

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

CHARGESHEET

(U/S 173 Cr.P.C)

**IN THE COURT OF SPECIAL JUDGE FOR N.I.A. CASES, DIMAPUR,
NAGALAND**

STATE

V/s

KHEKAHO ROCHILL AND OTHERS

1. **Name of the Branch** : National Investigation Agency, New Delhi.
F.I.R. No. : RC-04/2015/NIA/DLI
Year : 2015.
Date : 18.05.2015.
2. **Final Report/ Charge Sheet No.** : 11-A
3. **Date** : 13.06.2016.
4. **Section(s) of Law** :
IPC : Section 120-B, 302,307,326
Arms Act : Section 25 (1-B)
Unlawful Activities (P) Act. : Section 16, 18, 20, 23
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** : Sh. Vishal Garg, Supdt. of Police,
N.I.A., New Delhi.
9. **Name of the Complainant/ Informant:** ASI Keyisenyii Solo, PS- Kohima North,
Nagaland
10. **Details of properties/ Articles/
Documents recovered/
Seized during** : As per Annexures
Investigation and relied upon A1, B1, C1
11. **Particulars of accused persons charge sheeted**

A-6

a.	Name	Nasaka I Kinny
b.	Father's Name	Ilhovi Kinny
c.	Age	33 yrs
d.	Sex	Male.
e.	Nationality	Indian.
f.	Passport Details	-
g.	Religion	Christian
h.	Occupation	Member of proscribed organisation NSCN (K).
i.	Address (present)	River belt colony, Dimapur, Nagaland
j.	Address (permanent)	village Zaphu and village- Akhulto Zunheboto, Nagaland
k.	Whether Arrested/On Bail/Absconding	Arrested on 24.05.2016 from Dimapur, Nagaland and presently in Judicial custody.

A-8

	Name	Atoshe Sema
a.	Father's Name	Zuhusha Sema
b.	Age	25 yrs
c.	Sex	Male
d.	Nationality	Indian
e.	Passport Details	-
f.	Religion	Christian
g.	Occupation	Member of proscribed organisation NSCN (K)
h.	Address (present)	Village Alaphu, Zunheboto, Nagaland
i.	Address (permanent)	Village Alaphu, Zunheboto, Nagaland
j.	Whether Arrested/On Bail/Absconding	Arrested on 25.12.2015 from Bangalore and presently in Judicial custody.

A-13

a.	Name	Tapitu @ Tapi
b.	Father's Name	Yichutu
c.	Age	25 yrs
d.	Sex	Male.
f.	Nationality	Indian.
g.	Passport Details	-
h.	Religion	Christian
i.	Occupation	Member of proscribed organisation NSCN (K)
j.	Address (present)	Village Phor, P.S. Melluri, District Phek, Nagaland
k.	Address (permanent)	As above.
l.	Whether Arrested/On Bail/Absconding	He was arrested on 18.12.2015 from New Delhi and presently in judicial custody.

12. Particulars of accused persons not Charge Sheeted:-

A-2

a.	Name	Avinash Limbu
b.	Father's Name	Vijay Limbu.
c.	Age	27 yrs
d.	Sex	Male.
e.	Nationality	Indian.
f.	Passport Details	-
g.	Religion	Hindu
h.	Occupation	Taxi driver
i.	Address (present)	E-11, Merhulietsa colony, Para medical, Kohima, Nagaland
j.	Address (permanent)	Village Dilai, Distt. Diphu, Assam
k.	Whether Arrested/On Bail/Absconding	He was arrested on 16.04.2015 from Kohima, Nagaland and presently in judicial custody

A-5

a.	Name	Kughaito Achumi
b.	Father's Name	Viohoto Achumi
c.	Age	30 yrs
d.	Sex	Male.
e.	Nationality	Indian.
f.	Passport Details	-
g.	Religion	Christian
h.	Occupation	Senior cadre of proscribed organisation of NSCN (K)
i.	Address (present)	Village- Koiboto, Zunheboto, Nagaland.
j.	Address (permanent)	As above.
k.	Whether Arrested/On Bail/Absconding	He is absconding.

