

**IN THE SPECIAL COURT FOR NIA CASES, ERNAKULAM.**

**Present:-**

Shri. S.Santhosh Kumar, B.Sc., LL.B, Judge, Special Court for NIA Cases,  
Ernakulam.

Wednesday the 20<sup>th</sup> day of January, 2016/30<sup>th</sup> Magha 1937.

**SESSIONS CASE No. 2/2013 NIA.**

**(Crime No. R.C.5/2013/NIA/KOC)  
(Crime No. 276/2013 of Mayyil Police Station)**

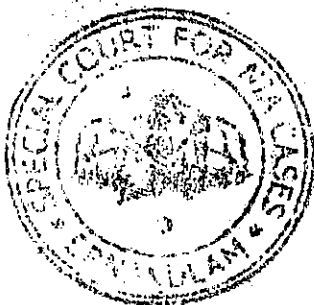
**Complainant:-**

State represented by National Investigation  
Agency, Kochi.

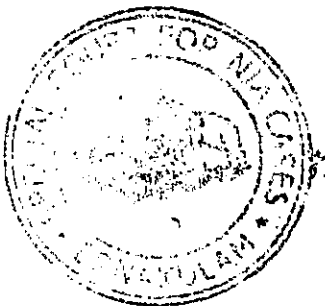
By Adv. Sri. Manu.P.G.,  
(Special Public Prosecutor, NIA)

**Accused:-**

1. Abdul Azeez.P.V, S/o Ibrahim K.A,Puthiya Veetil House, Siva Puram Motta, Maloor Amsom,Kannur District, Kerala.
2. Fahad P.C,S/o. Moosa, Pallikka Chalil House, Ayisha Quarters, Echoor, Kottam Road, Munderi Amsom, Kannur Dist., Kerala.
3. Jamsheer K.K,S/o. Moideen, Paarayath House, Madathil Kovval, Pamburuthi Road, Narath Amsom, Kannur Dist. ,Kerala
4. Abdul Samad P.P,S/o. Abu, Puthiyapurayil House(Peedikakandi Purayil House) Mammakunnu palam, Kadambur P.O., Kannur, Kerala.
5. Mohamed Samreed. P,S/o. Saidalavi, "Shukr", Puthiyottil House, Kizhunna Post. Near Kanhangat Mosque, Thottada, Edakad, Kannur, Kerala.
6. Noufal.C, S/o. Alavi, Purakkayil House, Kunnirikka, Vengad Amsom, Koothuparamba, Kannur Dist., Kerala
7. Rikkas.C, S/o. Ummar, Baithul Raha, Chandrankanti House,Kettinakam, Muzhapilangad, Kannur Dist. Kerala



8. Jamsheed P, S/o. Musthafa, Ayisha House, Pallippura House, Near Pachakkara LP School, Kettinakam, Muzhappilangad, Kannur Dist., Kerala.
9. Mohamed Ashiq O.K, S/o. Ummar.P.K. New Safa manzil, Otakkandathil House, Kettinakam, Near Chathoth Mosque, Kottoor, Muzhapilangad Village, Kannur Dist., Kerala.
10. Misaj A.P, S/o. Hamza, Baithul Hamd (Aval Peedika Valappil House), Beach Road, Muzhapilangad. Edakad P.O., Kannur Dist., Kerala.
11. Mohamed Absheer V.P, S/o. Aboobacker, 'Shareefa Mahal' Valiya Parambath House, Near Kunnoth Juma Masjid, Gumti, Nittoor P.O, Thalassery, Kannur Dist., Kerala.
12. Ajmal P.M, S/o. Hassan, Marva manzil, Pazhaya Moosakkaada House, Kizhunnappara, Edakad, Kannur Dist., Kerala.
13. Hashim K.C, S/o. Hamza, Kaniyaantavida House, Venduttayi, Pinarayi, Kannur Dist, Kerala
14. Faisal A.T, S/o. Mashhoor, Jameela Manzil, Aval Thayyil House, Near Old Juma Masjid, Beach Road, Muzhapilangad, Edakad, Kannur Dist, Kerala.
15. Rabah K.P, S/o. Ismail, Rubaida Villa, Karakunhi Puthiyapurayil House, Near Edakad Police Station, Muzhapilangad P.O, Kannur Dist, Kerala.
16. Shijin V@ Siraj, S/o. Majeed, Shijin's House, Near Govt High School, Muzhapilangad, Kannur Dist., Kerala.
17. Noushad C.P, S/o. Abootty, Baithul Aleema, Chandroth Pullampi House, Kozhoor, Pinarayi, Kannur Dist., Kerala.
18. Suhair A.K, S/o. Mohamed, Zuhara Manzil, Avalil Kovvarkkal House, Beach Road, Muzhapilangad, Kannur Dist., Kerala.
19. Ajmal C.M, S/o. Shamsudheen, Subaida Mahal, Cheriya Melad House, Kelappan Mukku, Koyyod, Chala, Kannur Dist., Kerala.



20. Shafeeq P, S/o.Ummer, Mareena Manzil, Parambath House, Near Anganvadi, Muzhapilangad, Kannur Dist., Kerala.
21. Rashid E.K, S/o.Mohamed.A.T., 'Sharminas", Eachanam Kanti House, Kettinakam, Muzhapilangad, Kannur Dist., Kerala.
22. Khamarudeen A.V, S/o. Mohamed, Athakaravida House, Kummayakadavu, Kambil, Narath, Kannur Dist., Kerala.

By Adv. M/s.M. Asokan, P.C.Noushad and P.K.Abdurahiman.

Offence charged :-

u/s. 120(B), 143,153 A,153 B(1) (c) r/w 149 IPC, Sections 5 (1)(a) r/w 25 & 27 of the Arms Act , Section 4 & 5 of the Explosive Substances Act, Sections 18 & 18 A of Unlawful Activities (Prevention) Act.

Plea of the accused:-

Not guilty

Finding:-

A1 to 21 are found guilty for the offences punishable under Section 120(B), 143 r/w 149 of IPC, Section 5 (1) (a) r/w Section 27 of the Arms Act, Section 4 and 5 of the Explosive Substances Act and Section 18 and 18A of the Unlawful Activities (Prevention) Act.

A1 is found guilty for offences punishable under Section 153(A), 153(B) (1)(c) of IPC. A2 to A21 are found not guilty for offences punishable under Section 153 (A) and 153(B)(1)(c) of IPC and they are acquitted under Section 235(1) of Cr.P.C. for the said offence. A22 is found not



guilty for all the offences and he is acquitted under Section 235(1) of Cr.P.C.

**Sentence or Order:-**

Accused are convicted and sentenced to undergo SI for six months each for the offence under Section 120 B of IPC, SI for six months each for the offence under Section 143 r/w 149 of IPC, SI for three years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for the offence under Section 5(1)(a) r/w Section 27 of the Arms Act, SI for five years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for the offence under Section 4 of the Explosive Substances Act, SI for five years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for offence under Section 5 of the Explosive Substances Act. They are also sentenced to undergo SI for five years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for offence under Section 18 of UA(P) Act and to undergo SI for five years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for offence under Section 18A of UA(P) Act. The sentence of imprisonment shall run concurrently.

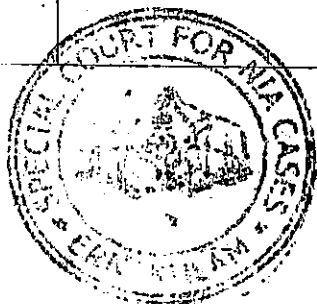
Accused No.1 is further sentenced to undergo SI for one year for offence under



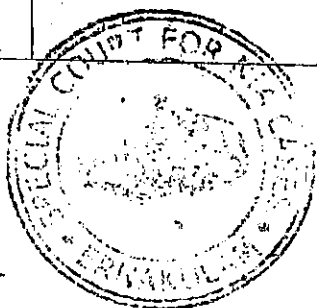
Section 153(A) of IPC and SI for one year for offence under Section 153(B)(1)(c) of IPC. The sentence of first accused for offences under Section 153(A) and 153(B)(1)(c) of IPC shall run consecutively. Set off is allowed under Section 428 of Cr.P.C.

