosure statement of the accused No.6 giving details of chat IDs and E-mails IDs etc., containing 2 sheets which was conducted on 11-09-2014. Subsequently upon the directions of this Hon'ble Court addressed to ICERT, he received a request from NIA to hand over a copy of the digital evidence as seized from the accused No.6. On receipt of the same, the said digital evidence as received from ICERT was handed over to the NIA representative under Ex.P107 along with the necessary integrity certificates i.e., U/Sec.65-B of Indian Evidence Act. In his examination in Chief he had submitted about an incriminating E-mail which was recovered in the Forensic Analysis of the pen-drive seized from the accused No.6. This E-mail was a draft which was to be sent upon the directions of Accused No.1 Mohammad Riyaz @ Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri. after a planned strike in Muzafar Nagar, Uttar Pradesh would have been executed. Since this strike was averted with the arrest of the accused No.6, this draft E-mail was never sent. Ex.P487 is the Certified copy of the said E-mail extracted from the pen-drive which was in the possession of the accused No.6. Ex.P488 is the certified copy of the E-mail sent by the accused No.6 at the time of Jama Masjid blast in the year 2010 carried out in Delhi. The device which was used for sending Ex.P488 has been made a part of the charge sheet filed in F.I.R.No.66/2010, P.S.Jama Masjid (investigated by the Special Cell, Delhi). The Simcard used to send Ex.P488 was purchased by the accused No.6 in the name of Purva Shinde. The signature available on the application form for purchase of the Simcard was sent to Handwriting Expert after obtaining the specimen signatures of the accused No.6. Ex.P489 is the certified copy containing 17 sheets are the customer application form in the name of Purva Shinde, identity proof and specimen signatures. The signatures on the application form

and the identity proof were analyzed by the Central Forensic Scientific Laboratory and found to be made by the accused No.6. Ex.P490 is the certified copy of the Central Forensic Scientific Laboratory report of the Handwriting Expert containing 5 sheets. Ex.P491 is the Certificate U/Sec.65-B of Indian Evidence Act in case of Ex.P107 (hard disk). Ex.P492 is the Certificate U/Sec.65-B of Indian Evidence Act issued by me in respect of Ex.P105 chat extracts. There was a direction from this Court to the ICERT to provide the Digital Evidences which were retrieved in my case i.e., F.I.R.No.54/2011 and F.I.R.No.66/2010 (both investigated by the Special Cell, Delhi) and the same direction was forwarded for necessary action to his office. In compliance of the same, he had issued Ex.P491 and Ex.P492 to the representative of NIA, Hyderabad.

462. It was held in Rammy @ Rameshwar Vs. State of M.P. 1999 (8) SCC 649 that when an eyewitness is examined at length it is quite possible for him to make some discrepancies. No true witness can possibly escape from making some discrepant details. Perhaps a true witness if is well tutored, can successfully make his testimony totally non discrepant. But Courts should bear in mind that it is only when discrepancies in the evidence of the witnesses are so incompatible with the credibility of his version that the Court is justified in Jettisoning his evidence. But too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witnesses) is unrealistic approach for judicial scrutiny.

463. The learned counsel for the accused strenuously argued that this case is only a consequence of the alleged conspiracy to commit various blasts in the entire Country like Varanasi, Pune blasts, Bombay train blasts, Lumbini Blast cases at Hyderabad by the members of Indian Mujahideen including the present Dilsukhnagar twin blasts

cases and the present case is only a consequence of such alleged conspiracy, as such from any angle the charge No.1 in respect of the charge of conspiracy framed in this case utterly fails as they have been charged on the same provisions in the other two aforesaid cases at New Delhi added to the concept of double Jeopardy as enunciated in Section 300 Cr.P.C and Article 21 of the Constitution of India. Even as per the Chief Investigating Officers i.e., PW138, PW140 there is no separate alleged conspiracy by the accused herein for allegedly causing this twin blasts at Dilsukhnagar alone.

464. Firstly section 300 Cr.P.C reads as: Person once convicted or acquitted not to be tried for same offence. (1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of section 221, or for which he might have been convicted under sub-section (2) thereof. (2) A person acquitted or convicted of any offence may be afterwards tried, with the consent of the State Government, for any distinct offence for which a separate charge might have been made against him at the former trial under sub-section (1) of section 220. (3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted. (4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts

which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged. (5) A person discharged under section 258 shall not be tried again for the same offence except with the consent of the Court by which he was discharged or of any other Court to which the first-mentioned Court is subordinate. (6) Nothing in this section shall affect the provisions of section 26 of the General Clauses Act, 1897,(10 of 1897) or of section 188 of this Code.

465. Therefore there is no bar to frame charges against the accused in this case even though similar charges are framed in some other cases at Delhi and other places. Moreover the conspiracy under section 120-B IPC taken from 2010 to February, 2013. Whereas the conspiracy in Delhi case and other cases might have been commenced long ago. Moreover this offence may not be taken into consideration by other Courts. Anyhow Section 300 Cr.P.C attracts only when there is previous acquittal or conviction.

466. Now the another contention is concerned, this Court made an enquiry with regard to the letter addressed by the accused stating that the alleged missing of charge sheet and the concerned clerks made a report and endorsements stating that on 16-03-2016 Ex.D40 is marked i.e., CC of Chargesheet in R.c.No.6 of 2012 which is containing only two pages after verifying the two pages which is marked as Ex.D40 by the defence counsel and the said pages are available in record. So there is no true in the allegation of the learned counsel for the accused.

467. Perusal Ex.D40 shows that it contains two pages only and it marked at the instance of the accused only, had it been true, about the missing of the charge sheet certainly the prosecution might have raised the same question there there is no such question. Secondly if really there are other papers along with Ex.D40 what

prevented the accused to get the certified copies of the same and file before this Court but there are no such steps. Therefore this Court closed the said petition stating that there is no substance in the allegation made by the accused.

468. Perusal of the evidence of PW149 also does not disclose that there are other pages to Ex.D40 and that they filed the entire charge sheet.

469. The learned counsel for the accused raised another contention with regard to evidenciary value of the confessions and drew my attention to section 24 to 27 of Indian Evidence Act. He further contended that the accused No.2 was not in the custody in this case and those recoveries need to be proved in Delhi Case i.e., RC No.06/2012, therefore the recoveries are not admissible in this case. He further contended that Ex.P259 to 261, 155 to 157, 189 and 190, Ex.P104 to 107, 438 to 442, 480, 487 to 492 have to be proved in the Delhi case only but not in this case. He relied upon a decision reported in (2014) 7 Supreme Court Cases 716 between Adambhai Sulemanbhai Ajmeri Vs. State of Gujarat wherein it was held that "It is also of the utmost importance for us to mention the statement of PW125 regarding the seizure of the car since it is reflective of how casually and with what impunity the investigation has been conducted in the instant case by the investigating officer." There is no such bar to take the evidence of another crime pertinent to this case. Therefore this decision is not applicable.

470. On this aspect the learned Special Public Prosecutor submitted that keeping in view the continuous acts of terrorism carried out over the period of 7 years by the accused and others belonging to the banned organisation Indian Mujahidin, a crime in RC-06/2012/NIA/DLI was registered and investigation was being carried out pertaining to the overall larger conspiracy for carrying out the bombings

throughout India. Individually crimes were booked and investigated into at all the places throughout India where the blasts took place. RC-06/2012/NIA/DLI has the details of all the blasts that were carried out throughout India over a period of time. The investigating officer Sri Sunil Emmanuel PW-138 is one of the officers investigating into both the cases in RC-06/2012/NIA/DLI and also the present cases. Any investigation done in RC-06/2012/NIA/DLI which is investigated for larger conspiracy of Indian Mujahidin the terrorist organization, will also from part of the individual crimes booked throughout India wherever the terrorist activities were carried out by the Accused 1 to 6 and also the other members of the banned organization . The investigation carried out in RC-06/2012/NIA/DLI pertaining to the present crimes forms part of investigation done in RC No. 01 & 02/2013 pertaining to Dilsukhnagar blasts in Hyderabad. The confessions, extractions of electronic chatting and other evidence collected during the course of investigation can be used wherever relevant. The evidence produced during the course of trial which forms part of RC-06/2012/NIA/DLI actually pertains to Dilsukh nagar blasts. The documents filed into the Court which are part of RC-06/2012/NIA/DLI, the investigation officer who conducted the investigation and also the accused being tried in the present case are all part of trial in Rc No. 01 &02/2013. Therefore no prejudice whatsoever is caused if the evidence collected in RC-06/2012/NIA/DLI is filed into this case, since the evidence is also relevant to prove facts in the Dilsukhnagar Blast crimes.

471. He relied upon a decision reported in 1997 SCC(Cri) 1032 STATE OF RAJASTHAN V/S BHUP SINGH. Para wherein it was held that "it is clear from the above evidence that Public Witness 12 discovered the fact that the respondent had buried Article 4 the pistol. His statement to the police that he had buried the pistol in the ground near his house, therefore, gets extricated from the ban contained in S.

25 and 26 of the Evidence act as it became admissible under Section 27. The conditions prescribed in section 27 for unwrapping the cover of ban against admissibility of statement of the accused to the police have been satisfied. They are: (1 A fact should have been discovered in consequence of information received from the accused; (2 he should have been accused of an offence; (3 he should have been in the custody of a police officer when he supplied the information; (4 the fact so discovered should have been deposed to by the witness. If these conditions are satisfied, that part of the information given by the accused which led to such discovery gets denuded of the wrapper of prohibition and it becomes admissible in evidence. ***It is immaterial whether the information was supplied in connection with the same crime or a different crime.*** Here the fact discovered by the police, is not Article 4 the pistol, but that the accused had buried the said pistol and he knew where it was buried. Of course, discovery of the said fact became complete only when the pistol was recovered by the police."

472. Section 106 of Indian Evidence Act burden of proving fact especially within the knowledge. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him. The section is an exception to section 101, which lays down the general rule that in a criminal case the burden of proof is on the prosecution. The section is designated to meet certain exceptions in which it would be impossible for the prosecution to establish facts which are especially within the knowledge of the accused. The section should be applied with the great care and caution in criminal cases. The prosecution authorities are not entitled to rely upon this section, except in exceptional cases and to a limited extent. The section cannot be used to strengthen the evidence for the prosecution. The prosecution must stand or fall on the evidence adduced by it.

473. With regard to recovery under Section 27 of Indian Evidence Act is concerned, Section 27 of Indian Evidence Act reads as: How much of information received from accused may be proved: Provided that when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

474. What part of the statement is admissible U/sec.27: (i) It is held in Bodh Raj Vs. State of J & K 2002(6) Supreme 154: The basic idea embedded in Section 27 of the Evidence Act is the doctrine of confirmation by subsequent events. The doctrine is founded on the principle that if any fact is discovered as a search made on the strength of any information obtained from a prisoner, such a discovery is a guarantee that the information supplied by the prisoner is true. The information might be confessional or non-inculpatory in nature but if it results in discovery of a fact, it becomes a reliable information. It is now well settled that recovery of an object is not discovery of fact envisaged in the section. Decision of

Privy Council in Palukuri Kotayya v. Emperor (AIR 1947 PC 67), is the most quoted authority for supporting the interpretation that the "fact discovered" envisaged in the section embraces the place from which the object was produced, the knowledge of the accused as to it, but the information given must relate distinctly to that effect. (ii) It is held in State of Karnataka v. David Razario, 2002 Cr.L.J.4127: The basic idea embedded in Section 27 of the Evidence Act is the doctrine of confirmation by subsequent events. The doctrine is founded on the principle that if any fact is discovered after a search made on the strength of any information obtained from a prisoner, such a discovery is a guarantee that the information supplied by the prisoner is true. The

information might be confessional or noninculpatory in nature but if it results in discovery of a fact, it becomes a reliable information. It is now well settled that recovery of an object is not discovery of fact envisaged in the section. (iii) It is held in Limbaji Vs. State of Maharashtra, [2002] 0 AIR(SC) 491: Let us then turn to the question whether the statement of the appellant to the effect that 'he had hidden them (the ornaments)' and 'would point out the place' where they were is wholly admissible in evidence under S. 27 or only that part of it is admissible where he stated that he would point out the place but not the part where he stated that he had hidden the ornaments. After referring to the well known case of Pulukuri Kotayya vs. King-Emperor (AIR 1947 PC 67), the question was answered as follows: The whole of this statement in our opinion relates distinctly to the discovery of ornaments and is admissible under S.27 of the Indian Evidence Act. The words 'where he had hidden them' are not on a par with the words 'with which I stabbed the deceased' in the example given in the judgment of the Judicial Committee. These words (namely, where he had hidden them) have nothing to do with the past history of the crime and are distinctly related to the actual discovery that took place by virtue of that statement.

7. Motive: Motive is not sine qua non in each and every case:

(i) It is held in Surinder Pal Jain Vs. Delhi Administration,AIR 1993 SC 1723: The absence of motive, however, puts the court on its guard to scrutinize the circumstances more carefully to ensure that suspicion and conjecture do not take place of legal proof.

(ii) Undoubtedly, in cases of circumstantial evidences motive bears important significance. Motive always locks up in the mind of the accused and some time it is difficult to unlock. People do not act wholly without motive. The failure to discover the motive of an offence does not signify its non-existence. The failure to prove motive is not fatal as a matter of law. Proof of motive is never an indispensable for conviction. When facts are clear, it is

immaterial that no motive has been proved. Therefore, absence of proof of motive does not break the link in the chain of circumstances connecting the accused with the crime, nor militates against the prosecution case.

475. He relied upon a following decisions: Pakala Narayana Swami vs Emperor on 19 January, 1939 wherein it was held that the word "Confession" as used in Evidence Act cannot be construed as meaning a statement by an accused "suggesting the inference that he committed" the crime. A confession must either admit in terms the offence, or at any rate substantially all the facts which constitute the offence. An admission of a gravely incriminating fact, even a conclusively incriminating fact is not of itself a confession. A statement that contains self exculpatory statement is of some fact which if true would negative the offence alleged to be confessed."

476. In Om Prakash vs State Of U. P. on 15 September, 1959 wherein it was held that the effect of the statements might at most be described as suggesting the inference that the accused committed the crime, but it could not be extended to show that the accused admitted in terms the offence, or substantially all the facts which constituted the offence, and that therefore the statements individually or taken together did not amount to a confession of the crime.

477. Hon'ble Allahabad High Court in Emperor Vs. Balmukund (ILR 52 All 1011) wherein their lordships surveyed the law prevailing for a hundred years in regard to the question whether it is permissible for the Court to take into account only the inculpatory matter and ignore the exculpatory matter, as the prosecution might plead. The Court held that the line of authorities laid down the principle that: Where there is other evidence, a portion of the confession may in the light of that evidence be rejected while acting upon the remainder

with the other evidence and Where there is no other evidence and the exculpatory matter is not inherently incredible, the Court cannot accept the inculpatory element and reject the exculpatory evidence. Summarizing this, the Court held that where there is no other evidence to show affirmatively that any portion of the exculpatory element in the confession is false, the Court must accept or reject the confession as a whole and cannot accept only the inculpatory element while rejecting the exculpatory element as inherently incredible. With due respect to the above decision it is not applicable to the present case on hand since in the present case on hand as there is no element of exculpatory.

478. In Balbir Singh vs State Of Punjab on 27 September, 1956 it was held that so far as the confessional statement of one accused is concerned, it may be taken into consideration against the other accused if it fulfils the conditions laid down in Sec.30 of Evidence Act. One of the conditions is that the confession must implicate the maker substantially to the same extent as the other, accused person against whom it is sought to be taken into consideration. With due respect to the above decision there is no dispute with regard to the ratio laid down in this decision.

479. In Suresh Budharmal Kalani vs State Of Maharashtra on 15 September, 1998 wherein it was held that A bare perusal of the above statement makes it abundantly clear that it is self exculpatory and hence inadmissible in evidence as 'confession'. Once it is left out of consideration as it should be the confessional statements of the other three accused, for what they are worth, cannot be made - in absence of any other material to connect Dr. Desai with the accusation levelled against him a basis for impugned charges in view of the law laid down in Kashmira singh. With due respect to the above decision it is not applicable to the present case on hand since in the present case on hand as there is no element of exculpatory.

480. Hon'ble Supreme Court of India in Pyare Lal Bhargava vs State Of Rajasthan on 22 October, 1962 held that Under section 24 a confession would be irrelevant if it should appear to the Court to have been caused by any inducement, threat or promise. With due respect to the above decision it is not applicable to the present case on hand since in the present case on hand there is no threat, promise or inducement.

481. Hon'ble Supreme Court of India in Hari Charan Kurmi And Jogia Hajam vs State Of Bihar on 3 February, 1964 held that as a result of the provisions contained in s. 30, the confession has no doubt to be regarded as amounting to evidence in a general way, because whatever is considered by the court is evidence; circumstances which are considered by the court as well as probabilities do amount to evidence in that generic sense. Thus, though confession may be regarded as evidence in that generic sense because of the provisions of s. 30, the fact remains that it is not evidence as defined by s. 3 of the Act. The result, therefore, is that in dealing with a case against an accused person, the court cannot start with the confession of a co-accused person; it must begin with other evidence adduced by the prosecution and after it has formed its opinion with regard to the quality and effect of the said evidence, then it is permissible to turn to the confession in order to receive assurance to the conclusion of guilt which the judicial mind is about to reach on the said other evidence. With due respect to the above decision it is not applicable to the present case on hand since in the present case on hand as there is no dispute with regard to the ratio laid down.

482. This Court deduced the following principles basing on the above decisions that: a) There must be a discovery of a fact albeit relevant fact in pursuance of an information received from a person in Police custody;

- b) The discovery of such fact must be deposited to;
- c) At the time of giving of the information the accused must be in police custody;
- d) It is immaterial whether the information was supplied in connection with the same crime or a different crime;
- e) Then the effect is that so much of the information as relates distinctly to the fact thereby discovered is admissible;
- g) for example, if it leads to the discovery of the fact that a knife is concealed in the house of the informant to his knowledge and if the knife is proved to have been used in the commission of the offence, the fact discovered is very relevant;
- h) In order to attract section 27 the discovery must be some fact which the police has not previously learnt from other sources and the knowledge of the fact was first derived from the information given by the accused.

483. In the present case on hand the following are the discoveries U/Sec.27 of Indian Evidence Act:

Discovered items	Date of discovery	Place of discovery	At the instance of the accused No.	The investigating Officer
Ex.P55 search and seizure Human anatomy and one tea cup Mo.113 to 160 are the articles bearing No.28 to 50, 52 to 57, 59 to 61, 67 to 78, 80, 84, 86 & 87	09/06/13	Mangalore Zyphyr Heights	A2	PW138 Sunil Emmanuel
Ex.P189 and P190 seizure and pointing out memo Mo.161 is the handles of two	09/07/13	Shelter at Abdullapur met	A2	PW138 Sunil Emmanuel

cookers Mo.162 is the two whistles of cookers				
Ex.P193 pointing out and seizure memo Mo.163 which is aluminum piece of detonator shell was seized. Mo.164 which is part of detonator with two white colour insulated wires were seized. Mo.165 is the control soil sample. Mo.166 is another suspected soil sample seized at the hillock site. Mo.167 is the part of detonator with two white colour insulated wires.	28-09- 2013	Deserted place at Abdullapur met	A2	PW138 Sunil Emmanuel

Ex.P389-A, 389-B, 390 disclosure statements and pointint out memo	27-05-2014	Shown Scenes of offence and other relevant places	A3 and A4	PW157 M.Venkatadri
Ex.P412 point ot and seiure	09/06/12	Shown places in Mangalore	A2	PW138 Sunil Emmanuel
Ex.P296 seizure memo Ex.P297-A dairy of A3	30-05-2014	Mangalore	A3	PW157 M.Venkatadri
Ex.P493 disclosure and pointing out memo	28-05-2014	CRPF campus, Rangareddy	A3	PW157 M.Venkatadri
Ex.P494 disclosure and pointing out memo	29-05-2014	CRPF campus, Rangareddy	A5	PW157 M.Venkatadri
Ex.P498 pointing out memo Ex.P500 seizure memo	30-05-2014	Places at Mangalore	A3	PW157 M.Venkatadri

484. In this case all the above said discoveries were established by the prosecution beyond all reasonable doubt.

485. The following inferences can be drawn by the Court as it was held in 2000 S.C.C. (Criminal) page 263 – State of Maharashtra Vs. Suresh that One is that he himself would have concealed it. Second is that he would have seen somebody else concealing it. And the third is that he would have been told by another person that it was concealed there.

486. Now in the present case on hand, the discovery of blast material at Zephyr Heights was discovered and it was also matched with the remnants of the twin blasts at Dilsukhnagar and the remnants at the test blast were also discovered at the instance of the accused No.2 and the handles and whistles of the cookers were also discovered at the instance of the accused No.2. It was also discovered that the accused No.2 to 4 visited cyber cafes and chatted with the

absconding accused No.1 to the accused No.5 and the chatting information was recovered at the instance of the accused. The discovery of fact was deposed to by the trustworthy witnesses and at that time the accused No.2 was in the custody of the Police and the information given by the accused No.2 is distinctly related to the fact thereby discovered and the fact discovered connected to the remnants seized at the twin blasts at Dilsukhnagar. About the discovery the Police had no previous knowledge, though the accused might have admitted during the investigation in R.C.No.06/2012 but it is not the case of the accused that they had already given the information with the discoveries made in this case. Admittedly it is not the case of the accused that the accused No.2 has seen somebody else committed test blast and somebody else kept the whistles and handles of the cookers at the Abdullapurmet rented house and somebody else concealed the blast material at Zephyr Heights, Mangalore. The accused declined to tell this Court that his knowledge about the discovery of the above said items was on account of the above said two possibilities. So this Court can presume that it was concealed by the accused No.2 to 4 because the accused No.2 is the only person who can offer the explanation as to how else he came to know of such concealment and if he chooses to refrain from telling the Court as to how else he came to know of it, the presumption is well-justified course to be adopted by the criminal court that the concealment was made by himself. Therefore the decisions relied upon by the defence counsel are no way helpful to the case of the defence.

487. Section 164 Cr.P.C reads as: Recording of confessions and statements. (1) Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or

at any time afterwards before the commencement of the inquiry or trial: Provided that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force. (2)The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him ; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily. (3)If at any time before the confession is recorded, the person appearing before the Magistrate states that he is not willing to make the confession, the Magistrate shall not authorise the detention of such person in police custody. (4)Any such confession shall be recorded in the manner provided in section 281 for recording the examination of an accused person and shall be signed by the person making the confession ; and the Magistrate shall make a memorandum at the foot of such record to the following effect: - "I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him. (Signed) A. B. Magistrate". (5) Any statement (other than a confession) made under sub- section (1) shall be recorded in such manner hereinafter provided for the recording of evidence as is, in the opinion of the Magistrate, best fitted to the circumstances of the case ; and the Magistrate shall have power to administer oath to the person whose statement is so recorded. (6) The Magistrate recording a confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.

488. Rule 31, 32 of Criminal Rules of Practice reads as: 31. Requisitions for confession etc:- (1) All requisitions for recording of confession of the accused or statements of witnesses or for holding identification parades shall be made to such Magistrate as is nominated by the Sessions Judge for particular police station. (2) On receipt of such requisition, the Magistrate shall immediately fix a date for the purpose and issue summons to the witnesses. (3) Statement of witnesses and confession of accused shall be recorded in open court and during Court hours except for reasons to be recorded in writing. No police Officer should be allowed to be present in the Court Hall or in visible distance from the witnesses or the accused, while the statement of confession is being recorded.

489. 32. Confessions: (1) No confession shall be recorded unless; (a) the Magistrate has explained to the accused that he is under no obligation at all to answer any question and that he is free to speak or refrain from speaking as he pleases; and (b) The Magistrate has warned the accused person that it is not intended to make him an approver and that anything said by him will be taken down and there after be used against him. (2) Before recording a statement, the Magistrate shall question the accused in order to ascertain the exact circumstances in which his confession is made and the extent to which the Police have has relations with the accused before the confession is made. The Magistrate may usefully put the following questions to the accused:- (a) When did the police first question you? (b) How often were you questioned by the Police? (c) Were you detained anywhere by the Police before you were taken formally into custody, and if so, in what circumstances? (d) Were you urged by the police to make a confession? (e) Have the statement you are going to make been induced by any ill-treatment? And if so, by Whom? (f) Do you understand that the statement which you are about to make may be used against you at

your trial? These questions and any others which may suggest themselves and the answers to them shall be recorded by the Magistrate before the records the accused's statement and shall be appended to the Memorandum prescribed by Sec. 164(3) of the Code of Criminal Procedure. The Magistrate shall add to the Memorandum a statement in his own hand of the grounds on which he believes that the confession is voluntary and shall note the precautions which he took to remove the accused from the influence of the police and the time given to the accused for reflection. (3) If the Magistrate has any doubt whether the accused is going to speak voluntarily, he may, if he thinks fit, remand him to a sub-Jail, before recording the statement; and ordinarily the accused shall be withdrawn from the custody of the Police for 24 hour before his statement is recorded. When it is no possible or expedient to allow so long a time as 24 hours, the Magistrate shall allow the accused atleast a few hours for reflection. (4) The statement of the accused shall not be recorded, nor shall the warning prescribed in paragraph 1 of this Rule be given nor shall the questions prescribed in paragraph (2) of the Rule be asked in the presence of a co-accused or of the police officers who have arrested him or produced him before the Magistrate or who have investigated the case.

490. And contention of the learned counsel for the accused is that the learned Magistrates who recorded 164 Cr.P.C statements of A2 and A5 did not follow the procedure and even otherwise the said confessions were retracted by the accused and therefore this confessions cannot be considered and these confessions are recorded in RC 06 of 2012 and also contended that the Magistrate has no jurisdiction to record the confession of the accused in RC 06/2012.

491. On this aspect Section 164 Cr.P.C categorically shows that any Magistrate whether or not he has jurisdiction can record the

confession of the accused. Moreover the nomination of the Magistrates who conducted TIP and confessions are concerned, they are nominated by the Superior Officers concerned as per law.

492. In so far as this contention is concerned, memorandum of 164 Cr.P.C is concerned, even though admittedly he did not mention in his own handwriting but he mentioned in the memorandum and in the 164 Cr.P.C. statement that he was satisfied.

493. Though the accused contended by filling a separate statement under section 313 Cr.P.C stating that "on 15-10-2013 and 18-10-2013 I was forcibly taken to the before a Magistrate at Kukatpally by DSP Tajuddin who gave some printed papers to the Magistrate and copied down the same through his Stenographer and afterwards my signatures were forcibly obtained by DSP Tajuddin on those papers which were signed by the Magistrate" and also stated that "only thrice on 11-10-2013, 15-10-2013 and 17-10-2013 the accused was taken before a Magistrate at Kukatpally, Hyderabad and my signatures were taken on some computerized sheets signed by the Magistrate and I have not made any confession or statement before that Magistrate". So all these allegations are not tenable since the accused are very prudent. They filed a petition to treat their confessions are retracted no doubt the accused has got every right to retract from his earlier confession during the trial and no separate permission may not be granted. In so far as validity of the retracted confession is concerned there is corroboration by the other witnesses.

494. The following are the relevant portion of the confessions of the accused No.2 and 5: A2 Confession: He knows English language, so also Hindi and Urdu; and his father was a Doctor. The incidents of demolition of Babri Masjid and attack of World Trade Centre and other issues, viz., atrocities on Muslims are attracted him much more and that is why he want to join in Indian Mujahiddin organization

and accordingly joined in 2000 in order to protect the rights of Muslims. Initially in or around 1999 or 2000 one Aftab Ansari started Indian Mujahiddin at various places with one Asif Raza Khan, R/o Kolkata and Asif Raza Khan motivated three persons, namely Sadeeq Shaik, Ameer Raza Khan and Riyaz Bhatkal (absconding accused no.1), all the above two persons are in Karachi at present, Sadeeq Shaik is at present in Mumbai Jail. Atif Ameen motivated A2 and several others. In the year 2002 his people attacked on American centre. In the year 2003 at Varanasi and later in 2005 at Delhi, Sarojini Nagar Railway Station and in the year 2006 at Varanasi. A2 along with four others participated in action by placing three bombs, placed at Sankatmochan Mandir, Railway Station and he was caught and he had knowledge about 2006 Mumbai blast. In the year 2007 at Gorakhpur and U.P Court blast executed by known persons of him. On the same day he also plant bombs at three different places i.e., Faizabad, Lucknow and Varanasi. In the year 2008 A2 also blasted at Ahmedabad and you were present there at initial recce in the month of August and thereafter carried out blast at Ahmedabad. On 13-09-2008 he had also planted bombs and A2 supplied material ball bearings used as a splentors to one Atif Ameen in order to create IEDs from Lucknow to Delhi through Mohd. Hakeem and thereafter A2 went to Bangladesh and obtained passport in the name of Mamoon-Ur-Rasheed and from there went to Dubai, where he met Iqbal Bhatkal, where A2 was introduced by Riyaz Bhatkal (A1). A2 undergone training for 20-25 days, organized by ISI dealing with Arms training, AK-47, SLR, Rocket Launcher, Grenade, preparation of IEDs with potassium chloride (KCL-23), Ammonium nitrate, Sulphaer. Accordingly, A2 completed training in preparing poisons explosives, ambush, self-defence and physical training. In the month of September, 2010 A2 came back to India along with Waquas (A3). Hasan @ Monu (A4) received A2 and A3 and took him to Yasin Bhatkal (A5). On 19-09-2010

A2 planned to execute a work at Jama Masjid and A2 engaged in firing by using carbine and pistols, whereas A5 planted bomb. Thereafter on 07-12-2010 at Shitla Ghat, Bihar A2 had purchased H2O2 (Hydrogen Peroxide) and A2 along with A3 planted bombs and A5 and A4 have executed the plan. Thereafter A2 shifted to Mumbai. Later A2 planted bomb at Zaveri bazar and A3 planted at Opera House and A5 and A4 planted bomb at Dadar Railway Station and Bus stand. A2 used explosives supplied by A1 and A2 along with A3 received explosives from Bhatkal through one unknown person. A2 personally participated in six blasting and A2 went to Mangalore on 05-10-2012 and took a house on rent in the house of Dr.Umar and A2 used to communicate A1 through internet cafe by instant messaging in the name of Message Paltalk by using server proxy like security kiss and free gate and you A2 received money through Hawala (dingdong) and Western Union Finance. In the month of December, 2012 A2 had chat with A1 when A2 was at Mangalore with A3 Waqas to do something at Hyderabad and A2 prepared a plan at Mangalore by discussing with A1 to do something at Hyderabad. On 31-12-2012 A2 sent A3 to receive money through Hawala at Bangalore and in the third week of January A3 received explosive near Unity Hospital sent by A1 through unknown person. A1 told that he sent A4 Monu to Hyderabad for arranging accommodation and A4 Monu arranged accommodation at Abdullapurmet located nearby Ramoji Film City. On 09-02-2013 A2 boarded bus at PVS Circle, Mangalore in the name of Tony and reached Hyderabad for lookout and A4 met A2 at LB Nagar and went to arrange house at Abdullapurmet on 12-02-2013 A2 went back to Mangalore by booking tickets from Lakdi-ka-pool in the name of Danish. On 15-02-2013 A2 came back to Hyderabad along with A3 Waqas by holding explosive with them through VRL Travel Bus and booked a ticket in the name of Ani and got down at Lakdi-ka-pool through Auto and A2 & A3 reached

Abdullapurmet. On the next day, A2 to A4 started recce at Abids Market, Begum Bazar, Koti, CBI Office and Dilsukhnagar. On 18-02-2013 A2 to A4 decided the place at Dilsukhnagar, thereafter A2 decided the spot as A1-Mirchi Center and secondly as Dilsukhnagar Bus stop. A2 to A4 want to do three blasts and due to shortage of explosives A2 to A4 decided two places and they conducted test blast over three kilometers from Abdullapurmet. On 20-02-2013 A2 to A4 purchased a bicycle near Yashoda Hospital and kept it at Railway Station and thereafter A2 to A4 went to Lakdi-ka-pool and booked two tickets in the name of Nabeel and came back to Dilsukhnagar and A2 to A4 two fruit cartons and one rope and two 7 ½ liters cookers near LB Nagar and on the same night A2 assembled the explosives and on the next day i.e., 21-02-2013 A2 and A4 went to Zumerath Bazar and purchased one more bicycle and parked at Malakpet Railway Station and went back to Abdullapurmet and A2 to A4 made final arrangements and destroyed extra materials and finally left them at home at 05-00 pm., at Abdullapurmet by taking seven sitter auto A2 to A4 came to Hayathnagar and from there another autorickshaw upto Malakpet and arranged the bombs on bicycles kept at Malakpet Railway Station and A2 kept one cycle and another cycle was handedover to A4, A2 guided how to plant the explosives at the above said two places in order to cause explosion. A4 has planted at A1-Mirchi Center and A3 planted bomb at 107 Bus stop. By that time A2 was nearby them and guiding them. After planting bomb A3 came back to A2 and they went to Lakdi-ka-pool and boarded already booked bus and left to Banglaore and from there went to Mangalore and from there on 23-02-2013 A2 left Mangalore to Bangalore and from there went to Patna and from there to Raxol and from there to Bridgegunj and from there to Pokra, Nepal and stayed in Hotel. On 27-02-2013 when A2 was in Nepal after two or three days A5 met and both A2 and A5 started residing together at Lakeside and then left to Kasibazar and from there

to Lakhnath and from there to Pokra where A2 was arrested."

495. A5 Confession: During his childhood days he used to give much priority to Islam and he is influenced by religion and that he went to Dubai for business and thereafter travelled to Karachi, Pakistan for fire arms training and undergone for fifty days and the object of taking training is to protect rights of Muslim people and that he know SIMI and that he met one Asadullah Akthar @ Haddi A2 who is Pharmacologist and others including Riyaz Bhatkal (absconding accused No.1) in the year 2004 at Mumbai and the said Riyaz Bhatkal instructed him to do some experiment with bomb and to hand over the same and the said Riyaz Bhatkal send him two boys namely Sayeed and Aniq for giving training and they lived along with him for 14 or 15 days and he gave target practice with air gun and that he was motivated and joined in Armed Struggle against Hindus and other communities, those who are against Muslim community and the name of Armed Struggle is "Jihad" and that he used to read 'Rar Rhi Qul Nakhtoom' which reflected his life and that Usaba (group of men of more than 11 and less than 40 members) was established in the year 2005 and he provided knifes to Muslim people in order to protect themselves and their family members and Riyaz Bhatkal (A1) gave Rs.40,000/- to him for establishment of a workshop and also adviced him to meet with A1-Qaeda at Sharja and that in the year 2005 Riyaz Bhatkal instructed him to visit Pakistan and by the time the said Ahmed Raza Khan was there only at Pakistan to get arms training and he illegally traveled to Pakistan and the associates of ISI made all arrangements for his travel to Pakistan and to stay there in the year 2005 for taking part in Jihadi and weapon's training and he attended training at Karachi in the month of December, 2005 and he also got acquaintance with make of TNT (Try Neito Toline), C3, C4, IDD, Explosive devices with the help of some chemical substances like ammonium nitrate and potassium nitrate. On huge inspiration he along

with others decided to commit bomb blasts at various places in Gujarat and also participated in Ahmedabad blasting and he became expertise in preparing IEDs and thereafter he planted five IEDs on 16-04-2010 at Chinnaswamy Stadium and during stay at Nepal, Riyaz Bhatkal sent funds for his livelihood and Riyaz Bhatkal discussed about blasting in India through chatting within short period and the E-mail ID is "h-bahadur" and the password is "kjhbnm0987" and another E-mail ID is "Pathra singh" and all the E-mail ID are from the Yahoo.com only and the A2 came to him after Dilsukhnagar bomb blasts and he provided shelter to A2.

496. At this stage the accused No.2 and 5 filed a petition dt.10-12-2014 and the same is numbered as Criminal Miscellaneous Petition No.2/2015. The brief averments of the petition are that they were tortured by the NIA Officials during their custody and the NIA Officials threatened to give a statement in front of Court and that NIA Officials gave a statement in written and forced the accused to say same in front of the Court and that out of fear created by NIA they gave statements before the Court and the same was mentioned before Hon'ble NIA Special Judge at Delhi and thereby requested for retracting the confessional statements.

497. On the other hand the learned Spl. PP strongly contended that this petition is nothing but an afterthought hence it may be dismissed.

498. It is settled law that as it is right of an accused person to retract his earlier confession but the question is whether it is true and voluntary is to be considered by this Court. Though the accused No.2 and 5 contended that they have earlier sent an application to the Jail and they were informed by their counsel that so far no application was received by Nampally Court and thats why again they gave this petition. Perusal of this petition does not disclose specific

date when they have sent the alleged earlier application. Therefore only at the advise of their counsel that too after a gap two months they filed this petition which is nothing but an afterthought as it was not sent at the earliest. Therefore the confession of A2 and A5 are true and voluntarily.

499. Retracted confessions: It is settled law that when it is alleged that the accused had made a confession, but the accused says that he had not made the same, the confession is said to be retracted. Before the Court can act upon a retracted confession, it must be corroborated. 01. Corroboration to show that a crime has been committed (Corpus Delicti), 02. Corroboration to connect the accused with the crime; 03. Corroboration must be from independent sources i.e., from sources not likely to be tainted.

500. In so far as retraction of confession is concerned, certainly it is an afterthought because the accused failed to establish any force or undue influence excercised by the Police, even otherwise the accused are not in a position to fear to the Police or any person as demeanor of the accused was observed by this Court. Therefore this Court has no hesitation to hold that the confessions given by the accused No.2 and 5 are true and voluntary. True means, it was supported by the independent evidence and voluntary means it was free from threat, promise or inducement and the learned Magistrate has taken all the precautionary measures as it was held in Anil alias Raju Namdev Patil Vs. Administration of Daman and Diu (2007) 1 MLJ (Crl.) 753 (SC) that the accused was in judicial custody. He was produced before the Magistrate and Magistrate took precaution in not recording his statement on that day. He was asked to come on the next day. A note of caution as envisaged in law was again administed. His statement was recorded on the next day. The requirements of section 164 Cr.P.C thus, fully been complied with. In the present case on hand

A5 was produced on 11-10-2013 and again produced on 15-10-2013 and the recording of confessional statement was concluded on 17-10-2013. A2 was produced on 15-10-2013 and again produced on 18-10-2013 and recording of confessional statement was concluded on the same day.

501. However a retracted confession can be used only for corroboration and in so far as confession against co-accused is concerned, Section 30 of Indian Evidence Act reads as: Consideration of proved confession affecting person making it and others jointly under trial for some offence —When more person than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

502. It was held in State Vs. Nalini reported in 1999 (2) S.C.C. (Crl.) 691 the Hon'ble Supreme Court dealt at length with the scope of section 30 of the Evidence Act vis-a-vis section 15 of the TADA. The Court held a plain reading of Section 30 of the Evidence Act discloses that when the following conditions exist, namely (i) more persons than one are being tried jointly; (ii) the joint trial of the persons is for the same offence, (iii) a confession is made by one of such persons (who are being tried jointly for the same offence) (iv) such a confession affects the maker as well as such persons (who are being tried jointly for the same offence); and (v) such a confession is proved in Court, the Court may take into consideration such confession against the maker thereof as well as against such persons (who are being jointly tried for the same offence). The expression "may take into consideration" means that the use of the evidence of confession of an accused may be used for purposes of corroborating the evidence on record against the co-accused and that no conviction can be based on such confession.

503. So confession against the co-accused can be used for

corroboration purpose. In the present case on hand there is sufficient corroboration evidence against all the accused persons.

504. In so far as the search, seizure and recovery of material objects is concerned, the learned counsel for the accused further contended that the material objects and documents were not seized as per the procedure laid down in Cr.P.C and contended that the investigating officers directly sent several material objects without depositing the same with the nearest Magistrate court and the panch slips containing the signatures of the panch witnesses were not attached to the properties when they were received by the FSL. Further contended that the seized material were not tested whether they are in workable condition or not. He also relied upon the following decisions:

505. Hon'ble Andhra High Court in Shakamuri Apparao And Ors. vs Government Of Andhra Pradesh on 1 July, 1996 held that to sustain the charge against A18 for offences under Arms Act. The evidence adduced by the prosecution against A18 was that PW104 intercepted a jeep on 23-04-1992 in which three persons including A18 were travelling and arms and ammunition were stocked in the jeep. The designated Court discussed the said evidence and pointed out that even after A18 was produced in Court on the next date the report relating to the seizure has not even been shown to the Magistrate and the said report had seen the light of day by any Court only as late as 04-05-1992. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

506. Hon'ble Supreme Court of India in Radhakishan vs State Of U. P on 27 September, 1962 held that it may be that where the provisions of ss. 103 and 165, Code of Criminal Procedure, are contravened the search could be resisted by the person whose premises are sought to be searched. It may also be that because of the illegality of the search the Court may be inclined to examine carefully the

evidence regarding the seizure. With due respect to the above decision it is not applicable to the present case on hand in view of the decision reported in State Govt. of NCT of Delhi v. Sunil & Anr., (2001) 1 SCC 652.

507. Hon'ble Supreme Court of India in Kulwant Piara Singh Alis Kanta Vs. State of Punjab held that it is not established that the cartridges were sent to him for testing. And as regards pistol there is no material to show that it was sealed at the time of search. The investigation thus suffered from serious infirmity. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

508. Hon'ble Supreme Court of India in Amrajit Singh Alias Babbu Vs. State of Punjab wherein it was held according to the learned counsel though this weapon was seized on 27-06-1990 but was tested by PW4 only on 28-08-1990 i.e., after about 2 months and there is absolutely no explanation for the delay in testing the weapon. The second infirmity pointed out by the learned counsel is that PW3 after seizing the weapon never sealed the weapon at the spot. The third infirmity pointed out is that the Sub-Inspector of Police instead of sealing the weapon handed over it to one Chunilal who had not been examined and who according to PW3 used to visit the Police station. After going through the evidence and the records, we see much force in the submissions made by the learned counsel. Leave apart the recovery, the evidence is not inspiring confidence that the material objects Ex.P1 and 3 were recovered in the manner as spoken to by the Prosecution witnesses. With due respect to the above decision it is not applicable to the facts and circumstances of this case and in this case all the recoveries are proved.

509. Hon'ble Supreme Court of India in Manoj Kumar A Brahman Vs. State of Gujarat held that in the instant case there are

independent witnesses who have deposed that from the possession of the appellant an object appearing to be a revolver and live cartridges had been recovered. Such depositions, therefore, appear to be trustworthy and do not deserve to be discarded. But unfortunately nobody including the Police personnel who had seized the said revolver had deposed that the police officer had himself tested the said weapon and found it to be a pistol in working condition. With due respect to the above decision it is not applicable to the facts and circumstances of this case and in this case there is no pistol seizure, hence the question of testing does not arise.

510. Hon'ble Supreme Court of India in State of UP Vs. Arun Kumar Gupta held that considering the facts there was discrepancy in the evidence of prosecution witnesses and it was highly improbable that R was murdered in the house of A which was situated in a crowded locality and where the family of A was residing, prosecution failed to send bloodstained material to Chemical examiner and that at the time of recovery, no person residing in the immediate proximity of the respondent's house was PW2 an interested witness, held, though the prosecution was able to establish a motive, it failed to prove vital circumstances against the respondent. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

511. Hon'ble Supreme Court of India in Aslam Parwez Vs. Government of NCT of Delhi held that the presence of A1 in his own workshop is not an incriminating circumstance at all. However, an artificial version of the incident has been given in order to show the complicity of A2 and A3 and to implicate them in the alleged crime. Thus in view of the above features of the case, the testimony of three police highly unsafe to place reliance upon the same in order to convict the accused specially when the public and independent witnesses did not at all support the prosecution case on any material particulars. With

due respect to the above decision it is not applicable to the facts and circumstances of this case.