A-7

a.	Name	Khutoho
b.	Father's Name	Lahovi
c.	Age	44 yrs
d.	Sex	Male.
e.	Nationality	Indian.
f.	Passport Details	-
g.	Religion	Christian
h.	Occupation	Member of proscribed organisation NSCN (K)
i.	Address (present)	Village- Surrumi, Distt- Zunheboto, Nagaland
j.	Address (permanent)	Askho, Zunheboto, Nagaland
k.	Whether Arrested/On Bail/Absconding	He is absconding.

A-9

a	Name	Akaho Zhimomi
b.	Father's Name	Late Saishe Zhimomi
c.	Age	57 yrs
d.	Sex	Male.
e.	Nationality	Indian.
f.	Passport Details	-
g.	Religion	Christian
h.	Occupation	Self-Styled Brigadier of proscribed organisation NSCN (K)
i.	Address (present)	Power house colony, Zunheboto, Nagaland & Vill- Khetoi, PS- Agunato, Dist- Zunheboto, Nagaland.
j.	Address (permanent)	Same as above
k.	Whether Arrested/On Bail/Absconding	He is absconding.

A-10

a.	Name	Isak Sumi
b.	Father's Name	Hevito Chishi
c.	Age	35 yrs as per electoral list no. KSS0247460
d.	Sex	Male.
e.	Nationality	Indian.
f.	Passport Details	-
g.	Religion	Christian
h.	Occupation	Self-Styled Colonel of proscribed organisation NSCN (K)
i.	Address (present)	Village Hoshepu, Agunato Sub Division, Zunheboto, Nagaland.
j.	Address (permanent)	Same as above
k.	Whether Arrested/On Bail/Absconding	He is absconding.

A-11

a.	Name	Niki Sumi
b.	Father's Name	Suvishe Sumi
c.	Age	-
d.	Sex	Male.
e.	Nationality	Indian.
f.	Passport Details	-
g.	Religion	Christian
h.	Occupation	Self-Styled Lt. General of proscribed organisation NSCN (K)
i.	Address (present)	Purana Bazar, Padampokhri, Dimapur & Village Surrumi, Zunheboto, Nagaland.
j.	Address (permanent)	Same as above
k.	Whether Arrested/On Bail/Absconding	He is absconding and NBW issued against him by the NIA Spl. Court Dimapur.

A-12

a	Name	S.S. Khaplang
b.	Father's Name	
c.	Age	-
d.	Sex	Male.
e.	Nationality	Myanmar
f.	Passport Details	-
g.	Religion	Christian
h.	Occupation	Chairman of proscribed organisation NSCN (K)
i.	Address (present)	Myanmar
j.	Address (permanent)	Same as above
k.	Whether Arrested/On Bail/Absconding	He is absconding.

13. Particulars of

- (i) **Witnesses examined** : Separate list attached as **Annexure- A-I**
- (ii) **List of documents** : Separate list attached as **Annexure- B-I**
- (iii) **List of articles /material object** : Separate list attached as **Annexure-C-I**

14. If FIR is false, action taken : Not Applicable

15. Result of laboratory analysis:

- 15.1 During the investigation, mobile phones, SIM cards, memory cards, hard disks were recovered, seized and further sent to CERT-In New Delhi for further examination. The report from CERT-In, New Delhi received vide letter no. 4(5)/2015-CERT-In (Part II) dated 15.10.2015 has already been submitted before the Ld. Court. The extracted data/files were further analyzed in the light of other available evidence on record. The analysis clearly establishes the saved contacts of different NSCN (K) cadres, SMS and photographs corroborating their association with the NSCN (K) organization, their role in terror funding and other extortion activities.
- 15.2 The arms, ammunition along with remnants of exploded grenade recovered from accused Kisheto **(A-4)** and empty cases/bullets head recovered from the scene of crime, were sent to CFSL Chandigarh for forensic examination. A report CFSL ©/1889/15/Expl/12/15 dated 20.10.15 related to remnants of grenade establishes the presence of RDX and PETN (high explosives). The **C.F.S.L. reports related to Beretta Pistol recovered from accused Kisheto (A-4) has clearly established the matching with empty fired bullets jacket/cases collected from scene of crime.** This establishes his association and involvement along with other NSCN (K) cadres in this act of terror.
- 15.3 The forensic report related to weapons (including AK-56 rifle, .53 rifle (US carbine, 12 bore single barrel rifle, hand grenade and large cache