**Description of accused**

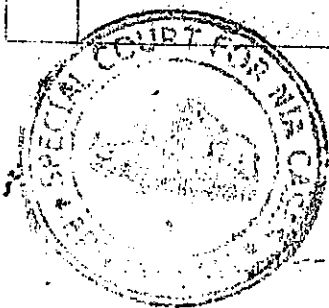
Sl. No	Name	Fathers Name	Religion	Occupation	Residence	Age
1.	Abdul Azeez.P.V	Ibrahim K.A	Muslim	Mason	Puthiya Veetil House, Siva Puram Motta, Maloor Amsom, Kannur District, Kerala	41/13
2	Fahad P.C	Moosa	Muslim	Business	Pallikka Chail House, Ayisha Quarters, Echoor, Kottam Road, Munderi Amsom, Kannur Dist. Kerala.	27/13
3	Jamsheer K.K.	Moideen	Muslim	Sand loading	Paarayath House, Madathil Kovval, Pamburuthi Road, Narath Amsom, Kannur Dist.	25/13
4	Abdul Samad P.P.	Abu	Muslim	Vegetable business	Puthiyapurayil House (Peedikakandi Purayil House) Mammakunnu palam, Kadambur P.O., Kannur Dist., Kerala	28/13



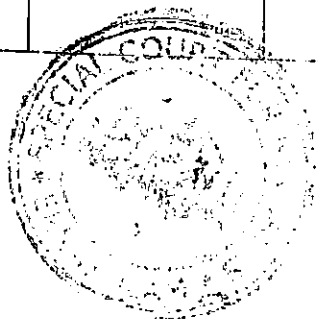
5	Mohamed Samreed. P	Saidalavi	Muslim	Sales Executive	"Shukr", Puthiyottil House, Kizhunna Post. Near Kanhangat Mosque, Thottada, Edakad, Kannur.	25/13
6	Noufal.C.	Alavi	Muslim	Painting	Purakkayil House, Kunnirikka, Vengad Amsom, Koothuparamba, Kannur Dist.	23/13
7	Rikkas.C.	Ummar	Muslim	Student	Baithul Raha, Chandrankanti House, Kettinakam, Muzhapilangad, Kannur Dist. Kerala	23/13
8	Jamsheed.P.	Musthafa	Muslim	Student	Ayisha House, Pallippura House, Near Pachakkara LP School, Kettinakam, Muzhappilangad, Kannur Dist.	19/13
9	Mohamed Ashiq .O.K	Ummar.P.K.	Muslim	Carpentar	New Safa manzil, Otakkandathil House, Kettinakam, Near Chathoth Mosque, Kottoor, Muzhapilangad, Kannur Dist.	25/13
10	Misaj A.P	Hamza	Muslim	Sales Executive	Baithul Hamd (Aval Peedika Valappil House), Beach Road, Muzhapilangad. Edakad P.O., Kannur Dist	21/13



11	Mohamed Absheer V.P	Aboobacker	Muslim	Electrician & Plumber	'Shareefa Mahal' Valiya Parambath House, Near Kunnoth Juma Masjid, Gumti, Nittoor P.O, Thalassery, Kannur Dist, Kerala	21/13
12	Ajmal P.M	Hassan	Muslim	Nil	Marva manzil, Pazhaya Moosakkaada House, Kizhunnappara, Edakad, Kannur Dist	21/13
13	Hashim K.C	Hamza	Muslim	House painting	Kaniyaantavida House, Venduttayi, Pinarayi, Kannur Dist, Kerala	24/13
14	Faisal A.J.	Mashhoor	Muslim	House painting	Jameela Manzil, Aval Thayyil House, Near Old Juma Masjid, Beach Road, Muzhapilangad, Edakad, Kannur Dist, Kerala	21/13
15	Rabah.K.P.	Ismail	Muslim	Labourer in a leather shop	Rubaida Villa, Karakunhi Puthiyapurayil House, Near Edakad Police Station, Muzhapilangad P.O, Kannur Dist, Kerala	27/13
16	Shijin.V.@ Siraj	Majeed	Muslim	Authorikshaw driver	Shijin's House, Near Govt High School, Muzhapilangad, Kannur Dist.	24/13



17	Noushad C.P	Abootty	Muslim	Autorikshaw driver	Baithul Aleema, Chandroth Pullampi House, Kozhoor, Pinarayi, Kannur Dist, Kerala	33/13
18	Suhair .A.K	Mohamed	Muslim	Nil	Zuhara Manzil, Avalil Kovvarkkal House, Beach Road, Muzhapilangad, Kannur Dist Kerala	22/13
19	Ajmal .C.M	Shamsu-dheen	Muslim	Autorikshaw driver	Subaida Mahal, Cheriya Melad House, Kelappan Mukku, Koyyod, Chala, Kannur Dist, Kerala	21/13
20	Shafeeq. P.	Ummer	Muslim	Painting	Mareena Manzil, Parambath House, Near Anganvadi, Muzhapilangad, Kannur Dist, Kerala	25/13
21	Rashid .E.K	Mohamed.A.T	Muslim	Nil	'Sharminas', Eachanam Kanti House, Kettinakam, Muzhapilangad, Kannur Dist Kerala	21/13
22	Khamarudeen. A.V	Mohamed	Muslim	Sand loading	Athakaravida House, Kummayakadavu Kambil, Narath, Kannur Dist, Kerala	32/13





**Date of**

<i>Occurrence</i>	<i>Complaint</i>	<i>Apprehension</i>	<i>Release on bail</i>	<i>Commitment/ Date of filing</i>
23.04.2013	23.04.2013	A1 to A21- 23.04.2013	Custody	28.10.2013
		A22-19.11.2015		

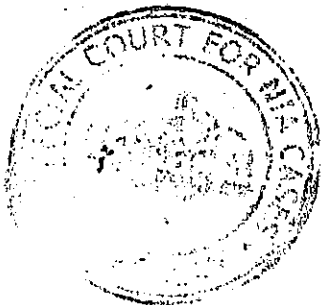
<i>Commencement of trial</i>	<i>Close of trial</i>	<i>Date of Judgment</i>	<i>Sentence / Order</i>	<i>Service of copy of judgment or finding on accused</i>	<i>Explanation for delay.</i>
23.11.2015	06.01.2016	20.01.2016	20.01.2016	20.01.2016	No delay

This case having been come up for final hearing before me on 12.01.2016 in the presence of counsel for both sides and the court on this day delivered the following:

**JUDGMENT**

Accused in this case 22 in numbers stands charged by the Deputy Superintendent of Police, National Investigation Agency, Kochi for offences punishable under Sections 120(B), 143, 153(A), 153 B (1) (c) r/w 149 IPC, Sections 5(1) (a) r/w 25 & 27 of the Arms Act, Section 4 & 5 of the Explosive Substances Act, Sections 18 & 18 A of Unlawful Activities (Prevention) Act, 1967.

2. The prosecution case in brief is that on 23.4.2013 at about 12.15 hours



A1 to A21 were found engaged in arms training inside a building owned by Thanal Foundation a religious and charitable trust run by PFI at Narath. A1 to A21 attended the training inside the building in weapons and explosives. A22 and A23 were guarding the building and on seeing the police party they ran away. On getting information the then Sub Inspector of Police, Mayyil Police station, Kannur District reached the spot, detected the offence, arrested A1 to A21 at 16.30 hours, seized the articles such as sword, lathies, country made bombs, raw materials for making country bombs, pamphlets etc and registered the case as crime No.276/2013. The DySP conducted the investigation. Later the investigation was taken over by the NIA and the case was re-registered as crime No.RC/05/2013/NIA/KOC and on completion of investigation Deputy Superintendent of Police filed the charge before court.

3. On production of A1 to A21 copies of relevant records were furnished to them. Later on 19.11.2015 A22 surrendered before court. Copies of relevant records were furnished to him. After a preliminary hearing and perusing the records a charge under Section 120B, 143, 153(A), 153 B (1) (c) r/w 149 IPC, Sections 5(1) (a) r/w 25 & 27 of the Arms Act, Section 4 & 5 of the Explosive Substances Act, Sections 18 & 18 A of Unlawful Activities (Prevention) Act, 1967 was framed and it was read over and explained to them for which they pleaded not guilty. Thereafter prosecution examined PWs1 to PW26 and marked Exts.P1 to P109 and MOs.1 to MO.38. During cross examination of PW1, Exts.D1 to D7 were marked. During cross examination of PW5 Ext.D8 and during cross examination of PW20, Ext.D9 were marked. The remaining witnesses were given up by the



prosecution. On close of prosecution evidence accused were questioned under Section 313 Cr.P.C. so as to enable them personally explain about the incriminating circumstances appearing in evidence against them. They denied the allegations and maintained that they are innocent. A1 to A3, A4 to A21 and A22 filed separate statements. After hearing under Section 232 Cr.P.C. accused were called upon to enter their defence. DW1 was examined on the side of the accused and Ext.D10 was marked.

4. Points for determination are:-

- 1) Whether the accused formed themselves into an unlawful assembly and entered into a criminal conspiracy to commit an offence?
- 2) Whether the accused promoted enmity between classes and made imputations and assertions prejudicial to national integration?
- 3) Whether the accused committed offences punishable under the Arms Act?
- 4) Whether the accused were found in possession of explosive substances and thereby committed offences punishable under Sections 4 and 5 of the Explosive Substances Act?
- 5) Whether the accused entered into a criminal conspiracy and organised terrorist camps and thereby committed offences punishable under Section 18 and 18A of Unlawful Activities (Prevention) Act?
- 6) Whether the accused were allegedly acting in prosecution of their common object?
- 7) Whether the prosecution has succeeded in proving the offence alleged



against A22?