512. Hon'ble Supreme Court of India in Salim Akhtar @ Alias Mota Vs. State of UP held that the disclosure statement of the appellant is concerned, the same was admittedly made to police personnel and only that part of the statement would be admissible which is permissible under section 27 of the Evidence Act. The scope of this provision was explained by the Privy Council in the well-known case of Pulukuri Kottaya Vs. Emperor wherein it was held that it is fallacious to treat the "fact discovered" within the section as equivalent to the object produced. The fact discovered embraces the place from which the object is produced and the knowledge of the accused as to this, and the information given, must relate distinctly to this fact. Information as to the past user, or the past history, of the object produced is not related to its discovery in the setting in which it is discovered. Therefore, what is admissible is the place from where the polythene bag containing pistol and other articles was allegedly recovered. The fact that some terrorist organization had given the pistol and other articles to the appellant or its use would not be admissible. With due respect to the above decision, there is no dispute with regard to the ratio laid down.

513. On this aspect, he drew my attention to the following Sections: Section 100 Cr.P.C reads as: Persons in charge of closed place to allow search. (1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such place, shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein. (2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in the manner provided by

sub-section (2) of section 47.(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched and if such person is a woman, the search shall be made by another woman with strict regard to decency.(4) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situate or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do. (5) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it. (6) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search. and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person. (7) When any person is searched under sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person. (8) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

514. Section 102 Cr.P.C: Power of police officer to seize certain property. (1) Any police officer, may seize any property which may be alleged or suspected to have been stolen, or which may be

found under circumstances which create suspicion of the commission of any offence. (2) Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer. 1\*[(3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same.

515. Section 103 Cr.P.C: Magistrate may direct search in his presence. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search warrant.

516. Section 165 Cr.P.C: Search by police officer.(1) Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station. (2) A police officer proceeding under sub-section (1), shall, if practicable, conduct the search in person. (3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make the

search, and he shall deliver to such subordinate officer an order in writing, specifying the place to be searched, and so far as possible, the thing for which search is to be made; and such subordinate officer may thereupon search for such thing in such place. (4) The provisions of this Code as to search-warrants and the general provisions as to searches contained in section 100 shall, so far as may be, apply to a search made under this section. (5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence, and the owner or occupier of the place searched shall, on application, be furnished, free of cost, with a copy of the same by the Magistrate.

517. Section 166 Cr.P.C: 166. When officer in charge of police station may require an other to issue search warrant.(1) An officer in charge of a police station or a police officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place, in any case in which, the former officer might cause such search to be made, within the limits of his own station. (2) Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made. (3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making any investigation under this Chapter to search, or cause to be searched, any place in the limits of another police station in accordance with the provisions of section 165, as if such place were within the limits of his own police station.(4) Any officer conducting a search under sub-

section (3) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 100, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in sub-sections (1) and (3) of section 165. (5) The owner or occupier of the place searched shall, on application, be furnished free of cost with a copy of any record sent to the Magistrate under sub-section.

518. Section 209 of Cr.P.C: Commitment of case to Court of Session when offence is triable exclusively by it. When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall 1 (a) commit, after complying with the provisions of section 207 or section 208, as the case may be, the case to the Court of Session, and subject to the provisions of this Code relating to bail, remand the accused to custody until such commitment has been made;(b) subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial; (c) send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence; (d) notify the Public Prosecutor of the commitment of the case to the Court of Session.

519. As per section 100 (4) two or more independent and respectable inhabitants of the place of search are to be called by the Investigating Officer but in view of the decision reported in State Govt. of NCT of Delhi v. Sunil & Anr., (2001) 1 SCC 652, this Court held: "In this context we may point out that there is no requirement either under Section 27 of the Evidence Act or under Section 161 of the Code of Criminal Procedure, to obtain signature of independent witnesses on the

record in which statement of an accused is written. The legal obligation to call independent and respectable inhabitants of the locality to attend and witness the exercise made by the police is cast on the police officer when searches are made under Chapter VII of the Code. Hence it is a fallacious impression that when recovery is effected pursuant to any statement made by the accused the document prepared by the investigating officer contemporaneous with such recovery must necessarily be attested by the independent witnesses. The court has to consider the evidence of the investigating officer who deposed to the fact of recovery based on the statement elicited from the accused on its own worth. We feel that it is an archaic notion that actions of the police officer should be approached with initial distrust. We are aware that such a notion was lavishly entertained during the British period and policemen also knew about it. Its hangover persisted during post-independent years but it is time now to start placing at least initial trust on the actions and the documents made by the police. At any rate, the court cannot start with the presumption that the police records are untrustworthy. As a proposition of law the presumption should be the other way around. That official acts of the police have been regularly performed is a wise principle of presumption and recognized even by the legislature. Hence when a police officer gives evidence in court that a certain article was recovered by him on the strength of the statement made by the accused it is open to the court to believe the version to be correct if it is not otherwise shown to be unreliable. It is for the accused, through cross-examination of witnesses or through any other materials, to show that the evidence of the police officer is either unreliable or at least unsafe to be acted upon in a particular case. If the court has any good reason to suspect the truthfulness of such records of the police the court could certainly take into account the fact that no other independent person was present at the time of recovery. But it is not a

legally approvable procedure to presume the police action as unreliable to start with, nor to jettison such action merely for the reason that police did not collect signatures of independent persons in the documents made contemporaneous with such actions.". Nextly there is no bar to secure the Revenue Officials as mediators because it is also part and parcel of their duty to obey the orders of their Superior Officers. Moreover if any person refuses to act as an mediator it amounts to offence U/Sec.187 of IPC.

520. In so far as sending material directly by the Investigating Officer is concerned, the AP Police Manual part I volume 2 chapter 31 rule 57 shows that the DSP rank Police Officer and above rank Officer can directly send the material objects to the FSL. Moreover if any delay occurs it will become a futile effort and the purpose will be defeated. The learned counsel is pointing out some of the material objects only. Even otherwise perusal of the Court record shows that there are certain property deposit forms showing that on 06-09-2013 property seized at Zephyr Heights, Mangalore, on 07-09-2013 at Abdullapurmet, on 16-09-2013 at Falmir Mangalore Cyber Point, on 17-09-2013 at Mangalore Angels Cyber Gallery, on 18-09-2013 at Mangalore Internet cafe, on 21-06-2013 at scene of offence, on 21-06-2013 at scene of offence, on 23-02-2013 at scene of offence, 21-06-2013 at scene of offence, on 26-06-2013 at scene of offence, 28-09-2013 at Mahalakshmi steel shop, on 05-10-2013 at Mangalore of Karnataka, on 30-05-2014 at Pearl Electronics, City Market, Mangalore, on 05-06-2014 seized material at SRS Mobiles, Krishna Complex, MG Road, PVS Circle, Mangalore, on 08-06-2014 at CRPF, GC Rangareddy were deposited before concerned Courts. On this aspect also Investigating officers deposed that they deposited some the property into the Court.

521. In so far as the testing of the material objects is

concerned, the above decisions are concerned about the guns and pistols and revolvers, therefore no testing at the time of seizure is not necessary for the material objects in this case.

522. At the time of sending material objects there may not be identification slips to the material objects and some times they may be removed at the time of sending to the FSL. Therefore there is no irregularity in the same because the FSL Officials did not say that there are no seals.

523. The contention of the learned counsel for the accused is that there is no authorization to analyze and give report on the material objects by DMRL and expert witnesses i.e., PW78, 79, 80, 81, 108, 110, 112, 141 do not come under the purview of the list given in Section 293 Cr.P.C which reads as: Reports of certain Government scientific experts. (1) Any document purporting to be a report under the hand of a Government scientific expert to whom this section applies, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code. (2) The Court may, if it thinks fit, summon and examine any such expert as to the subject-matter of his report. (3) Where any such expert is summoned by a Court and he is unable to attend personally, he may, unless the Court has expressly directed him to appear personally, depute any responsible officer working with him to attend the Court, if such officer is conversant with the facts of the case and can satisfactorily depose in Court on his behalf.(4) This section applies to the following Government scientific experts, namely:- (a) any Chemical Examiner or Assistant Chemical Examiner to Government; (b) the Chief Inspector of-Explosives; (c) the Director of the Finger Print Bureau;(d) the Director, Haffkeine Institute, Bombay; (e) the Director 1\*[,Deputy Director or Assistant Director] of a Central Forensic Science Laboratory

or a State Forensic Science Laboratory;(f) the Serologist to the Government.

524. U/Sec.293 (1) Cr.P.C the scientific experts who were not included in the list under sub section 3 are permitted to give scientific opinion as it was held by Hon'ble Supreme Court of India in State Of Himachal Pradesh vs Mast Ram, dt.10 September, 2004 in Appeal(crl.) 267 of 1999 that Secondly, the ground on which the High Court has thrown out the prosecution story is the report of ballistic expert. The report of ballistic expert (Ex. P-X) was signed by one junior scientific officer. According to the High Court, a junior scientific officer (Ballistic) is not the officer enumerated under sub-section (4) of [Section 293](#) of the Code of Criminal Procedure and, therefore, in the absence of his examination such report cannot be read in evidence. This reason of the High Court, in our view, is also fallacious. Firstly, the Forensic Science Laboratory Report (Ex. P-X) has been submitted under the signatures of a junior scientific officer (Ballistic) of the Central Forensic Science Laboratory, Chandigarh. There is no dispute that the report was submitted under the hand of a Government scientific expert. [Section 293\(1\)](#) of the Code of Criminal Procedure enjoins that any document purporting to be a report under the hand of a Government scientific expert under the section, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under [the Code](#), may be used as evidence in any inquiry, trial or other proceeding under [the Code](#). The High Court has completely over-looked the provision of sub- section (1) of [Section 293](#) and arrived at a fallacious conclusion that a junior scientific officer is not an officer enumerated under sub-section 4 of Section 293. What sub-section 4 of Section 293 envisages is that the court to accept the documents issued by any of six officers enumerated therein as valid evidence without examining the author of the documents.

525. He further contended that ICERT does not come with the purview of Section 79-A of Information Technology Act. He further contended that without section 65-B of Indian Evidence Act certificate the electronic secondary evidence cannot be permitted.

526. Perusal of 70-B of Information Technology Act shows that ICERT is to be notified by the Central Government to give expert opinion. However with regard to notification the learned counsel for the accused did not raise any objection and there is no cross examination on this aspect, therefore it cannot be said that ICERT is not notified by the Central Government as per Section 70-B of Information Technology Act. It is settled law that for original hard disks section 65-B of Indian Evidence Act certificate is not necessary and the other compact disks in this case are filed with certificates under section 65-B Indian Evidence Act.

Witness No.	Exhibit/Mo. No.	Primary evidence	Secondary evidence
PW74	Ex.P83		call details along with Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW75	Ex.P85		call details along with Certificate under Section 65-B of Indian

			Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW81	Ex.P102		CD along with Ex.P502 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW81	Ex.P107	Hard Disk	
PW93	Ex.P205		call details along with Ex.P203 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW93	Ex.P207		call details along with Ex.P204 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of

			Indian Evidence Act is complied.
PW94	Ex.P211		call details along with Ex.P209 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW94	Ex.P215		call details along with Ex.P214 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW94	Ex.P219		call details along with Ex.P218 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW53	Mo.45 & 46	CPU & Hard disk	
PW108	Mo.169, 170,	Hard disks	

	171		
PW112	Mo.173	SD memory card	
PW148	Ex.P456		CD without certificate
PW143	Ex.P444		CD along with Ex.P445 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW149	Ex.P460		DVD along with Ex.P463 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.
PW149	Ex.P462		DVD along with Ex.P462 Certificate under Section 65-B of Indian Evidence Act, hence section 65-B of Indian Evidence Act is complied.

PW149	Ex.P464	CD there is no 65-B certificate
PW149	Ex.P465	CD there is no 65-B certificate
PW149	Ex.P467	CD there is no 65-B certificate
PW149	Ex.P470	DVD there is no 65-B certificate

527. Section 65B(4) in The Indian Evidence Act, 1872 reads as: (4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say,—

- (a) identifying the electronic record containing the statement and describing the manner in which it was produced;
- (b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;
- (c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate, and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

528. As per Section 65B of the Act, if the original electronic record itself is produced before the Court as evidence it need not be supported by the certificate, only those electronic records which are printouts, originals copied to CDs, pen drives or other digital storage devices are to be certified, where the conditions contained in Section

65B (2) of the Act apply. In fact Section 65B is a provision which deems the copies of contents of original electronic records to be documents (within the meaning of Section 64) and makes them to be admissible without complying with the rules as to the admissibility of secondary evidence contained in Section 65 and Section 66 of the Act. The conditions set out in Section 65B (2) of the Act are:- (a) the computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer; (b) during the said period, information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities; (c) throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and (d) the information contained in the electronic record reproduces or is derived from such information fed into the computer in the ordinary course of the said activities. In this situation some questions are inevitably arising.

529. At this stage the learned counsel for the accused contended that the electronic evidence was not played in the Court. On this aspect, Section 22A of The Indian Evidence Act, 1872 reads as under: When oral admissions as to contents of electronic records are relevant.—Oral admissions as to the contents of electronic records are not relevant, unless the genuineness of the electronic record produced is in question. Here in the present case on hand also the defence counsel is questioning the genuineness of the electronic record produced in this case, as such the oral evidence of the concerned

witnesses with regard to the electronic record are relevant.

530. With regard to test identification parade the learned counsel for the accused contended that as on the date of TIP by PW130, 98, 139 this case is pending before the I ADJ-cum-MSJ, Nampally, Hyderabad and they have no authority to conduct TIP.

531. He drew my attention to Rule 34, 35 of Crl.R.P and Section 9 of Indian Evidence Act.

532. Rule 34. Identification Parades: In conducting identification parades of suspects, the Magistrate shall observe the following Rules. (1) (a) Wherever possible privacy shall be secured for the parade away from Public View, and all unauthorized persons should be strictly excluded from the place; (b) If Jail Officials are presented at Parade, they shall be Kept in the view of the Magistrate all the time and they shall not be allowed access either to the witnesses who have to be summoned for identification or to the persons assembled at the parade. (2) (a) As far as possible, non suspects selected for the parades shall be of the same age, height, general appearance and position in life as that of the accused. Where a suspect wears any conspicuous garment, the Magistrate conducting the parade shall, if possible, either arrange for similar wear to other or induce the suspected person to remove suspected person to remove such granted. (b) The accused shall be allowed to select his own position and should be expressly asked if he has any objection to the persons present with him or the arrangements made. It is desirable to change the order in which the suspects have been placed at the parade during the interval between the departure of one witness and the arrival of another. (3) (a) The witnesses who have been summoned for the parade shall be kept out of the view of the parade shall be kept out of the view of the parade and shall be prevented from seeing the prisoner before he is paraded with others. (b) Before a witness is called upon to identify the suspect, he should be

asked whether he admits prior acquaintance with any suspect whom he proposes to identify. He shall be also asked to state the marks of identification by which he can identify the suspects. (c) Each witness shall be fetched by separately. The witness shall be introduced one by one and on leaving shall not be allowed to communicate with witness still waiting see the persons paraded. (4) Every circumstance connected with the identification including the act if any attributes to the persons who is identified shall be carefully recorded by the officer conducting it, whether the accused or any other person is identified or not, particularly any objection by any suspect to any in the proceeding shall be recorded.

533. Rule 35. Identification of property: (1) Identification parades of properties shall be held in the Court the Magistrate where the properties are lodges; (2) Each item of property shall be put up separately for the parade. It shall be mixed up with four or similar objects. (3) Before calling upon the witnesses to identify the property, he shall be asked to state the identification marks of his property. Witnesses shall be called in one after the other and on leaving shall not allowed to communicate with the witness not yet called.

534. Section 9 of Indian Evidence Act reads as: 9. Facts necessary to explain or introduce relevant facts: Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

535. The learned counsel for the accused argued that PW54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70 to 73,

127, 102, 124 had not identified the respective accused during test identification parade, hence their evidence cannot be considered and relied upon the following decisions:

536. Hon'ble Supreme Court of India in Mohd. Abdul Hafeez vs State Of Andhra Pradesh on 23 November, 1982 held that The total absence of any such description which would have provided a yardstick to evaluate the identification of the present appellant at a later date by victim Satyanarayana would render his later identification weak but that is not the only error. Ext. P/1 clearly shows that the victim Satyanarayana did not know the names of the persons who robbed him. In such a situation ordinarily after the accused were arrested the test identification parade should have been held. It is 55 admitted that no such identification parade was held. It is only when the victim satyanarayana came to give evidence in the Court and the miscreants. Incident occurred on December 9, 1978. Evidence of Satyanarayana was recorded in the Court on April 21, 1979. There was thus a lapse of more than four months during which period it is not possible to believe that victim Satyanarayana had no occasion to see the accused. Such identification in the circumstances of the case would hardly furnish any evidence against the present appellant. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

537. Hon'ble Supreme Court of India in Subash Shiv Shankar vs State Of U.P on 14 April, 1987 held that As the conviction of Shiv Shan- kar is based solely with reference to his identification at the identification parade, he has to be given the benefit of doubt and acquitted in the light of our finding. Accordingly, Shiv Shankar's appeal has to succeed. It is true that the First Information Report sent to Court does not contain the Magistrate's endorsement regarding the time of its receipt, but Ram Kishan, Head Constable (P.W. 5) has deposed that the special report was despatched to the Magistrate at 1.20 p.m. itself

through constable Chiman Lal and that the General Diary contains an entry to that effect. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

538. Hon'ble Supreme Court of India in Tahir Mohammad, Kamad Girendra vs State Of Madhya Pradesh on 12 February, 1992 held that the explanation of the Executive Magistrate (PW33) that all the suspects and the under-trial prisoners mixed up in the parade had not only covered their faces with stripes of papers but also covered their body by blankets is not a palatable and acceptable one. The very fact that all the witnesses given without any margin of error had identified the suspects as culprits, creates a lurking suspicion in the mind of the Court as to whether the identifying witnesses took a clue in identifying the suspects put up in the parade with the fetters on their legs. As rightly pointed out by the learned Counsel for the accused it is also surprising as to why the accused persons who were arrested even on the evening of 3-6-73 had been kept in the police station till 5-6-73. The trial Court appears to have strained itself very much in giving an explanation in support of the prosecution, as regards the delay in judicially remanding these accused persons on the fifth June. The identification parade took place on 18-6-73. The High Court has not adverted to these facts but has conveniently omitted them from its consideration. After going through the evidence of all the witnesses very meticulously and scrupulously we are not convinced about the test identification parade which was the foundation for bringing all the accused as the culprits involved in the dacoity that took place on 26th May, 1973. At any rate a great doubt is entertained with regard to fixing the identify of all the accused. Under these circumstances we feel that the judgment of the High Court below holding that these were the six accused persons who committed the dacoity cannot be sustained. With due respect to the above decision it is not applicable to the facts and

circumstances of this case.

539. Hon'ble Supreme Court of India in Budhsen vs State Of U.P on 6 May, 1970 held that In G. V. Subbramanyam v. State. of Andhra Pradesh (1) this Court appraised the evidence on the plea of self-defence and allowed the appeal because the approach of the High Court on this plea was found to be incorrect. Again, in Raja Ram v. State of Haryana (2) because of special features like rejection by the court below of a considerable mass of evidence on serious charges, this Court looked into the evidence to see how far the case as framed against the appellant could be held proved. Before us the entire case depends on the identification of the appellants and this identification is founded solely on test identification parades. The High Court; does not seem to have correctly appreciated the evidentiary value of these parades though they were considered to be the primary evidence in support of the prosecution case. It seems to have proceeded on the erroneous legal assumption that it is a substantive piece of evidence and that on the basis of that evidence alone the conviction can be sustained. And then that court also ignored important evidence on the record in regard to the manner in which the test identification parades were held, and other connected circumstances suggesting that they were held more or less in a mechanical way without the necessary precautions being taken to eliminate unfairness. This is clearly an erroneous way of dealing with the test identification parades and has caused failure of justice. Shri Rana laid great emphasis on the fact that there is no enmity shown between the witnesses and the appellants. In our opinion, though this factor is relevant it cannot serve as a substitute for reliable admissible evidence required to establish the guilt of the accused beyond reasonable doubt. The evidence in regard to identification having been discarded by us as legally infirm and which does not connect the appellants with the alleged offence it cannot by itself sustain the

conviction of the appellants. Non-disclosure on the record as to how and when the Investiga to the lacuna in the prosecution case. These appeals are allowed and the accused acquitted. With due respect to the above decision it is not applicable to this case as there are no procedural laps in identification of the accused.

540. Hon'ble Supreme Court of India in Yeshwant And Ors vs State Of Maharashtra on 20 April, 1972 held that The infirmities in the test identification parade of a previously unknown bearded man, whom even Zingu could only describe as "a guest from Gondia", does make the evidence as to the identity of the bearded man who attacked Sukal with an axe doubtful. Neither Babaji nor Jiwan knew him from before and described him as "a now man". The Trial Court has also observed that the appellant Brahmanand had a beard. It is clear from the admission of Babaji and Jiwan that Brahmanand was brought by the Police and made to sit outside the Court of the Magistrate where these witnesses also waited before the identification parade began. The Magistrate took no precautions to see whether other similar bearded men joined the parade. There were only five other persons in the parade. Apparently, Brahmanand had a tape on his neck at that time. The identification proceeding was, therefore, rightly described by the Trial Court as "a farce". As we have already observed, the confusion with which Zingu's mind must have been covered, as a result of the sudden attack upon him, made it difficult to rely upon his powers of observation singly. Even he could have mistaken some other bearded man for the "Maharaj from Gondia" Zingu did not apparently even know the name of the Maharaj to be able to give it. In addition, we find that this appellant is a night watchman in the Irrigation Department of Zila Parishad who was posted at Gondia. The Investigating Officer, Datatray Gokhale (P.W. 19), stated that he had examined the attendance Register and found him absent on 15- 9-1966 at night. Neither side

summoned the actual attendance 3 01 register so as to get the entry with regard to the night between 14th and 15th September, 1966, with which we are concerned, proved. The result is that the evidence of the identity of Brahmanand as the assailant who had actually used the axe on Sukal remains involved in doubt which is not removed by any reliable corroborative evidence. It is well known that evidence as to identity, particularly of previously unknown persons, is a deceptive kind of evidence which has led to miscarriages of justice sometimes. We, therefore, think that Brahmanand Tiwari appellant is entitled to the benefit of the doubt emerging from the unsatisfactory nature of evidence as to his identity. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

541. Hon'ble Allahabad High Court in Sheonath Bhar And Ors. vs The State on 8 May, 1990 held that based conviction of appellants Sheonath, Sheo Shankar, Kailash, Patiram and Satya Deo on identification evidence only. It was argued on behalf of the appellants that identification evidence was too good to be believed and no conviction could be based on the same. I hold that the learned Addl. Sessions Judge ought to have been careful in scrutinizing the performance of the witnesses in the two identifications and then only he could have properly appreciated the identification evidence. Appreciation of identification evidence by the learned Addl. Sessions Judge was improper. Conviction of appellants Sheonath, Sheo Shankar, Kailash Bhar, Pati Ram and Satya Deo for offence of dacoity under Section 395, IPC and their consequent sentences must be set aside. At any rate, the explanation offered by the prosecution cannot discharge the burden of the prosecution to adduce formal and link evidence about the safe custody and Baparda custody of the accused. This was additional reason why the identification should not have been made basis of conviction. It is evident from his admission that the entire faces

of the dacoits whom he could recognize during dacoity were not exposed. It is not said that the appellants convicted on the basis of identification had special features in their eyes, nose or mouth. It has to be, therefore, said that the two eye witnesses examined in the case could not have reasonable opportunity to see and recognize the unknown dacoits. This could be the third reason for not basing conviction on identification evidence. Coming to the question of sentence to be awarded to the appellant Kuber Bhar under Section 411, IPC. it should not be forgotten that about 14 years have elapsed since the commission of offence by appellant Kuber Bhar. Now sending him to jail for short term is not likely to serve any useful purpose. He had already remained in Jail for about a month. Value of watch noted by the recovery officer was Rs. 250/-1 am of the opinion that the sentence already undergone by appellant Kuber Bhar and fine of Rs. 125/- for offence under Section 411, IPC. shall serve the ends of justice. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

542. Hon'ble Orissa High Court in Govinda Pradhan And Anr. vs The State on 2 May, 1990 held that the evidence of identification of the appellants in Court. Though P.Ws. 1, 2, 6 and 8 identified the appellants in Court, P.W. 1 did not participate in the T.I. Parade held on 18-6-78. Hence, his identification evidence in Court not having been earlier tested in the test identification parade has no probative value. Though P.W. 2 could identify both the appellants the T.I. Parade, P.Ws. 6 and 8 could only identify appellant Bikal alias Bairagi. With due respect to the above decision it is not applicable to this case because the relevant prosecution witnesses identified the accused in the Court.

543. Hon'ble Orissa High Court in State vs Pravakar Behera And Ors. on 14 September, 1990 held that delay in test identification parade by itself cannot be a ground to reject identification

if otherwise the same is acceptable. Delay, however, is a circumstance to be given weight since normal course of conduct is that a duty is discharged by the officers immediately if otherwise there is no impediment and where delay is outcome of laches, bona fides of actions of the officers become doubtful. Where no laches can be inferred, mere delay by itself ought not to be a ground to reject the test identification parade. Drawal of inference depends upon the judicial approach of the Judge considering the matter.

In the present case on hand also no laches can be inferred though there is some delay which is ignorable.

544. Hon'ble Delhi High Court in State vs Shankar @ Raju on 17 December 1986 held that the courts have to guard against the mistaken identification and have also to exclude the possibilities of the identification being based on merely visual impressions of the witness. It is in these circumstances that the dock identification without any supporting evidence has been considered as a suspect. There can, however, be no rigid rule as an accused person may refuse to be subjected to test identification parade for even invalid reason. It will, therefore, always depend on the quality of evidence in the circumstances of each case. All that is thus required is a cautious approach in which the judicial maturity, strict adherence to the rule of prudence, judicial and pragmatic approach to evidence together with experience in human affairs are the factors which do guide the court in determining the weight of such evidence. With due respect to the above decision it is not applicable to the facts and circumstances of this case because in this there is test identification parade before identification in the Court.

545. Hon'ble Delhi High Court in Tain Singh vs State (Delhi Admn.) on 7 January, 1986 held that It is enough if he brings on record cogent circumstances to show that he was or could have been shown to

prosecution witnesses while he was in police custody or when he was produced in court for remand. The defense of the appellant which is plausible cannot be ruled out; it cannot be said that the appellant was not shown to the complainant either at the time when he was taken to Sadiq Nagar or during the interval when he was in custody of police station Parliament Street. Thus he is entitled to benefit of doubt. The result of the above discussion is that the judgment convicting the appellant under S.307 of the Indian Penal Code is liable to be set aside. I order accordingly. Consequently the order of sentence is also quashed. The appeal is accepted. I find from the minutes of proceeding that Mr. L. K. Upadhyा has been pursuing this appeal from very beginning i.e. from the stage of admission it was filed through jail. In my view Mr. Upadhyा put in such a hard labour ought to be appointed amices curiae. I order accordingly. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

546. Hon'ble Kerala High Court in Mohanan Nair And Ors. vs State Of Kerala on 27 February, 1989 held that But these contradictions and discrepancies have not in any way affected the basic prosecution version regarding the joint attack by all the four accused against PW2 and the murderous attack by the first accused against deceased flajan. If at all it has affected anything it is only regarding the murderous common intention. Further the witnesses have only seen different portions of the attack. PW2 alone has seen the incident from the inception. He had no occasion to see the last fatal stab because before that he ran away. He identified all the four in the test identification parade as well as in court. PW 1 came only on hearing the cry. The evidence of identification is no exception to the definition of the word "proved" in Section 3 of the Evidence Act The court should approach the evidence of identification with the reasonable doubts of an intelligent person and accept it only if those doubts are removed In

order to remove these doubts, the touch stones to be adopted could be (i) fair, if not good opportunity of the witness for observation, (ii) reasonable time within which . the identification was made, (iii) reliable power of observation of the witness, (iv) his credibility, and (v) the fact whether the witness got any opportunity to identify the accused after arrest the crucial requirement is the satisfaction of the court on the acceptability of the identification *Anwar v. State*. With due respect to the above decision it is not applicable to this case because the witnesses have got sufficient and reasonable opportunity for observation.

547. Hon'ble Supreme Court of India in *Dana Yadav @ Dahu & Ors vs State Of Bihar* on 13 September, 2002 held that an accused is not named in the first Information report, his identification by witnesses in court, should not be relied upon, especially when they did not disclose name of the accused before the police, but to this general rule there may be exceptions as enumerated above. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

548. It was held in *Satantin Bai Vs. Sunil Kumar and another* 2015 Lawsuit (SC) 338 "It has consistently been held by this Court that what is substantive evidence is the identification of an accused in Court by a witness and that the prior identification in a test identification parade is used only to corroborate the identification in Court. Holding of test identification parade is not the rule of law but rule of prudence. Normally identification of the accused in a test identification parade is not the rule of prudence. Normally identification of the accused in a test identification parade lends assurance so that the subsequent identification in Court during trial could be safely relied upon. However, even in the absence of such test identification parade, the identification in Court can in given circumstances be relied upon, if

the witness is otherwise trustworthy and reliable. The law on the point is well-settled and succinctly laid down in *Ashok Debbrma*. By very nature of the offence, the close proximity with the offender would have certainly afforded sufficient time to imprint upon her mind the identify of the offender. Small time frame of occurrence and identification of accused after long lapse of time. With due respect to the above decision it is not applicable to the present case on hand since there is test identification parade before identification in the Court.

549. In *Pargan Singh; Harminder Singh Vs. State of Punjab and another* 2014 LawSuit(SC) 655 held that "We are of the opinion that under the given circumstances and keeping in view the nature of incident, 90 seconds was too long a period which could enable the eye-witness (PW2) to watch the accused persons and such a horrible experience would not be easily forgotten. Death of a friend and near death experience by the witness himself would be etched in the memory for long. Therefore, faces of accused persons would not have been forgotten even after 7 ½ years. With due respect to the above decision it is not applicable to the present case on hand because the test identification parade was conducted without delay. In the present case on hand also the faces of the accused could not have been forgotten by the identified witnesses.

550. At this stage the learned Special Public Prosecutor submitted that the identification of Accused by witnesses in the court was an examination in itself for the reason of the steps taken by the accused during the course of trial in the court, by hiding their faces with scarfs, showing their faces only during identification in the court by the witnesses and adopting the procedure of sitting in their own different sequence for every witness, wearing same type of dressing and sporting similar beard and hair style. In the present case on hand, the accused No.2 was identified by PW55, PW56, PW57, PW58, PW60, PW62, PW64,

PW65, PW67, PW69, PW70, PW71, PW81, PW91, PW92, PW99, PW124, PW127, PW131, PW141. The accused No.3 was identified by PW55, PW58, PW64, PW65, PW67, PW68, PW70, PW72, PW73, PW112, PW116, PW118, PW124, PW126, PW127, the accused No.4 was identified by PW54, PW57, PW58, PW59, PW67, PW82, PW83, PW116, PW118, the accused No.5 was identified by PW72, PW81, PW99, PW131, the accused No.6 was identified by PW111, PW147. However the accused were identified by the above witnesses for the reasons that their faces were printed in their minds because no prudent man wearing jean pants and T-shirts would purchase cycles and the big size cookers and secondly when the witnesses got an opportunity to see the faces for a long time when they were staying at Abdullapurmet, Zephyr Heights, Mangalore, Malakpet parking area, scene of offence by PW143. Therefore this Court has no hesitation to hold that the learned Magistrates followed the procedure prescribed in the Criminal Rules of Practice in conducting Test Identification Parades. Moreover the Sessions Judge as referred in the Criminal Rules of Practice including the Assistant Sessions Judge can nominate the Magistrate for conducting Test Identification Parade. Moreover the objection raised by the learned counsel for the accused with regard to the nomination of Magistrate for TIP and for 164 Cr.P.C statements is neither illegality nor irregularity which vitiates the proceedings U/Sec.460 and 461 of Cr.P.C, which reads as: 460. Irregularities which do not vitiate proceedings. If any Magistrate not empowered by law to do any of the following things,namely:- (a) to issue a search-warrant under section 94; (b) to order, under section 155, the police to investigate an offence; (c) to hold an inquest under section 176; (d) to issue process under section 187, for the apprehension of a person within his local jurisdiction who has committed an offence outside the limits of such jurisdiction; (e) to take cognizance of an offence under clause (a) or clause (b) of sub-section (1) of section

190 ; (f) to make over a case under sub-section (2) of section 192; (g) to tender a pardon under section 306 ; (h) to recall a case and try it himself under section 410 ; or (i) to sell property under section 458 or section 459, erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered. Section 461 Cr.P.C: Irregularities which vitiate proceedings: If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely: (a) attaches and sells property under section 83; (b) issues a search-warrant for a document, parcel or other thing in the custody of a postal or telegraph authority; (c) demands security to keep the peace; (d) demands security for good behaviour; (e) discharges a person lawfully bound to be of good behaviour; (f) cancels a bond to keep the peace; (g) makes an order for maintenance; (h) makes an order under section 133 as to a local nuisance; (i) prohibits, under section 143, the repetition or continuance of a public nuisance; (j) makes an order under Part C or Part D of Chapter X; (k) takes cognizance of an offence under clause (c) of sub-section (1) of section 190 (l) tries an offender; (m) tries an offender summarily; (n) passes a sentence, under section 325, on proceedings recorded by another Magistrate; (o) decides an appeal; (p) calls, under section 397, for proceedings; or (q) revises an order passed under section 446, his proceedings shall be void.

551. Hon'ble Supreme Court of India in *Arvindkumar Anupalal Poddar vs State of Maharashtra* on 26 July, 2012 held that in order to sustain conviction, circumstantial evidence must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused. Such evidence should not only be consistent with the guilt of the accused but inconsistent with his innocence. No hard-and-fast rule can be laid to say that particular circumstances are conclusive to establish guilt. It is basically a question of appreciation of

evidence which exercise is to be done in the facts and circumstances of each case. Here in the present case the motive, the recoveries and absconcence of these appellants immediately after the occurrence point out towards their guilt. In our opinion, the trial Court as also the High Court on the basis of the circumstantial evidence rightly came to the conclusion that the prosecution has been able to prove its case beyond all reasonable doubt so far as these appellants are concerned. With due respect to the above decision there is no dispute with regard to the ratio laid down.

552. Hon'ble Allahabad High Court in Phool Chand And Etc. vs State Of U.P. on 23 October, 2003 held that at the very outset it is pertinent to mention that even though this case is claimed to be a case of multiple murders, there is no ocular account of the alleged actual assault, which resulted into the death of six deceased persons. The first informant of this case, Karan (P.W.1), who happens to be the son of deceased Magan would have been the star witness of prosecution, in case he could support even that part of story/circumstance, which he has disclosed in his F.I.R. and which led to the arousal of suspicion about the involvement of the ten accused-appellants in the murder of his family members. But he declined to support the F.I.R. when he was brought before the trial Judge to depose for the prosecution. He, altogether, disowned the F. I. R. and has stated that he did not submit it at the Police Station even though it has the impression of his thumb on it. Consequently, PW1 has been declared hostile by the prosecution. As already observed by us, PW1, who has been declared hostile by the prosecution, does not support this version. Consequently, he also does not support the fact of P. W. 5, Phool Chand, staying with him in the night of 8/9-4-1998 at his residence. The informant Karan, who lodged the F. I. R. of this incident on 9-4-1998 about the entire episode preceding the death /murder of

his family members, does not mention the name of his brother-in-law, Phool Chand (P. W. 5) in that F. I. R. Therefore, it would be extremely hazardous and unsafe to place reliance upon the evidence given by P. W. 5 treating his deposition as sufficient for proving the relevant circumstance without any suitable corroboration of the same from any other evidence on record. There he left accused Karan and his wife and went away. This is the entire circumstance, which has been disclosed in his deposition by P. W. 6. His statement is not worth credence. The case of the prosecution is not that the accused took Karan and his wife Smt. Makkhan on truck in the mid night. On the contrary, the story as has been disclosed in the F. I. R. is that the accused persons had taken Karan and his wife to their residence where they assaulted the couple. It is nowhere in the F. I. R. that P. W. 6 Bhagirath was engaged to carry Karan (P. W. 1) and his wife (P. W. 2) in his Truck No. URY 864 to the house of accused Phool Chand. P. W. 6 is also not a witness of the circumstance of accused persons forcibly kidnapping the deceased persons in his truck for committing their murder. Therefore, such statement of P. W. 6 in addition to its being incredible does not have worth to prove a circumstance which would lead us to conclude that the appellants had actually committed the kidnapping and murder of all the deceased persons. Thus, on the total evaluation of evidence of P. W. 5 and P. W. 6, it cannot be said that such evidence could be such as to lead to an irresistible conclusion of the fact that the ten accused-appellants were the actual culprits who committed the murders in the present case. P. W. 5 and P. W. 6 both as already observed by us, are not worth credence. They have even failed to give full names of all the ten accused persons. On thoughtful consideration on this legal aspect of the matter, we find that the aforesaid submission has no substance in it. The statement of a witness under Section 164 Cr. P. C. is one where the accused have hardly any occasion to cross examine him and if it is

to be treated as substantive piece of evidence, it should be duly tendered before trial Court and then a witness should be produced by the prosecution for his cross examination. In this context the learned Senior Advocate appearing for the appellants has cited the case law of Brij Bhushan Singh v. Emperor. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

553. Hon'ble Supreme Court of India in Vijay Kumar vs State Of Rajasthan on 18 February, 2014 held that both the above said recoveries have been made from the respective houses of the accused/appellants where their families were residing. In fact A-3 Vijay Kumar obtained the key from his father for opening the lock. In such circumstances it cannot be said that the said articles were in the exclusive possession of the accused/appellants and they came to be recovered only on the information furnished by them. The learned senior counsel and the amicus curie appearing for the appellants strenuously contended that there was no fair identification proceedings of property conducted by Tahsildar and firstly it was conducted belatedly and secondly the witnesses were already shown the articles and thirdly there is no proof that those articles were kept with deceased Keshar Bai and the recovery and -identification are unreliable shaky and fake. In this regard reliance was placed on the following decision in State of Vindhya Pradesh vs. Sarua Munni Dhimar and others [AIR 1954 V.P. (Vol.41 CN. With due respect to the above decision it is not applicable to the facts and circumstances of this case because in this case the recoveries are proved.

554. Hon'ble Supreme Court of India in Sahadevan & Anr. Vs State of Tamil Nadu held that it will be appropriate to state the principles which would make an extra-judicial confession an admissible piece of evidence capable of forming the basis of conviction of an accused. These precepts would guide the judicial mind while dealing

with the veracity of cases where the prosecution heavily relies upon an extra-judicial confession alleged to have been made by the accused.

The Principles (I) The extra-judicial confession is a weak evidence by itself. It has to be examined by the court with greater care and caution.

(ii) It should be made voluntarily and should be truthful. (iii) It should inspire confidence. (iv) An extra-judicial confession attains greater credibility and evidentiary value, if it is supported by a chain of cogent circumstances and is further corroborated by other prosecution evidence. (v) For an extra-judicial confession to be the basis of conviction, it should not suffer from any material discrepancies and inherent improbabilities. (vi) Such statement essentially has to be proved like any other fact and in accordance with law. With due respect to the above decision it is not applicable to the facts and circumstances of this case because in this case there are 164 Cr.P.C Statements of A2 and A5.

555. Hon'ble Supreme Court of India in *Madhu vs State Of Kerala* on 13 January, 2012 held that the genesis of the crime should ordinarily emerge from the inquest report specially when it is in respect of a patent fact. If utensils were actually at the ghat, the mention thereof could not have been left out therefrom. This would be so even if the inquest report had been prepared with half the seriousness required in its preparation. A perusal of the inquest report reveals that the same was painstakingly recorded, and even minute details have been recorded therein. It is difficult to state which of the two sides has deposed correctly and/or which one of them has deposed falsely. All the same, the instant aspect of the deposition creates a serious doubt about the credibility of the evidence on the instant factual aspect, irrespective of the significance thereof in proving the charges. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

556. Hon'ble Supreme Court of India in Pancho vs State Of Haryana on 20 October, 2011 held that Where the prosecution relies upon the confession of one accused against another, the proper approach is to consider the other evidence against such an accused and if the said evidence appears to be satisfactory and the court is inclined to hold that the said evidence may sustain the charge framed against the said accused, the court turns to the confession with a view to assuring itself that the conclusion which it is inclined to draw from the other evidence is right. This Court clarified that though confession may be regarded as evidence in generic sense because of the provisions of Section 30 of the Evidence Act, the fact remains that it is not evidence as defined in Section 3 of the Evidence Act. Therefore, in dealing with a case against an accused, the court cannot start with the confession of a co-accused; it must begin with other evidence adduced by the prosecution and after it has formed its opinion with regard to the quality and effect of the said evidence, then it is permissible to turn to the confession in order to receive assurance to the conclusion of guilt which the judicial mind is about to reach on the said other evidence. With due respect to the above decision it is not applicable to the present case because the learned Magistrate recorded confessions of A2 and A5 U/Sec.164 Cr.P.C statements.

557. Hon'ble Supreme Court of India in Dhan Raj @ Dhand versus State of Haryana held that in the case of Madhu vs. State of Kerala (supra) facts of which were discussed earlier, that this Court inspite of the factum that the accused were sighted close to the place of occurrence at around the time of occurrence reversed the conviction as guilt was not established. In the present factual matrix, it is only an interested witness stating that the accused had come asking for the deceased. This factum alone does not establish guilt as no other evidence is found that they were near the Bizdipur area where the crime

was committed or had visited the house of the deceased. For establishing the guilt on the basis of circumstantial evidence, it is also to be taken into account that the chain of circumstantial evidence must be completed. It appears from the facts that the said chain of circumstantial evidence cannot be concluded in the manner sought to be done by the prosecution. The circumstances must be conclusive in nature. In the instant case, after analysing the facts, it appears to us that there is a gap between the circumstances tried to be relied upon to hold the appellants as guilty. With due respect to the above decision it is not applicable to the present case on hand since in the present case on hand all the circumstances are well-established by the prosecution beyond all reasonable doubt.

558. Hon'ble Supreme Court of India in Sanjaysinh Ramrao Chavan vs Dattatray Gulabrao Phalke & Anr on 16 January, 2015 held that It is to be noted that in the first complaint filed by the second respondent - the de facto complainant, there is no allegation for any demand for bribe by the appellant. The allegation of demand is specifically against accused no.2 only. That allegation against the appellant is raised only subsequently. Be that as it may, the only basis for supporting the allegation is the conversation that is said to be recorded by the voice recorder. The Directorate of Forensic Science Laboratories, State of Maharashtra vide Annexure-B report has stated that the conversation is not in audible condition and, hence, the same is not considered for spectrographic analysis. Learned Counsel for the respondents submit that the conversation has been translated and the same has been verified by the panch witnesses. Admittedly, the panch witnesses have not heard the conversation, since they were not present in the room. As the voice recorder is itself not subjected to analysis, there is no point in placing reliance on the translated version. Without source, there is no authenticity for the translation. Source and

authenticity are the two key factors for an electronic evidence, as held by this Court in *Anvar P.V. v. P.K. Basheer and others*[4]. With due respect to the above decision it is not applicable to the present case on hand since in the present case on hand all the electronic evidence is authenticated.