of ammunition) recovered from accused Nasaka Kinny **(A-6)** during his arrest will be submitted on its receipt.

16. **BRIEF FACTS OF THE CASE**

- 16.1 **This is a supplementary charge sheet** in the instant case. The first charge sheet was filed by the NIA against accused **(A-1)** Ranjit Thapa, **(A-3)** Khekaho Rochil and **(A-4)** Kisheto Ayem on 23.11.2015 before this Spl. NIA Court, Dimapur. The further investigation continued u/s 173 (8) Cr.P.C. The initial details of the investigation of the case have been submitted before this Ld. Court vide above mentioned charge sheet.
- 16.2 The present act of terror on 26.03.2015 by National Socialist Council of Nagaland (Khaplang) which is also known as NSCN (K) marked as the abrogation of ceasefire by them with Govt. of India. The NSCN (K) unilaterally decided in the month of March 2015 to break the cease fire by directing their cadres to attack and kill personnel of Assam Rifles at Kohima, Nagaland.
- 16.3 During the first week of March 2015, top leadership of NSCN (K) met at secret place in Myanmar and discussed the status of ceasefire with Govt. of India vis-à-vis amount collected through extortion in Nagaland, their muscle power in form of number of cadres and availability of arms, ammunition and explosives.
- 16.4 The leadership of NSCN (K) including S.S.Khaplang, Niki Sumi, Akaho, Isak Sumi and others, conspired, planned, provided arms/explosives,

funded and directed their local cadres at Kohima to attack and kill personnel of Assam Rifles. Accordingly directions were issued to their cadres at Kohima that all preparations and security measures to be adopted as they had decided to abrogate the ceasefire by attacking the security forces.

- 16.5 Accused Khekaho Rochill **(A-3)** who was finance secretary of NSCN (K) and also a member [REDACTED] [REDACTED] was directed by Niki Sumi to not attend any meeting with above board and also to leave Kohima at the earliest.
- 16.6 On 24th March 2015, accused Khekaho Rochill **(A-3)** left Kohima for his hometown at Zunheboto. On the same day, Kisheto Ayem **(A-4)** receives a call from Akaho **(A-9)** who directs him to attack security forces within a day or two in Kohima.
- 16.7 On the same day, Kisheto Ayem **(A-4)** along with other cadres who were present in a rented accommodation [REDACTED] made all the logistic preparation to go to jungle and to carry out offensive against the security forces.
- 16.8 Isak Sumi **(A-10)** had sent Rs. 1 Lakh through a NSCN (K) cadre, accordingly certain items like rucksack, polythene sheets, shoes, battery, raw food items were purchased from the local South Point market Kohima. The above cadres along with the available arms-

ammunition, explosives and other items moved to jungle area near Kohima.

16.9 Accused Akhao **(A-9)** informed Kisheto Ayem **(A-4)** that the direction to attack Indian Forces had come from Khaplang and Niki Sumi. As Kisheto **(A-4)** was not well, therefore it was decided that the main attack will be led by Kughaito **(A-5)** along with Nasaka **(A-6)**, Khutoho **(A-7)** and Atoshe Sema **(A-8)**. It was decided that Kisheto along with other cadres would be providing the backup support in nearby jungle. The above strike party had two AK series rifles, one Pistol and one .32 country made pistol with lots of ammunition.