8) Sentence or order?

5. Point Nos.1 to 6:- For the sake of convenience these points are considered together. PW1 was working as Sub Inspector of Police at Mayyil Police Station. He stated that on 23.4.2013 he was doing law and order patrol duty and while so got secret information that PFI activists are engaged in training of weapons at a building near Falah English Medium School in Narath, Pampuruthy road. He prepared Ext.P1 search memo and sent it to the court. The matter was informed to his superior officers and thereafter obtained the presence of CW5 Jabir and CW6 Saifudheen and reached the building along with them. When they reached near the building two persons who were guarding the hall ran away. They were identified as Kamarudheen and Asharudheen by the witnesses. A speech was going on inside the hall. One country bomb, glass pieces, iron nails, one role of string etc were kept on the table. Another country bomb was found on a flex sheet. A1 to A3 were found standing facing towards south and A4 to A21 were sitting in front of them hearing the speech. The speech was about weapon training to defend attack especially from Hindus. He informed the matter to Circle Inspector and entered the hall. On enquiry with the person who was making speech it was informed that yoga classes was going on. However he could not give satisfactory explanation regarding the weapons. The persons who were standing were identified as A1 Abdul Azeez, A2 Fahad and A3 Jamsheer. One sword was kept on the north eastern corner. One piece of brick tied in an iron string was kept in a bucket filled with petrol. There was a human target and five



lathies were also found there. At about 12.30 in the noon CI of Police, Valapattanam along with police force reached there. He identified MO.1 sword, MO.2 bucket, MO.3 human target and MO.4 series lathies. They procured the presence of five local people and they were shown the accused and the seized articles. From the table inside the hall one flag of SDPI was recovered. It was marked as MO.5. They also seized certain banner and pamphlets. Ext.P2 series is 50 numbers of pamphlets. P3 and P4 pamphlets were also seized. Ext.P5 Thejus newspaper was also seized. One receipt book of Thejus Fortnightly was seized. It is marked as Ext.P6.

6. At 14.15 hours the bomb squad came there. He came to know that the accused who are natives of various places in Kannur district assembled there and entered into a conspiracy and was giving training in arms to destroy the integrity of the nation. At 16.30 hours he arrested A1 to A21. He identified A1 to A21 and A22 also. The arrest memos are marked as Ext.P7 series and inspection memos are marked as Ext.P8 series. He seized the articles as per Ext.P9 search list. The flex sheet is marked as MO.6. A group of armed reserve personal were deployed for scene guard. At 19.30 hours he reached the police station and registered a case as crime No.276/2013 under Sections 143, 147, 153B r/w 149 of IPC, Sections 4 and 5 of Explosive Substances Act, Section 5 (1) (a) r/w Section 25(1)(a) of Arms Act and Section 18 of UA(P) Act. The FIR is marked as Ext.P10.

7. At the time of body search certain identity cards, driving licences etc were seized. Exts.P11 to P18 were seized from A2. Ext.P3 was seized from A3 Jamsheer. Ext.P19 was seized from A4 and Ext.P20 was seized from A5. Ext.P21



was seized from A6 and Ext.P22 and P23 series were seized from A7. Exts.P24 and P25 were seized from A8. Exts.P26 and P27 were seized from A10. Exts.P28 to P30 were seized from A11. Ext.P31 was seized from A12 and Ext.P32 was seized from A18. Exts.P33 and P34 were seized from A19. Exts.P35 and P36 were seized from A21. Ext.P37 was seized from A20. Ext.P38 was seized from A8 and Exts.P39 and P40 were seized from A9. Ext.P41 was seized from A20 and P42 was seized from A21.

8. The bombs were kept in a pit near the police station. On 24.4.2013 accused were produced before court along with remand report. It is marked as Ext.P43. On 25.4.2013 he showed the place of occurrence to DySP. The DySP seized certain articles and a scooter bearing Regn.No.KL-13/V.9378 which was found abandoned near the building.

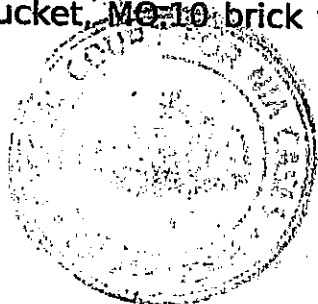
9. DySP searched the house of A3 on 25.4.2013 and seized certain CDs and pamphlets. At 14.00 hours DySP searched the house of A22 Kamarudheen and seized three GI pipes and two iron rods kept beneath the cot and seized four swords, one Axe and one "Nanchang" concealed below the sealing. A copy of election identity card and certificates of school athletic meet were also seized from a table.

10. On 1.5.2013 the bomb squad defused two bombs seized from the place of occurrence. The gunny bag which was spread over the table is marked as MO.7. Petrol from the bucket was collected in a bottle and the bottle is marked as MO.8. Mobile phones were also seized from the accused except A2. Glass pieces are marked as MO.9 series and the brick with string is marked as MO.10. Nails of



different sizes are marked as MO.11 series and the iron string seized from the table are marked as MO.12 series. The bundle of string is marked as MO.13. MO.14 series sword, MO.15 Axe and MO.16 "Nanchang" were seized from house of A22. During cross examination Exts.D1 to D7 were marked.

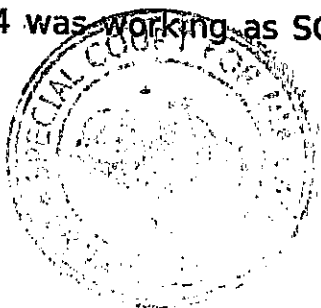
11. PW2 is a native of Narath in Kannur district. He deposed that on 23.4.2013 at about 12.15 in the noon he saw a police jeep going towards Pampuruthy road. After sometime another police jeep came to the same road. He along with certain others went there to enquire about the same. He saw a crowd near a building belonging to Popular Front. Inside the hall there were police personals and 20 young persons. The Circle Inspector came out and invited natives towards the room. He along with certain others entered the hall. In a table iron nails, glass pieces, gun powder, bomb etc were kept. Another bomb was kept in a flex. One sword was kept in the hall. One brick piece, soaked in petrol was kept. A human target made of reaper was kept inside the hall. Five lathies were also found inside the hall. Certain bombs, the flag of SDPI and pamphlet were shown to them which were kept inside the table. On seeing the same he came to know that they were engaged in manufacturing bomb and engaged training in weapons. Brick soaked in petrol is used as petrol bomb. He identified A1 to A21 who were found inside the hall. Out of the same one Jamsheer (A3) is a native and he is a leader of SDPI. ATM card, foreign currency, identity card etc. were seized from the purses of the accused. He identified MO.7 sack, MO.11 series nails, MO.9 series glass pieces, MO.13 bundle of string, MO.12 series iron string, MO.1 sword, MO.2 bucket, MO.10 brick with string soaked in petrol, MO.3 human target, MO.4



series lathies and MO.6 flex sheet of PFI.

12. PW3 is a native of Narath. He stated that the incident occurred on 23.4.2013. He along with his friend Hariharan went to visit their friend at Kadavu Bhagom in Pampuruthy road. While they were returning A22 Kamarudheen and Azharudheen were found running looking back. Though he asked Kamarudheen about the reason he ran away without answering. At about 12.15 in the noon they reached near Falah English Medium school. Two police jeeps were parked there. They saw a crowd in a building. Inside the building they found Circle Inspector and Sub Inspector questioning certain persons. After sometime CI procured the presence of witnesses. He along with five others went inside the hall. In a table certain nails, glass pieces, one country bomb etc were kept in a gunny bag. Another country bomb was kept in a flex in front of the table. He found a sword, one piece of brick inside a bucket soaked in petrol, one human target etc. He saw a bunch of lathies near it. From the table the Sub Inspector took a flag of SDPI and certain pamphlets. They came to know that the inmates are undergoing training in use of weapons. 21 persons were detained by the police. Two others and police personal were also inside the hall. Sub Inspector informed that two persons guarding the hall escaped. He informed that the escaped persons are Kamarudheen and Azharudheen. He is familiar with Kamarudheen for the last so many years. Dog squad and bomb squad reached there. He identified A22 Kamarudheen and A1 to A21 who were detained inside the hall. He also identified MO.1 to MO.13 which were kept inside the hall.

13. PW4 was working as SCPO in the Armed Reserve Camp, Kannur during





2013. On 23.4.2013 police party consisting about 15 persons including him were posted there for scene guard duty. They reached the spot at 6.45 pm and reported before the Sub Inspector. He found a scooter bearing Regn.No.KL-13/V.9378 in an abandoned condition near the road.

