



**NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA
NEW DELHI**



**SUPPLEMENTARY CHARGE SHEET
(U/s 173 Cr.P.C)**

**IN THE HON'BLE SPECIAL COURT CONSTITUTED UNDER
NIA ACT 2008**

FOR GUJARAT AT AHMEDABAD

1. **Name of the Branch** : National Investigation Agency, Mumbai
- FIR No** : RC-13/2015/NIA-DLI, dated 05/12/2015.
[Arising out of FIR No.164 of 2015 of Bharuch City 'A' Division Police Station dated 02/11/2015.]
- Year** : 2016
- Date & Time** : On 2nd November 2015 at about 18:45 hrs one Shirish Bangali and Pragesh Mistry were sitting in former's newspaper office, Surya Printing Press, Bharuch when two unidentified persons came on motorcycle and pillion rider got down, entered the office and fired two rounds from a revolver like arm, out of which one bullet hit Shirish Bengali just beneath his right earlobe and another one was fired upon Pragnesh Mistry

injuring him. The assailants of crime later fled from the scene of crime. Both the victims succumbed to their injuries and died.

2. **Final Report/Charge Sheet No.** :
3. **Date** : 19.08.2016
4. **Sections of Law** : u/s 16, 17, 18, 20, 23 of the Unlawful Activities (Prevention) Act 1967,U/s 120-B, 302, 114, 153-A, 449, 201 of the Indian Penal Code 1860; Sections 25(1B)a, 27(1) of the Arms Act; and Section 135 of Gujarat Police Act
5. **Type of Final Report** : Charge-sheet
6. **If Final Report un-occurred-False/ Mistake of fact/ Mistake of law/ Non Cognizable / Civil Nature** : Not Applicable
7. **If charge sheeted: Original/ Supplementary** : Supplementary
8. **Name of Investigating Officer** : 
NIA, Branch office Mumbai.
9. **Name of the Complainant/Informant** : 
(Cr No 164 of 2015 of Bharuch City 'A' Division Police Station)
10. **Details of properties/ Articles/ Documents recovered/ seized during Investigation and relied upon** : As per the list enclosed, in Annexures

11. (1) Particulars of accused person against whom present charge sheet is being filed

Name of accused : **Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (wanted accused) (WA-2)**
[Holder of an Indian Passport no. [REDACTED]
[REDACTED], India]

Whether verified Yes

Father's Name Saeedmiya Munshi Saikh

Year/Date of Birth 24/01/1979

Sex Male

Nationality Indian

Religion Muslim

Occupation Tailor

Address (Present) [REDACTED]
[REDACTED]
[REDACTED]

Address (Permanent) [REDACTED]
[REDACTED]

Date of Arrest N.A

Date of relase on bail N.A

Under Acts and Sections (of Chargesheet) --

Names of sureties and address N.A

Status of accused N.A



12. (1) Particulars of accused person against whom present charge sheet is not being Filed

Name of accused : **Abdul Samad s/o Gulam Mohyuddin Gulam Hushen Shaikh (A-9)**

Whether verified Yes

Father's Name Gulam Mohyuddin Gulam Hushen Shaikh

Year/Date of Birth 28/08/1980

Sex Male

Nationality Indian

Religion Muslim



Occupation [REDACTED]

Address (Present) [REDACTED]
[REDACTED]
[REDACTED]

Address (Permanent) As above.

Date of Arrest 17/11/2015

Date of release on bail As per order dated 18.05.2016

Under Acts and Sections (of Chargesheet) --

Names of sureties and address [REDACTED]
[REDACTED]
[REDACTED]

Status of accused Released on bail

Chargesheet is not filed against this accused at this stage and further investigation would continue against him u/s 173(8) of CrPC.

(2) Particulars of accused person against whom present charge sheet is not being Filed

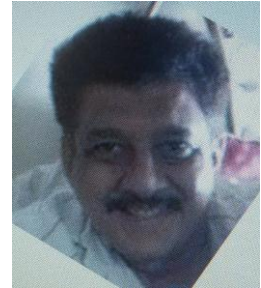
Name of accused	:	Nasir Khan Pathan s/o Mohram Ali Pathan (A-12)
Whether verified		Yes
Father's Name		Mohram Ali Pathan
Year/Date of Birth		19/05/1980
Sex		Male
Nationality		Indian
Religion		Muslim
Occupation		Flex Printing business
Address (Present)		[REDACTED] [REDACTED]
Address (Permanent)		[REDACTED] [REDACTED]
Date of Arrest		[REDACTED]
Date of release on bail		As per order dated 17.06.2016
Under Acts and Sections (of Chargesheet)		--
Names of sureties and address		[REDACTED] [REDACTED] [REDACTED]
Status of accused		Released on bail



Chargesheet is not filed against this accused at this stage and further investigation would continue against him u/s 173(8) of CrPC.