559. Hon'ble Supreme Court of India in *Baljinder Kaur vs State Of Punjab* on 19 November, 2014 held that In *Kamesh Panjiyar alias Kamlesh Panjiyar vs. State of Bihar*, (2005) 2 SCC 388, this Court considered the expression soon before death and held as under:- The expression soon before is very relevant where Section 113-B of the Evidence Act and Section 304-B IPC are pressed into service. Prosecution is obliged to show that soon before the occurrence there was cruelty or harassment and only in that case presumption operates. Evidence in that regard has to be led by prosecution. Soon before is a relative term and it would depend upon the circumstances of each case and no straitjacket formula can be laid down as to what would constitute a period of soon before the occurrence. It would be hazardous to indicate any fixed period, and that brings in the importance of a proximity test both for the proof of an offence of dowry death as well as for raising a presumption under Section 113-B of the Evidence Act. The expression soon before her death used in the substantive Section 304-B IPC and Section 113-B of the Evidence Act is present with the idea of proximity test The same view was expressed in *Thakkan Jha & Ors. vs. State of Bihar*, (2004) 13 SCC 348 and *Baldev Singh vs. State of Punjab*, (2008) 13 SCC 233. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

560. Hon'ble Supreme Court of India in *Anvar P.V. Vs P.K. Basheer and others* held that According to Section 63, secondary evidence means and includes, among other things, "copies made from the original by mechanical processes which in themselves insure the

accuracy of the copy, and copies compared with such copies". Section 65 enables secondary evidence of the contents of a document to be adduced if the original is of such a nature as not to be easily movable. It is not in dispute that the information contained in the call records is stored in huge servers which cannot be easily moved and produced in the court. That is what the High Court has also observed at para 276. Hence, printouts taken from the computers/servers by mechanical process and certified by a responsible official of the service-providing company can be led in evidence through a witness who can identify the signatures of the certifying officer or otherwise speak of the facts based on his personal knowledge. Irrespective of the compliance with the requirements of Section 65-B, which is a provision dealing with admissibility of electronic records, there is no bar to adducing secondary evidence under the other provisions of the Evidence Act, namely, Sections 63 and 65. It may be that the certificate containing the details in sub-section (4) of Section 65-B is not filed in the instant case, but that does not mean that secondary evidence cannot be given even if the law permits such evidence to be given in the circumstances mentioned in the relevant provisions, namely, Sections 63 and 65." With due respect to the above decision it is not applicable to the present case on hand because in the present case on hand there are section 65-B certificates for required electronic evidence.

561. Hon'ble Supreme Court of India in Tomaso Bruno & Anr vs State Of U.P on 20 January, 2015 held that to invoke Section 106 of the Evidence Act, the main point to be established by the prosecution is that the accused persons were present in the hotel room at the relevant time. PW-1 Ram Singh-Hotel Manager stated that CCTV cameras are installed in the boundaries, near the reception, in the kitchen, in the restaurant and all three floors. Since CCTV cameras were installed in the prominent places, CCTV footage would have been best

evidence to prove whether the accused remained inside the room and whether or not they have gone out. CCTV footage is a strong piece of evidence which would have indicated whether the accused remained inside the hotel and whether they were responsible for the commission of a crime. It would have also shown whether or not the accused had gone out of the hotel. CCTV footage being a crucial piece of evidence, it is for the prosecution to have produced the best evidence which is missing. Omission to produce CCTV footage, in our view, which is the best evidence, raises serious doubts about the prosecution case. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

562. Hon'ble Supreme Court of India in *Manik Taneja & Anr vs State Of Karnataka & Anr* on 20 January, 2015 held that In State of *T.N. v. Thirukkural Perumal* [(1995) 2 SCC 449] considering the scope of Section 482 Cr. P.C. to quash the FIR/criminal proceedings, this Court has held as under:- "....The power of quashing an FIR and criminal proceeding should be exercised sparingly by the courts. Indeed, the High Court has the extraordinary or inherent power to reach out injustice and quash the first information report and criminal proceedings, keeping in view the guidelines laid down by this Court in various judgments (reference in this connection may be made with advantage to *State of Haryana v. Bhajan Lal* [1992 Supp (1) SCC 335] but the same has to be done with circumspection. The normal process of the criminal trial cannot be cut short in a rather casual manner...." With due respect to the above decision it is not applicable to the facts and circumstances of this case.

563. Hon'ble Supreme Court of India in *Rambhai Nathabhai Gadhvi & Ors. ... vs State Of Gujarat*, *Rambhai ...* on 6 August, 1997 held that The corollary is that, if there was no valid sanction the Designated Court gets no jurisdiction to try a case against

any person mentioned in the report as the court is forbidden from taking cognizance of the offence without such sanction. If the Designated Court has taken cognizance of the offence without a valid sanction, such action is without jurisdiction and any proceedings adopted thereunder will also be without jurisdiction. With due respect to the above decision it is not applicable to the present case on hand since there are valid sanction in the present case on hand.

564. Hon'ble Supreme Court of India in Prakash Kumar @ Prakash Bhutto vs State Of Gujarat on 12 January, 2005 held that the more stringent the Law, the less is the discretion of the Court. Stringent laws are made for the purpose to achieve its objectives. This being the intendment of the legislature the duty of the court is to see that the intention of the legislature is not frustrated. If there is any doubt or ambiguity in the statutes, the rule of purposive construction should be taken recourse to, to achieve the objectives. (See Swedish Match AB & Anr. vs. Securities & Exchange Board, India & Anr. (2004) 7 Scale 158 para 84 at p. 176) Before we proceed further, we may at this stage, notice a few decisions of this Court on the subject. In the case of Bilal Ahmed Kaloo Vs. State of A.P. (1997) 7 SCC 431 the two-Judge Bench of this Court held in paragraph 5 ( SCC p.434 ) as under:- "5. While dealing with the offences of which the appellant was convicted there is no question of looking into the confessional statement attributed to him, much less relying on it since he was acquitted of all offences under TADA. Any confession made to a police officer is inadmissible in evidence as for these offences and hence it is fairly conceded that the said ban would not wane off in respect of offences under the Penal Code merely because the trial was held by the Designated Court for offences under TADA as well. Hence the case against him would stand or fall depending on the other evidence." With due respect to the above decision it is not applicable to the facts and circumstances of this case.

565. Hon'ble Supreme Court of India in Adambhai Sulemanbhai Ajmeri & Ors vs State Of Gujarat on 16 May, 1947 held that all the relevant documents required for granting sanction shall be presented before the sanctioning authority so that the sanction can be granted on the basis of relevant material information and documents collected during the course of investigation with respect to the crime. In the case of Rambhai Nathabhai Gadhvi & Ors. v. State of Gujarat<sup>39</sup>, this Court, while examining a similar sanction Order as provided under Section 15 of TADA (repealed), has held as under: 8. Taking cognizance is the act which the Designated Court has to perform and granting sanction is an act which the sanctioning authority has to perform. Latter is a condition precedent for the former. Sanction contemplated in the sub-section is the permission to prosecute a particular person for the offence or offences under TADA. We must bear in mind that sanction is not granted to the Designated Court to take cognizance of the offence, but it is granted to the prosecuting agency to approach the court concerned for enabling it to take cognizance of the offence and to proceed to trial against the persons arraigned in the report. Thus a valid sanction is sine qua non for enabling the prosecuting agency to approach the court in order to enable the court to take cognizance of the offence under TADA as disclosed in the report. The corollary is that, if there was no valid sanction the Designated Court gets no jurisdiction to try a case against any person mentioned in the report as the court is forbidden from taking cognizance of the offence without such sanction. If the Designated Court has taken cognizance of the offence without a valid sanction, such action is without jurisdiction and any proceedings (1997) 7 SCC 744 adopted thereunder will also be without jurisdiction. With due respect to the above decision it is not applicable to the facts and circumstances of this case.

566. The witnesses who identified the accused No.2 are

PW55, PW56, PW57, PW58, PW60, PW62, PW64, PW65, PW67, PW69, PW70, PW71, PW81, PW91, PW92, PW99, PW124, PW127, PW131, PW141, the witnesses who identified the accused No.3 are PW55, PW58, PW64, PW65, PW67, PW68, PW70, PW72, PW73, PW112, PW116, PW118, PW124, PW126, PW127, the witnesses who identified the accused No.4 are PW54, PW57, PW58, PW59, PW67, PW82, PW83, PW116, PW118, the witnesses who identified the accused No.5 are PW72, PW81, PW99, PW131, the witnesses who identified the accused No.6 are PW111, PW147.

567. In so far as Jurisdiction of the Magistrates is concerned, in fact there are two crimes in this case, one crime falls under Saroornagar, Rangareddy and another Crime falls under Malakpet, Hyderabad. Even otherwise the Magistrates were nominated by their Superior Officers.

568. The learned counsel for the accused contended that the non-examination of the Magistrates who examined the witnesses U/Sec.164 Cr.P.C statements is fatal to the case of the prosecution. But it was held in Bashapaka Laxmaiah Vs. State of AP that " It is not necessary to call the Magistrate to give evidence to prove section 164 Cr.P.C statement. The statement U/Sec.164 Cr.P.C statement is a public document". So the non-examination of the Magistrates who recorded the 164 Cr.P.C statement does not cause any prejudice to the accused. It was held in Karsmira Singh Vs. State of MP (1952 SC 159) that in case witness denies the fact of recording of his statement or if he denies specific portion of his statement to be not told by him, examination of Magistrate is not necessary to prove contradictions which is unlike the case of statement recorded by Police U/Sec.161 Cr.P.C. In the above authority that Apex Court has endorsed the Judge of privity council in Nazir Ahmed Vs. King Emperor (AIR) 1936 PC 253. It was also held in case of Guruvind Palli Anna Rao Vs. State of AP reported in 2003 (Crl.CJ)

3253 that it has been specifically observed that statement of witness recorded U/Sec.164 Cr.P.C is a public document which does not require any formal proof. Hence summoning of Magistrate by Sessions Court to prove contents of the said statement is improper.

569. In so far as the recording of confession is concerned, the learned Magistrates, the learned counsel for the accused vehemently contended that the Magistrate has no jurisdiction as he recorded the confession in R.C No.06 of 2012 (Delhi), secondly, he did not follow the procedure as he did not append the certificate to the memorandum in his own hand of the grounds on which he believes that the confession is voluntary and shall note to the precautions which he took to remove the accused from the influence of the Police and the time given to the accused for reflection. No doubt the learned Magistrate PW97 admitted he had not appended any certificate at the bottom of confessions in Ex.P252 and P254 that he was satisfied that the accused made the voluntary confession as contemplated in the provisions of Criminal Rules of Practice. Perusal of Ex.P252 shows that "Memorandum: I have explained to Mohammed Ahmed Sidibapa @ Yasin Bhatkal who is accused in R.C.No.06/2012 U/Sec.121-A and 123 of IPC and Sections 17, 18, 18B and 20 of Unlawful Activities (Prevention) Act, 1967 of NIA, New Delhi, that he is not bound to make a confession and that, if he does so, any confession he may make, may be used as evidence against him and I believe that this confession was voluntarily made. It is taken in my presence and hearing and is read over and explained to him in vernacular and admitted by him to be correct, and it contains a full and true account of the statement made by him."

570. So in this case though there is no separate certificate but the ingredients of the certificate is mentioned in the memorandum and also in the body of the statement. So there is no irregularity in recording the confessional statements of the accused.

571. He further contended that both the accused retracted the earlier confessions, hence those confessions cannot be considered. It was held in Supreme Court of India in Md.Ajmal Md.Amir Kasab @Abu vs State Of Maharashtra on 29 August, 2012 at Para No.126 that He further said that since the gunmen were coming towards the local lines, he went to platform no.4. He told the court that during the course of the incident he took over one hundred (100) photographs but most of them were blurred. He was not using the flash-gun and the light was not good for taking photographs. In course of the deposition he was shown the photographs taken by him and he identified those photographs.

572. He further contended that the Police officers directly sent several material objects to the FSL without depositing the same before the nearest Magistrate and obtaining any order for sending the same to the FSL. Secondly, except the Revenue and Income tax officials and no independent and respective inhabitants of locality was secured at the time of seizure of the material objects as contemplated U/Sec.100 (4) of Cr.P.C.

573. There is no dispute that in almost all the panchanamas the Police secured the Revenue Officials and the income tax officials and there is no bar in doing so, as it was held in Ibrahim Masa Chohan @ Baba Vs. State of Maharashtra dt.21-03-2013 that the evidence of Police officer is enough. It was held in Hazarilal Vs. Delhi Administration 1980 (2) SCR 1053 that every citizen of India must be presumed to be an independent person until it is proved that he was a dependent of the Police or other Officials for any purpose of whatsoever.

574. It was held in In State Govt. of NCT of Delhi v. Sunil & Anr., (2001) 1 SCC 652, this Court held: "In this context we may point out that there is no requirement either under Section 27 of the Evidence Act or under Section 161 of the Code of Criminal Procedure, to obtain signature of independent witnesses on the record in which statement of

an accused is written. The legal obligation to call independent and respectable inhabitants of the locality to attend and witness the exercise made by the police is cast on the police officer when searches are made under Chapter VII of the Code. Hence it is a fallacious impression that when recovery is effected pursuant to any statement made by the accused the document prepared by the investigating officer contemporaneous with such recovery must necessarily be attested by the independent witnesses. The court has to consider the evidence of the investigating officer who deposed to the fact of recovery based on the statement elicited from the accused on its own worth. We feel that it is an archaic notion that actions of the police officer should be approached with initial distrust. We are aware that such a notion was lavishly entertained during the British period and policemen also knew about it. Its hangover persisted during post-independent years but it is time now to start placing at least initial trust on the actions and the documents made by the police. At any rate, the court cannot start with the presumption that the police records are untrustworthy. As a proposition of law the presumption should be the other way around. That official acts of the police have been regularly performed is a wise principle of presumption and recognized even by the legislature. Hence when a police officer gives evidence in court that a certain article was recovered by him on the strength of the statement made by the accused it is open to the court to believe the version to be correct if it is not otherwise shown to be unreliable. It is for the accused, through cross-examination of witnesses or through any other materials, to show that the evidence of the police officer is either unreliable or at least unsafe to be acted upon in a particular case. If the court has any good reason to suspect the truthfulness of such records of the police the court could certainly take into account the fact that no other independent person was present at the time of recovery. But it is not a

legally approvable procedure to presume the police action as unreliable to start with, nor to jettison such action merely for the reason that police did not collect signatures of independent persons in the documents made contemporaneous with such actions."

575. Validity of Sanctions: with regard to the sanctions for prosecution of the accused is concerned, he contended that there are no valid sanctions by competent authority to prosecute the accused under section Unlawful Activities Prevention Act and Explosives Substances Act and the IPC offences from Section 120-B to 122.

576. As seen from the evidence of PW156 coupled with Ex.P484 and Ex.P486 shows that "In the circumstances, explained by Superintendent of Police Chief Investigating Officer National Investigation Agency Ministry of Home Affairs Government of India after perusing and examining the entire facts of the case *prima facie* case is found and the Powers conferred under section 7 of the Explosive Substances Act, 1908 permission is hereby accorded to the Superintendent of Police of NIA to prosecute the accused for the offences U/Sec.3 and 5 of Explosives Substances Act, 1908.

577. As seen from the evidence of PW120 coupled with Ex.P393, P394, P394-B shows that the Central Government hereby accord sanction for prosecution U/Sec.45 (1) of the Unlawful Activities (Prevention) Act, 1967 as amended in 2008 and section 196 of Cr.P.C for prosecuting the accused in RC No.1 and 2 of 2013 for NIA, Hyderabad for the offences U/Sec.121, 121-A, 122 r/w.section 120-B IPC and sections 10, 16, 17, 20, 38 (2) and 39 (2) r/w. Section 18 of UAPA, 1967.

578. As seen from the evidence of PW121 coupled with Ex.P395 shows that the Central Government hereby accord sanction for prosecution U/Sec.18 r/w.10, 16, 17, 19 and 20 of the Unlawful Activities (Prevention) Act, 1967 as amended in 2008 and section 196 of Cr.P.C for prosecuting the accused in RC No.1 and 2 of 2013 for NIA, Hyderabad.

579. As seen from the evidence of PW119 coupled with Ex.P392 shows that "in view of the circumstances reported by the Superintendent of Police, CIO, NIA, Hyd and after pursuing and examining the entire facts of the case and found *prima facie* case against the accused and permission is accorded for the offences U/Sec.7 of Explosive Substances Act.

580. As seen from the evidence of PW132 coupled with Ex.P420 shows that "in view of the circumstances reported by the Superintendent of Police, CIO, NIA, Hyd and after pursuing and examining the entire facts of the case and found *prima facie* case against the accused and permission is accorded for the offences U/Sec.7 of Explosive Substances Act against the accused.

581. The learned counsel for the accused contended that the experts do not come within the purview of the 293 Cr.P.C and they were not authorized specifically. Moreover the material objects do not contain the panch slips when they received as such their evidence may be eschewed from the record. He drew my attention to 293 Cr.P.C and 45 of Indian Evidence Act. The expert opinions issued by these persons come within the purview of the Section 293 (1) Cr.P.C and moreover under section 293 Cr.P.C if any expert comes within the purview of list given in sub section 4, he need not be examined. Otherwise the expert should come and give evidence. As such all the above experts gave their evidence before this Court. Therefore their evidence is admissible and in so far as identification slips are concerned, sometimes at the time of sending the material objects the identification slips may be removed. Anyhow it is not in dispute that there are seals by the time the material objects received by the Experts, therefore they cannot be tampered.

582. Electronic evidence: The learned counsel for the accused drew my attention to section 45, 45-A, 65, 65-A, 65-B of Indian

Evidence Act which reads as: Opinions of experts When the Court has to form an opinion upon a point of foreign law, or of science, or art, or as to identify of handwriting, or finger-impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in questions as to identity of handwriting or finger impression are relevant facts. Such persons are called experts. (a) The question is, whether the death of A was caused by poison. The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant. (b) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law. The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant. (c) The question is, whether a certain document was written by A. Another document produced which is proved or admitted to have been written by A. The opinions of experts on the question whether the two documents were written by the same person or by different persons are relevant.

583. Section 65 of Indian Evidence Act: Cases in which secondary evidence relating to documents may be given —Secondary evidence may be given of the existence, condition, or contents of a document in the following cases:— (a) When the original is shown or appears to be in the possession or power— of the person against whom the document is sought to be proved, or of any person out of reach of, or not subject to, the process of the Court, or of any person legally bound to produce it, and when, after the notice mentioned in Section 66, such person does not produce it, (b) when the existence, condition

or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest (c) when the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time; (d) when the original is of such a nature as not to be easily movable; (e) when the original is a public document within the meaning of Section 74; (f) when the original is a document of which a certified copy is permitted by this Act, or by any other law in force in India, to be given in evidence. (g) when the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court and the fact to be proved is the general result of the whole collection. In cases (a), (c) and (d), any secondary evidence of the contents of the document is admissible. In case (b), the written admission is admissible. In case (e) or (f), a certified copy of the document, but no other kind of secondary evidence, is admissible. In case (g), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

584. Section 65A. Special provisions as to evidence relating to electronic record.— The contents of electronic records may be proved in accordance with the provisions of Section 65B. 65B. Admissibility of electronic records .—(1) Notwithstanding anything contained in this Act, any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer (hereinafter referred to as the computer output) shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as

evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible. (2) The conditions referred to in sub-section (1) in respect of a computer output shall be the following, namely:— (a) the computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer; (b) during the said period, information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities; (c) throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and (d) the information contained in the electronic record reproduces or is derived from such information fed into the computer in the ordinary course of the said activities. (3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly performed by computers, whether— (a) by a combination of computers operating over that period; or (b) by different computers operating in succession over that period; or (c) by different combinations of computers operating in succession over that period; or (d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers, all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in this section to a computer shall be construed accordingly.

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say— (a) identifying the electronic record containing the statement and describing the manner in which it was produced; (b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer; (c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate, and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it. (5) For the purposes of this section,— (a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment; (b) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities; (c) a computer output shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment. *Explanation*—For the purposes of this section any reference to information being derived from other information shall be a reference to its being derived there from by calculation, comparison or any other process.

585. He contended that the ICERT was not notified by Government U/Sec.70-A of Information Technology Act but it is notified under section 70-B of Information Technology Act and the same is discussed in the previous portion of Judgment holding that the contention of the learned counsel for the accused is fallacious and PW81 is Scientist-C in ICERT and no separate authorization is necessary. Moreover PW81 stated that he has been nominated by the Director of ICERT to extract the chatting from Email IDs.

586. The learned counsel for the accused is that the phone numbers as stated by Nodal Officers do not belong to the accused and contended that there is no incriminating against the accused. They do not disclose as to what was transpired between the caller and called but one inference can be drawn from which place to which place the calls were made and received and at what time and date from various numbers. Ex.P83 discloses the call records of 9986954555 during 01-09-2012 to 30-08-2015. Ex.P209 discloses the call records of 8603361890 during 01-01-2013 to 22-02-2013. Ex.P213 discloses the call records of 9036230617 during 01-09-2012 to 30-08-2013. Ex.P85 discloses the call records of 8374041500 and 9866831745 during 01-02-2013 to 28-02-2013.

587. He also contended that there is no mention of place or location of master server and place of peripheral server from where the print outs of call records were taken and that the certificate so taken does not mention the name and designation of the person who was responsible for the operation of the required device in the master server and addresses of the distributors and retailer are not mentioned.

588. He also contended that PW81 admitted that all the proceedings and extractions vide Ex.P98 to 107 were conducted in R.C.No.06/2012. There is no force in the contention of the learned counsel for the accused in view of decision reported in 1998 AIR (SC)

1682 State of Gujarat Vs. Mohammed Atic and others wherein it was held that when there is no statutory inhibition for using such confession on the premise that it was not recorded during the investigation of the particular offence which is under trial there is no need or reason for the Court to introduce a further fetter against the admissibility of the confessional statement. It often happens that a confessor would disclose very many acts and events including different facets of his involvement in the preparation attempt and commission of crimes including the acts of his co- participants therein. But to expel every other incriminating disclosures than those under investigation of a particular crime from the ambit of admissibility is not mandated by any provision of law.

589. He also contended that Ex.P101 (1) to 101 (9) volumes running to 2548 pages his name, designation, signature and official seal are not mentioned. Since it is downloaded from the hard disk as such putting signature, seal and designation does not arise. Anyhow there is no suggestion that some other person extracted this material other than PW81. However each page contains the signatures of the accused and panch witness.

590. He further contended that PW81 admitted that all Ex.P98 to 107 are electronic records and they do not have 65-B certificate. Since hard disk was already filed for all the extractions, which is the original of the chatting extractions. Therefore section 65-B certificate is not necessary.

591. He further contended that Ex.P98 to 107 except Ex.P104 are the xerox copies of the documents which contains the stamp and seal of the District & Sessions Judge, Delhi and not certified copies. There is no force in the above contention because they contain seals of the concerned Court. Moreover if he wants to contradict the same he would have filed certified copies of the same.

592. He further contended that PW81 admitted that both

the Officers of NIA Anup Kuruvilla and Rama Sastry did not tell that all the email IDs referred to in Ex.P98 to P107 were already accessed by them on 01-09-2013 by contacting Yahoo Service Messenger and American Embassy Officials. There is no force in the contention without the presence of the accused, the E-mails cannot be opened or accessed. Perusal of evidence of PW122 does not show that the above said E-mails were already accessed. He further contended that PW81 did not refer the name of PW99 in his evidence but perusal of evidence of PW81 shows that name of PW99.

593. The learned Special Public Prosecutor strenuously argued that at the time of identification of the accused in the Court the accused used to wear similar dress and maintain beard to disguise their identity. As such he was confused and again he went near the accused and identified the accused.

594. He further contended that with regard to the interview taken by the TV9 reporter that the CD was marked as Ex.P444 was not played in the Open Court however at the time of marking of CD, the defence counsel did not raise any objection. Even otherwise this Court perused the same and it shows that interview supporting the version of PW143.

595. He further contended that the TIP of the accused by PW59 was conducted after one and half years.

596. He further contended that PW57 admitted during TIP that he sold the cycle in the month of January, 2013 but in his evidence he stated that he sold the cycle one day prior but this is not a material contradiction since he is a rustic witness as such out of confusion he stated January instead of February.

597. He further contended that there are live electrical wires hanging at the place of blasts and also there are kitchen items spread all around including Gas cylinder and that Ex.P341 to P343 are

the photographs which show one plastic can and oil is percolated at the place of blast at A1 Mirchi centre and that Ex.P348 shows electric live wires, transformer, kitchen items of A1 mirchi centre spread around, remnants and broken parts of scooters. Since each photograph was taken in different angle of the scenes of offence of both the crimes as such each and every photograph need not show the cycles or their parts which were used in the blasts. Moreover as seen from Ex.P338, P348, P353, P354, P365 clearly shows that pieces of cycles and other blast remnants. No doubt Ex.P352 photograph does not disclose the cylinders but Ex.P356 shows two cylinders which were intact and they were not blasted. Though the photographer stated that the cylinder might have been blasted as they are not appearing in Ex.P352 he is not competent to speak on looking a single photograph. It appears that he stated without seeing the other photographs which clearly shows two cylinder. Even though there is no signature, seal and emblem of the clues team they cannot be discredited because the witness came from APFSL. Though the defence counsel took a plea that it might be a transformer blast due to live electrical wires which might have triggered the cylinder at A1 Mirchi center. So all the photographs shows the gas cylinder is intact, transformer is intact. Therefore there is no force in the contention of the learned counsel for the accused.

598. He further contended that there is no material like nuts, bolts, nails, iron balls, parts of remote circuits etc., and no chemical or explosive substances like ammonium nitrate or other chemicals or yellowish, whitish, brownish or blackish substances which are generally used for making of bombs were found at the scene of offence thereby proving the inference that these two blasts were not caused by explosion of a bomb or chemical substances.

599. Though he contended that the CRPF headquarters is highly secured place, then how NIA proceedings were conducted there.

There is no force in such contention because it is a Government office and as such one Department has to cooperate for another Department and no proof is expected from the prosecution in this regard.

600. He further contended that at the time of scene observation and seizure at the scenes of offence how the NIA Police along with other Police were present without orders from the Central Government to NIA. On this aspect, it was admitted by the prosecution witnesses about the presence of NIA police wearing NIA Jackets at the scenes of offence but it does not mean without transmitting the case to the NIA, they were investigating the case. In times of emergency the Civil Police may take the aid and advise of all the law police departments, there is no prejudice caused to the accused.

601. In so far as Jurisdiction aspect is concerned, the learned counsel for the accused contended that this Court has no jurisdiction as the NIA Office is situated within the Jurisdiction of Nampally Criminal Courts and on that aspect he also filed Writ Petition No.27445 of 2016 before the Hon'ble High Court and the same was dismissed on 29-08-2016 and again he preferred SLP and according to him he also preferred review before the Hon'ble Supreme Court. Anyhow section 178 Cr.P.C reads as: Place of inquiry or trial. (a) When it is uncertain in which of several local areas an offence was committed, or (b) where an offence is committed, partly in one local area and partly in another, or (c) where an offence, is a continuing one, and continues to be committed in more local areas than one, or (d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas. Offence triable where act is done or consequence ensues.

602. 179. Offence triable where act is done or consequence ensues. When an act is an offence by reason of anything which has been done and of a consequence which has ensued, the

offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.

603. In this case one crime falls within the jurisdiction of the Malakpet and another crime falls within the Jurisdiction of Rangareddy therefore this Court got jurisdiction. Moreover this Court was designated by the Hon'ble High Court. Therefore this Court has ample jurisdiction to adjudicate this matter.

604. The learned counsel for the accused strenuously argued that PW157 admitted that as per Ex.P431 mentions only section 16, 17, 18 of Unlawful Activities (Prevention) Act while directing the NIA to investigate the said offences but all the sections were not mentioned. No doubt perusal of Ex.P431 and P431A that it relates to the power conferred on the NIA Police to investigate the offences and transferring the same from Law and Order Police to the NIA Police. Therefore there is no illegality in the said Order.

605. He further contended that A2 did not accompany PW142 to the place where Ex.P405 panchanama was drafted. Perusal of the evidence of PW142 shows that the Chief Investigating Officer (PW138) deputed him to conduct investigation pursuant to disclosures made by the Accused No.2 Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad pertaining to Money transactions of Western Union Money Transfer at Mangalore as pointed out by the accused No.2 and accordingly he proceeded to Mangalore on 15-09-2013 and conducted panchanama. No where in the panchanama it is not mentioned that A2 accompanied them. The panchanama shows that the only Investigating officer and panchas went there in pursuance of disclosure of A2.

606. Ex.D1 is the property deposited letter vide PI No.37/2013 dt.28-02-2013, it is no way helpful to the case of the defence. Ex.D2 is the Photocopy of Aadhar Card, it shows that Qunka instead of Vonka. The surname cannot be taken as advantage by the

defence counsel stating that the witness shown in the charge sheet and this witness is different. Ex.D3 is the portion of 161 Cr.P.C Statement is no way helpful to the case of defence though he stated that on monthly lease is @ Rs.95,000/- instead of yearly. Ex.D4 is the portion in 161 Cr.P.C statement is no way helpful to the case of the defence since this Court already recorded the observation. Ex.D5 is the Requisition letter dt.05-09-2013 no doubt PW141 stated that he himself made a correction on the date. However the date mentioned beneath the signature of PW157 supports the evidence of PW141. Therefore this document is no way helpful to the case of the defence. Ex.D6 is the portion of 161 statement of PW143 that "all the police officers and others are busy in shifting the dead bodies and injured persons to hospitals through many ambulance vehicles. I moved surrounding area and in search of news. While I was searching at about 07-45 to 08-00 pm., one person aged about 30 years came to me and said that he saw one person who was came with cycle and parking near A1 Mirchi centre, then I asked him to give video interview to broad cast the same in TV channel, but he refused and told that due to fear he will not give, then I convinced him and told him to give interview with handkerchief mask. He agreed for that and given his interview with handkerchief mask, I did not know the name and other details of the person. I had taken the video interview of the said person." This minor contradiction with regard to the mounting of box on the cycle does not shaken the evidence of PW143. Ex.D7 is the requisition dt.10-10-2013 which is nowhere helpful to the case of the defence, Ex.D8 is the final report of FIR No.66/2010 Patiala House, the pendency of a case against the accused No.6 for similar sections does not bar this Court to proceed further and the same was discussed. Ex.D40 is the certified copy of the Charge sheet containing 2 pages in R.C.No.06/2012/NIA/DLI mentioning the offences U/Secs.121-A, 123 of IPC, 1860 and Sections 17, 18, 18B and

20 of the Unlawful Activities (Prevention) Act, 1967 as amended by Act 35 of 2008.

607. In fact the learned counsel for the accused could not point out any material discrepancies, inconsistencies or un-naturalities in the prosecution case, though he cross-examined some witnesses at length he could not elicit anything which is sufficient to create a doubt about the prosecution case. He simply pointed out some minor discrepancies here and there. The credibility of the witnesses could not be shaken by cross-examination.

608. Now the point for determination is whether the prosecution established the following circumstances to connect the accused No.1 to 6 to twin bomb blasts.

01. Whether the prosecution established that there was online chatting between the absconding accused No.1 and A2 to A5 conspiring to cause twin bomb blasts ?

609. On this aspect, the owners of the cyber cafes i.e., PW69 to PW71 stated that accused No.2 to 4 visited their cafes for browsing. Ex.P64 to P68 are the registers maintained in shop during June, July, August, September also corroborates the evidence of PW69 to PW71. Though the accused No.2 to 4 attended these cyber cafes by using fake ID cards they were identified by PW69 to PW71.

610. The crucial witness is PW81 who retrieved the online chatting in the presence of PW99 and another panch witness and the sum and substance of online chatting is that on 27-12-2012 the accused No.5 and the absconding accused No.1 chatted about the role of the accused No.2 to 4 in executing bomb blasts. The accused No.5 advised for not keeping the explosive unused for long time. On 30-12-2012 the accused No.5 enquired about the preparation of blasts to be conducted and advised that white gelatin was good for explosion. On 22-01-2013 the accused No.5 again enquired about the blasts, for which the

absconding accused No.1 replied that they have procured the explosives, and there was discussion about the quality of explosives. On 27-01-2013 the absconding accused No.1 informed the accused No.5 about the accused No.4's tour in connection with the blast. On 07-02-2013 the absconding accused No.1 informed the accused No.5 about the finding of house by the accused No.4 at Hyderabad and the accused No.5 also prayed for success of the blast and the accused No.5 also informed about his network at Nepal. On 11-02-2013 the absconding accused No.1 told the accused No.5 that the accused No.2 had gone to the accused No.4 and that he was chatting with the accused No.3. On 16-02-2013 the absconding accused No.1 told the accused No.5 that on the previous day the accused No.2 and the accused No.3 met the accused No.4. On 20-02-2013 the absconding accused No.1 told that the accused No.5 that the blast was scheduled for the next day and asked to specially pray for the success of the blasts.

611. The following material was revealed as per the evidence of PW138 that: On 28-11-2012 the accused No.5 explained that in 'H' which means "Hyderabad" lot of anti-Muslim activities are going on and they discussed that this place has to be targeted for which the accused No.4 was given the task to carry out these activities. On 02-12-2012 the accused No.5 asks the accused No.1 about the preparations and progress done to carry out the blasts in Hyderabad and also the progress in procuring the explosives. On 16-12-2012 the accused No.1 tells to the accused No.5 that the accused No.4 is trying to recruit new boys into the organization Indian Mujahideen and the accused No.4 is also trying to get a house on rent in Hyderabad and once he gets the house on rent the bomb blasts will be carried out in Hyderabad. On 30-12-2012 the accused No.5 asked the accused No.1 about the progress of carrying out blast in Hyderabad to which the accused No.1 replied that whether the place was finalized to carry out

the blast. The accused No.1 also tells that the explosives will be available within one week. The accused No.1 also tells to the accused No.5 that the accused No.2 was asking about the participation of the accused No.5 in carrying out the blast. On 27-01-2013 the accused No.1 informed the accused No.5 that the accused No.4 is leaving for Hyderabad to carry out the bomb blast for which the accused No.4 has requested the accused No.5 to pray for the success of the bomb blast in Hyderabad. On 07-02-2013 the accused No.1 told to the accused No.5 that the accused No.4 had been searching for a rented house and on the said date he has been successful in getting a rented accommodation at Abdullapurmet near Ramoji Film City, Hyderabad. On 11-02-2013 the accused No.1 tells to the accused No.5 that the accused No.2 has also reached Hyderabad and he is along with the accused No.4 and the accused No.3 is busy preparing for the explosives. On 16-02-2013 the accused No.1 informed the accused No.5 that the accused No.2 and 3 had left for Hyderabad to meet accused No.4. On 17-02-2013 the accused No.2 informed the accused No.5 that all necessary arrangement to carry out the blasts in Dilsukhnagar is complete and only blessings of Allah is necessary for carrying out the blasts successfully and requested the accused No.5 to pray for the success of the blast. The accused No.1 tells to the accused No.5 that he has instructed the accused No.2, 3 and 4 to add 50 more detonators in the IEDs. This will help in proper explosion of the IEDs. On 17-02-2013 the accused No.1 informed the accused No.5 that some rental accommodation may be taken in Nepal as it may be risky till the return of the accused No.4 to the safe house for which the accused No.5 replied that he has arranged more than one rental accommodation in Nepal. The accused No.1 further told to the accused No.5 that he would call the accused No.2 to Pakistan via Nepal after the execution of the blasts and till such time the accused No.2 should be arranged

accommodation in Nepal. On 20-02-2013 the accused No.1 tells to the accused No.5 that the blasts will be conducted tomorrow i.e., 21-02-2013 and the explosive materials were also tested by conducting a test blast. In so far as confession leading to recovery on this online chatting U/Sec.27 of Indian Evidence is concerned, both the panchas i.e., PW99, PW131 supported the version of PW81 coupled with Ex.P98, P99, P101. Ex.P259 is the disclosure statement of A2 (the relevant portion is at sheet No.4 marked in red ink excluding the inadmissible portion) wherein he stated that "I can show the said chat discussion as mentioned above, if I am provided with a computer with internet facility in the presence of witnesses and the said chat discussion can be downloaded from my email/chat IDs if a printer is attached with the said computer as well". Ex.P260 is the disclosure statement of A5 (the relevant portion is at sheet No.2 marked in red ink excluding the inadmissible portion) wherein he stated that "I can show the said chat discussion as mentioned above, if I am provided with a computer with internet facility in the presence of witnesses and the said chat discussion can be downloaded from my email/chat IDs if a printer is attached with the said computer as well". Ex.P261 is the disclosure statement of A5 made on 05-09-2013 wherein he stated that "If I am taken to Mangalore and Hyderabad, I will identify and point out all the places of transactions which occurred in conducting the twin blasts at Dilsukhnagar, Hyderabad along with other places of receiving explosive used in Mumbai, Pune and places of our visit to have food etc.," Ex.P417 to P419 discloses that the accused No.5 was staying at Nepal and the accused No.2 also stayed with him. The above chat details under Ex.D9 to D13 also discloses some chatting was made from Nepal.

612. Ex.D9 to D13 are the mails dt.01-09-2013 addressed to NIA, SP Anup Kuruvilla John by the Yahoo Incorporation, USA, Ex.D14 is the details of Yahoo Mail i.e., [hbhaddur@yahoo.com](mailto:hbhaddur@yahoo.com), Ex.D15 is the

relevant details of the IP addresses and time pertaining to mail ID [hbhaddur@yahoo.com](mailto:hbhaddur@yahoo.com) sent by Yahoo Incorporation, Ex.D16 is the details of Yahoo Mail i.e., [mail77@yahoo.com](mailto:mail77@yahoo.com), Ex.D17 is the details of Yahoo Mail i.e., [kul.chitra@yahoo.com](mailto:kul.chitra@yahoo.com), Ex.D18 is the relevant details of the IP addresses and time pertaining to mail ID [kul.chitra@yahoo.com](mailto:kul.chitra@yahoo.com) sent by Yahoo Incorporation, Ex.D19 is the details of Yahoo Mail i.e., [muthumamu80@yahoo.com](mailto:muthumamu80@yahoo.com), Ex.D20 is the relevant details of the IP addresses and time pertaining to mail ID [muthumamu80@yahoo.com](mailto:muthumamu80@yahoo.com) sent by Yahoo Incorporation, Ex.D21 is the details of Yahoo Mail i.e., [spent\\_those11@yahoo.com](mailto:spent_those11@yahoo.com), Ex.D22 is the relevant details of the IP addresses and time pertaining to mail ID [spent\\_those11@yahoo.com](mailto:spent_those11@yahoo.com) sent by Yahoo Incorporation, Ex.D23 is the details of Yahoo Mail i.e., [patara\\_singh@yahoo.com](mailto:patara_singh@yahoo.com), Ex.D24 is the relevant details of the IP addresses and time pertaining to mail ID [patara\\_singh@yahoo.com](mailto:patara_singh@yahoo.com) sent by Yahoo Incorporation, Ex.D25 is the details of Yahoo Mail i.e., [coolallz@yahoo.com](mailto:coolallz@yahoo.com), Ex.D26 is the relevant details of the IP addresses and time pertaining to mail ID [coolallz@yahoo.com](mailto:coolallz@yahoo.com) sent by Yahoo Incorporation, Ex.D27 is the details of Yahoo Mail i.e., [laho0@yahoo.com](mailto:laho0@yahoo.com), Ex.D28 is the relevant details of the IP addresses and time pertaining to mail ID [laho0@yahoo.com](mailto:laho0@yahoo.com) sent by Yahoo Incorporation, Ex.D29 is the details of Yahoo Mail i.e., [halwa.wala@yahoo.com](mailto:halwa.wala@yahoo.com), Ex.D30 is the relevant details of the IP addresses and time pertaining to mail ID [halwa.wala@yahoo.com](mailto:halwa.wala@yahoo.com) sent by Yahoo Incorporation, Ex.D31 is the details of Yahoo Mail i.e., [jankarko@yahoo.com](mailto:jankarko@yahoo.com), Ex.D32 is the relevant details of the IP addresses and time pertaining to mail ID [jankarko@yahoo.com](mailto:jankarko@yahoo.com) sent by Yahoo Incorporation, Ex.D33 is the details of Yahoo Mail i.e., [a.haddad29@yahoo.com](mailto:a.haddad29@yahoo.com) and it reveals the login name as “a.haddad29” with registration IP address 110.44.120.39, Ex.D34 is the relevant details of the IP addresses and time pertaining to mail ID

a.haddad29@yahoo.com sent by Yahoo Incorporation, Ex.D35 to D38 are the mails dt.09-04-2013 sent by Yahoo Incorporation to Anup Kuruvilla John, Ex.D39 is the mail sent by Anup Kuruvilla John to Yahoo Incorporation. Perusal of Ex.D9 to D39 clearly show that the accused No.1 to 5 were using Email chatting and to that extent there is no dispute since the accused are admitting by marking Ex.D9 to D39. Ofcourse of the learned counsel for the accused contended that the evidence of pre-offence and post offence cannot be considered but there is no truth in that contention because in this case the charge framed for the conspiracy commencing from 2010 and continued till 2013 February and even otherwise there is no bar for taking any evidence available prior to the offence and subsequent to the offence in conspiracy cases. Even otherwise it was held by Hon'ble Supreme Court in Sajidbeg Asifbeg Mirza Vs. State of Gujarat that it goes without saying that the relevance and admissibility of the statement, if any, given by the accused before the media persons shall be considered at the appropriate state in the trial. The evidence of PW81, PW99, PW138 coupled with Ex.P98 to P107, Ex.P259 to P261 clinchingly established the fact that of recovery of Email chatting beyond reasonable doubt at the instance of the accused No.2, 3 and 5 and further established that the absconding accused No.1 to the accused No.5 conspired by chatting to cause twin bomb blasts at Dilsukhnagar. Therefore this Court has no hesitation to hold that the prosecution established beyond all reasonable doubt that there was chatting between the accused No.1 to 5 to cause bomb blasts in Hyderabad prior to the twin bomb blasts. Accordingly this point is answered affirmatively.

02. Whether the prosecution established that the accused No.4 came to Hyderabad from Ranchi in pursuance of conspiracy and on the directions of A1 ?

613. On this aspect, PW82 who is resident of Ranchi stated

that he was studying DME at Chennai. He met one Sameer when he was in Ranchi. He was staying in the adjacent room in chotu lodge where he was staying. They were conversing regularly and he informed that he wanted to do MBA. He tried to get him admission in Chennai but failed. He expressed that he wanted to study MBA in Hyderabad. One of his cousin brother Sharique Iqbal (LW448) was studying Diploma in Hyderabad. Then he gave address and phone number of his cousin to Sameer. Then Sameer went to Hyderabad and met his cousin. His cousin brother informed that his friend Sameer had met him in Hyderabad and was staying in his room. The witness identified the said Sameer as Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu.

614. PW83 stated that during the year 2012 he was studying in St.Mary College, Deshmuki Village, Batasingaram. He was residing in a room along with his friend in Deshmuki Village. PW82 is his cousin brother who was in Ranchi at the relevant time. In the last week of January, 2013 PW82 called him and informed that his friend by name Sameer was interested in studying MBA and he would come to his place. PW82 asked him to show the college. The said Sameer came to him two days after his cousin PW82 called him. After Sameer came, he stayed with them for 3-4 days. After 4 days he left to Ranchi. From Ranchi he called his roommate who informed that the said Sameer stayed for one day and left. The witness identified the said Sameer as Accused No.4 Mohd.Taseen Akhtar @ Hassan @ Monu.