14. On 25.4.2013 at about 9.30 pm DySP, CI and Sub Inspector reached the spot. DySP seized the scooter as per a mahazar. CW14 Rejith informed that the scooter belongs to Kamarudheen. He identified the scooter and it is marked as MO.17.

15. PW5 is a native of Kolacherry which is about 1 km away from Narath. During 2013 he was the President of Muslim Youth League. From the newspapers he came to know that weapons were seized from a house. He reached the house and the police party along with certain local people were present there. Certain weapons were kept at the veranda. Police prepared a search list and he identified his signature. It is marked as Ext.P44. He could not identify all the weapons but he identified MO.16 "Nanchang". Kamarudheen is a follower of SDPI and is residing at Narath Panchayath. He turned hostile to the prosecution and denied any familiarity with Kamarudheen. His CD contradictions were marked as Ext.P45, P45(a) and P45(b). During cross examination Ext.D8 was marked.

16. PW6 was working as Village Assistant at Village Office, Narath during 2013. She prepared a site plan and it is marked as Ext.P46.

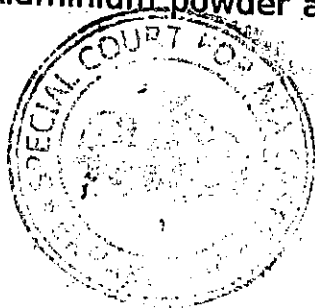
17. PW7 was working as Secretary of Narath Grama Panchayath during 2013. Building No.13/234 was owned by Asia and the certificate is marked as Ext.P47. During 2012-13 the building number was 82 in ward No.16.



18. As per Tax Assessment Register of 2013 – 14 building No.1/576A belongs to Shri.Nassimudheen, Chairman, Thanal Foundation Trust. The certificate issued for the same is marked as Ext.P48. Building No.1/28 belongs to Athakaravida Aysa. The new building number is 1/160. The certificate issued for the same is marked as Ext.P49. Building No.1/382 belongs to Pareth Khadeeja and the building number during 2012 – 13 is 17/65. Certificate issued for the same is marked as Ext.P50.

19. PW8 was working as Sub Inspector at bomb squad, Kannur during 2013. On getting information at about 2 pm on 23.4.2013 he reached the spot. 21 persons belonging to PFI were engaged in the manufacturing of bomb. They were detained on the southern side of the building. On the table one bomb, certain gun powder, glass pieces, string etc were kept in a gunny bag. The items were used for making country bomb and by using the same about 2 to 3 bombs can be manufactured. Using the articles fatal bombs and bombs which can be used to destroy buildings can be made. One brick was kept soaked in petrol in a bucket. MO.1 to MO.13 were found inside the hall. He seized two bombs and searched the premises with equipments. The two bombs were kept in a pit near Mayyil Police station.

20. On 1.5.2013 as per court order the bombs were defused in the presence of DySP and Sub Inspector and the remnants were entrusted to the DySP after marking S1 to S4. In the bombs nails with gun powder, glass pieces, arsenic sulphide etc were found. Arsenic Sulphide is used to strengthen the capacity of the bomb. Aluminium powder and gun powder were also found inside the bomb.



He issued a certificate and it is marked as Ext.P51. He identified A1 to A21 before court.

21. PW9 was working as Senior Civil Police Officer at Kannur Town police station during 2013. He along with WPC 5580 Rajani were members of the investigation team enquiring crime No.276/2013 of Mayyil Police station. On 26.4.2013 he accompanied DySP, Kannur and CI Valapattanam to conduct a search at the house of A24 Abdul Jaleel who was the Chairman of Thanal Foundation. On 25.4.2013 at 4 pm they searched the house of A22 Kamarudheen. He identified Ext.P44 search list. One of the relatives of Kamarudheen's brother's wife was residing in the house. When they demanded the key it was informed that it is with Kamarudheen and so they broke open the lock and conducted search. Election ID card, certificates obtained in school sports, receipt book of SDPI, pamphlets etc were seized. The election ID card is marked as Ext.P52. One cheque leaf is marked as Ext.P53. Paper in which account number of Emirates Bank is marked as Ext.P54. Another paper in which Shah Alibain Soud Althani is marked as Ext.P55. They seized Ext.P56 receipt book of Thejus daily. They also seized a computer print in which details of explosions from 1992 to 2009 occurred in various parts of India and it is marked as Ext.P57. Ext.P58 series are certificates and Ext.P59 is the building tax receipt in the name of Asia. The property tax receipt is marked as Ext.P60. One flex in connection with the marriage of Kamarudheen was also seized. It was marked as MO.18. The insurance certificate issued from ICICI bank was marked as Ext.P61. One identity card in Arabic language is marked as Ext.P62. They seized three GI pipes and two iron rods kept



below the cot. GI pipes are marked as MO.19 series and the iron rods are marked as MO.20. They also seized four swords, one Axe and one "Nanchang" concealed under the sealing. He identified MO.14 series, MO.15 and MO.16.

22. On 1.5.2013 he accompanied DySP to the place where the bombs were defused. Four packets of remnants as S1 to S4 were seized as per Ext.P63 mahazar. Sub Inspector Ramachandran gave Ext.P51 certificate.

23. PW10 is an attestor to the scene mahazar and it is marked as Ext.P64. He is also an attestor to the seizure mahazar of a Suzuki scooter and it is marked as Ext.P65. As per the scene mahazar MO.21 series candles, MO.22 series mosquito coils, MO.23 flex, MO.24 cover of emergency lamp, MO.25 flex were also seized. The scooter seized was having registration No.KL-13/V.9378 and he identified MO.17.

24. PW11 was working as Secretary of Munderi Grama Panchayath during 2013. He issued Ext.P66 certificate showing that building No.9/99 belongs to Ayyathan Devaki. The new number of the building is 13/106.

25. PW12 was the Secretary of Muzhappilangad Grama Panchayath during 2013. As per Ext.P67 certificate issued by him building No.8/232 belongs to Hamsa and the new number is 1/46.

26. PW13 was working as Revenue Officer at Municipal office, Thalassery during 2013. As per Ext.P68 certificate building No.4/359 belong to V.P.Aboobacker. The new building number is 4/424. As per Ext.P69 certificate building No.4/53 belong to Latheef and the new number is 4/62.

27. PW14 is a tipper driver by profession and is residing at Ummanchira in



Kathirur panchayath. He is familiar with A17 Noushad and A13 Hashim. During 2013 certain youngsters were arrested from Narath and the news was published in the newspapers. During 2013 a vehicle was set fire at Gumti by IUML sympathizers for which a case was pending. He identified a search list and it is marked as Ext.P70. He denied that it was prepared at the time of searching the house of A11 Muhammed Absheer.

28. PW15 identified his signature and the search list is marked as Ext.P71. However, he denied any knowledge about the search and turned hostile to the prosecution. He stated that he signed the search list at Edakkad bus stop.

29. PW16 is working as Under Secretary in the Ministry of Home Affairs, Government of India. The Central Government received investigation report along with its enclosures on 9.10.2013. In accordance with Section 45 (2) of UA(P) Act, the request was referred to an authority for independent and impartial evaluation of the investigation report including all the records. Based on the recommendation of the authority and application of mind sanction was issued for prosecution with the approval of Union Home Secretary on 17.10.2013 to prosecute A1 to A22 under Sections 18 and 18(A) of UA(P) Act and Section 153 A and Section 153 B of IPC. He received the report of authority on 14.10.2013. The sanction order is marked as Ext.P72.

30. PW17 was working as Joint RTO at Kannur during 2013. He produced the RC particulars of scooter bearing Regn.No.KL-13/V.9378. It is marked as Ext.P73. The RC owner was Kamarudheen A, S/o Aysha, Athakkaravida, Narath.

31. PW18 was working as Head Clerk at the Sub Registrar office;



Valapattanam during 2013. He produced the copy of trust deed No.15/2004 and it is marked as Ext.P74. The first party in Ext.P74 trust deed was Thasnimudheen, S/o Abdul Rahiman. It was registered as Thanal foundation, Kattampally and there were five trustees.

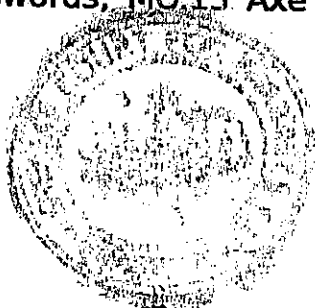
32. PW19 is a native of Edakkad. He identified the search list with respect to A10 and it is marked as Ext.P75. A10 Missaj is residing 50 meters away from his house. It was prepared on 25.4.2013. The police had seized one CD and note book. The note book is marked as Ext.P76. In page No.1 name of 16 persons are written as members of Edakkad unit. The relevant page is marked as Ext.P76(a).