(3) Particulars of accused person against whom present charge sheet is not being filed

Name of accused	: Javed Dawoodbhai Patel @ Javed Chikna (wanted accused) (WA-1)
Whether verified	Yes
Father's Name	Dawoodbhai Patel
Year/Date of Birth	20/06/1960
Sex	Male
Nationality	Indian
Religion	Muslim
Occupation	Fast food restaurant [REDACTED] [REDACTED]
Address (Present)	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Address (Permanent)	As above.
Date of Arrest	N.A.
Date of release on bail	N.A.
Under Acts and Sections (of Chargesheet)	-
Names of sureties and address	N.A.
Status of accused	N.A.



Chargesheet is not filed against this accused at this stage and further investigation would continue against him u/s 173(8) of CrPC.

13. (i) **Particulars of witnesses examined** : As per Volume -E
(ii) **List of Documents** : As per Volume –E, F-1, F-2 & F-3
(iii) **List of articles** : As per Annexure C
14. **If FIR is false, action taken** : Not applicable
15. **Result of laboratory analysis** : As per annexures mentioned above.

16. **Brief Facts of the Case:**

i) On 2nd November 2015 at about 18:45 hrs one Shirish Bengali and Pragnesh Mistry were sitting in former's Newspaper office, Surya Printing Press, Bharuch. Two unidentified persons came on a motorcycle and pillion rider got down, entered the office and fired two rounds from a revolver like arm, out of which one bullet hit Shirish Bengali just beneath his right earlobe and another one hit Pragnesh Mistry in his stomach. The assailants later fled from the scene of crime. Both the victims succumbed to their injuries and died. Accordingly FIR No. 164/2015 was registered in Bharuch City A Division Police Station u/s 302, 114 of IPC and 25 (1) C of Arms Act and u/s 135 G.P. Act, was registered on 02.11.2015 at 20:30 hrs, on the complaint of [REDACTED] of the deceased Shirish Bengali.

ii) During the investigation by the local police, it was revealed that, an international terror module had conspired to kill selected people belonging to a particular section of society to terrorise them and to foment communal passions. The sections 13, 17, 18 of Unlawful Activities Act were added later.

iii) In pursuance of the directions of the Ministry of Home Affairs, Govt. of India, New Delhi vide order No. 11034/107/2015-IS-IV dated 5th December, 2015, the National Investigation Agency (NIA) took-up the investigation and renumbered the FIR as RC 13/2015/NIA/DLI on 05/12/2015 at Police Station NIA, New Delhi.

iv) A charge sheet was submitted by the NIA on 07.05.2016 before the Hon'ble Special Court, Ahmedabad, Gujarat against ten accused persons from A-1 to A-8 and A-10 & A-11 under section 16, 17, 18, 20, 23 of the Unlawful Activities (Prevention) Act 1967, U/s 120-B, 302, 114, 153-A, 449, 201 of the Indian Penal Code 1860; Sections 25(1B)a, 27(1) of the Arms Act; and Section 135 of Gujarat Police Act. Further investigation u/s 173(8) CrPC was continued.

17. Facts Disclosed during investigation:

17.1 Investigation has revealed that during the period between July/ August, 2015 to September/October, 2015, a conspiracy was hatched amongst the arrested accused persons namely, Inayat Patel @ Bala s/o Hazaiyub Patel (A-3), Mohmad Yunus @ Manjro s/o Mohmad Yusuf Shekh (A-4), Abid Dawood Patel s/o Dawood Patel (A-10) and wanted accused Javed Dawoodbhai Patel @ Javed Chikna (WA-1) and Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2). The conspiracy hatched by the accused person also involved use of phones for voice call, SMS, WhatsApp call and WhatsApp messages for killing of persons belonging to a particular section of society with the intention to terrorise them and to create communal unrest.

17.2 In pursuance of the said conspiracy, Mohmad Yunus @ Manjro s/o Mohmad Yusuf Shekh (A-4) had identified four persons who were purported to be involved in the Gujarat [REDACTED] and had sent the name of these persons i.e. [REDACTED] [REDACTED] all residents of Bharuch, Gujarat to Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2) (a resident of Bharuch but presently settled in [REDACTED] [REDACTED]), through SMS in the month of September, 2015.

17.3 Investigation has revealed that Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2) also introduced Mohmad Yunus @ Manjro s/o Mohmad Yusuf Shekh (A-4) with his friend, allegedly, a [REDACTED] [REDACTED] over phone and told Yunus (A-4) to share the same information with his friend. Accordingly, Mohmad Yunus @ Manjro s/o Mohmad Yusuf Shekh (A-4) sent SMS from his mobile to [REDACTED]. Suspect [REDACTED] [REDACTED] had also contacted one [REDACTED] youth in the month of October 2015 to carry out the killings.

17.4 Investigation has also revealed that Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2) asked Mohmad Yunus @ Manjro s/o Mohmad Yusuf Shekh (A-4) to carry out murder of any of the selected targets. Accordingly, Mohmad Yunus @ Manjro s/o Mohmad Yusuf Shekh (A-4) contacted one of his friend and told him that, [REDACTED] had given a job to kill [REDACTED] involved in 2002 Gujarat riots and they could get good money for this job. However, his friend refused the offer.