16.10 On 26th March 2015 accused Kughaito **(A-5)**, Nasaka **(A-6)**, Khutoho **(A-7)**, Atoshe Sema **(A-8)** and a taxi driver Ranjit Thapa @ Karan **(A-1)** left [REDACTED] Kohima in the early hours. After crossing the Police Headquarters, Kughaito **(A-5)** asked others cadres to get prepared to attack on personnel of Assam Rifles. He directed to take all precautions while attacking the personnel of Assam Rifles.

16.11 These cadres armed themselves and proceeded towards TCP gate and found few Army personnel standing near UCO Bank. They decided not to open fire because of the presence of the local public. Thereafter, in search of another target, they reached Naga Hospital and found few Army personnel standing there. The taxi driver Ranjit **(A-1)** could not stop the car therefore Kughaito **(A-5)** directed him to turn back,

however, upon reaching back, they found more Army personnel standing there. Because of the threat of being outnumbered by the increased presence of the forced personnel, they again decided not to open fire.

16.12 They further moved to Indira Gandhi stadium via High school & New Market-Tinpati. At the Indira Gandhi stadium, they spotted 6-7 unarmed personnel of Assam Rifles. Kughaito **(A-5)** directed Ranjit **(A-1)** to stop the car near the gate of the stadium. As Ranjit **(A-1)** stopped the car a little ahead of the gate, Kughaito **(A-5)** hurriedly alighted and opened fire with his pistol. Other cadres also joined him in the fire. In this attack, four personnel of Assam Rifles got seriously injured, out of which one person namely Dhurva Ghising succumbed to his injuries and died later.

16.13 After the attack, Kughaito **(A-5)**, Nasaka **(A-6)** & two other cadres hurriedly boarded the taxi again and asked Ranjit **(A-1)** to speed up towards New Secretariat. During their escape, Kughaito **(A-5)** told other cadres that he had killed one personnel of Assam Rifle. These cadres told driver Ranjit **(A-1)** to stop the car at Working Women's Hostel short of New Secretariat. They handed over Rs.600/- to Ranjit and hailed another local taxi (Alto) to flee further towards New Secretariat.

16.14 During this incident, Kisheto Ayem **(A-4)** along with other cadres with arms and ammunition were waiting their above strike party in the nearby jungle. Kughaito **(A-5)** along with other three cadres met their

town commander Kisheto Ayem **(A-4)** inside the jungle in the forenoon itself. As per the direction of senior cadres of NSCN (K), Kisheto Ayem **(A-4)** along with other cadres went inside the jungle to abscond and to evade their arrest.

- 16.15 The act of terror was reported by the complainant Keyisenyii Solo, P.S North Kohima and a case FIR No. 0029/2015 was registered by the P.S. under sections 307,326 of IPC and Section 25(1)(B) of Arms Act. Four personnel of Bravo company, 19th Battalion Assam Rifles [REDACTED] [REDACTED] [REDACTED] got seriously injured.
- 16.16 Based on the available intelligence and initial investigation, accused Ranjit Thapa @ Karan **(A-1)** was arrested on 28.03.2015 along with his taxi NL- 01-T-8038 (Maruti Alto). Mobile phones, electoral photo ID card, driving licence and other documents related to above Alto taxi were taken on record.
- 16.17 During the preliminary investigation at the scene of crime, empty cases of AK rifle and of 9 mm pistol and fired bullet heads were recovered. The exhibits were seized and sealed for further examination by the forensic lab.
- 16.18 Another taxi driver, namely Avinash Limbu **(A-2)** was arrested in Kohima on the basis of a report submitted by Assam Rifles on 16th April 2015. However during the course of investigation, his role and complicity in the instant case did not surface.