33. PW20 was working as DySP, Kannur from 12.5.2012 to 5.1.2014. On 23.4.2013 at about 12 O'clock Shri.Kalyadan Surendran who was working as Sub Inspector, Mayyil Police Station informed him over phone that PFI followers are engaged in training of use of weapons at a building near Falah English Medium School in Narath – Pampuruthy road. He directed the Sub Inspector to reach the spot immediately and take necessary action. Thereafter he contacted the Circle Inspector of Police, Valapattanam and directed to reach the spot along with sufficient force. After reaching the spot Sub Inspector informed him that the information was correct. At about 2 pm he reached the spot along with police party. Inside the hall 21 persons were detained near the southern wall. In a table near the southern wall certain item such as nails, glass pieces, one bomb etc were kept in a gunny bag spread over a table. On the north eastern corner of the hall one sword was kept. One brick tied by a string was kept in bucket filled with petrol. One human target and five lathies were found in the room. On the front



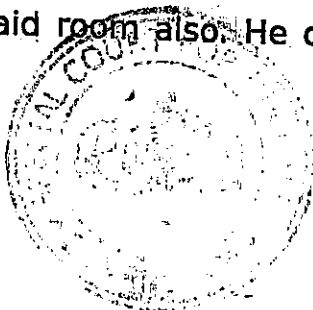
side of the table another bomb was kept in a flex. It was displayed in such a way that it can be seen from all the parts of the hall. Police party along with five civilians were inside the room. On enquiry with 2 - 3 persons out of the 21 persons they could not give satisfactory explanations. Later bomb squad and dog squad reached there. On examination it was found that it was country bomb. After giving instructions at 3 O'clock he left the spot to avoid any law and order problem.

34. On 24.4.2013 he took over the investigation. On 25.4.2013 he reached the spot. One Parameshwaran Namboodiri who was doing scene guard duty informed that one Access scooter is kept there in an abandoned condition and that it belongs to some of the accused. He prepared Ext.P64 scene mahazar and seized the scooter as per Ext.P65 seizure mahazar. Witnesses informed that the scooter belongs to Kamarudheen. After sending search memorandum to the court he searched the house of A3 Jamsheer. The search list is marked as Ext.P77. He seized certain pamphlets and CDs. He seized 13 items as per the search list. It is marked as MO.26, MO.27, MO.28, MO.29 and Ext.P78 series. He prepared Ext.P79 search memorandum and after sending it to the court conducted search at the house of Kamarudheen. Inmates of the house informed that the room on the veranda is being used by Kamarudheen. Since the key was with Kamarudheen he broke open the lock. Iron pipes, four swords, one Axe and one "Nanchang" was also seized. From the table an identity card with photo, invitation letter etc were seized. He prepared Ext.P44 search list and seized the articles. He identified MO14 series swords, MO.15 Axe and MO.16 "Nanchang". MO.20 series iron rods were



also sized. Ext.P57 which was seized contained the details of bomb explosions in the country from 1992 to 2009. Since the MOs were required for further investigation he gave a request to the court and it is marked as Ext.P80. He filed Ext.P81 report incorporating Section 153A IPC, Section 13(1)(a)(b) and Section 18 of UA(P) Act. On 26.4.2013 he searched the house of A24 Jaleel and the search list is marked as Ext.P82. He filed Ext.P83 report incorporating the address of Kamarudheen. He filed Ext.P84 report showing the chassis number of the scooter. He filed Ext.P85 report for permission to defuse the bomb. The bombs were defused by Sub Inspector Ramachandran and the sample was seized as per Ext.P63 report. Sub Inspector Ramachandran gave Ext.P51 certificate. He filed Ext.P86 report showing the name and address of A23 Azharudheen and A24 Jaleel. The remand report filed on 24.7.2013 is marked as Ext.P87. He filed Ext.P88 report showing the details of mobile phones and CDR seized from the accused. The tower location at the time of occurrence was at Narath. He conducted preliminary investigation by questioning the witnesses. He can identify all 21 accused. During cross examination Ext.D9 was marked.

35. PW21 stated that during April 2013 he was residing on rent at Athakaravida house belonging to Aysha. A22 Kamarudheen is the son of Aysha. Kamarudheen is the brother of Shis brother in law and he is familiar with him from 2008 onwards. There was no rent deed. He came to know from the newspapers that Kamarudheen was involved in a case. Police came to the house enquiring about Kamarudheen. There is a room outside the house in the veranda. He was using the said room also. He denied the statement given before the police that





the said room was being used by Kamarudheen. He was declared hostile to the prosecution. The CD contradictions were marked as Ext.P89, 89(a) and 89(b). When MO.14 series, MO.19 series and MO.20 series were shown to him he replied that it was not used by him. He denied his signature in Ext.P44.

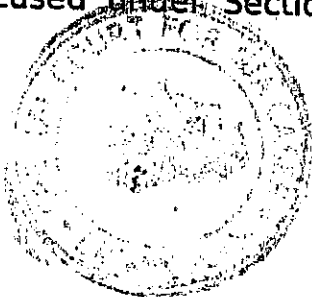
36. PW22 was working as Sub Inspector of Police at Kannur City police station. He searched the house of A10 Missaj and identified Ext.P75 search list. He seized MO.30 CD, MO.31 CD and Ext.P90 and P91 as per the search list. He also seized Ext.P76 note book. In the second page of the note book names of 16 persons who are members of Edakkad unit is written. It is marked as Ext.P76(a).

37. On 25.4.2013 at 16 hours he searched the house of A14 Faizal situated at Muzhappilangad panchayat. He identified Ext.P79 search list. He seized MO.32, MO.33, MO.34, MO.35, MO.36 and Ext.P92 as per the search list. Page No.4 of Ext.P92 is marked as Ext.P92(a).

38. PW23 was working as Circle Inspector of Police at Thalassery during 2013. As per the direction of the investigating officer on 24.4.2013 he searched the office of SDPI situated at Gumti. The search list is marked as Ext.P93. He seized Ext.P94 series books, P95 and P96 series as per the search list.

39. At 7.30 pm he searched the house of A11 Muhammed Absheer and Ext.P70 search list was prepared. He seized Ext.P97 pass book of Union Bank of India, Ext.P98 receipt, MO.37 CD and MO.38 CD as per the search list.

40. PW24 was working as District Collector and District Magistrate of Kannur District during 2013. On 15.10.2013 he issued Ext.P99 sanction order to prosecute the accused under Section 7 of the Explosive Substances Act. The case was

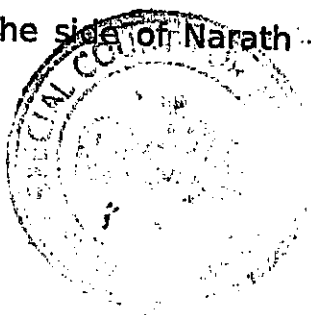


originally registered as crime No.276/2013 of Mayyil Police station. However, in Ext.P99 sanction order the crime number is mistakenly typed as 267/2013. Sanction was issued after verifying the documents and applying his mind.

41. PW25 is working in a press owned by Musthafa. He identified his signature in Ext.P9 search list. He turned hostile to the prosecution and denied the contents of the search list. His CD contradictions were marked as Ext.P100, P100(a), (b) and (c).

42. PW26 is working as DySP, NIA, Kochi from 10.9.2012 onwards. The case was re-registered as RC 5/13 by SP Ramesh Reddy IPS. He is familiar with the handwriting and signature. The FIR is marked as Ext.P101. NIA took over the investigation of this case on 7.8.2013. He produced Ext.P102 and 103 forwarding notes for sending the materials to chemical examination. He issued notice to PFI District President Thasnimudheen and Naseer under Section 43(F) of UA(P) Act. The notice and reply given by the Chairman is marked as Ext.P104 and P105. He procured the list of candidates contesting in the Panchayat election during 2010. It is marked as Ext.P106. The mobile phones were sent for examination to CDAC and the forwarding note is marked as Ext.P107. The report is marked as Ext.P108. He produced Ext.P99 sanction order and Ext.P72 sanction order. The FSL report is marked as Ext.P109. On completion of investigation he filed charge sheet against A1 to A22.