615. PW113 who is working with VRL Travels since 14 years stated that he gave details of passengers who traveled between Mumbai, Bangalore, Mangalore, Hyderabad during February, 2013 under Ex.P202 are the details furnished by them which includes the details of passengers and also buses during 01-02-2013 to 28-02-2013.

616. PW54 who is resident of Abdullapurmet stated that one Brahmaiah constructed a house in Abdullapurmet Village and

entrusted the same to PW54 and PW55 to lease out the same and PW54 and PW55 leased out the same to the accused No.4. PW55 the husband of PW54 stated that in the similar lines of PW53 and corroborated the evidence of PW53.

617. PW60 who is an auto driver stated that he is residing at Abdullapurmet in plot No.99 and his neighbor Brahmaiah constructed a house in plot No.100 stated that two or three persons came on rent in the said house of Brahmaiah in the first week of February, 2013 including the accused No.2 and he did not see A2 from the next day of bomb blasts.

618. Perusal of the above evidence discloses that the accused No.4 came from Ranchi and he took house at Abdullapurmet for lease in the first week of February. At this stage the learned counsel for the accused vehemently contended that it was referred as tin sheeted shed in 164 Cr.P.C by PW55 therefore there is a contradiction in between the PW54 and PW55. There is no dispute that PW55 referred the said house as tin sheeted shed but tin sheeted sheds also useful for stay as if houses or rooms. Therefore this admission cannot be taken as advantage by the accused as the above said witnesses PW55, PW56 and PW54 categorically stated the presence of the accused No.2 to 4 at the above said rented house. Therefore the prosecution proved beyond all reasonable doubt that the accused No.4 came from Ranchi to Hyderabad and taken the tin sheeted shed or house on rent. Accordingly this point is answered affirmatively.

03. Whether the prosecution established that the accused No.2 and the accused No.3 came to Hyderabad from Mangalore and joined the accused No.4 at rented house at Abdullapurmet and stayed their till the date of bomb blasts ?

619. On this aspect, PW127 who is working as Booking Clerk in VRL Travels at Mangalore stated that the accused No.2 and 3

travelled on 09-02-2013 to Hyderabad, this witness identified the accused No.2 and 3 stating he travelled in VRL travels bus. Ex.P201 disclose that the accused No.2 pointed out the travels through which he travelled from Mangalore to Hyderabad. PW60 who is an auto driver stated that he is residing at Abdullapurmet in plot No.99 and his neighbor Brahmaiah constructed a house in plot No.100 stated that two or three persons came on rent in the said house of Brahmaiah in the first week of February, 2013 including the accused No.2 and he did not see A2 from the next day of bomb blasts. PW54 who is resident of Abdullapurmet stated that one Brahmaiah constructed a house in Abdullapurmet Village and entrusted the same to PW54 and PW55 to lease out the same and PW54 and PW55 leased out the same to the accused No.4. PW80 who is Technical Examiner of CDFD stated that basing on the DNA fingerprints available on the articles (which were seized from Mangalore Zephyr Heights) are matched with DNA fingerprints of the articles of the accused No.2 to 4 at Abdullapurmet. So the evidence of PW127, PW54, PW60, PW55, PW80 coupled with Ex.P315 pointing out memo and Ex.P297 dairy containing the handwriting of the accused which were compared by PW80 clinchingly established the circumstances that the accused No.2 to 3 came from Mangalore and joined the accused No.4 at rented house at Abdullapurmet and stayed there till the date of blasts. Therefore this Court holds that the prosecution proved beyond all reasonable doubt that the accused No.2 and the accused No.3 came to Hyderabad from Mangalore and joined the accused No.4 at rented house at Abdullapurmet and stayed their till the date of bomb blasts. Accordingly this point is answered affirmatively.

04. Whether prosecution established that the accused No.2 to 4 purchased big size pressure cookers from PW58 one day prior to the twin blasts ?

620. On this aspect, PW58 who is running a steel utensil shop situated at LB Nagar stated that one day prior to the bomb blasts the accused No.2 to 4 came to shop and two out of three persons were standing outside the shop at a distance of 6 feet to him. One of the accused asked him to sell two cookers of same big size.

621. PW78 who is working as Technical Officer 'B' DMRL stated that the aluminium vessels available in the shop of PW58 and the metal pieces seized from the scenes of offence are matched under Ex.P88.

622. In so far as recovery of pressure cooker handles and whistles in the house at Abdullahpurmet where A2, A3 and A4 stayed, is concerned, PW91 who is working as Senior Tax Assistant, Office of Commissioner of Income Tax - I stated that the accused No.2 led this witness and PW138 to the Abdullahpurmet where Mo.161 (handles of two cookers) and Mo.162 (two whistles of cookers) were seized in their presence under Ex.P189 to P191 proceedings. The evidence of PW78 coupled with Ex.P198 invoice shows that the owner of the shop purchased the Ganga cookers from Ganga company and sold the same to the accused and the accused failed to give any explanation with regard to the possession of Mo.161 (handles of two cookers) and Mo.162 (two whistles of cookers). So this Court can draw an inference that they belong to the said pressure cookers which were removed before using the same for the twin bomb blasts.

623. So through this evidence a prudent person can draw an inference that the said pressure cookers were purchased not for domestic purpose and the same were used in the twin blasts because the accused did not give any explanation in their 313 Cr.P.C examination as to why they purchased two big size pressure cookers. Usually for domestic purpose of three persons, one liter cooker is enough but not big size cookers but they did not give any explanation in

this regard and the only inference that could be drawn that only to use the same in the twin blasts, they purchased the those two big cookers. Moreover Ex.P190 discloses that these items i.e., damaged trolley bag with some pieces of clothes on it in the garbage and four long handles and two short handles of pressure cookers and two whistles, which draws the inference that they are not purchased for cooking purpose and the handles, whistles were removed and they are purchased for the preparation of bombs. Therefore having considered the above evidence this Court came to conclusion that the accused No.2 to 4 purchased the cookers of big size to use the same in the twin blasts. Accordingly this point is answered affirmatively.

05. Whether the prosecution proved that the accused No.2 to 4 conducted test blast at Abdullapurmet ?

624. In order to appreciate this point, PW92 who is working as Senior Assistant, MDO Office, Saroornagar stated that the accused No.2 Aasadulla Aktar @ Haddi informed that he would show them the places where they carried out the test blast and other places. They proceeded to Abdullapurmet and went towards Deshmukh Village and prior to reaching the village there was a hillock to the right. The said Haddi asked them to follow him and he went up to the hill and showed the place where a test blast was conducted under the proceedings Ex.P193. Ex.P194 to P196 are the said three sketches. Mo.163 which is aluminum piece of detonator shell was seized. Mo.164 which is part of detonator with two white colour insulated wires were seized. Mo.165 is the control soil sample. Mo.166 is another suspected soil sample seized at the hillock site. Mo.167 is the part of detonator with two white colour insulated wires. In Ex.P192-A the admissible portion reads as: "If I am taken to places, 1) test blast place / spot about 5 to 6 kms away from Abdullapurmet. 2) Place of shop where we purchased plastic sheet at Putli Bowli 3) Ticket booking places at Lakdi-

ka-pool, I can identify and point out the remaining places of transactions which occurred in conducting the twin blasts at Dilsukhnagar, Hyderabad".

625. The evidence of this witness is well corroborated by the investigating officer PW138 who stated that the accused No.2 disclosed in the confession statement that they conducted test blast at Abdullapurmet and the accused No.2 led PW92 and PW138 to the spot of test blast. Accordingly panchanama was conducted under Ex.192-A and Mo.163 which is aluminum piece of detonator shell was seized, Mo.164 which is part of detonator with two white colour insulated wires were seized, Mo.165 is the control soil sample, Mo.166 is another suspected soil sample seized at the hillock site, Mo.167 is the part of detonator with two white colour insulated wires were seized at the instance of the accused No.2. So when the test blast is proved U/Sec.27 of Indian Evidence Act, now the burden is on the accused No.2 since he got knowledge about the test blast so he has to account for the test blast as to who conducted the test blast but he did not give any explanation as such this Court can draw an inference that it is the accused No.2 and other accused conducted the test blast at Abdullapurmet. Therefore this Court holds that the accused No.2 to 4 conducted test blast at Abdullapurmet. Accordingly this point is answered affirmatively.

06. Whether the prosecution proved the purchase of Mo.5 & 6 cycles by the accused No.2 to 4 which were subsequently used in twin bomb blasts ?

626. On this aspect, PW57 who is running a puncture shop at Malakpet gunj stated that two days prior to the bomb blasts he purchased an old cycle from one Mallaiah (PW61) who is hamali in Malakpet gunj. The said cycle was repaired by replacing with a big handle and ganga tyre. The accused No.2 and 4 came to him to

purchase the said cycle (Mo.5) two days prior to the bomb blasts for Rs.1,400/- and they gave 500/- rupees as advance and on the next day they paid Rs.900/-.

627. PW61 who is a Hamali at Malakpet gunj stated that he owned a cycle which he had sold to PW57 Shaik Ismail 15-20 days prior to Dilsukhnagar Bomb blast for Rs.300/-.

628. PW56 who is running Auto stated that previously he used to do business by assembling cycles by buying parts of the cycle from Lohe-ki-mandi. On a Thursday i.e., 21-02-2013 the accused No.2 and 3 came to him and asked for purchasing a cycle (Mo.6) for Rs.1,500/- and purchased the same.

629. PW114, III Metropolitan Magistrate at Hyderabad stated that PW56 Md.Khaja Pasha and PW57 Shaik Ismail identified Mo.5 and 6 under property test identification proceedings Ex.P46.

630. Ex.P35 is the seizure panchanama for seizure of the damaged cycle Mo.6, Mo.18 damaged half cycle tyre, Mo.19 damaged rare rim, Mo.20 damaged rare mudguard, Mo.21 damaged fork, Mo.22 is one rear part of frame, Mo.23 is cycle stand and its broken pieces with its spring, Mo.24 is two rear carriage supporting rods and pieces of carrier, Mo.25 is cycle spokes, Mo.26 is the piece of cycle chain, Mo.27 is the cycle seat springs and supporting rod. Ex.P38 is seizure panchanama for seizure of Mo.41 is the pieces of spokes of bicycle and other nails collected from scene of crime (marked as Q8), Mo.42 is the pieces of metal of bicycle found collected from scene of crime (marked as Q9), Mo.43 is the pieces of mudguard attached with tyre of bicycle collected from scene of crime (marked as Q10), Mo.44 is the cycle tyre & tube pieces and break rubber collected from scene of crime (marked as Q11), Ex.P27 is the seizure panchanama for seizure of the damaged cycle Mo.5. Ex.P338 shows the cycle part, Ex.P353 shows another cycle part with handle, Ex.P354 also shows cycle part with handle, Ex.P169

shows cycle part, Ex.P163 also shows cycle part.

631. All the above three panchanamas and photographs were proved by the panch witnesses and photographer and the investigating officer and the prosecution also established that the accused No.2 and 4 purchased Mo.5 from PW57 and the accused No.2 and 3 purchased Mo.6 from PW56. Having considered the above evidence this Court has no hesitation to hold that the accused No.2 and 4 purchased Mo.5 from PW57 and the accused No.2 and 3 purchased Mo.6 from PW56 prior to the bomb blasts and the same was used in the twin blasts. Even in 313 Cr.P.C examination also the accused did not give any explanation as to why they purchased the second hand cycles. Accordingly this point is answered affirmatively.

07. Whether the prosecution proved that the Mo.5 and 6 cycles were parked at Malakpet Station by the accused No.2 to 4 ?

632. On this aspect, PW67 employee of PW66 (parking contractor) stated that on 20<sup>th</sup> February about three years ago at about 12-00 noon three persons came to the parking with a cycle and parked the said cycle in the parking area. All the three persons appeared to be stylish wearing Jean pants and T-shirts. One person was six feet height and two persons are in medium height of 5.5. After parking the said cycle all the three persons left by an auto. On 21<sup>st</sup> February at about 01-00 pm., two persons out of above said three persons again came to his scooter parking with another cycle and parked the second cycle in their parking stand. PW66 (parking contractor for Railways) stated that he had taken the parking contract of Malakpet Railway Station and he had given the said contract for management to PW67 on a monthly target basis. During January and February, 2013 the said Venkatesh was taking care of the parking contract in Malakpet Railway Station and thereafter he left.

633. In view of the above evidence this Court holds that the prosecution established that the accused No.2 to 4 parked Mo.5 and 6 at Malakpet Railway Station. Accordingly this point is answered affirmatively.

08. Whether the prosecution proved that the accused No.2 to 4 left the house at Abdullapurmet on the day of blast and handing over keys to PW54 owner saying that they were leaving to Mumbai ?

634. On this aspect, PW55, resident of Abdullapurmet stated that on the date of bomb blasts at around 3 to 4 pm., the accused No.4 handed over the keys of the said house to him stating that his mother was not feeling well and he was going to Mumbai. The same was corroborated by the evidence of PW54. On the date of blasts the accused left the house at Abdullapurmet stating that they are leaving for Mumbai and handed over the keys.

635. The evidence of PW54 and PW55 clinchingly established the fact that the accused No.2 to 4 left the rented house at Abdullapurmet on the date of twin bomb blasts. In view of the above evidence this Court holds that the prosecution established that on the date of blasts the accused No.2 to 4 left the rented house at Abdullapurmet. Accordingly this point is answered affirmatively.

09. Whether the prosecution proved that explosive material recovered from the rented house at Zyphry Heights, Mangalore where A2 and A3 stayed were tallied with the explosives used in the twin blasts ?

636. On this aspect, PW141 B.C.Ravinder, FSL, Madiwale stated that he compared the items collected the following items at Zyphr Heights:

Mo.174 is one paper packet containing Ammonium Nitrate Fuel Oil cover (ANFO, ~ 250-300 GM),

I. one paper packet containing IDEAL powder 90 gel explosive was sent to FSL.

II. one polythene cover containing three electrical detonators which were diffused and Mo.175 is the remnants of the diffused detonators.

Mo.176 is one paper packet containing white polythene cover use to wrap the ANFO Bottle,

Mo.177 is one polythene cover containing one Red Polythene cover use to wrap the ANFO Bottle,

Mo.178 is one polythene cover containing one paper used to wrap the IDEAL 90 gel explosive,

Mo.179 is one polythene cover containing 1 ½ "gum tape, Mo.180 is one polythene cover containing GL-one brown gum tape,

Mo.181 is one polythene cover containing hammer and saw blade,

III. one polythene cover containing one digital multimeter -CE-Master,

IV. one polythene cover containing timer devises with connected wires, circuits with battery connections (Electrical Detonators),

V. one polythene cover containing soldering (yellow wire with black, red and white color),

VI. one polythene cover containing 10 batteries of 09 volts,

VII. one polythene cover containing three packets of wires (yellow, orange, green and blue in colour),

VIII. one paper packet containing CK electronic circuits-project board. IX. one polythene cover containing Diodes and one brown circuits,

X. one polythene cover containing timer (WRIST WATCH)-45 pieces,

XI. one polythene cover containing one pack of batteries and connectors,

XII. one paper packet containing hairs collected from the Maroon colour blanket lying on the floor of bedroom No.1,

XIII. one polythene cover containing one set of needle file set kit-06 needle (one is cut),

XIV. one polythene cover containing small circuit board (07) Pin (05) cutters (03) Hitech electrical solution (01) battery connectors (03) saw blade (01),

XV. one polythene cover containing small tool kit box,

XVI. one polythene cover containing diodes, connected wires etc with batteries, XVII. one paper packet containing one red comb with black hairs collected from bedroom No.2,

XVIII. one paper packet containing hairs collected from floor,

XIX. one polythene cover containing one multimeter (MASTECH),

XX. one polythene cover containing Mobile parts and wires (Three circuits, two mobile handsets) and the remnants at the scenes of offence of twin bomb blasts and came to conclusion that both are one and the same and this aspect is also supported by the presumption U/Sec.43 e of Unlawful Activities (Prevention) Act, 1967.

637. PW126 Nithyananda Das, Revenue Inspector, Mulki stated that the accused No.2 voluntarily took them to flat in an apartment where he stayed earlier. The accused had taken them to Zephyr Heights where Ex.P55 was drafted and all the articles mentioned in Ex.P55 were seized in his presence. He also witnessed production-cum-seizure memo under Ex.P56 wherein Ex.P57 lease deed was seized.

638. In view of the above evidence the prosecution established that the recovery of these items was also proved by the panch PW126 and investigating officer PW157. Section 43 (e) of Unlawful Activities (Prevention) Act, 1967 reads as: Presumption as to offence under section 15. - In a prosecution for an offence under section 15, if it is proved - (a) that the arms or explosives or any other substances specified in the said section were recovered from the possession of the accused and there is reason to believe that such arms or explosives or other substances of a similar nature were used in the commission of such offence; or (b) that by the evidence of the expert

the finger-prints of the accused or any other definitive evidence suggesting the involvement of the accused in the offence were found at the site of the offence or on anything including arms and vehicles used in connection with the commission of such offence, the Court shall presume, unless the contrary is shown, that the accused has committed such offence. Therefore this Court has no hesitation to hold that the explosives seized from the rented house at Zyphyer Heights, Mangalore where A2 and A3 stayed were tallied with the explosives used in the twin blasts. Ofcourse the possibility of visit of the accused No.4 at Zephyr Heights cannot be ruled out because his fingerprints were collected at Zephyr Heights. Accordingly this point is answered affirmatively.

10. Whether the prosecution proved that the accused No.2 to 4 received Hawala money and from Western Union Money Transfer ?

639. PW68 Dilip Kumar who is working as a Senior Sales Executive in Centrum Direct Limited stated that during the year 2012-2013 he worked in M/s.VKC Credit and Forex Private Limited as a Senior Sales Executive. The firm was dealing with receiving and sending money to foreign countries. If money sent from foreign country a MTCN (Money Control Transfer Number) is generated and the same is given to the person receiving the money. Basing on MTCN number the said person can withdraw the money from any of the authorized money exchange centers by providing sufficient identity proof and the document containing MTCN number. When a receiver comes to them he has to fill in a TRM form giving particulars of senders name, receivers name, amount and present address and mobile number of the receiver. After providing the said details they match the said details in their system and after being convinced about the identity and other details, the receiver is given the money. For money below 50,000/- the same is

given in Cash and above 50,000/- it is given by way of cheque. On 20-09-2013 some NIA officials from Hyderabad came to their office at Mangalore and enquired about certain transactions of receiving money by some persons and shown photographs. He identified one of the photograph to be that of the person who had received money by filling up the requisite forms and also ID proof was provided. The said person had come to their out-let and transacted business of receiving money on three occasions and on all the three occasions forms were filled up for withdrawing the money. After checking out their record they learnt that the above said person transacted three times, one is on 26-02-2013 and 20-03-2013 and lastly on 12-04-2013. On two transactions dt.12-04-2013 and 20-03-2013 he was personally present during transactions. But one Mr.Nitin Kumar Shetty (LW234) and Chitrakshi Shetty was present for all the transactions. On 20-09-2013 two taluk people (panchayathdars for seizure) along with NIA police came and seized the documents and prepared a statement. Ex.P59 is the seizure memo dt.20-09-2013. He also attested on Ex.P59 containing four sheets. Ex.P60 TRM form containing three sheets of the transaction done on 26-02-2013 along with system generated receipt and copy of ID provided by the receiver. Ex.P61 TRM form containing three sheets of the transaction done on 20-03-2013 along with system generated receipt and copy of ID provided by the receiver. Ex.P62 TRM form containing three sheets of the transaction done on 12-04-2013 along with system generated receipt and copy of ID provided by the receiver. The three transactions were done at their out-let by Nabeel Ahmed who had provided his identity proof and signed on the documents. The witness identified the said Nabeel Ahmed as Accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed.

640. In so far as the receipt of hawala money from Western Union Money transfer is concerned, PW124 Branch Head,

Supama Forex Pvt., Ltd., Mangalore who does money transfers in association with Western Union Money Transferring Agency stated that the accused No.3 i.e., Nabeel Ahmed filled in the said form with a secret code and also provided his ID proof. The Money transfer form is Ex.P402 filled up by the said Nabeel Ahmed and signed by him. Ex.P403 is the Photocopy of ID Proof. Ex.P404 is the receipt issued by them. Ex.P405 is the seizure memo under which Ex.P402 to 404 were seized by the National Investigation Agency. After verifying the details he had handed over the money to the said persons.

641. PW73 Manager in Western Union doing money transfer business stated about three transactions done by one Nabeel Ahmed i.e., the accused No.3 received money thrice i.e., Rs.25,000 on 16-07-2013 and Rs.16,364 on 08-08-2013 and Rs.25,000/- on 29-08-2013. On all the three occasions the said person provided voters ID card with his photograph. Ex.P76 is containing two sheets MTC form with photocopy of the ID dt.16-07-2013. Ex.P77 is containing two sheets MTC form with photocopy of the ID dt.08-08-2013. Ex.P78 is containing two sheets MTC form with photocopy of the ID dt.29-08-2013. The said person also took Rs.25,000/- on 10-06-2012 in the name of Suleiman Sood. Ex.P79 is the computer printout of MTC form scanned copy along with election ID card of the receiver who also received money under Ex.P76 to 78. Ex.P80 is the register maintained by them in their out-let reflecting the details of the payments made to the different individuals who received money during 16-09-2010 to 30-05-2014.

642. The learned counsel for the accused contended that the receipts of this amounts refers to post-offence but there is no bar to take this evidence whether it is post-offence or pre-offence in cases of conspiracy. Therefore this evidence is admissible. Sometimes the accused may agree to do a particular illegal act and receive the money

after commission of the offence, on that ground it cannot be said that he received money not for the illegal purpose. Anyhow the accused No.3 did not give any explanation as to why he received money @ Rs.25,000/-. The evidence of this witness is well-corroborated by the investigating officer PW142.

643. At this stage the learned counsel for the accused vehemently contended that doing Hawala business is illegal even according to PW72 also and therefore section 319 Cr.P.C shall be invoked and PW72 arrayed as an accused and be tried with the accused No.2 to 6. On this aspect, perusal of evidence of PW72 discloses that he came to know that hawala business is an illegal business and he stopped the same after knowing that it is illegal. It was held in AIR 2006 SC 1892 Lokram Vs. Nehal Singh that the Power of Court U/Sec.319 Cr.P.C to be exercised squarely and for compelling reason to add a new person as an accused. In the present case on hand no compelling reasons forthcoming or appearing moreover he stated that he stopped hawala business. In the circumstances this Court holds that section 319 Cr.P.C need not be invoked. Per contra the learned Spl. PP contended that section 319 Cr.P.C can be invoked only in a case where there is *prima facie* material against the third party in connection with the main offence.

644. The above evidence clinchingly established the fact that the accused No.2 to 4 received money through illegal transactions by using fake IDs and also the accused No.4 received money from Western Union Money Transfer by using fake ID and no where they explained as to why they used fake IDs. Accordingly this point is answered affirmatively.

11. Whether the prosecution proved the knowledge of A3 in assembling Improvised Explosive Device ?

645. On this aspect the crucial witness PW112, Assistant

Director, Explosives at Central Forensic Science Laboratory, Ramanthapur, Hyderabad, stated that he witnessed the disclosure and IED demonstration of the accused No.3 Zia-ur-Rahman @ Waqas @ Javed @ Ahmed @ Nabeel Ahmed S/o.Jalauddin at CRPF Camp at Hakimpet. The accused No.3 volunteered and stated that if he was provided with different components of Improvised Explosive Device (IED) he would demonstrate as to how the bomb would be made and accordingly different components required for assembling an IED were provided to the said accused and the accused No.3 demonstrated the preparation of IED bomb. After completing the process of assembling a bomb, the accused placed a bulb in place of explosive substance. The bulb glowed which indicated that circuit required for a bomb to explode has been completed under disclosure and IED demonstration memo is Ex.P331 containing three sheets on which he had signed. Mo.172 is the assembled IED by A3 during the demonstration process on 08-06-2014. Mo.173 is the sealed cover containing the video SD card (memory card). The Mo.173 memory card is identified by the number BI1309422908G embossed on it (made in China). Therefore this Court has no hesitation to hold in view of the evidence of PW112 coupled with Mo.172, Mo.173 that the accused No.3 has got knowledge in preparation of Improvised Explosive Devices. Accordingly this point is answered affirmatively.

12. Whether the prosecution proved the retrieval of Jihadi material, draft E-mails on the letter head of Indian Mujahideen and also fake IDs used by the accused No.2 to 4 from the laptop of the accused No.6 at the his instance ?

646. On this aspect, PW111, Senior Assistant, Office of the Collector, Hyderabad District stated that on their questioning the accused No.6 had shown the information stored in the computer and he opened certain documents by using passwords under Ex.P326 (8 sheets) which is the disclosure of the Ajaz Sheikh.

647. PW147, Panchayat Secretary, Shameerpet, M.P.D.O stated that contents of laptop of the accused No.6 which contains information regarding Jihad material which was about 300 pages which was not printed but available in the hard disk, further there were fake identities and the accused No.6 gave the passwords for opening the files, which were opened in their presence. The printouts of resume containing two sheets were taken. Ex.P451 is the supplementary disclosure of the said accused containing 8 sheets including bio-data (only admissible portion is marked with red colour brackets) "On questioning A6 volunteered to show the following files from the Hard disk in which the content of his laptop and pendrives date is saved by CERT-in, Delhi and the copy received by CIO, from Delhi, Spl. Police on 02/03-04-2015, (1) Ajaz CV files total 134 files, then the Ajaz CV file printed through printer in the presence of the above witnesses and A6 it contains 2 pages and taken signatures of mediators on the printed documents. A6 Ajaz also shown the following Jeehadi literature from the hard disks which were downloaded by him to read and motivate the others toward Jeehadh, the files are following in the name of following path (1) Allah Governance on Earth, date of modified 12-01-2013 with path (Evidence-Q4-PDF- Allah Governance (Total 342 pages) (2) The day of Wrath, by Safrali Hawali, (total 123 pages), (3) Death, (total 40 pages), (4) defence, by Dr.Abdullah Azzam, (54 pages) (5) So DO Not Fear Them, By Abu Muhammed al-Maqdisi, 16 pages, (6) The Weapon of the Believer, by Abu Ammaar Yasir Qadhi, 237 pages. The other important files and fake IDs prepared by him and saved in this hard disk were already shown by the accused -6 Ajaz on 14<sup>th</sup> Disclosure before the Independent witnesses. He further added that in the year 2010 after delivering explosives to Yasin Bhatkal at Swargate for German Bakery Blast, Pune he observed the photos of Yasin Bhatkal in the media. The supplementary disclosure statement of the accused A-6 Ajaz Shaikh was

concluded at 1600 hours on 16-04-2015. I supplied a copy of the disclosure to the accused A-6. No inconvenience was given to the accused during the course of interview/interrogation. A-6 again told that his advocate instructed not to sign in any document while in Police custody, so he will not sign in this disclosure."

648. PW140 Additional Deputy Commissioner of Police, Special Cell, Delhi Police stated that on 06-09-2014 he had arrested the accused No.6 from Saharanpur, Uttar Pradesh. At the time of his arrest, a total of 19 electronic devices were recovered from his possession including a Dell Laptop, mobile phones, USB-stick, micro SD card etc.,. During his interrogation the accused No.6 revealed that his responsibility as a member of Indian Mujahideen was for preparing forged identities, receiving and delivering Hawala Money, explosives and for composing E-mails whereby his organization used to take claim for various terrorists strikes in the Country. The accused No.6 revealed that he had sent the threatening E-mail in 2008 after the Varanasi blasts which were investigated by Uttar Pradesh Police and in 2010 after Jama Masjid blast of Delhi which have been investigated by him. The accused No.6 also disclosed several E-mail and chat IDs over which he was in communication with the accused No.1 and others. In addition to this, the Forensic Analysis Report pertaining to the electronic devices including the laptop recovered from the accused No.6 was received from ICERT. The said report is at sheet No.2 to 24 of Ex.P106. Ex.P106-A is the original report to Ex.P106 received from ICERT containing 22 sheets along with covering letter. As per the analysis of the laptop recovered from the accused No.6 the voters ID in the name of Girish Joshi which was used by the accused No.4 for many financial transactions was prepared by the accused No.6. Further from the same laptop many other forged voters IDs bearing photographs of the accused No.2 and 3 were also recovered as having been prepared by

the accused No.6 using photo shop software which was found installed in his laptop. Further a draft letter on the letter head of Indian Mujahideen, is strikingly similar to the E-mails which was sent out as per Jama Masjid strike of 2010 was also recovered. The difference between the E-mail sent in 2010 and the draft recovered in 2014 was that the former related to a terrorist strike which had actually taken place whereas the later pertained to a planned terrorist attack by Indian Mujahideen in Muzaffarnagar of Uttar Pradesh. With the arrest of the accused No.6 this planned terrorist activity was averted and the E-mail was never sent. Because of the sensitivity of this draft E-mail recovered from the laptop of the accused No.6 for it was submitted before the Hon'ble Special NIA Court for Delhi Police in a sealed envelope at the time of submitting the charge sheet against the accused No.6. Ex.P439 is the seizure memo at the instance of the accused No.6 which articles mentioned in Ex.P439 were recovered on 06-09-2014 containing 5 sheets. Ex.P440 is the explanation of the accused No.6 regarding the articles seized under Ex.P439 containing 7 sheets. Ex.P441 is the disclosure statement containing 4 sheets which was made on 06-09-2014. Ex.P442 is the supplementary disclosure statement of the accused No.6 giving details of chat IDs and E-mails IDs etc., containing 2 sheets which was conducted on 11-09-2014. Subsequently, upon the directions of this Hon'ble Court addressed to ICERT, he received a request from NIA to hand over a copy of the digital evidence as seized from the accused No.6. On receipt of the same, the said digital evidence as received from ICERT was handed over to the NIA representative under Ex.P107 along with the necessary integrity certificates i.e., U/Sec.65-B of Indian Evidence Act. In his examination in Chief he had submitted about an incriminating E-mail which was recovered in the Forensic Analysis of the pen-drive seized from the accused No.6. This E-mail was a draft which was to be sent upon the

directions of Accused No.1 Mohammad Riyaz @ Riyaz Bhatkal @ Ismail Shahbandri @ Riyaz Ismail Shahbandri. after a planned strike in Muzafar Nagar, Uttar Pradesh would have been executed. Since this strike was averted with the arrest of the accused No.6, this draft E-mail was never sent. Ex.P487 is the Certified copy of the said E-mail extracted from the pen-drive which was in the possession of the accused No.6. Ex.P488 is the certified copy of the E-mail sent by the accused No.6 at the time of Jama Masjid blast in the year 2010 carried out in Delhi. The device which was used for sending Ex.P488 has been made a part of the charge sheet filed in F.I.R.No.66/2010, P.S.Jama Masjid (investigated by the Special Cell, Delhi). The Simcard used to send Ex.P488 was purchased by the accused No.6 in the name of Purva Shinde. The signature available on the application form for purchase of the Simcard was sent to Handwriting Expert after obtaining the specimen signatures of the accused No.6. Ex.P489 is the certified copy containing 17 sheets are the customer application form in the name of Purva Shinde, identity proof and specimen signatures. The signatures on the application form and the identity proof were analyzed by the Central Forensic Scientific Laboratory and found to be made by the accused No.6. Ex.P490 is the certified copy of the Central Forensic Scientific Laboratory report of the Handwriting Expert containing 5 sheets. Ex.P491 is the Certificate U/Sec.65-B of Indian Evidence Act in case of Ex.P107 (hard disk). Ex.P492 is the Certificate U/Sec.65-B of Indian Evidence Act issued by me in respect of Ex.P105 chat extracts. There was a direction from this Court to the ICERT to provide the Digital Evidences which were retrieved in my case i.e., F.I.R.No.54/2011 and F.I.R.No.66/2010 (both investigated by the Special Cell, Delhi) and the same direction was forwarded for necessary action to his office. In compliance of the same, he had issued Ex.P491 and Ex.P492 to the representative of NIA, Hyderabad.

649. PW134 B.Mukherjee who is working as Deputy Superintendent of Police, NIA, Hyderabad since 21-10-2013 stated that as per the instructions of the CIO, NIA on 29-11-2013 he had visited Mumbai and interacted with one person by name LW441 R.Murali, Director of Western Union Services, AML. He enquired into the money transactions which were received by one Nabeel Ahmed and Naveed Ahmed. Sri.R.Murali (LW441) could identify 7 transactions wherein the funds have been transferred from overseas and delivered to Nabeel and Naveed Ahmed at Mangalore, Karnataka. These deliveries of money were against an EPIC Card TBZ4419279 for all seven transactions. The delivery of money was through the franchisee agent of Western Union Services. The name of agents at Mangalore were: 01. M/s.VKC Credit and Forex Services, Mangalore, 02. C.S. Tours and Travels, Mangalore, 03. Supama Forex, Mangalore (Wall Steet Interchange Limited). Thereafter on 08-03-2014 on instructions from the CIO, NIA he had visited Patna, Bihar and interacted with one person Sri.Abid Ayub of M/s.Apna Tours and Travels Private Limited located at Subzi, Patna. Thereafter Sri.Abid Ayub on the specific enquiry about the transfer of fund on 27-12-2012 in the name of one Sri.Girish Chand Joshi, located one register wherein the transaction of Rs.25,000/- sent by one S.Ali, was registered. Thereafter Sri.Abid Ayub had located the EPIC card No.LJS2308815 in the name of Sri.Girish Chand Joshi which was submitted to the firm for receiving the money. The photograph on the said EPIC Card had the photo of the accused No.4 and underneath the photocopy of the EPIC card submitted, there was a signature in the name of "Girish". On 08-03-2014 a seizure memo was conducted in the presence of LW494 and LW495 who acted as witnesses. Ex.P424 is the seizure memo dt.08-03-2014 conducted at Apna Tours and Travels containing 4 sheets including the attested photocopy of the register reflecting the name of Girish Chandra Joshi. The accused No.4 had

impersonated as "Girish Chandra Joshi" for receiving the said amount. Then again on 30-05-2014 he had visited M/s. CS Tours and Travels, Mangalore and conducted the proceedings in the presence of two independent panchs LW462 and LW463. At M/s.CS Tours and Travels interacted with PW73 and specifically enquired into the transaction of money transfer in the name of one Suleiman Sood. PW73 thereafter located in his register under Ex.P80 wherein a transaction of Rs.25,000/- was disbursed to Suleiman Sood during June, 2012 which entry is found in Ex.P80 in the month of June, 2012 at serial number 49. This transaction was on the basis of a submission of the EPIC card bearing No.TOE0847243 the sender of this money was declared as one Md.Tareeq under these proceedings he had seized Ex.P79 and P80 and also photocopy of Suleiman Sood with election ID card No.TOE0847243 which was used by the accused No.3. Ex.P425 (3 sheets) is the seizure memo dt.30-05-2014, Ex.P426 is the photocopy of Suleiman Sood which was seized by him, Ex.P426 bears the photograph of the accused No.3. This proceedings were consequence of pointing out by the third accused at Mangalore during investigation. Thereafter on 20-01-2015, on the instructions from CIO, NIA he visited Dehradun and with the assistance of Local Police, he examined one Hawaldar (Retired) Sri.Girish Chandra Joshi (LW486) whose identity was used by the accused No.4 for withdrawing the money at Patna at Apna Tours and Travels. Sri.Girish Chandra Joshi accepted that the EPIC card bearing No.LJS2308815 belongs to him but the photograph shown on the EPIC card did not carry his photograph. Thereafter on 2<sup>nd</sup> of July, 2015 he had visited Rohini Area of New Delhi, as per the instructions of CIO, NIA. There at Rohini while visiting the AERO (Assistant Electoral Registration Office) he interacted with one Raj Kumar (PW123) and enquired into the authenticity of EPIC No.KPT0212341 issued in the name of Sri.Ravindra Sharma, R/o.Naharpur, New Delhi. Sri.Raj Kumar (PW123) after

conducting his search in the official records said that no such person was there in their records at the given address under Ex.P401. This identity of Sri.Ravindra Sharma was used by the accused No.4 for obtaining a SIM Card. Ex.P424 is the seizure memo dt.08-03-2014 conducted at Apna Tours and Travels containing 4 sheets including the attested photocopy of the register reflecting the name of Girish Chandra Joshi. A perusal of these documents shows that there are original signatures of the panchs and the investigating officer. Ex.P426 is the photocopy of Suleiman Sood which was seized by me, Ex.P426 bears the photograph of the accused No.3.

650. PW136, Joint Commissioner, Municipal Corporation of Pune since 2012 stated that he is holding Additional Charge of Electoral Registration Officer 208, Vadgaon Sheri, Assembly Constituency. The NIA Police addressed a letter along with photocopy of election ID card in the name of Nabeel Akbar Ali Ahmed bearing No.TBZ4419279 and asked for details. After verification he addressed letter Ex.P427 dt.14-11-2013 intimating the NIA that the name Nabeel Akbar Ali Ahmed with EPIC card No. TBZ4419279 is not found in the electoral roll of 208, Vadgaon Sheri, Assembly Constituency. Ex.P428 is the photocopy of Election ID provided by NIA for the purpose of verification. Ex.P429 is the list of Electoral Voter List in part containing names of the voters and serial numbers of the details mentioned in the Card as 208/65/1129/08 of EPIC card No. TBZ4419279. "208" pertains to Constituency, "65" pertains to part of electoral roll, "1129" is the serial number which is found at page No.13 of Ex.P429 and "08" pertains to the year which was published in the year 2009. The name of Mohite Prakash Dhondiram is found in the said serial number found on EPIC Card.

651. Therefore in view of the above evidence, it establishes that the accused No.6 created fake IDs used by the accused No.2 to 4 for financial transactions and was in possession of Jihadi

material and used to send emails after commission of bomb blasts in various places. Accordingly this point is answered affirmatively.

652. While dealing with circumstantial evidence the landmark decision on this aspect is reported reported in Sharad Biridhichand Sarda Vs. State of Maharashtra, AIR 1984 SC 1622 wherein it is held thus: "(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned 'must or should' and not 'may be' established. (2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty. (3) the circumstances should be of a conclusive nature and tendency. (4) they should exclude every possible hypothesis except the one to be proved, and (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused." This decision was reiterated in the latest decision reported 2015 (1) SCC(Cri) 624 VASANTA SAMPAT DUPARE V/S STATE OF MAHARASHTRA.

653. The principle behind the circumstantial evidence is "*Men may lie but the circumstances can't*". Most of the heinous crimes are generally committed in secrecy. Independent eye-witnesses of other direct evidence are scarcely available to the prosecution. In all these cases usually we don't find direct evidence but circumstantial evidence. The usual difference between these two types of evidences is, in a criminal case based on circumstantial evidence the task of an Investigating officer, Public Prosecutor and Judicial officer is a little bit heavy because they have to verify whether the chain of events is complete? If so, whether it points to the guilt of the accused person and to none others. Whereas in cases of direct evidence, there is no such

scope to suspect the others but the fact remains that is "*Men may lie but the circumstances can't*". and in certain cases when the prosecution proves certain facts than the burden shifts to the accused u/s.106 I.E. Act to explain the facts which are in his exclusive and special knowledge failing which adverse inference can be drawn.

654. Then what is circumstantial evidence: For a crime to be proved, it is not necessary that the crime must be seen to have been committed and must, in all circumstances be proved by direct ocular evidence by examining before the Court those persons who had seen its commission. The offence can be proved by circumstantial evidence also. The principal fact or factum probandum may be proved indirectly by means of certain inferences drawn from factum probandum, that is, the evidentiary facts. To put it differently, circumstantial evidence is not direct to the point in issue but consists of evidence of various other facts which are so closely associated with the fact in issue that taken together they form a chain of circumstances from which the existence of the principal fact can be legally inferred or presumed. So circumstantial evidence is evidence in a case which can be used to draw inferences about series of events.

655. When a case rests upon circumstantial evidence, the following circumstances have to be proved by the prosecution: In view of the decision reported in Sharad Biridhichand Sarda Vs. State of Maharashtra, AIR 1984 SC 1622 wherein it is held thus: " (1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned 'must or should' and not 'may be' established. (2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty. (3) the circumstances should be of a conclusive nature and tendency. (4) they should exclude every possible hypothesis

except the one to be proved, and (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused."

656. **What is the standard of proof:** In view of the decision reported in Gurpreet Singh vs State of Haryana, AIR 2002 SC 3217 wherein it is held: The chain of events must, thus, be complete in such a way so as to point to the guilt of the accused person and to none others-it is not a mere matter of surmise or conjecture but the events ought to be so tell-tale and one cannot come to the conclusion that the accused is the guilty person. Standard of proof has, thus, to be at a much higher decree lest an innocent person gets the blame therefor. The approach of the Court, thus ought to be extremely cautious and upon proper circumspection as regards the appraisal of the available evidence on record.

657. It is held in Subhash Chand vs State of Rajasthan (2002)1 SCC 702: Though the offence is gruesome and revolts the human conscience but an accused can be convicted only on legal evidence and if only a chain of circumstantial evidence has been so formed as to rule out the possibility of any other reasonable hypothesis excepting the guilt of the accused. The Supreme Court has held time and again that between may be true, and must be true there is a long distance to travel which must be covered by clear, cogent and unimpeachable evidence by the prosecution before an accused is condemned as a convict." It is settled law that each and every circumstance must be established beyond all reasonable doubt. And however strong the suspicion may be, it can't take place proof.

658. Then what is beyond reasonable doubt? It is held in Krishnan vs State, AIR 2003 SC 2978: Doubts would be called reasonable if they are free from a zest for abstract speculation. Law

cannot afford any favourite other than truth. To constitute reasonable doubt, it must be free from an overemotional response. Doubts must be actual and substantial doubts as to the guilt of the accused persons arising from the evidence, or from the lack of it, as opposed to mere vague apprehensions. A reasonable doubt is not an imaginary, trivial or a merely possible doubt, but a fair doubt based upon reason and common sense. It must grow out of the evidence in the case. The concepts of probability, and the degrees of it, cannot obviously be expressed in terms of units to be mathematically enumerated as to how many of such units constitute proof beyond reasonable doubt. The learned counsel for the accused tried to convince this Court by putforthing his contention that there was no bomb blasts but the said blasts are due to explosion of cylinder or transformer but he failed to do so in as much as it is only an imaginary doubt but not a reasonable doubt, as discussed in previous part of the Judgment.

659. Then what are the circumstances that are to be proved in a case based on circumstantial evidence: It is held in Bodhraj vs State of Jammu and Kashmir, AIR 2002 SC 3164: With regard to number of circumstances and value of circumstances there is no straight jacket formula but ultimately "The conditions precedent before conviction could be based on circumstantial evidence, must be fully established. They are (1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned must or should and not may be established; (2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, that should not be explainable on any other hypothesis except that the accused is guilty; (3) the circumstances should be of a conclusive nature and tendency; (4) they should exclude every possible hypothesis except the one to be proved; and (5) there

must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused."