- 16.19 The Government of India, suo-moto directed the National Investigation Agency (N.I.A.) to take up the investigation of aforementioned case, vide order No. 11011/21/2015.IS.IV, MHA dated 30th April 2015. The National Investigation Agency, New Delhi re-registered the case as Crime No. RC-04/2015/NIA/DLI in Police Station NIA, New Delhi on 18.05.2015 and took up the investigation.
- 16.20 During the investigation, it came on record that the accused Ranjit Thapa **(A-1)** was using [REDACTED] at the time of incident. An analysis of the call detail report (CDR) reveals his presence at [REDACTED] Kohima at around 06.30 am on 26th March 2015 and his further movement to [REDACTED] Kohima around 9.30 am. The analysis report (submitted with the main charge sheet earlier) of CDRs of mobile phones of Ranjit Thapa @ Karan **(A-1)** and other cadres of NSCN (K) establishes their presence near the scene of crime at the time of incident.
- 16.21 During the investigation, the finance secretary of NSCN (K) and a key functionary namely Khekaho Rochill **(A-3)** was arrested on 28.05.2015. His examination revealed the involvement of Kisheto (Town commander Kohima), Niki Sumi and other cadres in this case. As per the revelation by Khekaho Rochill **(A-3)**, the top leadership of NSCN (K) including Niki Sumi, Military Commander in Chief had ordered to ambush the Assam Rifles to show their military strength, to abrogate the cease fire with Government of India and to spread terror in the minds of general public for collection of more extortion money. The forensic

reports of his mobile phone and laptop clearly establish his association with the proscribed terrorist organisation and also his involvement in extortion and terror activities related to the case.

- 16.22 On 13.6.2015, the statements given by [REDACTED] [REDACTED] were recorded u/s 161 Cr.P.C. These [REDACTED] [REDACTED] A photo identification parade was also carried out in which they identified the involvement of accused Nasaka **(A-6)** in this crime.
- 16.23 On 14.6.2015, the statement of other [REDACTED] [REDACTED] were recorded u/s 161 Cr.P.C. These [REDACTED] [REDACTED] corroborated the statement and revealed the presence of accused Kughaito and Nasaka along with other cadres on the night of 25th/26th March 2015 [REDACTED] A photo identification parade was also carried out in which they identified Nasaka **(A-6)** and Kughaito **(A-5)**.
- 16.24 On 15.07.2015, the statement [REDACTED] was recorded u/s 161 Cr.P.C. [REDACTED] [REDACTED] Kughaito **(A-5)** as the person who loaded the pistol and fired indiscriminately on personnel of Assam Rifles in a photo identification parade.
- 16.25 On 03.08.2015, accused **(A-4)** Kisheto Ayem @ was arrested by NIA from [REDACTED], Kohima Nagaland and recovered large cache of

arms and ammunition i.e. one M-16 Rifle along with two magazines and 180 rounds, one .303 bolt action rifle along with 12 rounds of 7.62 mm ammunitions and one Chinese grenade, one Beretta pistol along with seven rounds of ammunition were recovered. A laptop, Hard disk, mobile phones, driving license of **(A-4)** Kisheto (in the fake name of Hekato Aye s/o Nizeto Aye) and a personal diary of Kughaito, a laminated copy of authorization and attachment letter from NSCN (GPRN) duly issued by military supervisor SS Lt. Gen. Niki Sumi, an I card and phone diary of Nasaka I Kimmy etc. were also recovered from his possession. The forensic report received from CFSL clearly establishes that the above seized Berretta pistol was used in the instant crime.

16.26 A hand written diary of absconding accused Kughaito **(A-5)** recovered from accused Kisheto is very **important as it mentions the name of all accused involved in the heinous crime with other details.**

16.27 During the further investigation, based on a reliable input, one **accused namely Tapitu @ Tapi (A-13)**, Son of Yichutu, R/o Village Phor, Pouchery, Meluri, Distt- Phek, Nagaland was arrested on 18.12.2015 [REDACTED] During the investigation, it has come on record that the said Tapitu was self-style second lieutenant in NSCN (K). It has also surfaced that accused Tapitu was close to another senior cadre of NSCN (K) namely SS Brig. Kurechu and was part of the conspiracy and assistance which led to attack on the personnel of Assam Rifle by the NSCN (K) Cadres. Tapitu was injured by a bullet during an encounter

with the Assam Rifles in Nagaland. The large number of arms, ammunition and other material were transported by above Tapitu and other cadres on the behest of above SS Brig. Kurechu and handed over to town commander Kohima Kisheto **(A-4)** (already arrested and charge sheeted) for carrying out subversive activities.