43. DW1 is a native of Chirakkal Panchayat in Kannur district. He is familiar with the building in which the incident occurred and it belongs to Thanai Trust and situated by the side of Narath - Pampuruthy road. He is a member of National



Secretariat of SDPI. The hall is situated 2.5 kms away from his house. During the assembly election of 2011 he was the SDPI candidate of Azheekode constituency. The main opponents were Prakasan Master of CPI(M) and K.M.Shaji of IUML. He secured about 3000 votes. Most of the persons who worked for him were IUML sympathizers. Since he contested the elections the vote bank of IUML was reduced. There was request and threats to withdraw the nomination. K.M.Shaji had won with a margin of 448 votes. IUML members started manhandling SDPI sympathizers. K.M.Shaji did not disclose property in favour of his wife. He contacted DySP Sukumaran and he threatened him. He filed a private complaint against K.M.Shaji before the Judicial First Class Magistrate's court, Thalassery. Investigation was ordered by the court. DySP Sukumaran, CI Balakrishnan and SI Surendran demanded to withdraw the case. It was for and on behalf of K.M.Shaji. After investigation police filed charge sheet. The certified copy of FIR, FIS and charge sheet is marked as Ext.D10. From the committees of school and mosques SDPI sympathizers were avoided. They decided to collect fund for Thanai Trust for completing the construction of the building. A meeting was convened on 23.4.2013 at 12 O'clock. Though he had decided to participate in the meeting he could not attend the same since he had a committee at Delhi. Later he came to know that 22 persons were arrested from the compound and a case was registered. The case was registered due to the influence of Shaji. Shaji and his private secretary Arafath had told him that they will teach a lesson.

44. The substance of the evidence is discussed above. The prosecution case in a nut shell is that on 23.4.2013 morning accused A1 to A21 assembled in a



building No.1/576A of Narath Panchayath and attempted to promote feelings of enmity between different religions especially between Hindus and Muslims by delivering speech likely to distribute public tranquility and making assertions prejudicial to national integration. The first accused was found delivering a speech to other accused who were listening regarding the necessity of training in arms. In the hall one sword, two country bombs, articles necessary for manufacturing country bombs, human target, brick soaked in petrol and lathies were found. PW1 who was working as Sub Inspector of police, Mayyil Police station got secret information and after preparing and sending Ext.P1 search memorandum to the court along with two witnesses he went to the place of occurrence and saw the incident. Accused thereby committed offences punishable under Sections 120B, 143, 153(A) and 153B (1)(c) r/w 149 of IPC, Section 5(1)(a) r/w 25 and 27 of the Arms Act and Sections 18 and 18A of Unlawful Activities (Prevention) Act, 1967. PW1 detected the offence, seized the articles as per Ext.P9 search list, registered the case as crime No.276/13 of Mayyil Police Station as per Ext.P10 FIR, arrested the accused and PW20 the DySP conducted further investigation. Later the investigation was taken over by the National Investigation Agency, Kochi unit and laid the charge before court. To prove the case prosecution examined PW1 to PW26, marked Exts.P1 to P109 and MOs 1 to 38. During the cross examination of PW1 Exts.D1 to D7 were marked, during the cross examination of PW5 Ext.D8 was marked and during the cross examination of PW20 Ext.D9 was marked. On close of prosecution evidence accused were questioned under Section 313 Cr.P.C and they denied all the incriminating circumstances. A1 to A3 filed a statement



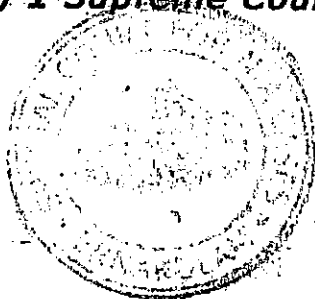
contending that they were falsely implicated. A4 to A21 also filed separate statement on similar grounds. A22 filed a separate statement contending that he was also falsely implicated. From the side of the accused DW1 was examined and Ext.D10 was marked. According to DW1 he was a candidate for the assembly elections under SDPI and his main opponent was one Shaji, who belongs to Indian Union Muslim League. During the election though Shaji was won his margin was reduced considerably. Shaji and his secretary told that they will take revenge and teach a lesson. Accordingly the accused were falsely implicated with the help of local police.

45. Relying upon the oral evidence coupled with documentary evidence the learned Special Public Prosecutor appearing for the National Investigation Agency pointed out that the offence is proved as per law and so the accused are liable for conviction. In support of his argument he filed a detailed argument note in which a catena of decisions of Hon'ble Supreme Court such as

***2003 KHC 1026 (Karamjit Singh v. State), 2012 KHC 4560 (Munish Mubar v. State of Haryana), 2005 KHC 2054 (State v. Navjot Sandhu @ Afsan Guru) etc***

were relied upon. Per contra the learned counsel appearing for the accused pointed out that prosecution failed to prove the offence alleged against the accused and so they are entitled for an acquittal. In support of the arguments the learned defence counsel filed a detailed argument note in which decisions of the Hon'ble Supreme Court such as

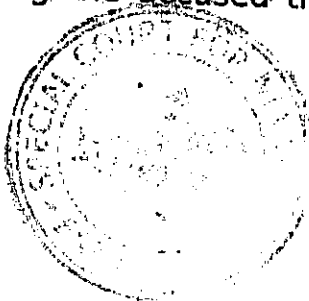
***(2016) 1 Supreme Court Cases (Crl) 141 (Subhash @ Dhillu***



*v. State of Haryana), AIR 1979 Supreme Court 1412 (Chaturl Yadav and others v. State of Bihar), 2011(2) Supreme Court cases (Cri) 632 (Kuldip Yadav and others v. State of Bihar) etc.*

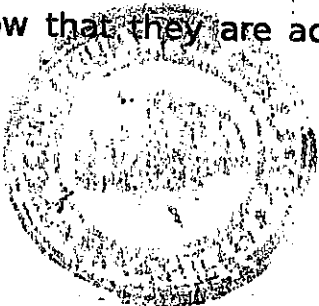
were relied upon.

46. Coming to the facts of the case as discussed earlier the prosecution case is that on 23.4.2013 while PW1 the Sub Inspector of Police, Mayyil Police Station was on his routine patrol duty, he got secret information that Popular Front of India Activists are undergoing training in weapons in a concrete building at Pampuruthy road in Narath. He informed the matter to his superior officers such as Circle Inspector of Police, Valapattanam and DySP Kannur. He prepared Ext.P1 search memorandum and sending it to the court, went to the building along with PW25 Jabir and CW6 Salfudheen. The windows of the building were closed and it was sealed using newspapers. One of the door was opened slightly. On seeing the police party A22 Kamarudheen and A23 Asharudheen who were guarding the place of occurrence ran away. PW1 heard the speech which was going on inside. It was to the effect that Muslims are tortured by other religions especially by Hindus and so they have to undergo training in arms. PW1 entered the room and found A1 to A3 standing near a table and other accused were found sitting opposite to them and listening to the speech. MO.1 sword, MO.3 human target, MO.4 series lathies, a bomb, MO.9 series pieces of glasses, MO.11 series nails of different sizes, MO.12 series iron string, MO.13 bundle of string etc were kept in a table. On questioning the accused they could not give satisfactory explanation regarding



their presence. Later CW48 the Circle Inspector of Police, Valapattanam and police party reached there. At about 2 O' clock PW20 DySP of Kannur also reached there. Accused were arrested from the spot which is revealed from Ext.P7 series arrest memos and P8 series inspection memos. Ext.P9 search list was prepared by which certain objectionable pamphlets were seized. Driving licences, ATM cards, mobile phones of the accused etc. were also seized by the police. Ext.P9 search list was prepared and the articles were seized. PW25 Jabir and CW6 Saifudheen are the attestors of Ext.P9 search list. Though PW25 admitted his signature in Ext.P9 search list he turned hostile to the prosecution and denied having seen the seizure. Later PW2 and PW3 along with three others were called in to the hall and they were asked to identify the articles and the accused. PW2 and 3 supported the prosecution case in toto. They stated that A1 to A21 were found detained in the hall by the police party and they identified articles found inside the room such as sword, lathies, human target and articles used for manufacturing bomb. Later PW8 Sub Inspector of Police, Bomb squad reached the spot and seized two country made bombs and removed it to the police station, kept under safe custody and later it was diffused as per the court order.

47. The arrest of A1 to A21 from the place of occurrence is not seriously disputed. The oral evidence of PW1 to 3, 8 and 20 prove the presence of A1 to A21 in the hall. Pamphlets seized from the possession of the accused and from the place of occurrence are objectionable. After the incident the police party made searches in some of the houses of the accused and seized pamphlets, CDs etc to show that they are active members of PFI/SDPI. The powder which was seized



from the place of occurrence and the remnants of bombs were sent to forensic science laboratory, Trivandrum and Ext.P109 report was obtained. It shows that the remnants contains the presence of Potassium Chlorate, Aluminum powder and Sulphur which are components of country bombs. The prosecution had examined

PW16 who is working as Under Secretary to the Ministry of Home Affairs and marked Ext.P72 sanction to prosecute the accused under Section 18 and 18A of UA(P) Act and Section 153A and 153B of IPC. Similarly the prosecution had examined PW24 who was the then District Collector and District Magistrate of Kannur District and marked Ext.P99 sanction order issued under Section 7 of the Explosive Substances Act to prosecute the accused under Sections 4 and 5 of the Act.