660. **Absconding of Accused:** It is held in *Amrik Singh, Satnam Singh Vs. State of Rajasthan*, [1994] 1 SCC 563: The prosecution placed strong reliance during the trial of Amrik Singh on his absconding. Indeed absconding by itself may not be of any conclusive evidentiary value but it is a circumstance which cannot be ignored while considering other evidence connecting the accused with the crime. Where the other evidence is convincing and reliable, absconding assumes some importance. (bii) It is held in *Khanala Venkata Krishna Yadav Vs. State of A.P.*, [2005] 2 ALD(Cri) 376: No doubt, absconding of accused for a variety of reasons may not by itself be sufficient to arrive at a conclusion that the crime was committed by the accused, but it can be taken as an additional link in the chain of circumstances. In the absence of any explanation, this circumstance can be taken as a link in the chain of circumstantial evidence. (biii) It is held in *Joshinder Yadav vs. State of Bihar* in Crl.Appeal No.259/2009 decided on 20-01-2014 (SC): All the accused absconded from their house with their belongings and that the house was completely empty, lead to an irresistible conclusion that the accused were responsible for the death of Bindula Devi. (biv). It is held in *S.Anwar Basha Vs. State of A.P.*, [1998] 1 ALT(Cri) 543: "When husband and wife are in the same house, the normal presumption is that the wife and husband slept in the same room or portion of the house unless it is brought out through evidence that one of them slept in a different portion. In this case, the evidence of PW3 and the admission of the accused when he was examined under Section 313 of Cr. PC, goes to show that the accused was undoubtedly present in the house. The accused claimed that in the early hours of 1-

2-1993, he was taken to the doctor - PW4 for treatment. Thus, in the absence of any explanation given by the husband, and when the husband and wife alone are in the house and the wife is found dead, presumption under Section 106 of the Evidence Act could be drawn that the husband is responsible for the death of his wife. In *Sharad Birdhichand Sarda v. State of Maharashtra*, AIR 1984 SC 1622, the Supreme Court has held that the facts so established should be consistent only with the hypothesis of the guilt of the accused. There must be a chain of evidence complete as not to leave any reasonable ground for so the conclusion consistent with the innocence of the accused and must show that in all human probability, the act must have been done by the accused. When all various links in the chain had been satisfactorily proved by the prosecution and the circumstances point out to the guilt of the accused with reasonable definiteness, absence of explanation by the accused regarding the circumstances leading to the death of the deceased, who is his wife, could be an additional link which completes the chain. In the present case on hand also there is no explanation from the accused as to why they left the shelter place at Abdullapurmet on the date of the incident as such the absence of the accused could be additional link which completes the chain.

661. WHEN ACCUSED SUPPLIES THE MISSING LINK: I. It is held in *Gurpreet Singh Vs. State of Haryana*, AIR 2002 SC 3217: Non-explanation or giving false explanation: The appellant-accused has not offered any reason nor explanation except a plea of alibi which the High Court ascribed to be as false denial. The chain of events dispels any doubt and there seems to be sufficient evidence on record to connect the appellant with a brutal killing of wife, the motive of which is apparent. II. Conduct of accused: It is held in *Joshinder Yadav vs. State of Bihar (supra)*: The fact that the accused did not lodge any complaint about missing of Bindula Devi is supplying the missing link. III. It is held

in Lekhraj Hari Singh vs. State of Gujarat, AIR 1998 SC 242: It was clearly established by the prosecution that the accused and the deceased had come together to the house of Jarnail Singh on 22.12.1981 and that they had stayed together in one room in the said house. It further held that it was established beyond reasonable doubt that the dead body which was found from the said room on 27th morning was that of deceased, Ram Singh who had come as a guest along with the accused. The accused had denied all these facts as false. As the accused had falsely denied these facts, the High Court was right in holding that it supplied the missing link in the chain and that the chain of circumstances being complete, it was reasonable and safe to conclude that it was the accused who had committed murder of the deceased. V. It is held in Vasa Chandrasekhar Rao vs. Ponna Satyanarayana, AIR 2000 SC 2138: When these circumstances were put to the accused through his examination under S. 313 of the Cr.P.C., the accused merely denied the same and such denial would be an additional link in the chain of circumstances to bring home the charge against the accused. VI. It is held in Anthony D' Souza vs State of Karnataka,AIR 2003 SC 258: By now it is well established principle of law that in a case of circumstantial evidence where an accused offers false answer in his examination under S.313 against the established facts that can be counted as providing a missing link for completing the chain. VII. It is held in Subhasish Mondal @ Bijoy vs State of West Bengal in Crl.Appeal No.1391 of 2008, Decided on : 21-11-2013:Another facet is required to be addressed to. Though all the incriminating circumstances which point to the guilt of the accused has been put to him, yet he chose not to give any explanation under S.313 of the Cr.P.C except choosing the mode of denial. It is well settled in law that when the attention of the accused is drawn to the said circumstances that inculpated him in the crime and he fails to offer appropriate explanation or gives a false answer, the same

can be counted as providing a missing link for building the chain of circumstances... In the case at hand, though a number of circumstances were put to the accused, yet he has made a bald denial and did not offer any explanation whatsoever. Thus, it is also a circumstance that goes against him. VIII. It is held in *Munish Mabar v State of Haryana*, AIR 2013 SC 912: It is obligatory on the part of the accused while being examined under Section 313 Cr.P.C., to furnish some explanation with respect to the incriminating circumstances associated with him, and the Court must take note of such explanation even in a case of circumstantial evidence in order to decide whether or not the chain of circumstances is complete. When the attention of the accused is drawn to circumstances that inculpate him in relation to the commission of the crime, and he fails to offer an appropriate explanation, or gives a false answer with respect to the same, the said act may be counted as providing a missing link for completing the chain of circumstances.

When burden Shifts to the accused U/sec. 106 of Indian Evidence Act: (i) In our opinion, the prosecution having established that the accused treated the deceased with cruelty and that they subjected her to harassment for dowry, the accused ought to have disclosed the facts which were in their personal and special knowledge to disprove the prosecution case that they murdered Bindula Devi. Section 106 of the Evidence Act covers such a situation. The burden which had shifted to the accused was not discharged by them. In this connection, we may usefully refer to the judgment of this Court in *Shambhu Nath Mehra v. State of Ajmer* where this Court explained how Section 101 and Section 106 of the Evidence Act operate. Relevant portion of the said judgment reads thus: "Section 106 is an exception to Section 101. Section 101 lays down the general rule about the burden of proof. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts

exist. Illustration (a) says - A desires a Court to give judgment that B shall be punished for a crime which A says B has committed. A must prove that B has committed the crime. This lays down the general rule that in a criminal case, the burden of proof is on the prosecution and Section 106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish facts which are 'especially' within the knowledge of the accused and which he could prove without difficulty or inconvenience." It is held in *Baram Prasad Agrawal v. State of Bihar* the prosecution had established the cruel conduct of the accused i.e., her husband and members of his family and the sufferings undergone by the deceased at their hands. The unbearable conduct of the accused ultimately resulted in her death by drowning in the well in the courtyard of the accused's house. This court observed that what happened on the fateful night and what led to the deceased's falling in the well was wholly within the personal and special knowledge of the accused. But they kept mum on this aspect. (ii) It is held in *Joshinder Yadav vs. State of Bihar* (supra): the deceased was admitted in the custody of the accused. She disappeared from their house. As to how her dead body was found in the river was within their special and personal knowledge. They could have revealed the facts to disprove the prosecution case that they had killed Bindula Devi. They failed to discharge the burden which had shifted to them under Section 106 of the Evidence Act. The prosecution is not expected to give the exact manner in which the deceased was killed. Adverse inference needs to be drawn against the accused as they failed to explain how the deceased was found dead in the river in one foot deep water. Duty of Court: (i) It is not that every one of the links must appear on the surface of the evidence, since some of these links may only be inferred from the proven facts.

Circumstances of strong suspicion without, however, any conclusive evidence are not sufficient to justify the conviction and it is on this score that great care must be taken in evaluating the circumstantial evidence.

In any event, on the availability of two inferences, the one in favour of the accused must be accepted. (ii) The Supreme Court has consistently held that when the evidence against the accused, particularly when he is charged with grave offence like murder consists of only circumstances, it must be qualitatively such that on every reasonable hypothesis the conclusion must be that the accused is guilty; not fantastic possibilities nor freak inferences but rational deductions which reasonable minds make from the probative force of facts and circumstances. (iii) Undoubtedly, in cases of circumstantial evidences motive bears important significance. Motive always locks up in the mind of the accused and some time it is difficult to unlock. People do not act wholly without motive. The failure to discover the motive of an offence does not signify its non-existence. The failure to prove motive is not fatal as a matter of law. Proof of motive is never an indispensable for conviction. When facts are clear, it is immaterial that no motive has been proved. Therefore, absence of proof of motive does not break the link in the chain of circumstances connecting the accused with the crime, nor militates against the prosecution case.

(iv) It is held in *Balwinder Singh vs State of Punjab*, AIR (SC)-1996-0-607: In a case based on circumstantial evidence the Court has to be on its guard to avoid the danger of allowing suspicion to take the place of legal proof and has to be watchful to avoid the danger of being swayed by emotional considerations, however strong they may be, to take the place of proof. It is in the context of the above settled principles, that we shall analyze the evidence led by the prosecution. What are sufficient circumstances to form the complete chain of events: There is no hard and fast rule to lay down any formula as to when chain of

events is complete and when not ?

662. So circumstantial evidence is no longer a weak piece of evidence but in exceptional cases stronger than direct evidence because the circumstances can't speak lie. So the cumulative circumstantial evidence provides a very strong case to determine the truth of a matter, and a suspect can be found guilty of a crime purely upon the strength of circumstantial evidence. That's why university of Michigan Law professor Robert Precht said, "circumstantial evidence can be, and often is more powerful than direct evidence". This being the settled law I have discussed so far. In the present case on hand all the circumstances from which the conclusion of guilt is to be drawn is fully established in this case and the established circumstances are consistent only with hypothesis of the guilt of the accused. The established circumstances do not point out the hypothesis of the innocence of the accused and the established circumstances are conclusive nature and tendency. Lastly all the circumstances form a chain and showed in all human probability that the twin blasts have been committed by the accused with conspiracy.

663. Now this Court has to examine whether the charges framed were proved by the prosecution beyond reasonable doubt basing on the above proved circumstances.

664. Let me proceed to answer the points based on charges framed by this Court:

01. Does the prosecution prove that the accused No.2 to 6 along with the absconding accused No.1 during the period between 2010 to February 2013 were party to a criminal conspiracy to wage war against the Govt.of India and to commit other offences i.e.offences punishable u/ss punishable U/Sec.302 of Indian Penal Code (murder), U/Sec.307 of Indian Penal Code (attempt to murder), U/Sec.316 of Indian Penal Code (causing death of quick born

child), U/Sec.436 of Indian Penal Code (mischief by fire or explosive substances with intend to destroy (A1-Mirchi Center, Anand Tiffin Center, 107 Bus stop, shopping complex), U/Sec.466 of Indian Penal Code (forgery of public record), U/Sec.474 of Indian Penal Code (possession of forged public document), U/Sec.427 of Indian Penal Code (mischief causing damage to the property worth of more than Rs.50/-), U/Sec.201 of Indian Penal Code (causing disappearance of evidence of offence of test blast), and Section 3 of Explosive Substances Act (unlawfully causing explosion), Section 5 of Explosive Substances Act (possession of Improved Explosive Devices unlawfully), Section 10 of Unlawful Activities (Prevention) Act, 1967 (being and continuous to be member of banned unlawful association i.e., Indian Mujahideen), Section 16 of Unlawful Activities (Prevention) Act, 1967 (committing terrorist act resulting in death of any person), Section 17 of Unlawful Activities (Prevention) Act, 1967 (raising or collecting funds for terrorist act), Section 18 of Unlawful Activities (Prevention) Act, 1967 (conspiracy to commit terrorist act), Section 19 of Unlawful Activities (Prevention) Act, 1967 (harboring any terrorist), Section 20 of Unlawful Activities (Prevention) Act, 1967 (being member of unlawful association and committing an act relating to its membership), Section 38 (2) of Unlawful Activities (Prevention) Act, 1967 (assisting relating to membership of unlawful association i.e., Indian Mujahideen), Section 39 (2) of Unlawful Activities (Prevention) Act, 1967 (supporting to unlawful association i.e., Indian Mujahideen), Section 14 of Foreigners Act (contravening the provisions of visa and passport) and thereby you committed an offence punishable U/Sec.120-B of Indian Penal Code ?

665. The learned Special Public Prosecutor strenuously argued that the evidence adduced by the prosecution clearly establishes the complicity of each of the accused which makes them as conspirators of the crime. In cases of criminal conspiracy, the evidence

would attract if there is an agreement between two or more persons to do or cause to be done an illegal act by illegal means. A criminal conspiracy would continue as long as the members of such conspiracy do acts in furtherance of the object of the conspirators. Under Section 10 of Indian Evidence Act the offence of criminal conspiracy is complete, where the conspirators have agreed to do an act, or in furtherance of their common intention such acts done by any one of them which in itself would be evidence and no specific overt acts need to be established as against each and every accused. In *Ramnarayanan Popli Vs State* reported in 2003 Supreme Court cases (criminal) page 869 the Hon'ble Supreme court held that the elements of criminal conspiracy are: a)An object to be accomplished, b)A plan or scheme embodying means to accomplish such object, c)An agreement to commit such acts by affective means and d)An overt act if required by statute. For an offence punishable under 120 B of IPC it would not be necessary to give direct evidence of the agreement of conspirators but can be proved by necessary implications and inferences can be drawn from the acts of the perpetrators. The conspiracy can be proved from the circumstances of the case indicating the meeting of minds. The Hon'ble Supreme Court in *Mohammad Khalid Vs State* reported in 2002 the Supreme Court cases (Crl) page 734 held that no overt act need be proved to establish criminal conspiracy when existence of an agreement to commit an act can be shown from circumstances of the case. In the judgment reported in 2001 SCC (Cri) 1341 *FIROZUDDIN BASHEERUDDIN V/S STATE OF KERALA*, the Hon'ble Supreme Court observed at Para 23... The rationale of conspiracy is that the required objective manifestation of disposition to criminality is provided by the act of agreement. Conspiracy is a clandestine activity. Persons generally do not form illegal covenants openly. In the interests of security, a person may carry out his part of a conspiracy without even being informed of the identity of his co-

conspirators. Since an agreement of this kind can rarely be shown by direct proof, it must be inferred from circumstantial evidence of co-operation between the accused.... Para 24.... The law has developed several different models with which to approach the question of scope. One such model is that of a chain, where each party performs a role that aids succeeding parties in accomplishing the criminal objectives of the conspiracy. No matter how diverse the goals of a large criminal organization, there is but one objective; to promote the furtherance of the enterprise. So far as the mental state is concerned, two elements required by conspiracy are the intent to agree and the intent to promote the unlawful objective of the conspiracy. It is the intention to promote a crime that lends conspiracy its criminal cast. Para 25.... Conspiracy is not only a substantive crime. It also serves as a basis for holding one person liable for the crimes of others in cases where application of the usual doctrines of complicity would render that person liable. Thus, one who enters into conspiratorial relationship is liable for every reasonably foreseeable crime committed by every other member of the conspiracy in furtherance of its objectives, whether or not he knew of the crimes or aided in their commission. The rationale is that criminal acts done in furtherance of a conspiracy may be sufficiently dependent upon the encouragement and support of the group as a whole to warrant treating each member as a causal agent to each act. Under this view, which of the conspirators committed the substantive offence would be less significant in determining the defendant's liability than the fact that the crime was performed as a part of a larger division of labour to which the accused had also contributed his efforts. PARA 29..... Although it is not in doubt that the offence requires some physical manifestation of agreement, it is important to note the limited nature of this proposition. The law does not require that the act of agreement take any particular form and the fact of agreement may be communicated by words or

conduct. Thus, it has been said that it is unnecessary to prove that the parties "actually came together and agreed in terms" to pursue the unlawful object: there need never have been an express verbal agreement, it being sufficient that there was "a tacit understanding between conspirators as to what should be done.". 666. Per contra, the learned counsel for the accused vigorously submitted that the prosecution failed to establish the agreement between the parties and ultimately the ingredients of section 120-B IPC were not established.

667. In order to appreciate this point, it would be useful to refer to Section 120-A IPC which runs thus: When two or more persons agree to do, or cause to be done,— (1) an illegal act, or (2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy: Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

668. Explanation — It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

669. So in view of the above discussion, this Court deduced the following principles: (i) Conspiracy is always hatched in secrecy and it is impossible to adduce direct evidence for the same and offence can be proved from inferences drawn from acts as illegal omissions committed by the conspirators in pursuance of a common design. (ii) It is not necessary that each member of a conspiracy must know all the details of conspiracy and each conspirator. (iii) The law does'nt require that the act of agreement take any particular form and the fact of agreement may be communicated by words as conduct. Thus, it has been said that it is unnecessary to prove that the parties

“actually came together and agreed in terms” to pursue the unlawful object, there need never have been an express verbal agreement, it being sufficient that there was a tacit understanding between conspirators as to what should be done. (iv) Conspiracies are generally proved by some kind of indirect evidence.

670. In the light of the contention of the Special Public Prosecutor, adverting to section 10 of Indian Evidence Act which reads as: Things said or done by conspirator in reference to common design: Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, anything said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it. As mentioned in the illustration given under section 10 of Indian Evidence, there is reasonable ground exists for believing that the accused No.6 joined conspiracy with the accused No.1 to 5 to wage war against the Government of India, as the prosecution established that the accused No.6 supplied fake IDs to the accused No.2 to 4 without which they could not have travelled to Hyderabad and planted bombs. The accused No.5 persuaded the accused No.2 to 4 to join the conspiracy and cause blasts at Hyderabad and the accused No.1 provided logistics, A3 and A4 planted bombs at the direction of A2 at A1-Mirchi center and 107 bus stop. The prosecution further proved that the accused No.6 was in possession of Jihadi material and also sent E-mails claiming the responsibility of various blasts that took place prior to twin bomb blasts. So there is ample evidence apart from the confessions of the accused No.2 and 5, ofcourse they are retracted.

671. The prosecution established all the circumstances beyond all reasonable doubt as discussed in my preceding paragraphs. The prosecution also established roles of each accused in conspiracy: A1 provided logistic support, A2 to A4 caused test blast and twin blasts, A5 gave directions from time to time and hiding A2 after commission of offence, A6 created fake IDs to A1 to A5 so that they could use in execution of twin blasts and sent messages soon after blasts. So to prove whether there was criminal conspiracy between the accused No.1 to 6 to cause twin blasts. The following are the proved circumstances: (i) Online chatting between the accused No.1 to 5, (ii) Receipt of explosives by A2, A3 at Mangalore (iii) taking shelter at Abdullapurmet by A2 to A4, (iv) Causing twin blasts at Dilsukhnagar by A2 to A4, the motive of the accused to cause twin blasts as rightly contended by the learned Special Public Prosecutor is to establish an Islamic State ruled by the Law of "Shariat", by recruiting dedicated youth having same objective. Objectives of the Indian Mujahideen includes waging jihad or holy war against the Hindus, other communities and the Indian State. The motive of the accused is also established by the prosecution by seizure of jihadi material and emails from the laptop of A6. Therefore in view of my foregoing discussion, the prosecution established beyond all reasonable doubt that the accused No.1 to 6 are the parties to the conspiracy. This Court holds that the accused No.2 to 6 are therefore, found guilty of the offence punishable under section 120-B of Indian Penal Code. Accordingly the point is answered affirmatively.

02. Does the prosecution prove that the accused Nos.2 to 6 along with absconding accused No.1 during the period between 2010 to 2013 February had waged war against the Government of India ?

03. Does the prosecution prove that accused Nos.2 to 6 along with the absconding accused No.1 within and without

India had conspired to wage war against the Government of India ?

04. Does the prosecution prove that accused No.2 to 6 along with the absconding accused No.1 within or without India conspired to overawe by means of criminal force or show of criminal force, the Central Government and the State Government of erstwhile Andhra Pradesh ?

05. Does the prosecution prove that the accused Nos.2 to 5 along with the absconding accused No.1 had, during the period between 2010 and February, 2010 collected men, arms and ammunitions within and outside India and made any other preparations to wage war with intention of either waging war or being prepared to wage war against the Government of India with the abetment of A6 ?

672. On these points the learned Special Public Prosecutor argued that In the judgement reported in 2014 (3) SCC(Cri) 230 JAMILUDIN NASIR; AFTAB AHMED ANSARI @ AFTAB ANSARI V/S STATE OF WEST BENGAL. Para 161. After the said decision, we have a recent decision of this Court in Mohammed Ajmal Mohammad Amir Kasab. Here again this Court had to deal with the offences under Sections 121, 121A read with 122, 120B. While analyzing the concept 'waging war' against the Government of India, this Court has explained the concept in the said decision. **This Court has expressed as to how the expression Government of India should be understood in the context of a charge under Sections 121, 121A and 122.** The relevant paragraphs are 537, 538, 540 and 543. We can carefully refer to paragraph 543, which reads as under: "543. Coming back to the facts of the case in hand, we find that the primary and the first offence that the Appellant and his co-conspirators committed was the offence of waging war against the Government of India. It does not matter that the target assigned to the Appellant and Abu Ismail was CST Station (according to Mr Ramachandran, no more than a public building) where they killed a

large number of people or that they killed many others on Badruddin Tayabji Marg and in Cama Hospital. What matters is that the attack was aimed at India and Indians. It was by foreign nationals. People were killed for no other reason than they were Indians; in case of foreigners, they were killed because their killing on Indian soil would embarrass India. The conspiracy, in furtherance of which the attack was made, was, *inter alia*, to hit at India; to hit at its financial centre; to try to give rise to communal tensions and create internal strife and insurgency; to demand that India should withdraw from Kashmir; and to dictate its relations with other countries. It was in furtherance of those objectives that the attack was made, causing the loss of a large number of people and injury to an even greater number of people. **Nothing could have been more 'in like manner and by like means as a foreign enemy would do'.** **Para 163.1 to 163.10** **163.1 From the evidence on record, we find that the intention of the accused collectively and individually was a defiant of raging attitude against the State.**

163.2 Though the number of accused were not many in number like that of a manpower required in a battle field, the mindset of each of the accused was loaded with such animosity against the State and its machinery (viz) the police force, the act of the assailants at the spot virtually displayed the vicious mindset of all those who were behind it.

163.3 Though the chosen assailants by the conspirators were only two in number, the vengeance with which they indulged in the attack at the spot (viz) the American Centre towards the police force and the extent of damage they caused demonstrated the diabolic mindset of all the conspirators in committing the crime. 163.4 Though the actual assailants were only two in number at the spot of occurrence, the execution of the assault, which resulted in the killing of five policemen and injury caused to around 13 number of personnel, as described by the eye-witnesses, disclosed the merciless conduct of the whole lot of

accused. The scene of occurrence as stated by the Witnesses, make us feel as though it was like a battle field and a war like situation was created, though no pomp and pageantry usually associated with war was not present. 163.5 This is not an offence due to an outcome of a lawlessness of a group of individuals who indulged in such a crime unaware of the damage and destruction it would cause. On the other hand, it was an act committed with all preparation and with a determination to cause damage of unimaginable extent to men and material. 163.6 The act indulged in by the accused cannot also be attributed to any public cause or public good in order to state that even though the target of attack was towards police force posted at American Centre, there was no Hippocratic mindset behind such attack. 163.7 However, much one would attempt to mitigate the acts indulged in by the accused and the assailant it is difficult to comprehend that the accused did not intend to commit an offence of such high magnitude, but were only intended to resort to a simple revenge. On the other hand, the intent and purpose of the attack was to create an indelible mark in the mind of the State that their group can go to any extent when it comes to the question of implementing their wrong perceptive Jehadi movement. 163.8 The target of attack chosen after considerable deliberation by the conspirators, namely, the American Centre and the police force posted there was sufficient to demonstrate that once the attack is executed, the State Machinery should realise the vulnerability of the group committing such offence who cannot be ignored for all time to come. 163.9 We find that **the object of the conspirators was to create a panic in the mind of the public at large and a horrendous threat to be felt by the State about the accused/assailants and all those who are behind such conspiracy.** The consequence of such an attack also conveys an impression on the State to be on the alert always to face such and even

more intense attacks in future which would pose a constant challenge to the State and the democratic Constitution. 163.10 In the ultimate analysis, the act of the accused/assailants was not a mere desperate act of a small group, but was an act of higher magnitude with a clear object and determination to impinge on the SOVEREIGN AUTHORITY of the Nation and its Government. It is submitted that the above case laws provide the basis to determine the factum of criminal conspiracy amongst accused in a criminal case. Further the factors to determine whether the acts of the accused amount to waging war against the State as contemplated under section 121A of IPC are made out or not. In the facts and circumstances of the case which are discussed, the complicity of each of the accused in committing the crime by entering into criminal conspiracy is made out. Further the accused are involved in placing bombs at various places throughout India. By their deliberate, conscious terrorist acts, committed in pursuance of their distorted and repugnant belief of "Jihad", they are squarely responsible for killing hundreds of innocent citizens of India – that includes 17 invaluable human lives in the instant blast case. The overall damage which the bombings had caused includes loss of public property, loss of invaluable innocent lives of residents of India, an indelible mark of terror on the psyche of the common Indian citizens, and a dent in the overall security apparatus and the Government of the nation before the International community thereby affecting the economy and growth of the nation. This should leave no doubt in any one's mind that the acts of the accused amount to waging of war against the Government of India. Whereas the learned counsel for the accused argued that the offences U/Sec.121, 121-A, 122 IPC do not attract in this case as the prosecution failed to prove the waging war and conspiracy to wage war and collection of arms and ammunition.

673. On this aspect the prosecution established the

following circumstances (i) the accused No.2 and 3 collected Improvised Explosive Device which comes within the definition of arms and ammunition at Zephyr heights, Mangalore and brought the same to Abdullapurmet where they joined A4 who had already taken a rented house and A2 to A4 received hawala money by using fake IDs and they did not give any explanation as to why they received hawala money. So the only presumption that could be raised since the money received by them and the onus shifted upon them to prove its source which they failed to prove and only presumption that can be raised is that it was the Hawala money which was raised from benami transaction for terrorist activities. Lastly the Jihadi material seized from the possession of A6 coupled with online chatting and confession of A2 and A5 which is true and voluntary and was supported by the independent evidence clinchingly established the fact that their intention is only to wage war against the Government of India thereby to target the innocent people under the guise of holy war Jihad. Therefore under section 121/121A/122 of IPC there can never be any direct evidence regarding the fact of waging war against the Government of India or attempt to wage such a war. The offence can only be proved by the circumstantial evidence and oral testimony of the witnesses. In the present case, the accused No.6 was found in possession of Jihadi material and E-mails which were sent after various blasts. Furthermore, in the present case on hand the accused No.3 is a foreign national viz., Pakistani. Though the accused No.2, 4 to 6 are not foreign national but they developed their mind set of enemy foreign national. Therefore this Court has no hesitation to hold that the accused No.2 to 6 have committed the offence U/Sec.121, 121-A, 122 of IPC since the section itself speaks that the abettors are also covered by section 121 though r/w.34 against A2 and r/w.109 against A5 and 6 are framed they can be convicted U/Sec.121 IPC. On this aspect, it was held in the case of *Dalbir Singh v.*

State of U.P., reported in (2004) 5 SCC 334, that in view of Section 464 Cr.P.C. it is possible for the appellate or revisional court to convict the accused for an offence for which no charge was framed unless the court is of the opinion that the failure of justice will occasion in the process. The learned Judges further explained that in order to judge whether there is a failure of justice the Court has to examine whether the accused was aware of the basic ingredients of the offence for which he is being convicted and whether the main facts sought to be established against him were explained to him clearly and whether he got a fair chance to defend himself. If we follow these tests, we have no hesitation that in the instant case the accused had clear notice of what was alleged against him and he had adequate opportunity of defending himself against what was alleged against him. Reference in this connection may also be made in the decision reported in Rawalpenta Venkalu and another v. The State of Hyderabad reported in AIR 1956 SC 171 at para 10 page 174 of the report. The learned Judges came to the conclusion that although Section 34 is not added to Section 302, the accused had clear notice that they were being charged with the offence of committing murder in pursuance of their common intention. Therefore, the omission to mention Section 34 in the charge has only an academic significance and has not in any way misled the accused. This Court holds that the accused No.2 to 5 are found guilty for the offence U/Sec. 121, 121-A of IPC, A2 to A5 are found guilty of the offence U/Sec.122 of IPC and A6 is found guilty of offence U/Sec.122 r/w109 of IPC. Accordingly these points are answered affirmatively.

674. As far as the involvement of absconding accused No.1 whose name has been figured in the confessional statements of accused No.2 and 5 is concerned, this Court has only considered his involvement in the conspiracy. This Court cannot give any verdict against the absconding accused No.1 because he is not tried so far. He

was not physically present in India. Therefore the involvement of the absconding accused No.1 to the extent of offence U/Sec.120-B, 121, 121-A, 122 of IPC is proved.

06. Does the prosecution prove that A3 murdered 6 persons as mentioned in table No.1 and A4 murdered 11 persons as mentioned in table No.2 who had died due to bomb blasts ?

**Table No.1:**

SI No	NAME OF THE DECEASED DIED AT 107 BUS STOP
1	Vadda Vijay Kumar
2	Muthayala Rajashekhar
3	Singadi Anand Kumar
4	Rapolu Sudhakar Rao
5	Mohd Amanullah Khan
6	Aijaz Ahmed

**Table No.2:**

SI No	NAME OF THE DECEASED DIED AT A1-MIRCHI CENTER
1	Padmakar Kulkarni
2	Vele Ramulu
3	Nakka Venkateshwarlu
4	Md Rafiuddin
5	Poreddy Swapna Reddy
6	Kadechor Harish Karthik
7	Bommareddy Lakshmi Srinivasa Reddy
8	Gunta Thirupathi
9	Chogaram @ Koloji
10	Murda Boina Machagiri
11	Amrutha Ravi

07. Does the prosecution prove that the accused No.2 shared common intention of the accused No.3 and 4 in murdering the deceased mentioned in table No.1 and 2 ?

08. Does the prosecution prove that the accused No.5 and 6 abetted with conspiracy the commission of murder of the deceased mentioned in table No.1 and 2 by the accused No.3 and 4 ?

09. Does the prosecution prove that A3 had attempted to murder 62 persons as mentioned in table No.3 at 107 Bus stop and A4 had attempted to murder 64 persons as mentioned in table

No.3 at A1 Mirchi center ?

10. Does the prosecution prove that A2 had shared common intention of the accused No.3 and 4 in attempting to murder 62 persons as mentioned in table No.3 at 107 Bus stop and to murder 64 persons as mentioned in table No.3 at A1 Mirchi center ?

11. Does the prosecution prove that A5 and A6 abetted with conspiracy the accused No.3 and 4 for the commission of attempting to murder 62 persons as mentioned in table No.3 at 107 Bus stop and attempting to murder 64 persons as mentioned in table No.3 at A1 Mirchi center ?

**Table No.3:**

SL.NO	NAME OF THE INJURED	NATURE OF INJURY	PLACE OF INJURY
1	Survi Venugopal	Grievous	107 Bus stop, Dilsukhnagar
2	Tanguturi Srinivasa Rao	Grievous	107 Bus stop, Dilsukhnagar
3	R Vignesh	Grievous	107 Bus stop, Dilsukhnagar
4	Md Hazi	Grievous	107 Bus stop, Dilsukhnagar
5	Gunnadattula Sudharani	Grievous	107 Bus stop, Dilsukhnagar
6	Ch Swechha Roopa Choudhury	Grievous	107 Bus stop, Dilsukhnagar
7	Lanka Srikrishna Sundar Sharma	Grievous	107 Bus stop, Dilsukhnagar
8	Pathi Manasa	Grievous	107 Bus stop, Dilsukhnagar
9	Godesh Mounika	Grievous	107 Bus stop, Dilsukhnagar
10	Kolluru Swathi	Grievous	107 Bus stop, Dilsukhnagar
11	Krishnakanth	Grievous	107 Bus stop, Dilsukhnagar
12	Abdul Wasim Mirza	Grievous	107 Bus stop, Dilsukhnagar
13	V Srinivasa Rao	Grievous	107 Bus stop, Dilsukhnagar
14	Rajitha	Grievous	107 Bus stop, Dilsukhnagar

15	Shivakumar	Grievous	107 Bus stop, Dilsukhnagar
16	Azimuddin	Grievous	107 Bus stop, Dilsukhnagar
17	Md Javid	Grievous	107 Bus stop, Dilsukhnagar
18	Malothu Laxmi	Grievous	107 Bus stop, Dilsukhnagar
19	Ravinder Naik	Grievous	107 Bus stop, Dilsukhnagar
20	Malothu Gangulamma	Grievous	107 Bus stop, Dilsukhnagar
21	Banothu Hathiya Naik	Grievous	107 Bus stop, Dilsukhnagar
22	L Vishwanath	Grievous	107 Bus stop, Dilsukhnagar
23	Repally Sunil	Grievous	107 Bus stop, Dilsukhnagar
24	Rachala Harish Reddy	Grievous	107 Bus stop, Dilsukhnagar
25	G Venu	Grievous	107 Bus stop, Dilsukhnagar
26	<b>M.Krishna</b>	Grievous	107 Bus stop, Dilsukhnagar
27	Mangu	Grievous	107 Bus stop, Dilsukhnagar
28	Mrs Peramma	Grievous	107 Bus stop, Dilsukhnagar
29	Venkayamma	Grievous	107 Bus stop, Dilsukhnagar
30	Sai Rohit Goud	Grievous	107 Bus stop, Dilsukhnagar
31	P Yadaiah Goud	Grievous	107 Bus stop, Dilsukhnagar
32	B Shravani	Grievous	107 Bus stop, Dilsukhnagar
33	Md Abdul Hai Umez	Grievous	107 Bus stop, Dilsukhnagar
34	Nitish Agarwal	Grievous	107 Bus stop, Dilsukhnagar
35	Md Fasiuddin	Grievous	107 Bus stop, Dilsukhnagar
36	Abdul Sajid	Grievous	107 Bus stop, Dilsukhnagar
37	V Divya	Grievous	107 Bus stop, Dilsukhnagar
38	L Narsingh Rao	Grievous	107 Bus stop, Dilsukhnagar
39	Tellegoni Krishna Goud	Grievous	107 Bus stop,

			Dilsukhnagar
40	Tanukulla Nancharaiah	Grievous	107 Bus stop, Dilsukhnagar
41	K Yadagiri	Simple	107 Bus stop, Dilsukhnagar
42	Anil Kumar	Simple	107 Bus stop, Dilsukhnagar
43	Ranga Rao	Simple	107 Bus stop, Dilsukhnagar
44	Jalla Kishore	Simple	107 Bus stop, Dilsukhnagar
45	Ganesh	Simple	107 Bus stop, Dilsukhnagar
46	A Sathyanarayana	Simple	107 Bus stop, Dilsukhnagar
47	Tudumalli Veena Rani	Simple	107 Bus stop, Dilsukhnagar
48	G Sashikala	Simple	107 Bus stop, Dilsukhnagar
49	D Laxmi Reddy	Simple	107 Bus stop, Dilsukhnagar
50	Rajiv Kumar Usakoela	Simple	107 Bus stop, Dilsukhnagar
51	Amaravadi Mamatha	Simple	107 Bus stop, Dilsukhnagar
52	Oruganti Shanthi Raju	Simple	107 Bus stop, Dilsukhnagar
53	Surishetti Ramadevi	Simple	107 Bus stop, Dilsukhnagar
54	Surishetti Venkanna	Simple	107 Bus stop, Dilsukhnagar
55	Kathgam Vijaya Bhaskar Reddy	Simple	107 Bus stop, Dilsukhnagar
56	Chittepu Pratap Reddy	Simple	107 Bus stop, Dilsukhnagar
57	N.Venkateshwarlu	Simple	107 Bus Stop, Dilsukhnagar
58	S.Venkanna	Simple	107 Bus Stop, Dilsukhnagar
59	P.Rana Pratap	Simple	107 Bus Stop, Dilsukhnagar
60	Smt.Kalavathi	Simple	107 Bus Stop, Dilsukhnagar
61	Ameeruddin	Grievous	107 Bus Stop, Dilsukhnagar
62	Rajeev Kumar	Simple	107 Bus Stop, Dilsukhnagar
63	Mudari Parashuram	Grievous	A1-Mirchi Center,

			Dilsukhnagar
64	Dr P Ramakanth	Grievous	A1-Mirchi Center, Dilsukhnagar
65	Aunuri Bhaskar	Grievous	A1-Mirchi Center, Dilsukhnagar
66	P Durga Prasad	Grievous	A1-Mirchi Center, Dilsukhnagar
67	Goonda Venkateshwar Rao	Grievous	A1-Mirchi Center, Dilsukhnagar
68	Vangala Rajendra Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
69	Yerishetti Naveen Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar
70	Maruthi Bhujangarao	Grievous	A1-Mirchi Center, Dilsukhnagar
71	Shika Sanni	Grievous	A1-Mirchi Center, Dilsukhnagar
72	Kothapally Gopal Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
73	Lathapally Jangareddy	Grievous	A1-Mirchi Center, Dilsukhnagar
74	G Shravan Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar
75	Ranavat Lakhpath Naik	Grievous	A1-Mirchi Center, Dilsukhnagar
76	Gillala Ramesh	Grievous	A1-Mirchi Center, Dilsukhnagar
77	Salam Venkatanarayana	Grievous	A1-Mirchi Center, Dilsukhnagar
78	Shetti Sudhakar	Grievous	A1-Mirchi Center, Dilsukhnagar
79	Lavuri Saida Naik	Grievous	A1-Mirchi Center, Dilsukhnagar
80	Mamidi Sathyam Babu @Sathyam	Grievous	A1-Mirchi Center,

			Dilsukhnagar
81	E Mahesh	Grievous	A1-Mirchi Center, Dilsukhnagar
82	Uday	Grievous	A1-Mirchi Center, Dilsukhnagar
83	Md Samad	Grievous	A1-Mirchi Center, Dilsukhnagar
84	Durgam Mallikarjun	Grievous	A1-Mirchi Center, Dilsukhnagar
85	Banoth Rama Murthy	Grievous	A1-Mirchi Center, Dilsukhnagar
86	Dubba Mohan Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
87	Bokke Madhusudan Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
88	Marappa	Grievous	A1-Mirchi Center, Dilsukhnagar
89	Kottapally Narasimha Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
90	Ashannak Bakka Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
91	Muthyala Ranjith	Grievous	A1-Mirchi Center, Dilsukhnagar
92	M Vijaya Prasad	Grievous	A1-Mirchi Center, Dilsukhnagar
93	B Abilash Kumar Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
94	Tadakamalla Udaya Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar
95	Tappa Nagarjuna	Grievous	A1-Mirchi Center, Dilsukhnagar
96	Patlavath Yashoda	Grievous	A1-Mirchi Center, Dilsukhnagar
97	V Vandana	Grievous	A1-Mirchi Center,

			Dilsukhnagar
98	Kondagadupula Yellaiah	Grievous	A1-Mirchi Center, Dilsukhnagar
99	<b>Mallepally Pandu Ranga Reddy</b>	Grievous	A1-Mirchi Center, Dilsukhnagar
100	Neelakantam Ashok	Simple	A1-Mirchi Center, Dilsukhnagar
101	<b>Mr Venkata Reddy</b>	Simple	A1-Mirchi Center, Dilsukhnagar
102	<b>Rakesh Sharma</b>	Simple	A1-Mirchi Center, Dilsukhnagar
103	Baby Priyanka	Simple	A1-Mirchi Center, Dilsukhnagar
104	Kalavathi Chauhan	Simple	A1-Mirchi Center, Dilsukhnagar
105	Maram Parameshwar	Simple	A1-Mirchi Center, Dilsukhnagar
106	Dr.Pasula Srinivas	Simple	A1-Mirchi Center, Dilsukhnagar
107	G Raghavendra Swamy	Simple	A1-Mirchi Center, Dilsukhnagar
108	P Ramakrishna	Simple	A1-Mirchi Center, Dilsukhnagar
109	Amaravathi Santhosh	Simple	A1-Mirchi Center, Dilsukhnagar
110	Purna Prasad Sharma	Simple	A1-Mirchi Center, Dilsukhnagar
111	Kakarla Shyamala	Simple	A1-Mirchi Center, Dilsukhnagar
112	Sk Khadir	Simple	A1-Mirchi Center, Dilsukhnagar
113	Shyam Rao	Simple	A1-Mirchi Center, Dilsukhnagar
114	Bheem	Simple	A1-Mirchi Center,

			Dilsukhnagar
115	Yerra Srinivas	Simple	A1-Mirchi Center, Dilsukhnagar
116	Ambati Murulidhar Reddy	Simple	A1-Mirchi Center, Dilsukhnagar
117	Elikatte Dasharath	Simple	A1-Mirchi Center, Dilsukhnagar
118	A Narasimha Rao	Simple	A1-Mirchi Center, Dilsukhnagar
119	Bhupathi Rahitha Kiran	Simple	A1-Mirchi Center, Dilsukhnagar
120	K Rama Rao	Simple	A1-Mirchi Center, Dilsukhnagar
121	Dhikonda Anil Kumar	Simple	A1-Mirchi Center, Dilsukhnagar
122	Abdul Zabbar	Simple	A1-Mirchi Center, Dilsukhnagar
123	<b>G Buchaiah</b>	Simple	A1-Mirchi Center, Dilsukhnagar
124	Dabbu Ramesh	Simple	A1-Mirchi Center, Dilsukhnagar
125	Bhuma Rajashekhar Reddy	Simple	A1-Mirchi Center, Dilsukhnagar
126	M Yadagiri	Simple	A1-Mirchi Center, Dilsukhnagar

12. Does the prosecution prove that the accused No.4 caused the death of unborn fetus of P.Yashoda at A1-Mirchi centre ?

13. Does the prosecution prove that the accused No.2 and 3 shared the common intention of the accused No.4 for causing death of unborn fetus of P.Yashoda ?

14. Does the prosecution prove that the accused No.5 and 6 abetted with conspiracy the accused No.4 to cause

death of unborn fetus of P.Yashoda ?

675. In order to appreciate these points, it would be useful to refer to section 300 IPC which reads as: Section 300 of Indian Penal Code: Murder — Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or

Secondly — If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or

Thirdly — If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or

Fourthly — If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

676. Section 307 of Indian Penal Code: Attempt to murder — Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life.

677. Section 34 of Indian Penal Code: Acts done by several persons in furtherance of common intention — When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

678. SETTLED LAW UNDER SECTION 34 OF INDIAN PENAL

CODE: it was held in 2015 LawSuit(SC) 1063 Balu @ Bala Subramaniam and another Vs. State UT of Pondicherry that to invoke section 34 IPC, it must be established that the criminal act was done by more than one person in furtherance of common intention of all. It must, therefore, be proved that: (i) there was common intention on the part of several persons to commit a particular crime and (ii) the crime was actually committed by them in furtherance of that common intention. The essence of liability under section 34 IPC is simultaneous conscious mind of persons participating in the criminal action to bring about a particular result. Minds regarding the sharing of common intention gets satisfied when an overt act is established qua each of the accused. Common intention implies pre-arranged plan and acting in concert pursuant to the pre-arrangement plan. Common intention is an intention to commit the crime actually committed and each accused person can be convicted of that crime, only if he has participated in that common intention. The classic case on the subject is the judgment of the Privy Council in Mahbub Shah Vs. Emperor, 1945 AIR (PC) 118, wherein it was held as: Section 34 lays down a principle of joint liability in the doing of a criminal act. The section does not say "the common intentions of all" nor does it say "an intention common to all". Under the section, the essence of that liability is to be found in the existence of a common intention animating the accused leading to the doing of a criminal act in furtherance of such intention. To invoke the aid of section 34 successfully, it must be shown that the criminal act complained against was done by one of the accused persons in furtherance of the common intention of all; if this is shown, then liability for the crime may be imposed on any one of the persons in the same manner as if the act were done by him alone. This being the principle, it is clear to their Lordships that common intention within the meaning of the section implies a pre-arranged plan, and to convict the accused of an offence

applying the section it should be proved that the criminal act was done in concert pursuant to the pre-arranged plan. As has been often observed, it is difficult if not impossible to procure direct evidence to prove the intention of an individual; in most cases it has to be inferred from his act or conduct or other relevant circumstances of the case. Reiterating the above principles laid down by the Privy Council in Mahbub Shah's case, in Shankerlal Kacharabai and others Vs. State of Gujarat 1965 AIR (SC) 1260, this Court held that the criminal act mentioned in Section 34 IPC is the result of the concerted action of more than one person and if the said result was reached in furtherance of the common intention, each person is liable for the result, as if he had done it himself. In the present case on hand also A3 and A4 planted IED bombs in furtherance of common intention of A2 to A4. Therefore A3 & A4 are liable for the main offences besides that A2 to A4 are also liable for main offences r/w.34 IPC.