16.28 During the further investigation, based on a reliable input, absconding accused namely **Atoshe Chohey (A-8)**, Son of Zuhushe, R/o Village Alaphu, P.S. Akuluto, Distt. Zunheboto, Nagaland **was arrested on 25.12.2015 from Bangalore**. During the investigation, it has come on record that the said accused is a self-styled Sergeant of NSCN (K) and was closely associated with Kisheto Ayem **(A-4)**, Nasaka I Kinny **(A-6)**, Tapitu **(A-13)** and other cadres. On 26th March 2015, accused **Atoshe was in the strike team** and fired with a pistol on the personnel of Assam Rifles.

16.29 During the further investigation, based on a reliable input, another absconding accused namely **Nasaka I Kinny** son of Sh. Ihovi Kinny of Zaphu village, Akuluto, Distt. Zunheboto, Nagaland **was arrested on 24.05.2016** from Dimapur, Nagaland. **Three weapons including AK rifle and large cache of ammunition were seized from his possession**. During the investigation, it has come on record that the said accused is self-style captain in NSCN (K) and was closely associated with Kisheto Ayem **(A-4)**, and other senior cadres. On 26th March 2015 **Nasaka I Kinny was in the strike team** and fired with an AK rifle on the personnel of Assam Rifles.

17. Facts disclosed during the investigation;

- 17.1 The investigation conducted so far establishes that the accused herein belonged to NSCN (K)- a proscribed terrorist organisation under U.A.(P) Act by the Government of India, having common intention and motive, conspired to carry out the attack on Assam Rifles in Kohima. The accused Nasaka I Kinny **(A-6)**, Atoshe **(A-8)** & Tapitu @ Tapi **(A-13)** conspired, planned, assisted and took part in execution of this attack on the personnel of Assam Rifles. The intention of the accused persons behind this act, was to cause strike terror in the minds of people of India and thereby causing threat to the security and integrity of the country.
- 17.2 Sanction for prosecution against the above accused persons as per the provision section 45 of Unlawful Activities Prevention Act (1967) as amended, and section 39 of Arms Act have been obtained from the respective competent authorities.

18. Charge

- 18.1 It is respectfully prayed that this Hon'ble Court may be pleased to take cognizance of the offences as contained in this Charge sheet filed under Section 173 of Cr.PC. read with Section 43-D Clause 2 of the Unlawful Activities (Prevention) Act 1967, and issue due progress against the accused persons namely Nasaka I Kinny **(A-6)**, Atoshe **(A-8)** and Tapitu @ Tapi **(A-13)** in accordance with law so that prosecution against them is started at the earliest.

Name of the accused	Section of laws
(A-6) Nasaka I Kinny,	IPC - : 120-B , 302,307 & 326 Unlawful Activities (P) Act, : 16, 18, 20,23 Arms Act : 25 (1B)
(A-8) Atoshe	IPC - : 120-B, 302,307 & 326 Unlawful Activities (P) Act, : 16, 18, 20,
(A-13) Tapitu @ Tapi	IPC - : 120-B Unlawful Activities (P) Act, : 18, 20

18.2 The further investigation u/s 173 (8) Cr.P.C. in respect of absconding accused Kughaito Achumi **(A-5)**, Khutoho **(A-7)**, Akaho Zhimomi **(A-9)**, Isak Sumi **(A-10)** Niki Sumi **(A-11)** & S S Khaplang **(A-12)** and to unearth the complete conspiracy involving other co-accused / suspects will be continued.

19. Dispatched on : 13.06.2016
20. No. of enclosures : As per annexure A-I, B-I, C-I
21. List of enclosures
- (i) Witnesses examined** : Separate list attached as **Annexure-A-I**
- (ii) List of documents** : Separate list attached as **Annexure- B-I**
- (iii) List of articles** : Separate list attached as **Annexure-C-I**

Submitted

Signature of I.O

██████████
██████████
██████████

Forwarded by:-