17.5 Investigation has revealed that Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2) also contacted several of his friends and other young people as part of the larger conspiracy to target persons belonging to a particular section of society, especially those [REDACTED] [REDACTED] background. Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2) asked them to identify [REDACTED] allegedly involved in 2002 Gujarat riots and who were perceived to be [REDACTED]. They were asked to prepare 4-5 like-minded youths to carry out the killings. Some of the persons were instigated to kill [REDACTED] in the name of [REDACTED]. Some persons were asked to extort money for [REDACTED], others were asked to carry out murders. It has come on record that Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2) had asked to identify some [REDACTED] in the locality and to throw alcohol bottles there to create arson. There was specific reference of [REDACTED] made to certain persons. Further investigation also revealed that vulnerable youths were targeted to identify and select targets in the name of religion, by offering money and also by luring them for foreign jobs. The intention was to strike terror in the minds of a particular section of people and foment communal tensions.

17.6 Investigation has also identified three Indian persons presently residing in South Africa as suspected associates of Zahidmiya @ Jao. First such suspect [REDACTED] [REDACTED], an Indian national of around [REDACTED] yrs old, presently residing at [REDACTED], had called and sent SMSes to accused Yunus Manjro (A-4) in October 2015 to execute the killing. Anis had also called and sent SMSs to recruit Indian youth to execute the killing.

17.7 Suspect [REDACTED] is another associate of Jao (WA-2). He is an Indian national, a native of [REDACTED] (Indian Passport no. [REDACTED]) aged [REDACTED] years and presently working in [REDACTED] in a mobile repairing shop. He had given reference of two persons to Jao (WA-2) and also made calls to one Indian youth in India in October 2015 to recruit him to carry out the killing.

17.8 Another suspect [REDACTED], age [REDACTED] years (Indian Passport no. [REDACTED]) is an Indian National, a native of [REDACTED] and presently staying in [REDACTED], [REDACTED]. Investigation has revealed that he is a very close friend of Jao (WA-2) and in October 2015 has introduced him over phone with an Indian person residing in Surat to assign him job of target killings. All these three Indian

nationals presently residing in [REDACTED] have allegedly conspired with Jao (WA-2) and tried to recruit Indian youths for the killings.

17.9 Investigation has revealed that Javed Dawoodbhai Patel @ Javed Chikna (WA-1), who as per information received is presently settled in [REDACTED], had sent the names of the three persons out of the four names given to Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2) i.e. [REDACTED], to his younger brother, Abid Patel s/o Dawood Patel (A-10) by using WhatsApp in the month of October, 2015. It was decided by them that Shirish Bengali would be the first target. Thereafter, arrested accused persons A-1 to A-12 planned and executed the murder of their first target Shirish Bengali.

17.10 Investigation has disclosed that the larger conspiracy to target a particular section of the society was a continuing one and Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh (WA-2) who was seeking names of [REDACTED] leaders allegedly involved in [REDACTED], continued to contact young people in India by offering them handsome money to work for [REDACTED] and also by luring with the foreign job.

18. Charge :

That the wanted accused Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh along with his other foreign conspirators based in South Africa and Pakistan, and the Indian associates, including the arrested accused formed a terrorist gang and entered into conspiracy over phone, through voice call, SMS, WhatsApp call and WhatsApp messages, to kill persons belonging to a particular section of society with the intention to terrorise them and to create communal unrest. In pursuance of the conspiracy Jao (WA-2) made calls in India to recruit Indian youths to execute the killings. The murder of Shirish Bengali and along with him Pragnesh mistry on 02.11.2015 using fire arm was part of this larger conspiracy and even after this murder wanted accused Zahidmiya @ Jao s/o Saeedmiya Munshi Saikh continued to make calls to recruit young people, hence he has committed offences punishable **u/s 120B, 302, 153-A of the Indian Penal Code 1860 and Section 16, 18, 18B & 20 of the Unlawful Activities (Prevention) Act 1967.**

ii) The sanction for prosecution against accused Jao (WA-2) under Section 196 of Criminal Procedure Code, 1973 and Section 45(1) of the Unlawful Activities (Prevention) Act, 1967 has been obtained and the same is enclosed herein.

iii) It is therefore, prayed that in the light of the averments herein, documents and other materials filed with this police report U/Sec. 173 CrPC this Hon'ble court may kindly take cognizance of offences.

iv) That it is submitted that the investigation of the case is being continued and further evidence is also being collected against the accused persons.

v) Therefore, it is requested that the NIA may be allowed to continue the investigation of the case as per the provisions of section 173 (8) of CrPC.

19. **Despatched on** : 19.08.2016

20. **No. of enclosures** : Volume – E, F-1, F-2 & F-3

21. **List of enclosures** : Annexure C

Signature of the investigating officer submitting chargesheet:

[Redacted Signature]
NIA, Mumbai.
[Redacted Name]

Forwarded by

[Redacted Name]
NIA, Mumbai
[Redacted Name]