679. Section 107 of Indian Penal Code: Abetment of a thing — A person abets the doing of a thing, who—  
First — Instigates any person to do that thing; or  
Secondly — Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or  
Thirdly — Intentionally aids, by any act or illegal omission, the doing of that thing. Explanation 1 — A person who by willful misrepresentation, or by willful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

680. To prove the charge of abetment, the prosecution is required to prove that the abettor had instigated for the doing of a particular thing or engaged with one or more other person or persons in

any conspiracy for the doing of that thing or intentional aided by an act of illegal omission, doing of that thing.

681. Section 316 of IPC reads as: Causing death of quick unborn child by act amounting to culpable homicide: Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide and does by such act cause the death of a quick unborn child.

682. On these aspects, I have already discussed in the previous part of the Judgment that there are 17 deaths and 1 death of quick born child and 62 persons at 107 Bus stop and 64 persons at A1-Mirchi centre sustained grievous and simple injured persons respectively and this Court gave a specific finding that all the seventeen deaths are homicidal deaths and all the injuries were voluntarily caused due to twin bomb blasts. The prosecution established beyond all reasonable doubt that 17 deceased persons had died due to bomb blasts injuries and prosecution further established beyond all reasonable doubt that the accused No.3 and 4 and the said injuries are caused by the accused No.3 and 4 with an intention to cause death of 17 deceased persons or with intention to cause bodily injury and that the bodily injury was sufficient to cause death in ordinary course of nature. The prosecution also proved that the accused No.2 shared common intention of A3 and A4 in causing the death of seventeen deceased persons and injuries to 62 persons at A1 Mirchi centre and 64 persons at 107 bus stop and that the accused No.5 and 6 abetted the accused No.3 and 4 to cause bomb blasts by supplying the fake IDs in pursuance of conspiracy and by instigating and engaged and harbouring the accused. It is also an established circumstance that A4 caused IED bomb blast at A1 mirchi center and A3 caused IED bomb blast at 107 bus stop and thereby intentionally caused the deaths of deceased and also caused voluntarily hurt to the injured and thereby the accused No.3 and 4

committed murder of 17 deceased and attempted to cause murder of 126 persons and also caused death of quick unborn child. Therefore this Court has no hesitation to hold that the accused No.3 and 4 found guilty of the offence punishable U/Sec.302 IPC and they also found guilty of offence punishable U/Sec.302 r/w.34 IPC. The accused No.2 found guilty of offence punishable U/Sec.302 r/w.34 IPC (two counts). The accused No.5 and 6 abetted the offence U/Sec.302 IPC and thereby they found guilty of offence punishable U/Sec.302 r/w.109 IPC (two counts). The accused No.4 is found guilty of offence U/Sec.316 and the accused No.2 and 3 are found guilty of the offence punishable U/Sec.316 r/w.34 and the accused No.5 and 6 are found guilty of the offence U/Sec.316 r/w.109 IPC. Accordingly these points are answered affirmatively.

15. Does the prosecution prove that A3 and A4 caused destruction of the buildings and property as mentioned in table No.4 ?

16. Does the prosecution prove that A2 shared the common intention of the accused No.3 and 4 in commission of destruction of the buildings and property as mentioned in table No.4 ?

17. Does the prosecution prove that A5 and A6 abetted the accused No.3 and 4 in commission of destruction of the buildings and property as mentioned in table No.4 ?

**Table No.4: LIST OF PROPERTY DAMAGED**

SL.NO	NAME OF THE OWNER	PROPERTY	PLACE OF DAMAGE
1	Gunde Srinivas	Anand Tiffin Center	A1-Mirchi Center, Dilsukhnagar
2	R.Rajesh	Girija Complex (Shop) Blue	107 Bus stop, Dilsukhnagar
3	Mohd.Sajid	Mobile shop damage(Girija complex)	107 Bus stop, Dilsukhnagar
4	Sri Krishna	Shop articles	A1-Mirchi

		damaged	Center, Dilsukhnagar
5	Narsing Rao	Owner of vani Bag Damaged	107 Bus stop, Dilsukhnagar
6	Viswanath	Yash electronic shop (Mobile)	107 Bus stop, Dilsukhnagar
7	P.Ramakrishna (Owner of scooter)	Damage of scooter No.AP 11 L 0856	A1-Mirchi Center, Dilsukhnagar
8	K.BaswaRaj	Panpuri 4wheeler pushcart	A1-Mirchi Center, Dilsukhnagar
9	K.S.V.Sriman Narayana Murthy	Trendy Cloth Store (Glass damaged)	A1 Mirchi Center, Dilsukhnagar
10	Kothapally Pandu Ranga Reddy	Passion Pro Bike No.AP 29 AE 9548	A1 Mirchi Center, Dilsukhnagar
11	Kothapally Narasimha Reddy	Bajaj CT 100 No.AP 29 E 7000	A1 Mirchi Center, Dilsukhnagar
12	P.Rama Krishna	Bajaj Chetak No.AP 11 GL 856	A1 Mirchi Center, Dilsukhnagar
13	Murali	Motor cycle fully damaged	A1 Mirchi Center, Dilsukhnagar

683. On this aspect, the photographs of the scenes of offence per se disclose the damage of the A1-Mirchi centre and damage of vehicles parked at A1 mirchi centre, which is well-corroborated by photographer PW90 and panch for scene of offences and investigating officers as discussed in the previous portion of the Judgment. It is also not in dispute but the only dispute is whether this property was damaged by the bomb blasts or transformer blast. This aspect was already decided that it is bomb blast. Therefore the prosecution established beyond all reasonable doubt that the accused No.3 and 4 caused destruction of the buildings and property as mentioned in table No.4 and that A2 shared the common intention of the accused No.3 and 4 in commission of destruction of the buildings and property as mentioned in table No.4 and that A5 and A6 abetted the accused No.3 and 4 in commission of destruction of the buildings and property as mentioned in table No.4. Therefore this Court holds that the accused

No.4 is found guilty of the offence punishable U/Sec.436 of Indian Penal Code and the accused No.2 and 3 are found guilty of offence punishable U/Sec.436 r/w.34 IPC and the accused No.5 and 6 are found guilty of offence punishable U/Sec.436 r/w.109 IPC.

18. Does the prosecution prove that accused No.2 to 4 caused the evidence of test blast at Abdullapurmet to disappearance ?

19. Does the prosecution prove that the accused No.5 and 6 abetted to cause the evidence of test blast at Abdullapurmet to disappearance ?

684. To appreciate these points, Section 201 of Indian Penal Code reads as: Causing disappearance of evidence of offence, or giving false information to screen offender — Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false.

685. The evidence of PW138 coupled with panch witness i.e., PW92 shows that the accused No.2 pointed out the various places under Ex.P189 and P190, the accused No.2 pointed the place where he stayed at Abdullapurmet near Ramoji Film City under Ex.P197, P199, P201 are the pointing out and seizure memos. The accused No.2 and 5 during the course of investigation revealed their role along with the other accused, the accused No.2 pointed out all the places in Mangalore and Hyderabad. Therefore this Court holds that the accused No.2 to 4 caused the evidence of test blast at Abdullapurmet to disappearance and that the accused No.5 and 6 abetted to cause the evidence of test blast to disappearance. Thereby the accused No.2 to 4 found guilty of offence punishable U/Sec.201 IPC and the accused No.5 and 6 found

guilty of offence punishable U/Sec.201 r/w.109 IPC. Accordingly these points are answered affirmatively.

20. Does the prosecution prove that the accused No.6 prior and subsequent to 21-02-2013 created the fake Voter IDs, passports, driving license etc., purported to be made by public servant in his Official capacity ?

21. Does the prosecution prove that the accused No.2 to 5 abetted the accused No.6 prior and subsequent to 21-02-2013 for creating the fake Voter IDs, passports, driving license etc., which purported to be made by public servant in his Official capacity ?

22. Does the prosecution prove that the accused No.6 had in possession of fake Voter IDs, passports, driving license etc., during the above said period ?

23. Does the prosecution prove that the accused No.2 to 5 abetted the accused No.6 for having possession of fake Voter IDs, passports, driving license etc., during the above said period ?

686. Section 463. Forgery — Whoever makes any false documents or part of a document with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

687. 464. Making a false document — A person is said to make a false document — First — Who dishonestly or fraudulently makes, signs, seals or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed or executed by or by the authority of a person by whom or by whose authority he knows that it was not

made, signed, sealed or executed, or at a time at which he knows that it was not made, signed, sealed or executed; or Secondly— Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or Thirdly — Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or the nature of the alteration.

688. On this aspect, the fake IDs and scanned copies of IDs were seized from laptop of the accused No.6 in the presence of the independent witnesses and this aspect was well supported by the evidence of the Investigating officer and also corroborated by the independent witnesses, these aspects were already discussed at length while answering the circumstances. The accused No.6 did not give proper explanation for such possession and therefore the inference can be drawn against the accused No.6 that it is only for the using the same as genuine. The fake IDs created by the accused No.6 are used by the accused No.2 to 4 for purchasing bus tickets and receiving hawala money and other transactions etc., Therefore this Court holds that the accused No.6 prior and subsequent to 21-02-2013 created the fake Voter IDs, passports, driving license etc., which purported to be made by public servant in his Official capacity and that the accused No.2 to 5 abetted the accused No.6 prior and subsequent to 21-02-2013 for creating the fake Voter IDs, passports, driving license etc., which purported to be made by public servant in his Official capacity and that the accused No.6 had in possession of fake Voter IDs, passports, driving license etc., during the above said period and that the accused No.2 to

5 abetted the accused No.6 for having possession of fake Voter IDs, passports, driving license etc., during the above said period. Thereby the accused No.6 found guilty of the offence U/Sec.466, 474 IPC and the accused No.2 to 5 found guilty of offence U/Sec.466 r/w.109, 474 r/w.109 IPC. Accordingly these points are answered affirmatively.

24. Does the prosecution prove that the accused No.3 and 4 had unlawfully and maliciously caused the bomb blasts at 107 Bus stop at about 18:58:38 and at A1 Mirchi Centre at about 18:58:44 hours after having illegal possession of explosive substances ?

25. Does the prosecution prove that the accused No.3 and 4 unlawfully and maliciously caused the test bomb blast at Abdullapurmet after having illegal possession of explosive substances with the common intention of A2 ?

26. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.2 to 4 to cause unlawful and malicious bomb blasts at 107 Bus stop at about 18:58:38 and at A1 Mirchi Centre at about 18:58:44 hours after having illegal possession of explosive substances ?

27. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.2 to 4 to cause unlawful and malicious test bomb blast at Abdullapurmet after having illegal possession of explosive substances ?

689. To appreciate these points, I would like to advert to the definition of "explosive substance".- In this Act the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement.

690. These points were already discussed by this Court and this Court came to conclusion that the accused No.2 to 4 conducted test blast by using IED and also the accused No.3 caused IED blast at 107 bus stop and the accused No.4 caused IED blast at A1-Mirchi centre with the common intention of each other. So it is established that the possession of IEDs is not for lawful object and it is also established that they caused test blast and twin blasts. Therefore this Court has no hesitation to hold that the accused No.3 and 4 had unlawfully and maliciously caused the bomb blasts at 107 Bus stop at about 18:58:38 and at A1 Mirchi Centre at about 18:58:44 hours after having illegal possession of explosive substances and that the accused No.2 to 4 unlawfully and maliciously caused the test bomb blast at Abdullapurmet after having illegal possession of explosive substances and the accused No.5 and 6 abetted the accused No.2 to 4 to cause unlawful and malicious bomb blasts at 107 Bus stop at about 18:58:38 and at A1 Mirchi Centre at about 18:58:44 hours after having illegal possession of explosive substances and the accused No.5 and 6 abetted the accused No.2 to 4 to cause unlawful and malicious test bomb blast at Abdullapurmet after having illegal possession of explosive substances. Therefore this Court holds that the accused No.3 and 4 found guilty of offence punishable U/Sec.3 and 5 of Explosive Substances Act and the accused No.2 found guilty of offence punishable U/Sec.3 and 5 of Explosives Substances Act r/w.34 of IPC and the accused No.5 and 6 found guilty of offence punishable U/Sec.3 and 5 of Explosive Substances Act r/w.109 IPC. Accordingly these points are answered affirmatively.

28. Does the prosecution prove that the accused No.3 being a foreigner (Pakistani national) entered into India illegally without valid documents and contravened the provisions of section 3 (2) of Foreigners Act, 1946 and committed the offence

punishable U/Sec.14 of Foreigners Act, 1946 ?

29. Does the prosecution prove that the accused No.2, 4 to 6 abetted the accused No.3 who is foreigner to enter into India illegally without valid documents and contravened the provisions of section 3 (2) of Foreigners Act, 1946 and committed the offence punishable U/Sec.14 of Foreigners Act, 1946 ?

691. To answer this point it is necessary to refer Section 3 (2) of Foreigners Act which reads thus: In particular and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner- (a) shall not enter 1[India] or shall enter 1[India] only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed; (b) shall not depart from 1[India], or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed; (c) shall not remain in 1[India] or in any prescribed area therein ; 2 (cc) shall, If he has been required by order under this section not to remain in India, meet from any resources at his disposal the cost of his removal from India and of his maintenance therein pending such removal;] (d) shall remove himself to, and remain in, such area in 1[India] as may be prescribed; (e) shall comply with such conditions as may be prescribed or specified- (i) requiring him to reside in a particular place; (ii) imposing any restrictions on his movements; (iii) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified ; (iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his handwriting and signature to such authority and at such time and place as may be prescribed or specified (v) requiring him to submit himself to such medical examination by such authority and at such time and place

as may be prescribed or specific (vi) prohibiting him from association with persons of a prescribed or specified description; (vii) prohibiting him from engaging in activities of a prescribed or specified description; (viii) prohibiting him from using or possessing prescribed or specified articles ; (ix) otherwise regulating his conduct in any such particular as may be prescribed or specified; (f) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions 9 1[(g)] shall be arrested and detained or confined;] and may make provision 2[for any matter which is to be or may be prescribed and] for such incidental and supplementary matters as may, in the opinion of the Central Government, be expedient or necessary for giving effect to this Act.

692. On this aspect, the letters dt.14-12-2015 (requesting for phone calls) another letter dt.29-02-2016 (requesting letter for arrangement for money and stated that he need a muslim name to receive as it is necessary and only option to transact money from Pakistan to direct the Jail Authorities for making necessary arrangements) both these letters addressed by the accused No.3 to this Court for making phone calls to Pakistan to contact his relatives itself show that he is a Pakistani national and moreover there is no denial by the defence counsel in this regard and there is no explanation in 313 Cr.P.C explanation that he is not a Pakistani national and the address of the accused No.3 also mentioned in the chargesheets as he belongs to Pakistan. The accused No.3 had no passport or visa. Therefore this Court can draw inference that the accused No.3 entered into India illegally with the help of fake documents created by the accused No.6 for executing the conspiracy to wage war against the Government of India. Therefore this Court holds that the accused No.3 being a foreigner (Pakistani national) entered into India illegally without valid documents

and contravened the provisions of section 3 (2) of Foreigners Act, 1946 and the accused No.3 found guilty of offence punishable U/Sec.14 of Foreigners Act, 1946 and that the accused No.2, 4 to 6 abetted the accused No.3 who is foreigner to enter into India illegally without valid documents and contravened the provisions of section 3 (2) of Foreigners Act, 1946 and the accused No.2, 4 to 6 found guilty of offence punishable U/Sec.14 of Foreigners Act, 1946 r/w.109 IPC. Accordingly these points are answered affirmatively.

30. Does the prosecution prove that the accused No.3 caused damage to 107 bus stop by fire or explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 18:58:38 ?

31. Does the prosecution prove that the accused No.2 and 4 shared common intention of the accused No.3 by causing damage to 107 bus stop by fire or explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 18:58:38 ?

32. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.3 for causing damage to 107 bus stop by fire or explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 18:58:38 ?

693. On this aspect, Section 2 of Prevention of Damage to Public Property Act, 1984 reads as: In this Act. unless the context otherwise requires,- a. "mischief" shall have the same meaning as in section 425 of the Indian Penal Code (45 of 1.860); b. "public property" means any property, whether immovable or movable (including put any machinery) which is owned by, or in the possession of, or under the control of - i. the Central Government; or ii. any State Government; or iii. any local authority; or iv. any corporation established by, or under, a Central, Provincial or State Act or v. any company as defined in section 617 of the Companies Act, 1956 (1 of 1956); or vi. any institution,

concern or undertaking which the Central Government may, by notification in the Official Gazette, specify in this behalf: Provided that the Central Government shall not specify, any institution, concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or indirectly by the Central Government or by one or more State Governments, or partly by the Central Government and partly by one or more State Governments.

694. In view of the evidence of the Investigating officer PW157 coupled with evidence of PW90 photographer and scenes of offence panch PW77 and panchanamas Ex.P27, P35 and P38 the prosecution established that the accused No.3 caused damage to the 107 bus stop which is public property. Moreover there is no dispute with regard to the damage to 107 Bus stop. Therefore this Court holds that the accused No.3 caused damage to 107 bus stop by explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 07-00 pm., and that the accused No.2 and 4 shared common intention of the accused No.3 by causing damage to 107 bus stop by explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 07-00 pm., and that the accused No.5 and 6 abetted the accused No.3 for causing damage to 107 bus stop by explosive substances at 107 Bus stop at Dilsukhnagar on 21-02-2013 at about 18:58:38. Therefore the accused No.3 is found guilty of offence U/Sec.4 of Public Property Damages Act and the accused No.2 and 4 are found guilty of offence U/Sec.4 of Public Property Damages Act r/w.34 of IPC and the accused No.5 and 6 are found guilty of offence U/Sec.4 of Public Property Damages Act r/w.109 IPC. Accordingly these points are answered affirmatively.

33. Does the prosecution prove that the accused No.2 to 6 along with the absconding accused No.1 during the

period between 2010 to 2013 February being the members and continued to be members of the Indian Mujahideen, an association declared as unlawful organization by notification U/Sec.3 of Unlawful Activities (Prevention) Act ?

695. On this aspect, the question that falls for my determination is does the prosecution prove that the accused No.2 to 6 along with the absconding accused No.1 during the period between 2010 to 2013 February were members of the unlawful association namely Indian Mujahideen which has been declared as unlawful by a Notification u/s 3 of Unlawful Activities (Prevention) Act, 1967 ? The prosecution has not produced any notification issued by the Central Government u/s 3 of Unlawful Activities (Prevention) Act, 1967. It may be noted that notification of Central Government is necessary to be issued u/s 3 to label any association to be unlawful. Such notification comes into effect only after confirmation made by the Tribunal . Section '3' of Unlawful Activities (Prevention )Act, 1967 runs as under:(3)

Declaration of an association as unlawful- (1) If the Central Government is of opinion that any association is, has become, an unlawful association, it may, by notification in the Official Gazette, declare such association to be unlawful. (2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Central Government may consider necessary: Provided that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose. (3) No such notification shall have effect until the Tribunal has, by an order made under section 4, confirmed the declaration made therein and the order is published in the Official Gazette: Provided that if the Central Government is of opinion that circumstances exist which render it necessary for that Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct

that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Official Gazette. Therefore this Court holds that there is no notification issued by the Central Government u/s 3 of Unlawful Activities (Prevention) Act, 1967 declaring Indian Mujahideen as unlawful organization. Therefore the prosecution failed to establish that the accused No.2 to 6 along with the absconding accused No.1 during the period between 2010 to 2013 February being the members and continued to be members of the Indian Mujahideen, an association declared as unlawful organization by notification U/Sec.3 of Unlawful Activities (Prevention) Act. Accordingly this point is answered.

34. Does the prosecution prove that the accused No.3 and 4 committed a terrorist act of bomb blasts at Dilsukhnagar by using Improvised Explosive Devices causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2 ?

35. Does the prosecution prove that the accused No.2 shared common intention of the accused No.3 and 4 for committing a terrorist act of bomb blasts at Dilsukhnagar by using Improvised Explosive Devices causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2 ?

36. Does the prosecution prove that the accused No.5 and 6 abetted the accused No.3 and 4 for committing a terrorist act of bomb blasts at Dilsukhnagar by using Improvised Explosive Devices causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2 ?

696. On this aspect, it is pertinent for me to refer to Section 1 (g) of Unlawful Activities (Prevention) Act, 1967 which reads as: "unlawful association" means any association- (i)which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake

such activity; or (ii)which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code (45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity.

697. Whereas terrorist act is defined under Section 15 of Unlawful Activities (Prevention) Act, 1967 which reads as: Whoever, with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people in India or in any foreign country, does any act by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community in India or in any foreign country or causes damage or destruction of any property or equipment used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies, or detains any person and threatens to kill or injure such person in order to compel the Government in India or the Government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act.

698. On this aspect, in view of the above discussion on other points, this Court holds that the accused No.3 and 4 committed a terrorist act of twin bomb blasts at Dilsukhnagar by using Improvised Explosive Device causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2 and that the accused No.2 shared common intention of the accused No.3 and 4 for committing a terrorist act of bomb blasts at Dilsukhnagar by using Improvised Explosive

Devices causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2 and that the accused No.5 and 6 abetted the accused No.3 and 4 for committing a terrorist act of bomb blasts at Dilsukhnagar by using Improvised Explosive Devices causing death of 17 persons on 21-02-2013 as mentioned in table No.1 and 2. Thereby they committed the above terrorist act only with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people in India. Therefore the accused No.3 and 4 are found guilty of offence U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 and the accused No.2 is found guilty of offence U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 r/w.34 IPC. The accused No.5 and 6 are found guilty of offence U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 r/w.109 IPC. Accordingly these points are answered affirmatively.

37. Does the prosecution prove that the accused No.2 to 6 directly or indirectly collected funds in India or from Foreign Countries (UAE) through Hawala and Western Union Money Transfer by using fake ID cards knowing that such funds likely to be used by the accused No.2 to 6 and (the absconding accused No.1) to commit terrorist activities ?

699. In so far as this offence is concerned, the prosecution established through PW72 and other witnesses who stated that the accused No.2 to 4 received hawala money by using fake IDs created by the accused No.6 impersonating the names of Nabeel Ahmed by A3 and Danish by A2 and Girish Chandra Joshi by A4. The accused also received money through Western Union Money Transfer. The accused did not explain as to why they received hawala money by using fake IDs and impersonation, therefore it can be inferred that they collected funds for commission of the terrorists acts. Therefore this Court holds that the accused No.2 to 6 directly or indirectly collected funds in India or from

Foreign Countries (UAE) through Hawala and Western Union Money Transfer by using fake ID cards knowing that such funds likely to be used by the accused No.2 to 6 and (the absconding accused No.1) to commit terrorist activities. Therefore the accused No.2 to 4 directly collected funds for terrorist act and the accused No.5 and 6 indirectly collected funds for terrorist act through the accused No.2 to 4. Therefore the accused No.2 to 6 are found guilty of offence punishable U/Sec.17 of Unlawful Activities (Prevention) Act, 1967. Accordingly these points are answered affirmatively.

38. Does the prosecution prove that the accused No.2 to 6 advocated, advised, abetted, instigated the commission of terrorists act viz., twin bomb blasts at 107 bus stop at 07-00 pm., and at A1 Mirchi centre at 07-00 pm., ?

700. It was already discussed above, with regard to the conspiracy between the accused No.1 to 6. The accused No.2 to 4 were found in possession of IEDs and Hawala money, as has been duly established by the prosecution and the only inference that can be drawn from this is that the IEDs and receipt of hawala money were meant for the terrorist activities in the country. Therefore this Court holds that the accused No.2 to 6 advocated, advised, abetted, instigated the commission of terrorists act viz., twin bomb blasts at 107 bus stop at 07-00 pm., and at A1 Mirchi centre at about 07-00 pm.,. Therefore the accused No.2 to 6 are found guilty of offence U/Sec.18 of Unlawful Activities (Prevention) Act, 1967. Accordingly these points are answered affirmatively.

39. Does the prosecution prove that the accused No.5 voluntarily harbored the accused No.2 knowing that the accused No.2 is a terrorist?

40. Does the prosecution prove that the accused No.2 to 4 and 6 abetted the accused No.5 to harbour the

accused No.2 knowing that the accused No.2 is a terrorist ?

701. As there is no definition of Harbour under Unlawful Activities (Prevention) Act, 1967 hence the definition of Harbour from Indian Penal Code is taken U/Sec.52-A which reads as: Except in Section 157 and Section 130 in the case in which the Harbour is given by the wife or husband of the person harboured, the word "Harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension.

702. On this point, it was established by the prosecution through PW81 who retrieved the chatting of the accused that the accused No.1 told to the accused No.5 that he would call the accused No.2 to Pakistan via Nepal after the execution of the blasts and till such time the accused No.2 should be arranged accommodation in Nepal. The accused No.5 stated in his confessional statement under section 164 Cr.P.C, recorded by PW97 the learned Magistrate that the accused No.2 came to the accused No.5 after Dilsukhnagar Blasts and the accused No.5 provided shelter at Nepal. Therefore this Court holds that the prosecution established that the accused No.5 voluntarily harbored the accused No.2 knowing that the accused No.2 is a terrorist and that the accused No.2 to 4 and 6 abetted the accused No.5 to harbour the accused No.2 knowing that the accused No.2 is a terrorist. Therefore the accused No.5 is found guilty of the offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967 and the accused No.2 to 4 and 6 are found guilty of offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967 r/w.109 IPC. Accordingly the points are answered affirmatively.

41. Does the prosecution prove that the accused No.2 to 6 were the members of the terrorist organization i.e.,

Indian Mujahideen during 2010 to 2013 February which involved in terrorist act ?

42. Does the prosecution prove that the accused No.2 to 6 along with absconding accused No.1 were associated with the terrorist organization i.e., Indian Mujahideen to further its activities ?

43. Does the prosecution prove that the accused No.2 to 6 along with the absconding accused No.1 caused twin bomb blasts on 21-02-2013 at Dilsukhnagar, Hyderabad which is relating to support given to the said terrorist organization i.e., Indian Mujahideen ?

703. No doubt the prosecution established that the accused committed terrorist activities to wage war against the Government of India but the prosecution failed to establish by filing notification U/Sec.3 of the Unlawful Activities (prevention) Act, 1967 that Indian Mujahideen is an unlawful organization. Consequently mere proof of member of this organization does not attract section 20 of Unlawful Activities (Prevention) Act and equally does not attract with regard to the offence to further its activities or commence an offence relating to membership of this organization and to support the said organization. Therefore the prosecution failed to prove beyond all reasonable doubt the guilt of the accused for the offences U/Sec.20, 38 (2), 39 (2) of Unlawful Activities (Prevention) Act, 1967. Accordingly these points are answered.

704. In the result: The accused No.2 to 6 are found guilty of the offence punishable under section 120-B of IPC r/w.302 of IPC (Criminal Conspiracy), the accused No.2 to 6 are found guilty of the offence U/Sec. 121 of IPC (waging war against Government of India), 121-A of IPC (conspiracy to wage war against Government of India), the accused No.2 to 5 are found guilty of the offence U/Sec.122 of IPC

(collection of men and arms for waging war) and A6 is found guilty of the offence U/Sec.122 r/w.109 of IPC (abetment for collection of men and arms for waging war).

The accused No.3 and 4 are found guilty of the offence punishable U/Sec.302 IPC (Murder) and they also found guilty of offence punishable U/Sec.302 r/w.34 IPC (murder with common intention). The accused No.2 found guilty of offence punishable U/Sec.302 r/w.34 IPC (two counts) (murder with common intention). The accused No.5 and 6 are found guilty of offence punishable U/Sec.302 r/w.109 IPC (two counts) (Murder with abetment). The accused No.3 and 4 are found guilty of the offence punishable U/Sec.307 of IPC (attempt to murder) and A2 to A4 are found guilty of offence U/Sec.307 r/w.34 IPC (two counts for A2). A5 and A6 are found guilty of the offence U/Sec.307 r/w.109 IPC (two counts).

The accused No.4 is found guilty of offence U/Sec.316 IPC (Causing death of quick unborn child) and the accused No.2 and 3 are found guilty of the offence punishable U/Sec.316 r/w.34 IPC (common intention to cause death of quick unborn child) and the accused No.5 and 6 are found guilty of the offence U/Sec.316 r/w.109 IPC (abetment to cause death of quick unborn child).

The accused No.3 and 4 are found guilty of the offence punishable U/Sec.436 of Indian Penal Code (Mischief by fire or explosive substance) and the accused No.2 is found guilty of offence punishable U/Sec.436 r/w.34 IPC (common intention to cause mischief by fire or explosive substance) and the accused No.5 and 6 are found guilty of offence punishable U/Sec.436 r/w.109 IPC (abetment to cause mischief by fire or explosive substance).

The accused No.2 to 4 are found guilty of offence punishable U/Sec.201 IPC (Causing disappearance of evidence of offence) and the accused No.5 and 6 are found guilty of offence punishable U/Sec.201

r/w.109 IPC (abetment for Causing disappearance of evidence of offence).

The accused No.6 is found guilty of the offence U/Sec.466 IPC (forgery of record of Court or of public register) and U/Sec.474 IPC (having possession of forged document and intending to use it as genuine). The accused No.2 to 5 found guilty of offence U/Sec.466 r/w.109 (abetment for forgery of record of Court or of public register), 474 r/w.109 IPC (abetment for having possession of forged document and intending to use it as genuine).

The accused No.2 to 4 are found guilty of offence punishable U/Sec.3 of Explosive Substances Act (causing explosion likely to endanger life or property) and U/Sec.5 of Explosive Substances Act (possessing explosives under suspicious circumstances) and the accused No.2 to 4 are found guilty of offence punishable U/Sec.5 of Explosives Substances Act and A5 and A6 are found guilty of offence U/Sec.5 of Explosive Substance Act r/w.109 IPC and A3 and A4 are found guilty of the offence U/Sec.3 of Explosives Substances Act and A2 is found guilty of offence U/Sec.3 of Explosive Substances Act r/w.34 of IPC (common intention for possessing explosives under suspicious circumstances) and the accused No.5 and 6 found guilty of offence punishable U/Sec.3 of Explosive Substances Act r/w.109 IPC (abetment for causing explosion likely to endanger life or property).

The accused No.3 found guilty of offence punishable U/Sec.14 of Foreigners Act, 1946 (contravened the provisions of section 3 (2) of Foreigners Act, 1946) and that the accused No.2, 4 to 6 are found guilty of offence punishable U/Sec.14 of Foreigners Act, 1946 r/w.109 IPC (abetment for contravening the provisions of section 3 (2) of Foreigners Act, 1946).

The accused No.3 is found guilty of offence U/Sec.4 of Public Property Damages Act (Mischief causing damage to public property by

fire or explosive substance) and the accused No.2 and 4 are found guilty of offence U/Sec.4 of Public Property Damages Act r/w.34 of IPC (common intention of mischief causing damage to public property by fire or explosive substance) and the accused No.5 and 6 are found guilty of offence U/Sec.4 of Public Property Damages Act r/w.109 IPC (abetment for mischief causing damage to public property by fire or explosive substance).

The accused No.3 and 4 are found guilty of offence U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 (committing terrorist act) and the accused No.2 is found guilty of offence U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 r/w.34 IPC (common intention for committing terrorist act). The accused No.5 and 6 are found guilty of offence U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 r/w.109 IPC (abetment for committing terrorist act).

The accused No.2 to 6 are found guilty of offence punishable U/Sec.17 of Unlawful Activities (Prevention) Act, 1967 (raising or collecting funds for terrorist act). The accused No.2 to 6 are found guilty of offence U/Sec.18 of Unlawful Activities (Prevention) Act, 1967 (conspiracy for terrorist act).

The accused No.5 is found guilty of the offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967 (harbour or conceal any person knowing that such person is a terrorist) and the accused No.2 to 4 and 6 are found guilty of offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967 r/w.109 IPC (abetment to harbour or conceal any person knowing that such person is a terrorist). Accordingly, the accused No.2 to 6 are convicted under section 235 (2) Cr.P.C for above said offences.

The accused No.2 to 6 are found not guilty of the offences U/Sec.10 of Unlawful Activities (Prevention) Act, 1967 (being member of unlawful association), U/Sec.20 of Unlawful Activities (Prevention) Act,

1967 (being member of terrorist gang or organisation), U/Sec.38 (2) of Unlawful Activities (Prevention) Act, 1967 (offence relating to membership of a terrorist organisation) and U/Sec.39 (2) of Unlawful Activities (Prevention) Act, 1967 (offence relating to support given to a terrorist organisation). Accordingly the accused No.2 to 6 are acquitted U/Sec.235 (1) Cr.P.C.

Typed to my dictation by the Personal Assistant, corrected and pronounced by me in the Open Court on this Tuesday, the Thirteenth day of December, Two Thousand Sixteen.

**Sd/- by Dr.T.Srinivasa Rao  
SPECIAL JUDGE  
FOR TRIAL OF SCHEDULED OFFENCES  
INVESTIGATED BY NATIONAL INVESTIGATION  
AGENCY - CUM - V ADDITIONAL METROPOLITAN &  
SESSIONS JUDGE, RANGAREDDY DISTRICT AT  
LB NAGAR, HYDERABAD, TELANGANA STATE**

**APPENDIX OF EVIDENCE**  
**WITNESSES EXAMINED**

**On behalf of the Prosecution:**

PW1/LW1	Shaik Janipasha - Complainant
PW2/LW2	G.Anand - Complainant
PW3/LW34	S.Venugopal - Injured
PW4/LW36	Krishna Kanth Waghmare - Injured
PW5/LW40	B.Sravani - Injured
PW6/LW46	P.Yadaiah - Injured
PW7/LW49	P.Kishore Goud - Injured
PW8/LW51	S.Venkanna - Injured
PW9/LW52	S.Ramadevi - Injured
PW10/LW56	M.Parasuram - Injured
PW11/LW64	M.Peeramma - Injured
PW12/LW70	Srikrishna Sundara Sharma - Injured
PW13/LW71	K.Swathi - Injured
PW14/LW92	Kothapally Gopal Reddy - Injured
PW15/LW126	Setty Sudhakar - Injured
PW16/LW148	Kothapally Narasimha Reddy - Injured
PW17/LW149	A. Bakka Reddy - Injured
PW18/LW110	Jella Kishore - Injured
PW19/LW136	Shyam Rao - Injured
PW20/LW141	Md.Samed - Injured
PW21/LW166	P.Ram Chander - Grandfather Yashoda's feotus
PW22/LW173	Md.Qamar Ali - Inquest panch
PW23/LW176	Nanda Kumar Joshi - Inquest panch
PW24/LW178	Vele Sudhakar - Inquest panch
PW25/LW181	Nakka Yadaiah - Inquest panch
PW26/LW183	Md.Ameeruddin - Inquest panch
PW27/LW186	Poreddy Sudhakar Reddy - Inquest panch
PW28/LW187	K.Veerasha Lingam - Inquest panch
PW29/LW193	G.Bheemaiah - Inquest panch
PW30/LW197	M.Shankaraiah - Inquest panch
PW31/LW199	V.Deelip - Inquest panch
PW32/LW285	Amrutha Kumar - Inquest panch
PW33/LW9	M.Rajeshwar Rao - Inquest panch
PW34/LW10	K.Shiva Prasad - Inquest panch
PW35/LW275	G.Ramana Reddy - Inquest panch
PW36/LW276	Bagdaram - Inquest panch
PW37/LW281	Nazeer Khan - Inquest panch
PW38/LW398	B.Yadagiri Swamy - Investigating Officer
PW39/LW6	Vadda Srinivas - Inquest panch
PW40/LW257	A.Anjaneyulu - Investigating Officer
PW41/LW416	P.Gyanender Reddy - Investigating Officer
PW42/LW399	K.Satyanarayana - Investigating Officer
PW43/LW420	S.Chakrapani - Investigating Officer
PW44/LW417	M.Gangadhar - Investigating Officer
PW45/LW427	K.Yadagiri - Investigating Officer
PW46/LW428	G.Pavan Kumar - Investigating Officer
PW47/LW433	M.Venkateshwarlu - Investigating Officer
PW48/LW418	E.N.Murthy - Investigating Officer
PW49/LW411	N.Satyanarayana - Investigating Officer
PW50/LW421	C.Venkateshwarlu - Investigating Officer
PW51/LW422	K.Venkat Reddy - Investigating Officer
PW52/LW514	A.Venkateshwarlu - Investigating Officer
PW53/LW432	K.Jaganath Reddy - Investigating Officer
PW54/LW206	P.Sudha Madhuri
PW55/LW207	P.Venkateshwarlu
PW56/LW209	Md.Khaja Pasha

PW57/LW210	Shaik Ismail
PW58/LW213	Mohanlal Sencha
PW59/LW445	Merugu Ilaiah
PW60/LW211	K.Lingaiah
PW61/LW217	Vonkolla Mallaiah
PW62/LW218	Shaik Riyazuddin
PW63/LW515	Y.Venkateshwar Rao - Investigating Officer
PW64/LW220	Dr.Umaru Nayarmoole
PW65/LW227	Prasad Shetty - Protected Witness
PW66/LW219	Md. Ayub - Railway parking contractor at Malakpet
PW67/LW216	Tadaboina Venkatesh @ Venkata Swamy
PW68/LW233	Dilip Kumar - Western Money transfer
PW69/LW230	Ravi Dinkar Muthu
PW70/LW231	Devraj Shet
PW71/LW229	Stephen Felix Suares
PW72/LW239	Abu Bakar
PW73/LW235	M.P.Chandran
PW74/LW372	Smt.G.Siva Kumari - Nodal Officer, Vodafone
PW75/LW375	Muralidhar - Nodal Officer, Airtel
PW76/LW288	M.Mallikarjun - Independent Witness/Panch witness
PW77/LW291	K.Venkat Ratnam - Panch witness
PW78/LW390	M.Sai Madhav - Metallurgical Expert
PW79/LW383	Md.Moinuddin - FSL Expert
PW80/LW388	Vijay Girnar - FSL Expert
PW81/LW475	Subrahmani Babu - Scientist
PW82/LW449	Md.Asif Iqbal
PW83/LW448	Sharique Eqbal
PW84/LW323	Dr.K.Satyanarayana Reddy - Medical Officer
PW85/LW318	Dr.K.Parvathi - Medical officer
PW86/LW315	Dr.P.Hari Krishna - Medical officer
PW87/LW317	Dr.Abhijit Subhedar - Medical officer
PW88/LW334	G.Raghavendra - Medical Officer
PW89/LW215	Mohd.Sohail - Independent witness
PW90/LW400	K.Indrasena Reddy - Photographer
PW91/LW297	Jugal Kishor Pradhan - Panch witness
PW92/LW306	Syed Taquiuddin Ahmed - Panch witness
PW93/LW516	A.V.K.Naidu - Nodal Officer, Idea Celluar
PW94/LW517	R.Srinivas - Nodal Officer, Tata Celluar
PW95/LW518	Dr.Md.Rafi - Medical Officer
PW96/LW519	Dr.D.Ajay - Medical Officer
PW97/LW393	V.Satyanarayana - Magistrate
PW98/LW394	Y.Govind Reddy - Magistrate
PW99/LW293	Swarn Kumar - Independent witness
PW100/LW520	Dr.P.Murali Manohar - Medical Officer
PW101/LW521	Dr.N.Yadagiri - Medical Officer
PW102/LW443	Harish Surabhi - Owner of VRS mobile shop
PW103/LW352	Dr.K.Naresh - Medical Officer
PW104/LW522	Dr.Ramesh - Medical Officer
PW105/LW523	Shahed Akram - Medical Officer
PW106/LW524	Dr.S.Phanivardhan Reddy - Medical Officer
PW107/LW344	Dr.P.Somulu - Medical Officer
PW108/LW492	Hitesh.J.Trivedi - FSL Expert
PW109/LW465	G.Sandeep Kumar - Panch witness
PW110	R.B.Bhosale - FSL Expert
PW111/LW508	Syed Abdul Irshad - Panch witness
PW112/LW470	Dr.A.K.Srivastava - FSL Expert
PW113/LW208	Prakash.K - Manager of VRL Travels
PW114/LW472	Ch.Venkateshwara Rao - Magistrate
PW115/LW392	Ch.N.S.V.Ramana - Investigating Officer

PW116/LW456	V.Nagaraju - Independent witness
PW117/LW488	Afsar Moinuddin Zakir - Photographer
PW118/LW454	R.Ram Babu - Panch witness
PW119/LW380	B.Sreedhar - Collector, RR District
PW120/LW480	N.S.Bisht - Under Secretary
PW121/LW512	Vijay Kumar Upadhyay - Under Secretary
PW122/LW496	S.K.Ahuja - Under Secretary
PW123/LW525	Raj Kumar - Electoral Officer
PW124/LW232	Raju Shetty - Western Union Money Transfer
PW125/LW378	Harischandra Hejmady - Investigation Officer
PW126/LW295	Nithyanada Das - Independent Witness panch
PW127/LW238	Sandesh.K
PW128/LW253	Samba Siva Kumar - Panch witness
PW129/LW252	M.Sai Kumar - Panch witness
PW130/LW473	Radhika Jaiswal - Magistrate
PW131/LW312	Chittaranjan Hota - Panch witness
PW132/LW526	N.Sridhar - Collector, RR District
PW133/LW437	Kanaka Raju - Investigating Officer DSP
PW134/LW483	B.Mukherjee - Investigating Officer
PW135/LW438	Md.Tajuddin Ahmed - Investigating Officer
PW136/LW481	Suresh Jagtap - Electoral Officer
PW137/LW527	Syed Mohammed Abid Ayub - Owner of tours &travels
PW138/LW439	Sunil Emmanuel - First Chief Investigating Officer
PW139/LW474	B.Sridevi - Magistrate
PW140/LW479	Manish Chandra - Investigating Officer
PW141/LW381	B.C.Ravinder - FSL Expert
PW142/LW435	R.K.Sharma - Investigating Officer
PW143/LW446	T.Nageshwar Rao - TV9 Reporter
PW144/LW327	Dr.K.Gopinath - Medical Officer
PW145/LW363	Dr.T.V.Ram Manohar - Medical Officer
PW146/LW529	Dr.M.Prashanthreddy - Medical Officer
PW147/LW511	K.Suresh - Independent witness
PW148/LW528	V.Vishwanatham - Under Secretary
PW149/LW377	Vikas Vaibhav - Investigation Officer
PW150/LW367	Dr.Rajivreddy - Medical Officer
PW151/LW347	Dr.Javid Hussain - Medical Officer
PW152/LW366	Dr.V.Venkateshwar Reddy - Medical Officer
PW153/LW341	Dr.Nethaji - Medical Officer
PW154/LW486	Girish Chandra Joshi
PW155/LW505	Sanjay Kumar Mallavia - Investigating Officer
PW156/LW379	Mukesh Kumar Mena - Collector, Hyderabad
PW157/LW440	M.Venkatadri - Chief Investigation Officer

**On behalf of the Defence:** NIL

### EXHIBITS MARKED

**On behalf of the Prosecution:**

- Ex.P1 Complaint dt.21-02-2013
- Ex.P2 Inquest dt.22-02-2013
- Ex.P3 Inquest dt.22-02-2013
- Ex.P4 Complaint dt.21-02-2013
- Ex.P5 Inquest panchanama of Aijaz Ahmed (D2)
- Ex.P6 Acknowledgment of Aijaz Ahmed (D2)
- Ex.P7 Inquest panchanama of Padmakar Kulkarni (D3)
- Ex.P8 Inquest panchanama of Vele Ramulu (D6)
- Ex.P9 Inquest Panchanama of N.Venkateshwarlu (D8)
- Ex.P10 Inquest panchanama of Md.Rafuddin (D9)
- Ex.P11 Receipt

Ex.P12 Inquest panchanam of P.Swapna (D10)  
 Ex.P13 Inquest panchanama of Harish Karthik (D11)  
 Ex.P14 Inquest Panchanama of G.Tirupathi (D14)  
 Ex.P15 Inquest panchanama of M.Machagiri (D16)  
 Ex.P16 Inquest panchanama of Amrutha Ravi  
 Ex.P17 Receipt  
 Ex.P18 Inquest panchanama of Muthyala Rajashekhar (D2)  
 Ex.P19 Inquest Panchanama of S.Anand Kumar (D3)  
 Ex.P20 Inquest Panchanama of B.Lakshmi Srinivas Reddy (D13)  
 Ex.P21 Inquest Panchanama of Chogaram (D15)  
 Ex.P22 Inquest Panchanama of foetus of Smt.Yashoda (D17)  
 Ex.P23 FIR in Cr.No.56 of 2013  
 Ex.P24 Photograph  
 Ex.P25 Inquest of Panchanama of V.Vijay Kumar (D1)  
 Ex.P26 FIR in Cr.No.146/2013  
 Ex.P27 Scene of crime, observation-cum-seizure report dt.21-2-13  
 Ex.P28 Rough sketch of Cr.No.146/2013  
 Ex.P29 Crime scene seizure panchanama dt.26-02-2013  
 Ex.P30-33Memos dt.21-2-13 deputing several officers for investigation  
 Ex.P34 Handing over letter (16 sheets) in Cr.No.146/2013  
 Ex.P35 Scene of offence observation-cum-seizure panchanama dt.21-02-2013 backside of 72 bus stop  
 Ex.P36 Rough sketch of scene of offence  
 Ex.P37 Memo No.DCP.DD/Camp/43/2013 dt.23-02-2013 of DCPDD, CCS-Hyderabad City  
 Ex.P38 Seizure panchanama (2 sheets) dt.26-02-2013  
 Ex.P39 Seizure panchanama dt.26-02-2013  
 Ex.P40 Deposited with Magistrate on 16-03-2013  
 Ex.P41 Seizure report drafted on 28-02-2013 at 1700 hours  
 Ex.P42 Deposited with Magistrate on 16-03-2013  
 Ex.P43 Letter addressed by the Administrator, Yashoda Hospital (1 sheet)  
 Ex.P44 Signature in page No.3 of TIP proceedings dt.28-06-2014  
 Ex.P45 Signature in TIP proceedings dt.28-06-2014  
 Ex.P46 Cycle Identification parade proceedings on 07-06-2014  
 Ex.P47 Signature on TIP proceedings dt.28-06-2014  
 Ex.P48 Relevant portions of 161 & 164 Cr.P.C. statements of PW56  
 Ex.P49 Signature on TIP proceedings dt.22-10-2013  
 Ex.P50 Signature on TI parade dt.19-10-2013  
 Ex.P51 Signature on TI parade dt.28-06-2014  
 Ex.P52 Signature on TI parade dt.28-06-2014  
 Ex.P53 Signature on TI proceedings dt.09-07-2014  
 Ex.P54 Two signatures on his TIP statement  
 Ex.P54 (A) Second signature on TIP statement  
 Ex.P55 Search and Seizure memo (bearing stamp of District & Sessions Judge, New Delhi District Court)  
 Ex.P56 Production-cum-seizure memo dt.06-09-2013  
 Ex.P57 Lease deed  
 Ex.P58 Seizure panchanama dt.23-09-2013  
 Ex.P59 Seizure memo dt.20-09-2013  
 Ex.P60 TRM form containing three sheets dt.26-02-2013  
 Ex.P61 TRM form containing three sheets dt.20-03-2013  
 Ex.P62 TRM form containing three sheets dt.12-04-2013  
 Ex.P63 Signature on Test identification parade proceedings dt.19-10-13  
 Ex.P70 Register  
 Ex.P64-68 Registers for the months of June, July, August, September  
 Ex.P69 Signature on Test identification parade proceedings dt.19-10-13

Ex.P71 Angle Cyber cafe Register

Ex.P72 Signature on Test identification parade proceedings dt.19-10-2013

Ex.P73 Signature on TI parade proceedings dt.28-06-2014

Ex.P74 Signature on TI parade proceedings on 26-07-2014

Ex.P75 Seizure memo dt.30-09-2013

Ex.P76 MTC From (two sheets) with photocopy of the ID dt.16-07-2013

Ex.P77 MTC From (two sheets) with photocopy of the ID dt.08-08-2013

Ex.P78 MTC From (two sheets) with photocopy of the ID dt.29-08-2013

Ex.P79 Scanned copy of the MTC form computer printout

Ex.P80 Register

Ex.P81 Signature on TI parade proceedings dt.26-07-2014

Ex.P82 Signature on TI proceedings dt.28-06-2014

Ex.P83 Call details

Ex.P84 Photocopy of the application form of the customer

Ex.P85 Call records from 01-02-2013 to 28-02-2013 of Ph.No.9866831745 and 8374041500

Ex.P86 Photocopy of the application of R.Tirupathi Ph.No.9866831745

Ex.P87 Photocopy of application of Sheak Sheak Ayub Ph.No.8374041500.