48. It was argued by the learned defence counsel that CW48 the Circle Inspector of Police, Valapattanam who was present at the scene of occurrence was not examined by the prosecution. It is true that immediately after the incident on getting information CW48 Shri.Balakrishnan Nair, CI of Police Valapattanam and party reached the spot and gave assistance to PW1. Similarly CW2, 3 and 4 who accompanied PW1 were also not examined. As held by the

***Hon'ble Supreme Court In 2013 (2) KLT SN 144 (C.No.184)  
[Rohtash Kumar v. State of Haryana] – Criminal Trial –  
Prosecution is not bound to examine all the cited  
witnesses and it can drop witnesses to avoid multiplicity  
or plurality of witnesses.***

It was also pointed out that Ext.P9 search list was prepared in the handwriting of





one Sajan who is working at the office of CI of Police, Valapattanam. Hence according to the learned defence counsel it was not prepared at the spot. As per the prosecution case PW1 and party reached the spot and thereafter CW48 CI of Police Valapattanam and party reached there. So there is no harm in preparing Ext.P9 search list in the handwriting of Sajan who is a member of the Circle Inspector's team.

49. It was pointed out by the learned defence counsel that though Ext.P10 FIR was registered on 23.4.2013 at 19.30 hours it reached the court on 24.4.2013 at 4 pm. Hence according to the learned counsel there was delay in forwarding the FIR to the court. In canvassing such an argument the learned defence counsel relied upon Ext.D9. Ext.D9 is a certified copy of FIR in crime No.274/2013. The FIR reached the court on 24.4.2013 at 11 am. On a perusal of Ext.D9 it is noticed that the said FIR was registered for an offence punishable under Section 118A of the Kerala Police Act. PW20 explained that in this case there are 21 accused and more time was required for their medical examination and preparing the remand report and hence the delay occurred. Ext.P9 search list was prepared on 23.4.2013 at 12.15 hours and the FIR was prepared on the same day at 19.30 hours. As per Ext.P9 168 items were seized and 21 accused were arrested from the spot. So as explained by PW20 some delay may cause in sending the FIR to the court. As held by the

***Hon'ble Supreme Court In 2013(4) KLT SN 16 (Case No.14)  
(Gangabhavani v. Rayapati Venkat Reddy) – Criminal Trial  
– Delay In lodging FIR – Case of prosecution cannot be***



*rejected solely on ground of delay in lodging FIR.*

It was held by the

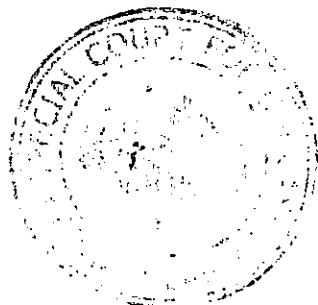
*Hon'ble Supreme Court In 2012 (2) KLT SN 144 (Case No.136) (Sandeep v. State of UP) – Criminal Trial – Where FIR was recorded without delay and investigation started on basis of that FIR and there is no other infirmity brought to notice of court, the delay in receipt of report by Magistrate is not fatal unless prejudice has been caused to accused.*

50. It was pointed out by the learned defence counsel that PW20 DySP Sukumaran is an occurrence witness as well as he has conducted investigation. However, PW26 DySP NIA has not recorded the statement of PW20. PW26 stated that though he has questioned PW20 no statement was recorded. The learned defence counsel could not bring out that it has caused prejudice to the accused. As held by the

*Hon'ble High Court In 2013(3) KLT SN 92 (Case No.98) (Saju v. State of Kerala) – Criminal Trial – Merely because there was some defect in investigation, that is not sufficient to come to conclusion that accused is entitled to get acquittal unless it is proved, by defence that prejudice has been caused.*

It was held by the

*Hon'ble Supreme Court In 2013 (4) KLT SN 135 (Case*

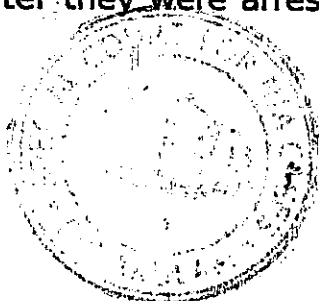


***No.145) (Sukhwinder Singh v. State of Punjab) – Criminal Trial – Cases in which substratum of the prosecution case is strong and substantiated by reliable evidence, lapses in investigation should not persuade the court to reject the prosecution case.***

It was argued by the learned defence counsel that the independent witness who is an attester to the search list PW25 Jabir turned hostile and the other witness CW6 Saifudheen was not examined. Now it is well settled by various judicial pronouncements that the evidence tendered by a police officer can be safely accepted if it is free from suspicion and inspiring confidence. It was held by the

***Hon'ble High Court In 2008(3) KLT 150 (Abdul Rasheed v. State of Kerala) – Criminal Trial – If testimony of official witnesses is blemishless and free from suspicion and inspires confidence, hostility shown by ill-motivated independent witnesses is of no consequence.***

51. When examined under Section 313 Cr.P.C. all the accused denied the allegations and maintained innocence. Further A1 to A3 filed a joint statement that they assembled near the building for a meeting convened to collect fund to complete the construction of the building of Thanal Foundation. The person who was having the key of the building was not available. While so PW1 Surendran Kalyadan, Valapattanam CI Balakrishnan Nair and PW20 DySP Sukumaran came there along with certain bags and entered the building after breaking open the lock. Thereafter they were arrested and the contrabands were seized. A4 to A21



also filed a separate statement more or less with the same allegations. A22 filed a separate statement contending that he has no connection with the offence and the room where the search was conducted was not in his possession. It is pertinent to note that though such a statement was filed by the accused making allegations against the investigating officers no such question was put while PW1 Surendran Kalyadan and PW20 Sukumaran was in the witness box. When the accused were giving such an explanation it is their duty to prove the same. Ext.P104 and P105 are notices issued under Section 43(f) of UA(P) Act and replies received for the same. It was issued to Shri.Thasnimudheen, Chairman, Thanal Foundation and President, PFI Kannur district committee. In the reply notice issued for Ext.P104 notice Shri.Thasnimudheen stated that from 2008 onwards the Chairman of Thanal Foundation is Shri.Muhammed Ajmal, S/o Abdul Azeez. In the reply notice issued to Ext.P105 notice he has given the name, address and phone numbers of District committee members of the Popular Front of India. In this reply notice he has not stated that a meeting was convened on 23.4.2013 at the building for raising funds to complete the construction as contended by the accused. It was held by the

***Hon'ble Supreme Court In AIR 2012 (SC) 2621 (Bable alas Gurdeep Singh v. State of Chhattisgarh - Criminal P.C. (2 of 1974), S. 311 - Penal Code (45 of 1860), S. 300 - Examination of accused - Answers given by accused or defence raised by him - Binds accused.***

52. Here in this case as discussed earlier none of the witnesses were asked



regarding the allegations levelled against him in the written statement filed when the accused were questioned under Section 313 Cr.P.C. It is an indication that the allegations are baseless. Though the witnesses were thoroughly cross examined nothing was brought out to discredit their testimony.

**53. Offence under Section 120 B, 143 and 149 of IPC:-**

Relying upon a ruling of the Hon'ble Supreme Court reported in

***2016(1) SC (Crl) 141 (Subash @ Dhillu v. State of Haryana)***

the learned counsel appearing for the accused pointed out that offence under Section 120B of IPC is not proved. Here in this case as discussed earlier prosecution has proved the presence of A1 to A21 in the hall. Ofcourse they could not establish the meeting of minds of the accused prior to their presence. However, the objectionable MOs seized from the place of occurrence as per Ext.P9 search list shows that they assembled there in pursuance of their common object for doing an unlawful act. A1 was found delivering a speech regarding the necessity of obtaining training in weapons and A2 to A21 were found listening him. In the ruling reported by the learned counsel appearing for the accused the presence of the accused were not available and the prosecution could not prove the conspiracy. The facts in this case are different. As held by the Hon'ble Supreme Court in

***2007(4) KLT 513 (S.C) (U.P. State Electricity Board v. Pooran Chandra Pandey). Precedents – A decision is only an authority for what is actually decided – What is the essence in a decision is its ratio and not every***

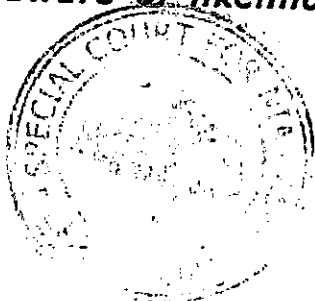


***observation found therein.***

Since the facts in the case are different I am unable to accept the contention of the learned counsel appearing for the accused. It has come out in evidence that the accused selected a lonely place for their meeting. It has come out in evidence that only A3 Jamsheer was a native of Narath and other accused hails from different places at a distance of about 25 to 30 kms from the place of occurrence. It has come out in evidence that they are active members of PFI and SDPI. Even according to DW1 the defence witness, he came to know about the meeting about 8 days prior to the incident. However there was no notice or any flex regarding the meeting. The windows of the building were sealed using newspapers. The place of meeting was guarded by two persons. These are indications to show that there was criminal conspiracy among the accused for doing an illegal act and they made an unlawful assembly for that purpose. As stated earlier A1 was found delivering a speech and A2 to A21 were found listening the same. According to PW8, the articles seized were capable of making 3 to 4 bombs and MO.11 series nails of different sizes are used for projectiles in the bombs. MO.10 brick with string kept in MO.2 bucket filled with petrol is used as petrol bombs during arson. These evidence shows that the accused had previous knowledge about their assembly in the hall.