Ex.P88 Book-let of Investigation report

Ex.P89 Report/opinion dt.29-05-2013 bearing No.CHE/69/2013

Ex.P90 Report/opinion dt.25-05-2013 bearing No.CHE/69/2013-A

Ex.P91 Report/opinion dt.25-05-2013 with file No.CHE/69/2013 (B)

Ex.P92 Report/opinion dt.29-05-2013 bearing No.CHE/70/2013 (A)

Ex.P93 Report/opinion dt.29-05-2013 bearing file No.CHE/70/2013(B)

Ex.P94 Report/opinion dt.25-05-2013 with file No.CHE/70/2013 (C)

Ex.P95 Report/opinion dt.28-05-2013

Ex.P96 Letter by the Hon'ble I AMSJ along with report (14 sheets)

Ex.P97 Letter of I MSJ along with correspondence and report (22 sheets)

Ex.P98 Panchanama drafted during extraction process (41 sheets)

Ex.P99 Chat messages panchanama consisting of 23 sheets

Ex.P100 Panchanama containing three sheets

Ex.P101 Prints of the CDs in 9 volumes (2,548 sheets)

Ex.P102 CD pertaining to Ex.P101

Ex.P103 Forensic Analysis Report (13 sheets)

Ex.P104 Photocopy of extraction report (5 sheets)

Ex.P105 Print out of the chat transcriptions extracted under Ex.P104

Ex.P106 Digital Forensic Analysis Report (24 sheets)

Ex.P106-A Original report to Ex.P106 received from ICERT (22 sheets) along with covering letter

Ex.P107 Copy of hard disk of all the retrieved/recovered digital evidences

Ex.P99-A, Ex.P100-A, P101-A, P103-A are certified copies of Ex.P99, 100, 101, 103 respectively.

Ex.P108 MLC record of the injured Krishna Kanth

Ex.P109 MLC-cum-injury certificate of the injured Abdul Wasem

Ex.P110 MLC-cum-Injury certificate of the injured Srinivas Rao

Ex.P111 MLC-cum-Injury certificate of the injured Ms.Rajitha

Ex.P112 MLC-cum-Injury Certificate of the injured Mr.Shiva Kumar

Ex.P113 MLC-cum-Injury Certificate of the injured Mr.Parasuram

Ex.P114 MLC-cum-Injury Certificate of the injured Mr.Yadagiri

Ex.P115 MLC-cum-Injury Certificate of the injured Mr.Samad

Ex.P116 MLC-cum-Injury Certificate of the injured Mallikarjun  
Ex.P117 MLC-cum-Injury Certificate of the injured Hari Singh  
Ex.P118 MLC-cum-Injury Certificate of the injured Mr.Mohan Reddy  
Ex.P119 MLC-cum-Injury Certificate of the injured Mr.Madhusudhan Reddy  
Ex.P120 MLC-cum-Injury Certificate of the injured Mr.Havappa  
Ex.P121 MLC-cum-Injury Certificate of the injured Mr.Panduranga Reddy  
Ex.P122 Postmortem Report of the deceased Sri.Chogaram  
Ex.P123 Postmortem Report of the deceased Mudraboina Machagiri  
Ex.P124 Postmortem Report of the deceased Vijay Kumar  
Ex.P125 Postmortem Report of the deceased Singadi Anand Kumar  
Ex.P126 Postmortem Report of the deceased Mohd.Amanullah Khan  
Ex.P127 Postmortem Report of the deceased Padmakar Kulkarni  
Ex.P128 Postmortem Report of the deceased Nakka Venkateshwarlu  
Ex.P129 Postmortem Report of the deceased Laxmi Srinivas Reddy  
Ex.P130 Postmortem Report of the deceased Gunta Thirupathi  
Ex.P131 Postmortem Report of the deceased P.Swapna Reddy  
Ex.P132 Postmortem Report of the deceased Muthyala Rajashekhar  
Ex.P133 Postmortem Report of the deceased Vele Ramulu  
Ex.P134 Postmortem Report of the deceased Mohd.Rafiuddin  
Ex.P135 Postmortem Report of the deceased K.Harish Karthick  
Ex.P136 Postmortem Report of the deceased R.Sudhakar Rao  
Ex.P137 Postmortem Report of the deceased Izaz Ahmed  
Ex.P138 Postmortem Report of the deceased Amrutha Ravi  
Ex.P139 Postmortem Report of the dead fetus  
Ex.P140 MLC-cum-Injury certificate of the injured Mr.Kishore  
Ex.P141 MLC-cum-Injury certificate of the injured Mr.Ganesh  
Ex.P142 MLC-cum-Injury certificate of the injured  
Mr.A.Satyanarayana  
Ex.P143 MLC-cum-Injury certificate of the injured Ms.A.Vina Rani  
Ex.P144 MLC-cum-Injury certificate of the injured Mr.Venkat Reddy  
Ex.P145 MLC-cum-Injury certificate of the injured Mr.Rakesh  
Ex.P146 MLC-cum-Injury certificate of the injured Ms.Sampatha  
Ex.P147 MLC-cum-Injury certificate of the injured Baby Priyanka  
Ex.P148 MLC-cum-Injury certificate of the injured Mr.P.Durga Prasad  
Ex.P149 MLC-cum-Injury certificate of the injured Ms.Kalavathi Chowhan  
Ex.P150 MLC-cum-Injury certificate of the injured Mr.Parameshwar  
Ex.P151 MLC-cum-Injury certificate of the injured Mr.G.Venkateshwar Rao  
Ex.P152 MLC-cum-Injury certificate of the injured Mr.V.Rajender Reddy  
Ex.P153 MLC-cum-Injury certificate of the injured Mr.P.Srinivas  
Ex.P154 MLC-cum-Injury certificate of the injured Mr.Raghavendra Swamy  
Ex.P155 MLC-cum-Injury certificate of the injured Mr.Y.Naveen  
Ex.P156 MLC-cum-Injury certificate of the injured Mr.Maruthi  
Ex.P157 MLC-cum-Injury certificate of the injured Mr.Uday  
Ex.P158 MLC-cum-Injury certificate of the injured Mr.Sk.Khadeel  
Ex.P159 MLC-cum-Injury certificate of the injured Mr.Shyam Rao  
Ex.P160 MLC-cum-Injury certificate of the injured Mr.Bheem  
Ex.P191 Office copy of the Booklet and receipt/page No.8666  
Ex.P161 to P188 Photographs of the scene at 107 bus stop  
Ex.P189 Pointing out memo dt.06-09-2013 & 07-09-2013  
Ex.P190 Search and seizure panchanama  
Ex.P192 Confession panchanama of A2  
Ex.P192-A Admissible portion in last page of Ex.P192  
Ex.P193 Panchanama dt.28-09-2013

Ex.P194 to P196 Rough sketches (3 in number)

Ex.P197 Pointing out and seizure memo at Maha Lakshmi Fancy Steel shop

Ex.P198 Tax invoice of Maha Lakshmi Fancy Steel shop

Ex.P199 Pointing and seizure panchanama at Siddartha Brothers, Putlibowl

Ex.P200 Pointing out seizure memo at Salamath Travels

Ex.P201 Pointing out and seizure memo at Vijayanand Travels

Ex.P202 Printout of passenger list containing 42 sheets

Ex.P203 & 204 The certificates issued pertaining to the CDR

Ex.P205 CDR of Mobile number 911772066 (10 sheets)

Ex.P206 Customer application form including ID proof

Ex.P207 CDR of mobile number 9553556802 (11 sheets)

Ex.P208 Customer application form including ID proof

Ex.P209 Covering letter issued by the then Nodal Officer of Tata Tele Services Limited

Ex.P210 Certificate under Section 65-B of Evidence Act of Mobile No.8603361890

Ex.P211 Call detail records of mobile No.8603361890

Ex.P212 Customer application form for the same mobile number including ID and address proof

Ex.P213 Covering letter for mobile No.9036230617

Ex.P214 Certificate U/Sec.65-B of Indian Evidence Act

Ex.P215 Call detail records of the mobile No.9036230617 (14 sheets)

Ex.P216 Customer application form

Ex.P217 Covering letter issued by the then Nodal officer of Tata Tele Services Limited

Ex.P218 Section 65-B of Indian Evidence Act certificate signed by the then Nodal Officer

Ex.P219 Call detail records of mobile No.9290443216 (16 sheets)

Ex.P220 Customer application form of Narsimha Chary including its ID and address proof

Ex.P221 MLC record

Ex.P222 MLC-cum-injury certificate of L.Narsing Rao

Ex.P223 MLC No.4526/2013 of Ashok.N

Ex.P224 MLC-cum-Injury certificate of the injured P.Rama Kushna

Ex.P225 MLC-cum-Injury Certificate of the injured Mr.Baswa Raj

Ex.P226 MLC-cum-Injury Certificate of the injured Mr.Purna Prashad

Ex.P227 MLC-cum-Injury Certificate of the injured Mr.Srinivas

Ex.P228 MLC-cum-Injury Certificate of the injured Mr.Dasharad

Ex.P229 MLC-cum-Injury Certificate of the injured A.Narasimha Rao

Ex.P230 MLC-cum-Injury Certificate of the injured D.Anil Kumar

Ex.P231 MLC-cum-Injury Certificate of the injured Mr.Abdul Jabar

Ex.P232 MLC-cum-Injury Certificate of the injured Mr.G.Buchaiah

Ex.P233 MLC-cum-Injury Certificate (2 sheets) of the injured Mr.Nacharaiah

Ex.P234 MLC-cum-Injury Certificate (2 sheets) of the injured Ramadevi

Ex.P235 MLC-cum-Injury Certificate (2 sheets) of the injured Venkanna

Ex.P236 MLC-cum-Injury Certificate (2 sheets) of the injured K.Yellaiah

Ex.P237 MLC-cum-Injury certificate of injured Vignesh

Ex.P238 MLC-cum-Injury certificate of injured T.Srinivas

Ex.P239 MLC-cum-Injury certificate of injured Venugopal

Ex.P240 MLC-cum-Injury certificate of injured Md.Hazi

Ex.P241 MLC-cum-Injury certificate of injured Ms.Sudha Rani

Ex.P242 MLC-cum-Injury certificate of injured Ms.Rupa

Ex.P243 MLC-cum-Injury certificate of injured Krishna

Ex.P244 MLC-cum-Injury certificate of injured Mrs.Manasa  
Ex.P245 MLC-cum-Injury certificate of injured Ms.Mounika  
Ex.P246 MLC-cum-Injury certificate of injured Ms.Swathi  
Ex.P247 MLC-cum-Injury certificate of injured Javeed  
Ex.P248 MLC-cum-Injury certificate of injured Sunny  
Ex.P249 MLC-cum-Injury certificate of injured Gopal Reddy  
Ex.P250 MLC-cum-Injury certificate of injured Narasimha Reddy  
Ex.P251 MLC-cum-Injury certificate of injured Bhaka Reddy  
Ex.P252 Certified copy of the proceedings dt.11-10-2013, 15-10-2013 & 17-10-2013  
Ex.P253 Authorization by the Hon'ble 1 Additional Assistant Sessions Judge, Ranga Reddy District dt.11-10-2013  
Ex.P254 First page that this confessional statement of the accused Aasadullah Akhtar was recorded in RC No.2 / 2013 of NIA-New Delhi  
Ex.P255 Requisition of NIA (4 Sheets)  
Ex.P256 Letter addressed to Jail Authorities of Cherlapally fixing date of TIP 19-10-2013  
Ex.P257 Test Identification parade proceedings (15 sheets) including the statements of the witnesses  
Ex.P258 Test identification proceedings dt.22-10-2013 (7 sheets) along with statements of the witnesses and signatures of the non-suspects  
Ex.P259 Disclosure statement of A2 (the relevant portion is at sheet No.4 marked in red ink excluding the inadmissible portion)  
Ex.P260 Disclosure statement of A5 (the relevant portion is at sheet No.2 marked in red ink excluding the inadmissible portion)  
Ex.P261 Disclosure statement of A5 made on 05-09-2013  
Ex.P262 MLC-cum-Injury Certificate of Sunil  
Ex.P263 MLC-cum-Injury Certificate of Harish  
Ex.P264 MLC-cum-Injury Certificate of Shravan Kumar  
Ex.P265 MLC-cum-Injury Certificate of Santhosh Amarvadi  
Ex.P266 Medical certificate of M.Lakshmi (4 Sheets)  
Ex.P267 Medical certificate of M.Ravinder (4 Sheets)  
Ex.P268 Medical certificate of Baby Anil (2 Sheets)  
Ex.P269 Medical certificate of Ms.Gangulamma (2 Sheets)  
Ex.P270 Medical certificate of Mr.Ranga Rao (2 sheets)  
Ex.P271 Medical certificate of Hatiya Naik (2 sheets)  
Ex.P272 Medical certificate of Lakshmi Reddy (2 sheets)  
Ex.P273 Medical certificate of Venu (3 sheets)  
Ex.P274 Medical certificate of M.Krishna (3 Sheets)  
Ex.P275 Medical certificate of Rajiv Kumar (2 sheets)  
Ex.P276 Medical certificate of Mr.M.Mangu (2 sheets)  
Ex.P277 Medical certificate of Peeramma (2 sheets)  
Ex.P278 Medical certificate of Venkaiahamma (3 sheets)  
Ex.P279 Medical certificate of Sai Rohit Goud (2 sheets)  
Ex.P280 Medical certificate of Yadaiah Goud (2 sheets)  
Ex.P281 Medical certificate of B.Sravani (3 sheets)  
Ex.P282 Medical certificate of A.Bhaskar (1 sheet)  
Ex.P283 Medical certificate of G.Ramesh (1 sheet)  
Ex.P284 Medical certificate of Venkat Narayana (3 sheets)  
Ex.P285 Medical certificate of Sudhakar (1 sheet)  
Ex.P286 Medical certificate of Saida Naik (3 sheets)  
Ex.P287 Medical certificate of L.Suman (3 sheets)  
Ex.P288 Medical certificate of Satyam Babu (3 sheets)  
Ex.P289 Medical certificate of T.Ravi (3 sheets)  
Ex.P290 Medical certificate of E.Mahesh (3 sheets)  
Ex.P291 Medical certificate of Mr.Ranjith (3 sheets)  
Ex.P292 Medical certificate of Vijay Prasad (2 sheets)

Ex.P293 Medical certificate of T.Uday Kumar (2 sheets)

Ex.P294 Medical certificate of T.Nagarnuja (1 sheet)

Ex.P295 Medico Legal Record along with Medical certificate of Yashoda (4 sheets)

Ex.P296 Seizure memo drafted in the shop by the NIA police

Ex.P297 Dairy of the year 2012 seized from shop by NIA Police

Ex.P297-A Relevant entry made by A3 is on the page dated 18<sup>th</sup> February

Ex.P298 MLC-cum-Injury certificate of Mr.Janga Reddy

Ex.P299 MLC-cum-Injury certificate of Mr.Muralidhar Reddy

Ex.P300 MLC-cum-Injury certificate of Mr.P.Shekhar Reddy

Ex.P301 MLC-cum-Injury certificate of Mr.Nithish Agarwal

Ex.P302 MLC-cum-Injury certificate of Mr.Md.Fasiuddin

Ex.P303 MLC-cum-Injury certificate of Mr.Abdul Sajid

Ex.P304 MLC-cum-Injury certificate of Mr.P.Abilash Kumar Reddy

Ex.P305 MLC-cum-Injury certificate of Mr.Azeemuddin

Ex.P306 MLC-cum-Injury certificate of Mr.Ameeruddin

Ex.P307 MLC-cum-Injury certificate of Mr.Md.Javeed

Ex.P308 MLC-cum-Injury certificate of Mr.Raju

Ex.P309 MLC-cum-Injury certificate of Ms.A.Mamatha

Ex.P310 MLC-cum-Injury certificate of Ms.K.Shamala

Ex.P311 MLC-cum-Injury certificate of Mr.G.Buchaiah

Ex.P312 (7 sheets) Forwarding letter of the learned Special Judge for NIA along with forwarding note (letter of advice)

Ex.P313 (1 sheet) Receipt dt.25-06-2014 of parcels sent by Special Judge

Ex.P314 Opinion dt.20-09-2014 addressed to the learned Special Judge containing three sheets

Ex.P315 (3 sheets) Pointing out memo

Ex.P316 Register marked as Q2

Ex.P317 Note Book where Q3, Q3/1 to Q3/29 are marked

Ex.P318 Classmate Note Book where Q4 and Q4/1 to Q4/21 are marked

Ex.P319 Text Book Human Anatomy and Physiology where Q5 is marked

Ex.P320 Specimens S1 to S22 (7 sheets)

Ex.P321 Covering letter along with the opinion (5 sheets) dt.31-01-2014

Ex.P322 Letter of Advice and documents (4 sheets) from the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad vide Dis.No.1648/IAMSJ/HYD/2014 dt.05-08-2014

Ex.P323 Covering letter along with opinion dt.03-12-2014 (6 sheets)

Ex.P324 S23 to S25 and S35 to S40 are the specimen signatures and handwritings of Zia-ur-Rehman @ Waqas @ Javeed @ Nabeel Ahmed @ Ahmed obtained by the Hon'ble Special Judge for NIA Cases, Hyderabad on 09-06-2014 and 22-07-2014 (9 sheets)

Ex.P325 S26 to S34 are the specimen signatures and handwriting of Tahseen Akthar @ Monu @ Hassan obtained by the Hon'ble Special Judge for NIA Cases, Hyderabad on 09-06-2014 and 22-07-2014 (9 sheets)

Ex.P326 Disclosure of the Ajaz Sheikh (8 sheets)

Ex.P327 Printouts of scanned copies(17 sheets)

Ex.P328 Letter of advice

Ex.P329 Letter of advice (9 sheets)

Ex.P330 Corresponding examination report (2 sheets)

Ex.P331 Disclosure and IED demonstration memo (3 sheets)

Ex.P332 Certified copy of the examination report dt.27-06-2014

Ex.P333 Requisition filed by Chief Investigating Officer, NIA, Hyderabad

Ex.P334 Proceedings of Chief Metropolitan Magistrate, Hyderabad dt.28-05-2014

Ex.P335 Covering Letter for Ex.P333, P334 to I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad on 14-07-2014

Ex.P336 Certificate

Ex.P337 CCTV Video Recording of Crime Scene Reconstruction memo dt.28-05-2014

Ex.P338 to 387 Scene of offence Photographs

Ex.P388 Disclosure panchanama dt.26-05-2014 excluding the inadmissible portion of Zia-ur-Rehman @ Waqas @ Ahmed @ Javeed containing 11 sheets

Ex.P389-A and B Disclosure panchanama dt.26-05-2014 excluding the inadmissible portion of Tahsin Aktar @ Hassan @ Monu containing 10 sheets

Ex.P390 Pointing out memo of the accused excluding the inadmissible portion (4 sheets)

Ex.P391 Requisition from SP & CIO, NIA, Hyderabad vide C.No.SP/NIA/2013-14 dt.10-01-2014 requesting issuance of Prosecution Orders U/Sec.3 & 5 of Explosives Substances Act, 1908.

Ex.P392 Sanction Order dt.21-02-2014

Ex.P393 First sanction dt.28-02-2014 against A2 and A5

Ex.P394 Second sanction dt.10-09-2014 against A1, A3 and A4 (3 sheets)

Ex.P394-A Covering letter which is the copy sent to the DG, NIA

Ex.P395 Sanction dt.27-05-2015 against A6

Ex.P396 Letter dt.27-08-2014 addressed by the IG, NIA

Ex.P397 Letter dt.04-09-2014 to the Director, US Department of Justice

Ex.P398 Letter addressed by the Director, US Department of Justice

Ex.P399 Letter addressed to NIA

Ex.P400 Letter dt.02-07-2015 addressed by NIA Hyderabad

Ex.P400-A Photocopy of the Voter ID

Ex.P401 Letter dt.02-07-2015

Ex.P402 Money transfer form

Ex.P403 Photocopy of ID Proof

Ex.P404 Receipt

Ex.P405 Seizure memo under which Ex.P402 to 404 were seized by the National Investigation Agency.

Ex.P406 Signature in Test identification proceedings dt.22-10-2013 under Ex.P258

Ex.P407 Signature on Test Identification proceedings dt.19-10-2014

Ex.P408 Covering letter

Ex.P409 Certificate of Finger Print Examination

Ex.P410 Grounds of opinion as annexure 2

Ex.P411 Enlarged photographs of the Finger Prints as annexure 1

Ex.P412 Pointing out and seizure memo

Ex.P413 Signature on Test Identification parade

Ex.P414 Nomination letter from Hon'ble II Additional Assistant Sessions Court vide Dis.No.249/2014 dt.12-06-2014

Ex.P415 Proceedings of test identification parade dt.28-06-2014

Ex.P416 Letter addressed to the Hon'ble I Additional Metropolitan Sessions Judge-cum-Special Judge for NIA Cases, Hyderabad enclosing the proceedings under Ex.P415

Ex.P417 Proceedings dt.04-10-2013 (22 sheets)

Ex.P418 Proceedings dt.08-10-2013 (7 sheets)

Ex.P419 Disclosure memo of the accused (21 sheets)

Ex.P420 Sanction Order dt.11-08-2014

Ex.P421 Search and seizure proceedings dt.16-09-2013 (5 sheets)

Ex.P422 Search and seizure proceedings dt.17-09-2013 (9 sheets)  
Ex.P423 Search and seizure proceedings dt.18-09-2013 (9 sheets)  
Ex.P424 Seizure memo dt.08-03-2014 (4 sheets)  
Ex.P425 Seizure memo dt.30-05-2014 (3 sheets)  
Ex.P426 photocopy of Suleiman Sood  
Ex.P427 Letter dt.14-11-2013  
Ex.P428 Photocopy of Election ID  
Ex.P429 List of Electoral Voter List in part  
Ex.P430 Photocopy of relevant page of the transaction register and also the photocopy provided by the said Girish Chandra Joshi  
Ex.P431 Order dt.13-03-2013 issued by the Central Government for FIR No.56 / 2013 dt.21-02-2013 of Malakpet Police Station  
Ex.P431-A Order dt.13-03-2013 for FIR No.146/2013 of Saroornagar Police  
Ex.P432 Re-registered FIR RC 1 / 2013 pertaining to Malakpet Police Station  
Ex.P433 Re-registered FIR RC 2 / 2013 pertaining to Saroornagar Police Station  
Ex.P434 Rough sketch of the scene of offence at 72 bus stop  
Ex.P435 Rough sketch of offence at A1-Mirchi Center  
Ex.P436 Rough sketch showing both the places of blast  
Ex.P259-A The certified copy of disclosures statement of A2  
Ex.P260-A Certified copy of disclosure of A5 Ex.P260 at page No.3  
Ex.P255-A Certified copy of search and seizure Ex.P255 at page No.23 to 29 and 33 to 38  
Ex.P412-A Certified copy of pointing out seizure memo Ex.P412 at page No.39 to 42.  
Ex.P189-A Certified copy of pointing out memo of A2 Ex.P189 at page No.43 to 46.  
Ex.P437 Test Identification proceedings dt.26-07-2014 including the statements of the witnesses, signatures of suspects and non-suspects containing 13 sheets  
Ex.P438 Covering letter under which Ex.P437 proceedings were sent to the Hon'ble I Metropolitan Sessions Judge-cum-Special NIA Court, Nampally, Hyderabad through in-charge Magistrate.  
Ex.P438-A All the data retrieved from the chat IDs and Email IDs disclosed by the accused No.6 was transferred to a sterile DVD and handed over along with the certificate and was seized through a seizure memo containing 13 sheets.  
Ex.P106-A Original report to Ex.P106 received from ICERT (22 sheets) along with covering letter.  
Ex.P439 Seizure memo at the instance of the accused No.6 which articles mentioned in Ex.P439 were recovered on 06-09-2014 containing 5 sheets  
Ex.P440 Explanation of the accused No.6 regarding the articles seized under Ex.P439 containing 7 sheets  
Ex.P441 Disclosure statement containing 4 sheets which was made on 06-09-2014  
Ex.P442 Supplementary disclosure statement of the accused No.6 giving details of chat IDs and E-mails IDs etc., containing 2 sheets which was conducted on 11-09-2014.  
Ex.P487 Certified copy of the said E-mail extracted from the pen-drive which was in the possession of the accused No.6.  
Ex.P488 is the certified copy of the E-mail sent by the accused No.6 at the time of Jama Masjid blast in the year 2010 carried out in Delhi.  
Ex.P489 is the certified copy containing 17 sheets are the customer application form in the name of Purva Shinde, identity proof

and specimen signatures.

Ex.P490 is the certified copy of the Central Forensic Scientific Laboratory report of the Handwriting Expert containing 5 sheets.

Ex.P491 is the Certificate U/Sec.65-B of Indian Evidence Act in case of Ex.P107 (hard disk).

Ex.P492 is the Certificate U/Sec.65-B of Indian Evidence Act issued by me in respect of Ex.P105 chat extracts.

Ex.P443 Mahazar drawn on 03-10-2014 at Dingdong House of Electronics Market Road, Mangalore for seizure of three mobile phones.

Ex.P444 CD of the telecast

Ex.P445 Certificate Under Section 65-B of Indian Evidence Act provided by me authenticating the content of the CD

Ex.P446 Letter addressed to the Managing Director TV9 requesting for providing the said telecast by NIA Police.

Ex.P447 MLC-cum-Injury certificate/accident register of Md.Abdul Hai Umaiz

Ex.P448 Discharge certificate of Md.Abdul Hai Umaiz

Ex.P449 is the MLC-cum-Injury certificate of V.Vandhana

Ex.P450 is the MLC-cum-Injury certificate of Mr.K.Rama Rao

Ex.P451 is the supplementary disclosure of the said accused containing 8 sheets including bio-data (only admissible portion is marked with red colour brackets).

Ex.P452 is the details of the chat IDs, order of NIA Special Court and other requirement of the Investigation Agency were mentioned containing 37 sheets.

Ex.P453 letter of NIA.

Ex.P454 was handed over under Ex.P455 letter dt.20-11-2013 addressed to NIA along with CD Ex.P456

Ex.P457 Mutual Legal Assistance Treaty between the two countries

Ex.P458 Enclosing letter

Ex.P459 Certified copy of the letter dt: 06-09-2013 addressed to NIA by FBI Legal Attache in Delhi US Embassy

Ex.P460 DVD which was sent along with Ex.P459 letter

Ex.P461 Certified copy of certification of record sent by service provider Yahoo

Ex.P462 DVD

Ex.P463 Certified copy of certification of two DVD's containing records sent as requested under emergency disclosure request by Yahoo. Ex.P464 & Ex.P65 Two DVD's

Ex.P466 Certified copy of letter dt: 13-09-2013 addressed to NIA by FBI Legal Attache in Delhi US Embassy enclosing Disc from Yahoo containing E-mail and IM (internet messaging) content pertaining to 4 E-mails.

Ex.P467 DVD which was sent along with Ex.P466 letter

Ex.P468 (4 sheets) is the certified copy of emergency disclosure request through Yahoo sent by Sri Anup Kuruvilla John on 01-09-2013

Ex.P469 (5 sheets) is the certified copy of emergency disclosure request through Yahoo sent by Sri Anup Kuruvilla John on 03-09-2013

Ex.P470 DVD containing the details sent in response to emergency disclosure request pertaining to "[menothing1@nimbuzz.com](mailto:menothing1@nimbuzz.com)" which was account of accused No.1 Riyaz Bhaktal (absconding).

Ex.P471 is the certified copies containing two sheets which is the arrest memo of accused No.2. (Asdullah Akthar @ Haddi @ Tabrez @ Daniyal @ Asad)

ExP101-B is the disclosure panchanama of accused No.5 (Mohammed Ahmed Siddibapa @ Yasin Bhatkal @ Sharukh) pursuant to which ExP101 was extracted.

ExP472 which is HANDING TAKING OVER MEMO with enclosures (copies of ExP55-A, ExP189 and ExP190).

Ex.P473 is the request letters dt: 01-09-2013

Ex.P474 is the another request letter dt: 03-09-2013

Ex.P475 is the Medical Report

Ex.P476 is the MLC-cum-Injury certificate of Dr.P.Ramakanth

Ex.P477 is the MLC-cum-Injury certificate of Chirra Ekambaram

Ex.P478 is the MLC-cum-Injury certificate of B. Rahitha Kiran,.

Ex.P479 is the MLC-cum-Injury certificate of B. Sravani

Ex.P480 is the photocopy of Election ID card given to NIA police at the time of his examination in January, 2015

Ex.P481 is the letter dt: 03-11-2014 to Deputy Electoral Officer, Office of District Magistrate, Patna, Bihar

Ex.P482 is the reply containing two sheets on 05-11-2014

Ex.P483 is the Prosecution Orders U/Sec.3 & 5 of Explosives Substances Act, 1908

Ex.P484 is the sanction order dt.10-03-2014 for prosecuting the accused persons for the offences U/Sec.3 and 5 of Explosive Substances Act.

Ex.P485 is the requisition from SP & CIO, NIA, Hyderabad vide C.No.SP/NIA/2013-14 dt.26-06-2014 requesting issuance of Prosecution Orders U/Sec.3 & 5 of Explosives Substances Act, 1908

Ex.P486 sanction order

Ex.P493 is the disclosure-cum-plotting memo dt.29-05-2014 in the presence of LW458 Dr.Sandeep Deshmukh and LW459 Dr.Vikranth Kumar (8 sheets) as pointed out by A3.

Ex.P494 is the disclosure-cum-plotting memo dt.29-05-2014 in the presence of LW458 Dr.Sandeep Deshmukh and LW459 Dr.Vikranth Kumar (9 sheets) as pointed out by A4.

Ex.P495 is the Office copy of petition filed for conducting Test identification parade.

Ex.P496 is the nomination proceedings of PW139.

Ex.P497 is the intimation letter given by PW139 fixing the date of Test identification parade as 26-07-2014.

Ex.P498 is the permission sought by PW139 from Hon'ble Metropolitan Sessions Judge dt.10-07-2014.

Ex.P499 is the pointing out memo of the accused No.3 conducted on 29-05-2014.

Ex.P500 is the seizure memo conducted at Peral Electronics, Mangalore

Ex.P501 is the Office copy directing me to continue the investigation in this case

Ex.P393-A is the attested copy of sanction order of A2 and A5 for prosecution

Ex.P393-B is the recommendation of the Review Committee proceeding along with the enclosed letter given by K.Ramamurthy recommending sanction against A2 Aasadullah Akthar and A5 Md.Ahmed Siddibapa under UAP Act (4 sheets)

Ex.P394-B is the attested copy of the sanction order of A1 Riyaz Bhatkal, A3 Zia-ur-Rehman and A4 Tahsin Akthar for prosecution (3 sheets).

Ex.P394-C is the Recommendation of the Review Committee proceeding along with the enclosed letter given by K.Ramamurthy recommending sanction against A1 Riyaz

Bhatkal and A3 Zia-ur-Rehman and A4 Tahsin Akthar under UAP Act (6 sheets)

Ex.P398-A is the Original letter of Ex.P398 wherein US Department of Justice has advised that the evidence in the matter of RCNo.6/2012/DLI/NIA could be shared in NIA case Nos.1 & 2/2013/NIA/HYD i.e., present case.

Ex.P502 is the attested copy of certificate U/Sec.65-B of Indian Evidence Act given by PW81 Subramani Babu who conducted the extraction process of chat details at the instance of the accused already marked as Ex.P99 to P106.

Ex.P503 is the examination report dt.28-04-2014 was sent along with letter dt.20-01-2016 under Ex.P504.

Ex.P505 is the examination report dt.30-07-2014 along with letter dt.20-01-2016 under Ex.P506.

Ex.P507 is the requisition filed by previous Chief Investigating Officer Sri.Sunil Emanuel dt.05-10-2013 before the Hon'ble I Additional Metropolitan Sessions Court-cum-Special Court for NIA Cases, Nampally, Hyderabad which was returned by the said Court.

**On behalf of Defence:**

Ex.D1 Property deposited letter vide PI No.37/2013 dt.28-02-2013

Ex.D2 Photocopy of Aadhar Card

Ex.D3 Portion of 161 Cr.P.C Statement

Ex.D4 Portion in 161 Cr.P.C statement

Ex.D5 Requisition letter dt.05-09-2013

Ex.D6 Portion of 161 statement of PW143

Ex.D7 is the requisition dt.10-10-2013

Ex.D8 is the final report of FIR No.66/2010 Patiala House

Ex.D9-D13 are the mails dt.01-09-2013 addressed to NIA, SP Anup Kuruvilla John by the Yahoo Incorporation, USA.

Ex.D14 is the details of Yahoo Mail i.e., [hbhaddur@yahoo.com](mailto:hbhaddur@yahoo.com).

Ex.D15 is the relevant details of the IP addresses and time pertaining to mail ID [hbhaddur@yahoo.com](mailto:hbhaddur@yahoo.com) sent by Yahoo Incorporation.

Ex.D16 is the details of Yahoo Mail i.e., [mail77@yahoo.com](mailto:mail77@yahoo.com).

Ex.D17 is the details of Yahoo Mail i.e., [kul.chitra@yahoo.com](mailto:kul.chitra@yahoo.com).

Ex.D18 is the relevant details of the IP addresses and time pertaining to mail ID [kul.chitra@yahoo.com](mailto:kul.chitra@yahoo.com) sent by Yahoo Incorporation.

Ex.D19 is the details of Yahoo Mail i.e., [muthumamu80@yahoo.com](mailto:muthumamu80@yahoo.com).

Ex.D20 is the relevant details of the IP addresses and time pertaining to mail ID [muthumamu80@yahoo.com](mailto:muthumamu80@yahoo.com) sent by Yahoo Incorporation.

Ex.D21 is the details of Yahoo Mail i.e., [spent\\_those11@yahoo.com](mailto:spent_those11@yahoo.com).

Ex.D22 is the relevant details of the IP addresses and time pertaining to mail ID [spent\\_those11@yahoo.com](mailto:spent_those11@yahoo.com) sent by Yahoo Incorporation.

Ex.D23 is the details of Yahoo Mail i.e., [patara\\_singh@yahoo.com](mailto:patara_singh@yahoo.com).

Ex.D24 is the relevant details of the IP addresses and time pertaining to mail ID [patara\\_singh@yahoo.com](mailto:patara_singh@yahoo.com) sent by Yahoo Incorporation.

Ex.D25 is the details of Yahoo Mail i.e., [coolallz@yahoo.com](mailto:coolallz@yahoo.com).

Ex.D26 is the relevant details of the IP addresses and time pertaining to mail ID [coolallz@yahoo.com](mailto:coolallz@yahoo.com) sent by Yahoo Incorporation.

Ex.D27 is the details of Yahoo Mail i.e., [laho0@yahoo.com](mailto:laho0@yahoo.com)

Ex.D28 is the relevant details of the IP addresses and time pertaining to mail ID [laho0@yahoo.com](mailto:laho0@yahoo.com) sent by Yahoo

Incorporation.

Ex.D29 is the details of Yahoo Mail i.e., halwa.wala@yahoo.com

Ex.D30 is the relevant details of the IP addresses and time pertaining to mail ID halwa.wala@yahoo.com sent by Yahoo Incorporation.

Ex.D31 is the details of Yahoo Mail i.e., jankarko@yahoo.com

Ex.D32 is the relevant details of the IP addresses and time pertaining to mail ID jankarko@yahoo.com sent by Yahoo Incorporation.

Ex.D33 is the details of Yahoo Mail i.e., a.haddad29@yahoo.com and it reveals the login name as "a.haddad29" with registration IP address 110.44.120.39.

Ex.D34 is the relevant details of the IP addresses and time pertaining to mail ID a.haddad29@yahoo.com sent by Yahoo Incorporation

Ex.D35-D38 are the mails dt.09-04-2013 sent by Yahoo Incorporation to Anup Kuruvilla John.

Ex.D39 is the mail sent by Anup Kuruvilla John to Yahoo Incorporation

Ex.D40 is the certified copy of the Charge sheet containing 2 pages in R.C.No.06/2012/NIA/DLI mentioning the offences U/Secs.121-A, 123 of IPC, 1860 and Sections 17, 18, 18B and 20 of the Unlawful Activities (Prevention) Act, 1967 as amended by Act 35 of 2008.

**Material Objects:**

Mo.1 is the damaged scooter

Mo.2 is the damaged Motor cycle No.AP 29 AV 9548

Mo.3 is the damaged Motor cycle No.AP 9 AC 7

Mo.4 is the damaged Motor cycle No. not visible

Mo.5 is the damaged cycle parts of Atlas company which includes material objects from items No.1 to 5 & 11 of page No.4 of Ex.P27

Mo.6 is the damaged bicycle found remained with front wheel, handle engraved as K.W., middle portion of frame engraved as ZNO6913, paddle of the bicycle engraved as K.W. The front tyre make of Ralco Ring master 7 Ply rating also in Hindi words IS:2414:5, CM/L 9067481, type B320KPA11/11 along with Rim with found near the crater.

Mo.7 is the 5 (Five) pieces of cloth, having blue, Green, Black, and white stripes, collected from scene of offence.

Mo.8 is the seven iron Nails collected from the scene of offence.

Mo.9 is the 41 (Forty one) Twisted Metal pieces, collected from scene of offence

Mo.10 is the 1 (one) 9 volts Battery recovered from top of the bus shed, make Hi-watt

Mo.11 is the 1 (one) 9 volts battery recovered from the scene of offence, make Thought,

Mo.12 is the swabs collected on the cycle frame at the scene of offence

Mo.13 is the semi burned ploythene sheet, collected from the crater

Mo.14 is the nuts fitted with bolts bind with copper wire are collected near the stairs of complex exactly back side blasted bus stop.

Mo.15 is the five (5) number 3 volts lithium batteries, 1 number lithium battery and damaged lithium battery are recovered from the crater. All the above batteries are coin typed.

Mo.16 is the one aircel sim bearing IMSI

No.89918010712144907263.

Mo.17 is one idea sim bearing No.89910705380002970430.

Mo.18 is the damaged half cycle tyre make of ralco rough tuff 18 ply rating also in Hindi words with a brown colour leather piece patch stitched to edge of the tyre.

Mo.19 is the damaged rear rim containing maroon colour paint on the inner side attached with damaged tube and axel connected with damaged spokes.

Mo.20 is the damaged rear mud guard with emblem with content "Grand Champion made in India"

Mo.21 is the damaged rear fork

Mo.22 is one rear part of frame

Mo.23 is cycle stand and its broken pieces with its spring

Mo.24 is two rear carriage supporting rods and pieces of carrier.

Mo.25 is cycle spokes

Mo.26 is the piece of cycle chain

Mo.27 is the cycle seat springs and supporting rod.

Mo.28 is one copy of registration certificate of motor cycle bearing No.AP 29 K 8852, which on the name of Lalaji.J, S/o.J.Ramulu, R/o.H.No.12-5-159, Mallikarjunanagar, Bandlaguda, Nagole, RR District and two keys.

Mo.29 is the control swab

Mo.30 is the control earth collected from the scene of offence

Mo.31 is the blood stained earth collected from the scene of offence

Mo.32 is the sharp needle like objects collected from crater

Mo.33 is the swabs collected from roof of bus shelter

Mo.34 is the Pieces of 9V battery collected from scene of crime (Marked as Q-1)

Mo.35 is the two broken SIM cards, five damaged 6.3 V batteries and two small metal pieces collected from scene of crime (marked as Q-2)

Mo.36 is the silver colour metallic pieces collected from scene of crime (marked as Q3)

Mo.37 is the pieces of bag and Zip and cloth of pant collected from scene of crime (marked as Q4)

Mo.38 is the Green colour coated metallic pieces collected from scene of crime (marked as Q5)

Mo.39 is the pieces of wires collected from scene of crime (marked as Q6)

Mo.40 is the iron balls big and small size collected from scene of crime (marked as Q7)

Mo.41 is the pieces of spokes of bicycle and other nails collected from scene of crime (marked as Q8)

Mo.42 is the pieces of metal of bicycle found collected from scene of crime (marked as Q9)

Mo.43 is the pieces of mudguard attached with tyre of bicycle collected from scene of crime (marked as Q10)

Mo.44 is the cycle tyre & tube pieces and break rubber collected from scene of crime (marked as Q11)

Mo.45 is the Seagate hard disk (1 terra byte) Barracuda No.2057491213--- 0259701 metal plated hard disk of black colour affixing label with descriptive particulars mentioning 'JC Bros' Textile which is fitted secondary to LENOVO CPU (DVR System) of the JC Bros SHOW ROOM, Dilsukhnagar, Hyderabad

Mo.47 is the Nail,

Mo.48 is the two white metals pieces,

Mo.49 is the nail metal pieces,

Mo.50 is the white metal pieces,  
 Mo.51 five metal piece and eye-tissue  
 Mo.52 is the cash of Rs.50,000/- seized on 23-09-2013  
 Mo.53 is the damaged piece of cycle tube and tyre  
 Mo.54 is the damaged cycle stand  
 Mo.55 is the damaged cycle fork and spring  
 Mo.56 is the damaged cycle rim and rear wheel chain  
 Mo.57 is the rear cycle mudguard  
 Mo.58 is the damaged piece of cycle seat and seat cover  
 Mo.59 damaged cycle stand locking part  
 Mo.60 damaged cycle chain  
 Mo.61 cycle spare parts  
 Mo.62 cycle spring and spring base  
 Mo.63 is the detonator wires  
 Mo.64 is the brown colour shirt piece  
 Mo.65 is the damaged steel glass  
 Mo.66 is the blood stained earth 1<sup>st</sup> blood pool  
 Mo.67 is the blood stained earth from 2<sup>nd</sup> blood pool  
 Mo.68 is the controlled earth related to Sl.No.15  
 Mo.69 is the controlled earth related to Sl.No.16  
 Mo.70 is the swabs collected from the explosion spot (scene of offence)  
 Mo.71 is the aluminum splinters collected from the scene  
 Mo.72 is the damaged cycle spare parts  
 Mo.73 is the pieces of cloth  
 Mo.74 is the metallic pieces  
 Mo.75 is the blood stained earth from 3<sup>rd</sup> blood pool  
 Mo.76 is the blood stained earth from 4<sup>th</sup> blood pool  
 Mo.77 is the controlled earth related to Sl.No.4  
 Mo.78 is the controlled earth related to Sl.No.5  
 Mo.79 is the swabs collected from scene  
 Mo.80 is the swabs collected from the scooty  
 Mo.81 is the flexy pieces  
 Mo.82 is the damaged bicycle handle grip  
 Mo.83 is the swabs and material objects collected from the carter  
 Mo.84 is the damaged scooter doom (scooter side cover)  
 Mo.85 is the burnt pieces of pedal of cycle  
 Mo.86 is the pieces of electronics  
 Mo.87 is the cycle parts  
 Mo.88 is the pieces cycle tyres and tubes  
 Mo.89 is the pieces of cell phone and mother board  
 Mo.90 is the pieces of 9V battery  
 Mo.91 is the pieces of white metal  
 Mo.92 is the bag with number  
 Mo.93 is the break rubber of cycle  
 Mo.94 is the pieces of cycle spokes and springs  
 Mo.95 is the pieces of cycle seat  
 Mo.96 is the pieces of metals found in scene of offence  
 Mo.97 is the pieces of molten metallic parts  
 Mo.98 is the pieces of cloths  
 Mo.99 is the pieces of metal with dark brown stains  
 Mo.100 is the four plastic jars  
 Mo.101 is the burnt and melted pieces of metal  
 Mo.102 is the burnt and melted pieces of metal  
 Mo.103 is the burnt and melted pieces of metal  
 Mo.104 is the burnt pieces of nail and two small pieces of burnt melted metal  
 Mo.105 is the pieces of metal retrieved from dead bodies  
 Mo.106 is the burnt cloth pieces

Mo.107 is the burnt cloth pieces of the deceased Padmakar Kulkarni

Mo.108 is the cloth pieces and other items pertaining to the deceased Vele Ramulu

Mo.109 is the burnt cloth of the deceased Nakka Venkateshwarlu

Mo.110 is the cloth pieces and other wearing apparel of the deceased Md.Rafiuddin

Mo.111 is the wearing apparel of the deceased Poreddy Swapna Reddy

Mo.112 is the wearing apparel and belongings of the deceased Harish Karthik

Mo.113 to 160 are the articles bearing No.28 to 50, 52 to 57, 59 to 61, 67 to 78, 80, 84, 86 & 87

Mo.161 is the handles of two cookers

Mo.162 is the two whistles of cookers

Mo.163 is the aluminum piece of detonator shell

Mo.164 is the part of detonator with two white colour insulated wires

Mo.165 is the control soil sample

Mo.166 is another suspected soil sample

Mo.167 is the part of detonator with two white colour insulated wires

Mo.168 is the Ganga make Pressure Cooker

Mo.169 & 170 are the hard disks which were seized from our shop

Mo.171 is the hard disk seized from Shiva Electronics Shop

Mo.172 is the assembled IED by A3 during the demonstration process on 08-06-2014.

Mo.173 is the sealed cover containing the video SD card (memory card).

Mo.174 is one paper packet containing Ammonium Nitrate Fuel Oil cover (ANFO,~ 250-300 GM)

Mo.175 is the remnants of the diffused detonators.

Mo.176 is one paper packet containing white polythene cover use to wrap the ANFO Bottle

Mo.177 is one polythene cover containing one Red Polythene cover use to wrap the ANFO Bottle

Mo.178 is one polythene cover containing one paper used to wrap the IDEAL 90 gel explosive

Mo.179 is one polythene cover containing 1 ½ " gum tape

Mo.180 is one polythene cover containing GL-one brown gum tape

Mo.181 is one polythene cover containing hammer and saw blade

Mo.182 one polythene cover containing small circuit board (07) Pin (05) cutters (03) Hitech electrical solution (01) battery connectors (03) saw blade (01)

Mo.183 one polythene cover containing small tool kit box

Mo.184 one polythene cover containing diodes, connected wires etc with batteries

Mo.185 one polythene cover containing one set of needle file set kit-06 needle (one is cut)

Mo.186 one polythene cover containing one pack of batteries and connectors

Mo.187 one polythene cover containing timer (WRIST WATCH)-45 pieces

Mo.188 one polythene cover containing Diodes and one brown circuits

Mo.189 one paper packet containing CK electronic circuits-project board

Mo.190 one polythene cover containing 10 batteries of 09 volts

Mo.191 one polythene cover containing three packets of wires (yellow, orange, green and blue in colour)

- Mo.192 one polythene cover containing soldering (yellow wire with black, red and white color)
- Mo.193 one polythene cover containing timer devises with connected wires, circuits with battery connections (Electrical Detonators)
- Mo.194 one polythene cover containing one digital multimeter -CE-Master
- Mo.195 one polythene cover containing Mobile parts and wires (Three circuits, two mobile handsets)
- Mo.196 one polythene cover containing one multimeter (MASTECH)
- Mo.197 is two red colour insulation like material
- Mo.198 is two electronic watches
- Mo.199 is aluminum insulation wire
- Mo.200 is trolley bag
- Mo.201 is magnet seized under Ex.P55 panchanama conducted at Zephyr heights on 06-09-2013.

**Sd/- by Dr.T.Srinivasa Rao  
SPECIAL JUDGE  
FOR TRIAL OF SCHEDULED OFFENCES  
INVESTIGATED BY NATIONAL INVESTIGATION  
AGENCY - CUM - V ADDITIONAL METROPOLITAN &  
SESSIONS JUDGE, RANGAREDDY DISTRICT AT  
LB NAGAR, HYDERABAD, TELANGANA STATE**

**Court resumed on 19<sup>th</sup> December, 2016**

01. Learned Special Public Prosecutor is heard on the point of sentence. The defence counsel called absent, however this Court heard the accused individually on the point of sentence.

02. In this case there are five offences U/Sec.120-B r/w.302 IPC, 121 IPC, 302 IPC, Section 3 (b) of Explosive Substances Act, U/Sec.16 of Unlawful Activities (Prevention) Act for which the accused may be visited with death sentence or life imprisonment with fine.

03. The accused No.2 to 6 are examined on quantum of sentence and they submitted as follows:

A2: There is nothing to submit on the quantum of sentence.

A3: There is nothing to submit on the quantum of sentence.

A4: There is nothing to submit on the quantum of sentence.

A5: There is nothing to submit on the quantum of sentence.

A6: There is nothing to submit on the quantum of sentence.

04. The learned Special Public Prosecutor for NIA submitted contending that this case comes under the category of "rarest of rare cases". Further submitted that the nature of injuries, the ghastly pictures from the scene of blast, the stories of sufferings of people as reported by the print, visual as well as the social media had moved the sentiment of the whole nation but for the accused, who as noted above, had metamorphosed into killing machines, driven by a peculiar psychopathic inclination of their minds dictated them to kill in the name of their perverted repugnant interpretation of the religious concept of Jihad. In the chat retrieved later during the investigation, the accused discussed about a Daawat as a celebration of successfully killing these many people. The accused drew their justification from a self-concocted, perverted and abhorrent interpretation of religion and take pride in it.

05. He also relied upon a decision reported in 2012 (3)

SCC (Cri) 481 Mohammed Ajmal Mohammed Amir Kasab @ Abu Mujahid Vs. State of Maharashtra wherein it was held that "the preparation and training for the execution was as thorough as the execution was ruthless. In terms of loss of life and property, and more importantly in its traumatizing effect, this case stands alone, or it is at least the very rarest of rare before this Court since the birth of the Republic. Therefore, it should also attract the rarest of rare punishment." and prayed for capital punishment.

06. He relied upon another decision reported in 2011 (2) SCC (Cri) 626 Md.Mannan @ Abdul Mannan Vs. State of Bihar wherein it was held that "When the crime is committed in an extremely brutal, grotesque, diabolical, revolting or dastradly manner so as to arouse intense and extreme indignation of the community and when collective conscience of the community is petrified, one has to lean towards the death sentence." In the present case on hand also certainly the crime is committed in an extremely brutal, grotesque, diabolical, revolting or dastradly manner, hence this decision is applicable to the present case on hand.

07. He also relied upon another decision reported in 1994 SCC (Cri) 555, Bheru Kalyan wherein it was observed that in Dhananjay Chatterjee Vs. West Bengal State the Hon'ble Supreme Court observed that "Justice demands that courts should impose punishment befitting the crime so that the Courts reflect public abhorrence of the crime. The courts must not only keep in view the rights of the criminal but also the rights of the victims of crime and the society at large while considering imposition of appropriate punishment." There is no dispute with regard to the ratio laid down in this decision.

08. He also relied upon another decision reported in 2012 (2) SCC (Cri) 766, Mohd Arif @ Ashfaq Vs. State of NCT of Delhi wherein it was held that "It was a thought out insult offered to question the

sovereignty of this great nation by foreign nationals. Therefore, this case becomes a rarest of rare case. This was nothing but an undeclared war by some foreign mercenaries like the present appellant and his other partner in conspiracy Abu Shamal and some others who either got killed or escaped. In conspiring to bring about such kind of attack and then carrying out their nefarious activities in systematic manner to make an attack possible was nothing but an attempt to question the sovereignty of India. Therefore, even without any reference to any other case law, we held this case to be the rarest of rare case." In the present case on hand also the accused No.3 is a foreign national and the rest of the accused developed the mindset of foreign nations and became enemies to the society.

09. He also relied upon a decision reported in 2009 (1) SCC (Cri) 353 Bantu Vs. State of Uttar Pradesh wherein it was held that "What is culled out from the decisions noted above is that while deciding the question as to whether the extreme penalty of death sentence is to be awarded, a balance sheet of aggravating and mitigating circumstances has to be drawn up." There is no dispute with regard to the ratio laid down in this decision.

10. At this stage it is settled law to decide whether to impose the extreme penalty of death sentence or to give alternative punishment of life imprisonment, one has to consider both mitigating and aggravating circumstances:

11. On this aspect, the Hon'ble Supreme Court in Bachan Singh Vs. State of Punjab reported at AIR 1980 S.C. 898 held that "204. Dr.Chitaley has suggested these mitigating factors : "Mitigating circumstances:- In the exercise of its discretion in the above cases, the Court shall take into account the following circumstances:-

(1) That the offence was committed under the influence of extreme mental or emotional disturbance.

(2) The age of the accused. If the accused is young or old, he shall not be sentenced to death.

(3) The probability that the accused would not commit criminal acts of violence as would constitute a continuing threat to society.

(4) The probability that the accused can be reformed and rehabilitated. The State shall by evidence prove that the accused does not satisfy the conditions 3 and 4 above.

(5) That in the facts and circumstances of the case the accused believed that he was morally justified in committing the offence.

(6) That the accused acted under the duress or domination of another person.

(7) That the condition of the accused showed that he was mentally defective and that the said defect impaired his capacity to appreciate the criminality of his conduct."

12. In the present case on hand, this offence was not committed under the influence of extreme mental or emotional disturbance but it was committed with pre-planning even after committing test blast.

13. In so far as the age of the accused is concerned, even though they are young but this circumstance alone could not come to their rescue after balancing aggravating circumstances because their ideology is very dangerous to the society.

14. In so far as the conduct of the accused is concerned, they are involved in several crimes of similar nature, therefore there is probability that the accused could commit the similar crime, if they are given a chance of life imprisonment.

15. In so far as the reformation and rehabilitation of the accused is concerned, this Court observed right from the beginning their adamant attitude and they are well-trained as to what to do during the legal proceedings in this Court. Even today also they sent a petition

through Jail authorities with false allegations. This letter shows that they have legal knowledge only to escape from the clutches of the law by creating artificial loopholes. I am extracting two lines from their letter "Whatever punishment you are going to impose, we have every right to appeal against your Judgment". Earlier also they have given similar applications asking this Court to stop the proceedings and this Court asked them to approach appropriate forum, if they have any grievance. Then the accused filed Writ Petition No.27445/2016 before the Hon'ble High Court and the same was dismissed and they preferred appeal before Hon'ble Supreme Court and the same was dismissed by the Hon'ble Supreme Court. So it shows that the accused are well trained to create artificial loopholes to escape from the clutches of the law and to delay the proceedings in whatsoever manner, earlier once they tended apology on 28-10-2015 stating that "we sincerely apologize for attributing these averments" to this Court for submitting a false petition. Therefore one cannot expect any reformation or rehabilitation from them.

16. In so far as fifth point is concerned, there is no material to show that the accused are justified in killing 17 persons and a quick unborn child and causing simple and grievous injuries to 126 persons and there is no material to show that the accused acted under duress or domination of another person because all these five persons are the members of the Indian Mujahideen and their mentality is to kill the innocent persons under the guise of Jihad treating it as 'holy war'.

17. Hon'ble Supreme Court of India in Machhisinh Vs. State of Punjab reported at AIR 1983 S.C. 957 held that that a balance-sheet of aggravating and mitigating circumstances shall be drawn before taking any decision on the point of sentence. However, in the present case there are no mitigating circumstances which may call for preparing a balance -sheet of aggravating and mitigating

circumstances. The observations made by the Hon'ble Supreme Court in that case at para-32 are also worth noting which reads as under : "32. The reasons why the community as a whole does not endorse the humanistic approach reflected in "death sentence in no case" doctrine are not far to seek. . In the first place, The very humanistic edifice is constructed on the foundation of "reverence for life" principle. When a member of the community violates this very principle by killing another member, the society may not feel itself bound by the shackles of this doctrine. Secondly, it has to be realised that every member of the community is able to live with safety without his or her own life being endangered because of the protective arm of the community and on account of the rule of law enforced by it. The very existence of the rule of law and the fear of being brought to book operates as a deterrent to those who have no scruples in killing others if it suits their ends. Every member of the community owes a debt to the community for this protection. When ingratitude is shown instead of gratitude by 'killing' a member of the community which protects the murderer himself from being killed, or when the community feels that for the sake of self preservation the killer has to be killed, the community may well withdraw the protection by sanctioning the death penalty. But the community will not do so in every case. It may do so (in rarest of rare cases) when its collective conscience is so shocked that it will expect the holders of the judicial power centre to inflict death penalty irrespective of their personal opinion as regards desirability or otherwise of retaining death penalty. The community may entertain such a sentiment when the crime is viewed from the platform of the motive for, or the manner of commission of the crime, or the anti-social or abhorrent nature of the crime, such as for instance:

**I. Manner of Commission of Murder, When the murder is committed in an extremely brutal, grotesque, diabolical,**

**revolting, or dastardly manner so as to arouse intense and extreme indignation of the community.** For instance.(i) When the

house of the victim is set aflame with the end in view to roast him alive in the house,

(ii) When the victim is subjected to inhuman acts of torture or cruelty in order to bring about his or her death.

(iii) When the body of the victim is cut into pieces or his body is dismembered in a fiendish manner.

**II. Motive for commission of murder:** When the murder is committed for a motive which evinces total depravity and meanness. for instance when (a) a hired assassin commits murder for the sake of money or reward; (b) a cold-blooded murder is committed with a deliberate design in order to inherit property or to gain control over property of a ward or a person under the control of the murderer or vis-a-vis whom the murderer is in a dominating position or in a position of trust; (c) a murder is committed in the course for betrayal of the motherland.

**III. Anti-social or socially abhorrent nature of the crime.** (a) When murder of a member of a Scheduled Caste or minority community etc., is committed not for personal reasons but in circumstances which arouse social wrath. For instance when such a crime is committed in order to terrorize such persons and frighten them into fleeing from a place or in order to deprive them of, or make them surrender, lands or benefits conferred on them with a view to reverse past injustices and in order to restore the social balance.

(b) In cases of 'bride burning' and what are known as 'dowry-deaths' or when murder is committed in order to remarry for the sake of extracting dowry once again or to marry another woman on account of infatuation.

**IV. Magnitude of crime:** When the crime is enormous in proportion. For instance when multiple murders say of all or almost all the members of a family or a large number of persons of a particular

caste, community, or locality, are committed.

V. Personality of victim of murder: When the victim of murder is (a) an innocent child who could not have or has not provided even an excuse, much less a provocation, for murder. (b) a helpless woman or a person rendered helpless by old age or infirmity. (c) when the victim is a person vis-a-vis whom the murderer is in a position of domination or trust, (d) when the victim is a public figure generally loved and respected by the community for the services rendered by him and the murder is committed for political or similar reasons other than personal reasons.

18. In the present case on hand also the crime is committed in an extremely brutal, grotesque, diabolical, revolting, or dastardly manner so as to arouse intense and extreme indignation of the community. There is motive to the accused persons to commit this crime under the guise of Jihad and the said crime is anti-socially abhorrent nature and the crime is enormous in proportion causing multiple murders of 17 persons and a death of a quick born child and injures to 126 persons and all the victims are innocent they have never might have been these accused persons and there was no provocation for commission of this crime. Therefore the above decision is applicable to this case.

19. Hon'ble Supreme Court in Ankush Maruti Shinde Vs. State of Maharashtra reported at AIR 2009 - 2609, para-14 observed that "The law regulates a social interests, arbitrates conflicting claims and demands. Security of persons and property of the people is an essential function of the State. It could be achieved through instrumentality of criminal law. Undoubtedly, there is a cross-cultural conflict where living law must find answer to the new challenges and the courts are required to mould the sentencing system to meet the challenges. The contagion of lawlessness would undermine social order

and lay it in ruins. Protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence. Therefore, law as a corner-stone of the edifice of "order" should meet the challenges confronting the society. Friedman in his "Law in Changing Society" stated that, "State of criminal law continues to be - as it should be - a decisive reflection of social consciousness of society". Therefore, in operating the sentencing system, law should adopt the corrective machinery or the deterrence based on factual matrix. By deft modulation sentencing process be stern where it should be, and tempered with mercy where it warrants to be.

**The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration. For instance a murder committed due to deep-seated mutual and personal rivalry may not call for penalty of death. But an organised crime or mass murders of innocent people would call for imposition of death sentence as deterrence.** In the present case on hand also the crime is a preplanned with motive and in so far as conduct of the accused is concerned, that there are discussion between them through E-mail chatting that due to shortage of material they could not plant another bomb otherwise they would have planted another bomb and the accused No.5 was asked for success of bomb blasts and ultimately their aim is to murder the innocent people. Therefore sentence of extreme penalty of death is warranted.

20. In Mahesh v. State of M.P. (1987) 2 SCR 710, this Court while refusing to reduce the death sentence observed thus :AIR 1987 SC 1346, Para 6 "It will be a mockery of justice to permit the

accused to escape the extreme penalty of law when faced with such evidence and such cruel acts. **To give the lesser punishment for the accused would be to render the justicing system of the country suspect. The common man will lose faith in courts. In such cases, he understands and appreciates the language of deterrence more than the reformative jargon.**" In addition to this, one may also take note of observations of Apex Court in the matter of Dhananjay Chatterjee @ Dhana Vs. State of W.B. reported at 1994 (2) S.C.Cases -626, para-15: "15. In our opinion, the measure of punishment in a given case must depend upon the atrocity of the crime; the conduct of the criminal and the defenceless and unprotected state of the victim. Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment fitting to the crime so that the courts reflect public abhorrence of the crime. **The courts must not only keep in view the rights of the criminal but also the rights of the victim of crime and the society at large while considering imposition of appropriate punishment.**" (Emphasis supplied). In the present case on hand also in the interest of justice from the angle of the society death punishment is inevitable.

21. It was held by Hon'ble Supreme Court of India in Gurvail Singh @ Gala And Anr vs State Of Punjab on 7 February, 2013 that **"To award death sentence, the aggravating circumstances (crime test) have to be fully satisfied and there should be no mitigating circumstance (criminal test) favouring the accused. Even if both the tests are satisfied as against the accused, even then the Court has to finally apply the Rarest of Rare Cases test (R-R Test), which depends on the perception of the society and not judge-centric, that is whether the society will approve the awarding of death sentence to certain types of crime or not.**

**While applying this test, the Court has to look into variety of factors like society's abhorrence, extreme indignation and antipathy to certain types of crimes** like rape and murder of minor girls, especially intellectually challenged minor girls, minor girls with physical disability, old and infirm women with those disabilities etc. examples are only illustrative and not exhaustive. Courts award death sentence, because situation demands, due to constitutional compulsion, reflected by the will of the people, and not Judge centric. " In the present case on hand also there are several aggravating circumstances to cause death penalty and the mitigating circumstance is the age of the accused which does not overcome the aggravating circumstances.

22. Hon'ble Supreme Court of India held in Sangeet & Anr vs State Of Haryana on 20 November, 2012 that 22. The Constitution Bench observed that under the old Code, both the sentence of death and the sentence of imprisonment for life provided under Section 302 of the IPC could be imposed after weighing the aggravating and mitigating circumstances of the particular case. However, in view of Section 354(3) of the Cr.P.C. a punishment of imprisonment for life should normally be imposed under Section 302 of the IPC but a sentence of death could be imposed as an exception. Additionally, as per the legislative requirement if a sentence of death is to be awarded, special reasons need to be recorded. In a sense, the legislative policy now virtually obviated the necessity of balancing the aggravating and mitigating circumstances of the crime for the award of punishment in respect of an offence of murder (although aggravating and mitigating circumstances are repeatedly referred to in the judgment, including as relevant circumstances that must be given great weight). Therefore, the Constitution Bench (after a discussion in paragraphs 161 and 162 of the Report) adjusted and attuned proposition (iv)(a) by deleting the reference to balancing all the aggravating and mitigating circumstances

of the crime to read as follows:- **(a) The normal rule is that the offence of murder shall be punished with the sentence of life imprisonment. The court can depart from that rule and impose the sentence of death only if there are special reasons for doing so. Such reasons must be recorded in writing before imposing the death sentence.** In the present case on hand also after balancing the aggravating and mitigating circumstances no prudent person will impose a lesser punishment of life imprisonment because of life imprisonment is foreclosed.

23. Hon'ble Supreme Court of India in Om Prakash vs State Of Haryana on 22 February, 1999 held that "Hence it is settled law that sentence of death should be reserved for rarest of the rare cases where sentence of imprisonment of life would be inadequate. In each case for finding out whether it is rarest of the rare cases, the Court has to balance the aggravating and mitigating circumstances. **From the evidence on record, it is apparent that the accused had committed gruesome murders of innocent persons. There is no doubt that it is pre-meditated and in a well thought out manner.** In the present case on hand also the twin blasts committed by the accused is a pre-meditated and well thought manner.

24. Hon'ble Supreme Court of India in Mohan & Ors vs State Of Tamil Nadu on 12 May, 1998 held that "In Bachan Singh etc. etc. vs. State of Punjab etc. etc. (1980) 2 SCC 684, the Constitution Bench while upholding the constitutional validity of imposition of death penalty for murder came to hold that it is not possible to lay down standards and norms for imposition of death penalty as the degree of culpability cannot be measured in each case; and secondly, criminal cases cannot be categorised, there being infinite unpredictable and unforeseeable variations, and thirdly, on such categorisation, the sentencing process will cease to be judicial; and fourthly, such

standardisation or sentencing discretion is a policy-matter belonging to the legislature beyond the court's function. Yet what could be reasonably culled out to be guidelines from the aforesaid decision:-

**(i) The extreme penalty of death need not be inflicted except in gravest cases of extreme culpability.**

**(ii) Before opting for the death penalty the circumstances of the 'offender' also require to be taken into consideration along with the circumstances of the 'crime'.**

**(iii) Life imprisonment is the rule and death sentence is an exception.** Death sentence must be imposed only when life imprisonment appears to be an altogether inadequate punishment having regard to the relevant circumstances of the crime, and provided, and only provided, the option to impose sentence of imprisonment for life cannot be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant circumstances.

**(iv) A balance-sheet of aggravating and mitigating circumstances has to be drawn up** and in doing so the mitigating circumstances have to be accorded full weightage and a just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised. In *Machhi Singh and others vs. State of Punjab - (1983) 3 Supreme Court Cases 470*, three learned judges of this Court came to hold that the observation of the Constitution Bench in Bachan Singh's case (supra) that the death sentence should be given in rarest of rare cases has to be examined in the facts of the individual case in the context of relevant guidelines.

**Their Lordships indicated that when the murder is committed in an extremely brutal, grotesque, diabolical, revolting, or dastardly manner so as to arouse intense and extreme indignation of the community it would be a rarest of rare cases.**

This case also comes under gravest cases of extreme culpability.

25. Nobody on this Earth is above the rule of Law and nobody has right to take away the life of another human being because he cannot create the same person as easily as destroyed. The principle of India is "live and let live" which is contrary to the principle of terrorism. Therefore such offences have to be punished with extreme penalty.

26. In the present case only mitigating circumstance is age of the accused. But the only one mitigating circumstance cannot weigh against numerous aggravating circumstances. It hardly can tilt the balance in favour of the accused. The crimes committed by the accused are barbaric or inhuman, diabolic and in my view the accused have shown extreme depravity while committing the twin blasts. The court has already given a finding that the offences have been committed with previous planning and extreme meticulousness after conducting test blast.

27. Moreover the accused No.3 is a foreigner and the other four accused are trained in foreign country for waging war against this Country and all the accused are having similar mindset and their ultimate object is to kill innocent persons in this Country and thereby to challenge the sovereignty of this Country. This Court also observed everyday the accused that they felt as if they are heroes and committed heroic acts. In this case the accused did not act on provocation and nor did they act in spur of the moment but meticulously executed a deliberately planned crimes in spite of understanding the probable consequence of their act, the death sentence shall be the most appropriate punishment. This Court also considered the preplanned and barbaric nature of the crime, the diabolical manner in which it was committed and the extreme brutality involved as aggravating circumstances against the accused. I am of the sincere opinion that only the maximum punishment will send the right message to society

and also to like-minded persons. To show leniency or mercy in a case of such heinous crime and upon the accused, who have shown no repentance or remorse after exhibiting extreme depraved mentality. Therefore this Court has to award death penalty to the accused as they do no deserve any sympathy for the offences U/Sec.120-B r/w.302, 121, 302 of Indian Penal Code and U/Sec.3 (b) of Explosive Substances Act, Under Section 16 of Unlawful Activities (Prevention) Act, 1967 as this case comes within the ambit of rarest of rare cases and the alternative option for life imprisonment is unquestionably foreclosed.

28. In so far as the disposal of the property under section 452 Cr.P.C is concerned, the case against the absconding accused No.1 is still pending, hence all the material objects shall be preserved.

**:: SENTENCE ORDER ::**

29. The accused No.2: Asadullah Akhtar @ Haddi @ Tabrez @ Daniyal @ Asad is sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.120-B r/w.302 Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121-A of Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.122 of Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for

each count for the offence punishable U/Sec.302 r/w.34 Indian Penal Code (two counts). He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.307 r/w.34 Indian Penal Code (two counts).

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.316 r/w.34 Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.436 r/w.34 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.201 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.466 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.474 r/w.109 Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.3 (b) of Explosive Substances Act. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.5 of Explosives Substances Act (two counts).

He is further sentenced to Death and further sentenced to pay

fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.3 (b) of Explosive Substances Act r/w.34 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.1,000/- IDSI for one month for the offence punishable U/Sec.14 of Foreigners Act, 1946 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.4 of Public Property Damages Act r/w.34 of Indian Penal Code.

He is further sentenced to undergo Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 r/w.34 Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.17 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.18 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967 r/w.109 Indian Penal Code.

30. The accused No.3: Zia ur Rahman @ Wagas @ Javed @ Ahmed @ Nabeel Ahmed is sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence

punishable U/Sec.120-B r/w.302 Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121-A of Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.122 of Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.302 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to Death and further sentenced to pay fine of Rs.Rs.10,000/- IDSI for one month for the offence punishable U/Sec.302 r/w.34 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.307 of Indian Penal Code.

He is further sentenced to undergo Imprisonment for life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.307 r/w.34 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.316 r/w.34 Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and

further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.436 of Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.201 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.466 r/w.109 of Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.474 r/w.109 of Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.3 (b) of Explosive Substances Act (two counts). He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.5 of Explosives Substances Act (two counts).

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.1,000/- IDSI for one month for the offence punishable U/Sec.14 of Foreigners Act, 1946.

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.4 of Public Property Damages Act.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable

U/Sec.16 of Unlawful Activities (Prevention) Act, 1967. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.17 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.18 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967 r/w.109 Indian Penal Code.

31. The accused No.4: Mohd. Tahseen Akhtar @ Hassan @ Monu is sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.120-B r/w.302 Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121-A of Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.122 of Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable

U/Sec.302 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.302 r/w.34 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.307 of Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.307 r/w.34 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.316 Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.436 of Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.201 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.466 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.474 r/w.109 Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.3 (b) of Explosive

Substances Act (two counts). He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.5 of Explosives Substances Act (two counts).

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.1,000/- IDSI for one month for the offence punishable U/Sec.14 of Foreigners Act, 1946 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.4 of Public Property Damages Act r/w.34 of Indian Penal Code.

He is further sentenced Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.16 of Unlawful Activities (Prevention) Act, 1967. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.17 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.18 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967 r/w.109 Indian Penal Code.

Yasin Bhatkal @ Sharukh is sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.120-B r/w.302 Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121-A of Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.122 of Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.302 r/w.109 Indian Penal Code (two counts). He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.307 r/w.109 Indian Penal Code (two counts).

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.316 r/w.109 Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.436 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one

month for the offence punishable U/Sec.201 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.466 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.474 r/w.109 Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.5 of Explosive Substance Act r/w.109 Indian Penal Code (two counts).

He is further sentenced to Death and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.3 (b) of Explosive Substances Act r/w.109 Indian Penal Code (two counts). He shall be hanged by neck till he is dead.

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.1,000/- IDSI for one month for the offence punishable U/Sec.14 of Foreigners Act, 1946 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.4 of Public Property Damages Act r/w.109 Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 r/w.109 Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one

month for the offence punishable U/Sec.17 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.18 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967.

33. The accused No.6: Ajaz Shaikh @ Samar Armaan Tunde @ Sagar @ Aizaz Saeed Shaikh is sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.120-B r/w.302 Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121 of Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.121-A of Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.122 r/w.109 of Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.302 r/w.109 Indian Penal Code (two counts). He shall be hanged by neck till he is dead.

He is further sentenced to undergo Imprisonment for Life and

further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.307 r/w.109 Indian Penal Code (two counts).

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.316 r/w.109 Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.436 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.201 r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.466 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 7 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.474 Indian Penal Code.

He is further sentenced to undergo Imprisonment for Life and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.5 of Explosive Substance Act r/w.109 Indian Penal Code (two counts).

He is further sentenced to Death and further sentenced to pay fine of Rs.20,000/- (for each count Rs.10,000/-) IDSI for one month for each count for the offence punishable U/Sec.3 (b) of Explosive Substances Act r/w.109 Indian Penal Code (two counts). He shall be hanged by neck till he is dead.

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.1,000/- IDSI for one month for the offence punishable U/Sec.14 of Foreigners Act, 1946

r/w.109 Indian Penal Code.

He is further sentenced to undergo Rigorous Imprisonment for 2 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.4 of Public Property Damages Act r/w.109 Indian Penal Code.

He is further sentenced to Death and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.16 of Unlawful Activities (Prevention) Act, 1967 r/w.109 Indian Penal Code. He shall be hanged by neck till he is dead.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.17 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.18 of Unlawful Activities (Prevention) Act, 1967.

He is further sentenced to undergo Rigorous Imprisonment for 10 years and further sentenced to pay fine of Rs.10,000/- IDSI for one month for the offence punishable U/Sec.19 of the Unlawful Activities (Prevention) Act, 1967.

It is felt that no separate sentence is required to be imposed for the conspiracy to commit other offences which are minor in nature as the sentence of death has already been awarded to the accused for the offence punishable u/s 120B r/w 302 of Indian Penal Code.

## **VICTIM COMPENSATION**

34. It is brought to my notice that the greviouly injured persons did not receive sufficient compensation from the Government, hence sufficient compensation may be granted for them.

35. In this case there are 126 victims out of which 78 are victims who sustained grevious injuries are entitled for compensation from District Legal Services Authority. Therefore, the District Legal Services Authority is directed to decide the quantum of compensation to be awarded under the scheme referred to in Sub-Section 1 of section 357-A of Cr.P.C. The fine amount paid by the accused also can be utilized for compensation of the victims. The list of victims of greviouly injured who are entitled for compensation from District Legal Services Authority is given below:

SI. N o	NAME OF THE INJURED	NATURE OF INJURY	PLACE
1	Survi Venugopal	Grievous	107 Bus stop, Dilsukhnagar
2	Tanguturi Srinivasa Rao	Grievous	107 Bus stop, Dilsukhnagar
3	R Vignesh	Grievous	107 Bus stop, Dilsukhnagar
4	Md Hazi	Grievous	107 Bus stop, Dilsukhnagar
5	Gunnadattula Sudharani	Grievous	107 Bus stop, Dilsukhnagar
6	Ch Swechha Roopa Choudhury	Grievous	107 Bus stop, Dilsukhnagar
7	Lanka Srikrishna Sundar Sharma	Grievous	107 Bus stop, Dilsukhnagar
8	Pathi Manasa	Grievous	107 Bus stop, Dilsukhnagar
9	Godesh Mounika	Grievous	107 Bus stop, Dilsukhnagar
10	Kolluru Swathi	Grievous	107 Bus stop, Dilsukhnagar
11	Krishnakanth	Grievous	107 Bus stop, Dilsukhnagar
12	Abdul Wasim Mirza	Grievous	107 Bus stop, Dilsukhnagar
13	V Srinivasa Rao	Grievous	107 Bus stop, Dilsukhnagar
14	Rajitha	Grievous	107 Bus stop, Dilsukhnagar
15	Shivakumar	Grievous	107 Bus stop, Dilsukhnagar
16	Azimuddin	Grievous	107 Bus stop, Dilsukhnagar

17	Md Javid	Grievous	107 Bus stop, Dilsukhnagar
18	Malothu Laxmi	Grievous	107 Bus stop, Dilsukhnagar
19	Ravinder Naik	Grievous	107 Bus stop, Dilsukhnagar
20	Malothu Gangulamma	Grievous	107 Bus stop, Dilsukhnagar
21	Banothu Hathiya Naik	Grievous	107 Bus stop, Dilsukhnagar
22	L Vishwanath	Grievous	107 Bus stop, Dilsukhnagar
23	Repally Sunil	Grievous	107 Bus stop, Dilsukhnagar
24	Rachala Harish Reddy	Grievous	107 Bus stop, Dilsukhnagar
25	G Venu	Grievous	107 Bus stop, Dilsukhnagar
26	<b>M.Krishna</b>	Grievous	107 Bus stop, Dilsukhnagar
27	Mangu	Grievous	107 Bus stop, Dilsukhnagar
28	Mrs Peramma	Grievous	107 Bus stop, Dilsukhnagar
29	Venkayamma	Grievous	107 Bus stop, Dilsukhnagar
30	Sai Rohit Goud	Grievous	107 Bus stop, Dilsukhnagar
31	P Yadaiah Goud	Grievous	107 Bus stop, Dilsukhnagar
32	B Shravani	Grievous	107 Bus stop, Dilsukhnagar
33	Md Abdul Hai Umez	Grievous	107 Bus stop, Dilsukhnagar
34	Nitish Agarwal	Grievous	107 Bus stop, Dilsukhnagar
35	Md Fasiuddin	Grievous	107 Bus stop, Dilsukhnagar
36	Abdul Sajid	Grievous	107 Bus stop, Dilsukhnagar
37	V Divya	Grievous	107 Bus stop, Dilsukhnagar
38	L Narsingh Rao	Grievous	107 Bus stop, Dilsukhnagar
39	Tellegoni Krishna Goud	Grievous	107 Bus stop, Dilsukhnagar
40	Tanukulla Nancharaiah	Grievous	107 Bus stop, Dilsukhnagar
41	Ameeruddin	Grievous	107 Bus Stop, Dilsukhnagar
42	Mudari Parashuram	Grievous	A1-Mirchi Center, Dilsukhnagar
43	Dr P Ramakanth	Grievous	A1-Mirchi Center, Dilsukhnagar
44	Aunuri Bhaskar	Grievous	A1-Mirchi Center, Dilsukhnagar
45	P Durga Prasad	Grievous	A1-Mirchi Center, Dilsukhnagar
46	Goonda Venkateshwar Rao	Grievous	A1-Mirchi Center, Dilsukhnagar
47	Vangala Rajendra Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
48	Yerishetti Naveen Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar

49	Maruthi Bhujangarao	Grievous	A1-Mirchi Center, Dilsukhnagar
50	Shika Sanni	Grievous	A1-Mirchi Center, Dilsukhnagar
51	Kothapally Gopal Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
52	Lathapally Jangareddy	Grievous	A1-Mirchi Center, Dilsukhnagar
53	G Shravan Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar
54	Ranavat Lakhpath Naik	Grievous	A1-Mirchi Center, Dilsukhnagar
55	Gillala Ramesh	Grievous	A1-Mirchi Center, Dilsukhnagar
56	Salam Venkatanarayana	Grievous	A1-Mirchi Center, Dilsukhnagar
57	Shetti Sudhakar	Grievous	A1-Mirchi Center, Dilsukhnagar
58	Lavuri Saida Naik	Grievous	A1-Mirchi Center, Dilsukhnagar
59	Mamidi Sathyam Babu @ Sathyam	Grievous	A1-Mirchi Center, Dilsukhnagar
60	E Mahesh	Grievous	A1-Mirchi Center, Dilsukhnagar
61	Uday	Grievous	A1-Mirchi Center, Dilsukhnagar
62	Md Samad	Grievous	A1-Mirchi Center, Dilsukhnagar
63	Durgam Mallikarjun	Grievous	A1-Mirchi Center, Dilsukhnagar
64	Banoth Rama Murthy	Grievous	A1-Mirchi Center, Dilsukhnagar
65	Dubba Mohan Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar

66	Bokke Madhusudan Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
67	Marappa	Grievous	A1-Mirchi Center, Dilsukhnagar
68	Kottapally Narasimha Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
69	Ashannak Bakka Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
70	Muthyala Ranjith	Grievous	A1-Mirchi Center, Dilsukhnagar
71	M Vijaya Prasad	Grievous	A1-Mirchi Center, Dilsukhnagar
72	B Abilash Kumar Reddy	Grievous	A1-Mirchi Center, Dilsukhnagar
73	Tadakamalla Udaya Kumar	Grievous	A1-Mirchi Center, Dilsukhnagar
74	Tappa Nagarjuna	Grievous	A1-Mirchi Center, Dilsukhnagar
75	Patlavath Yashoda	Grievous	A1-Mirchi Center, Dilsukhnagar
76	V Vandana	Grievous	A1-Mirchi Center, Dilsukhnagar
77	Kondagadupula Yellaiah	Grievous	A1-Mirchi Center, Dilsukhnagar
78	<b>Mallepally Pandu Ranga Reddy</b>	Grievous	A1-Mirchi Center, Dilsukhnagar

36. Out of the fine amount, Rs.1,00,000/- shall be given to the owner of A1-Mirchi centre PW16 Kothapally Narasimha Reddy towards compensation for damages of A1-Mirchi centre and Rs.50,000/- shall be given to the Telangana State Road Transport Corporation towards compensation U/Sec.357 (1) Cr.P.C for damages of 107 bus stop. The rest of the amount shall be sent to the fund of the District

Legal Services Authority after appeal time is over.

37. The proceedings shall be submitted to the Hon'ble High Court and sentence of death shall not be executed until it is confirmed by the Hon'ble High Court.

38. A copy of the Judgment and sentence order shall be given to accused no.2 to 6 free of cost immediately.

**Sd/- by Dr.T.Srinivasa Rao  
SPECIAL JUDGE  
FOR TRIAL OF SCHEDULED OFFENCES  
INVESTIGATED BY NATIONAL INVESTIGATION  
AGENCY - CUM - V ADDITIONAL METROPOLITAN &  
SESSIONS JUDGE, RANGAREDDY DISTRICT AT  
LB NAGAR, HYDERABAD, TELANGANA STATE**