***As held by the Hon'ble Supreme Court In 2012(2) KLT SN  
90 (C.No.84) SC (State of Haryana v. Shakuntala)***

***Criminal P.C., 1973, S.149 – If members of assembly knew  
or were aware of likelihood of a particular offence being***



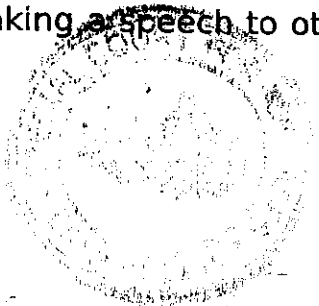
*committed in prosecution of a common object, they would be liable for same under S.149.*

*Section 149 creates a specific offence and deals with punishment of the offence. The only thing is that whenever the court convicts any person or persons of any offence with the aid of S.149, a clear finding regarding the common object of the assembly must be given and the evidence disclosed must show not only the nature of the common object but also that the object was unlawful. In order to attract S.149 it must be shown that the incriminating act was done to accomplish the common object of unlawful assembly. It must be within the knowledge of the other members as one likely to be committed in prosecution of common object. If members of the assembly knew or were aware of the likelihood of a particular offence being committed in prosecution of a common object, they would be liable for the same under S.149.*

In such circumstances I am of the view that prosecution has succeeded in proving the offence of 120 B, 143 and 149 of IPC against A1 to A21.

54. Offence under Section 153(A), 153 (B) (1) (c) r/w 149 of IPC:-

According to PW1 when he reached near the building he heard the first accused making a speech to others. A2 and A3 were standing beside him and A4



to A21 were sitting facing him. The contents of the speech of A1 narrated by PW1 is that “നമ്മൾ മുസ്ലീമുകൾ ഇന്ത്യയിൽ മറ്റ് മത വിഭാഗങ്ങളിൽ നിന്നും പ്രത്യേകിച്ച് ഹിന്ദുക്കളിൽ നിന്നും പലവിധ പീഡനങ്ങളും ഏറ്റെടുക്കുകയാണ്. ആയത് പ്രതിരോധിക്കാൻ നാം ആയുധപരിശീലനം നേടേണ്ടതായുണ്ട് .”

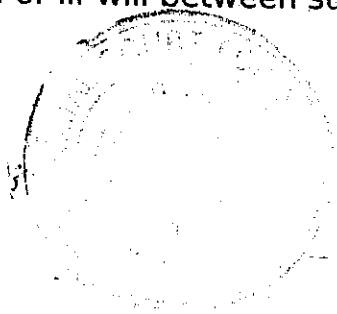
(We Muslims in India are tortured by other religions especially from Hindus. To defend the same we are to be trained in weapons). According to the learned Special Public Prosecutor for NIA the said speech will come in to the definition of Section 153 A and 153(B) (1) (c) of IPC.

153(A) defines as follows:-

**“153 A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.”**

**“153 B. Imputations, assertions prejudicial to national-integration. – (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,-**

**(c ) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons,**





shall be punished with imprisonment which may extend to three years, or with fine, or with both."

55. On a reading of the passage extracted from the deposition of PW1 there cannot be any two opinion that it is intended to cause disharmony among the members of Muslim community and others especially Hindus. It is to be remembered that the accused who were arrested are between the age group of 21 and 30. If communal disharmony is brought to the mind of young generation it will cause disastrous consequences which will be a threat to the national integration. In such circumstances I am in respectful agreement with the learned Special Public Prosecutor that the words spoken by A1 is an offence punishable under Section 153 A and 153 (B) (1) (c) of IPC. Further according to PW1, the words were spoken by A1, A2 and A3 were standing beside him and A4 to A21 were listeners. In such circumstances the offence will bind only first accused and the other accused cannot be found guilty for the said offence.

**56. Section 5 (1) (a) r/w 25 and 27 of the Arms Act:-**

According to PW1, MO.1 sword was found in the hall from where the accused were arrested. The said evidence is supported by PW2 and PW3 who are independent witnesses who were later called to the hall to witness the incident. PW20 the DySP also stated that MO.1 sword was detected in the hall. As per the prosecution case the intention of the accused was to impart training upon use of weapons. The presence of MO.3 human target proves the intention of the accused. According to the learned Special Public Prosecutor MO.3 target was kept to impart training upon use of MO.1 sword on vital parts of the body. The seizure



of MO.1 sword from the hall is proved by Ext.P9 search list coupled with the oral evidence of witnesses such as PW1, PW2, PW3, PW8 and PW20. According to PW1, MO.1 sword is usually used at the time of riots. PW2 also supported the said version. It was pointed out by the learned defence counsel that the presence of MO.1 sword inside the hall will not prove the actual possession of the same with the accused. However, I am unable to accept the said contention. It has come out in evidence that MO.1 sword was placed near a wall from the hall from where accused A1 to A21 were arrested. The windows of the hall were closed and sealed by newspapers. Only one door was slightly opened. Two persons (A22 and A23) were guarding the hall. Along with MO.1 certain other explosive substances were also seized from the hall as per Ext.P9 search list. So all the accused were aware regarding the presence of MO.1 sword in the hall. In such circumstances even if there is no actual possession it can be seen that there was constructive possession. In this context I am enlightened by the decision of the

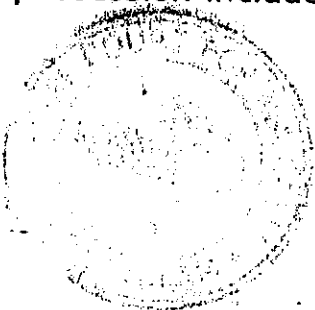
***Hon'ble Supreme Court reported in AIR 1972 SC 1756  
(Gunwantlal v. State of MP). Arms Act, 1959 – S.25 (1) (a)  
– Fire Arms – Offence under – Elements of – 'Possession'  
does not mean only physical or actual possession but  
includes constructive possession.***

So as rightly pointed out by the learned Special Public Prosecutor it can be seen that A1 to A21 had constructive possession of MO.1 sword and so they are liable for offence punishable under Section 5 (1) (a) r/w 27 of Arms Act.



57. Section 4 and 5 of the Explosive Substances Act:-

As per Ext.P9 search list two country bombs were seized from the hall. One bomb was placed upon the table and the other was placed in a flex near the table. Besides that certain powder kept in a packet was also detected. Articles such as glass pieces, iron nails which are used as projectiles in country bombs were also detected on the table. PW8 Sub Inspector of Police attached to the bomb squad, Kannur took samples of the powder from the table and also seized the country bombs and removed it to the Mayyil Police station where it was kept in a pit. After getting the court order the two bombs were diffused on 1.5.2013 and Ext.P51 certificate was issued. S1 is the sample of powder and S2 to S4 are the remnants of the diffused country bombs. All the materials were sent to the Forensic Science Laboratory, Trivandrum and Ext.P109 report was obtained. As per Ext.P109 report S1 was Aluminum Powder. Potassium Chlorate, Aluminum Powder and Sulphur were detected in MO in items S2 and S3 and MO in item S4 was a mixture of Potassium Chlorate, Aluminum Powder and Sulphur. So it can be seen that explosive substances were detected in the country bombs. It is true that the size of the remnants of the country bombs and the sizes of iron nails detected at the hall were different. Prosecution had no case that the bombs were manufactured at the hall. It was a training class as to how to manufacture country bombs and before commencing the training class PW1 reached the spot and it was foisted. As discussed earlier though there is no actual possession there is constructive possession of the explosive substances. As laid down by the Hon'ble Supreme Court possession includes constructive possession also. Here it can be seen that



the accused had constructive possession of the explosive substances such as country bombs. So the offence under Section 4 and 5 of the Explosives Substances Act is attracted against A1 to A21.

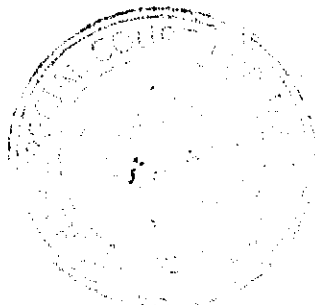
**58. Section 18 and 18 A of the Unlawful Activities (Prevention) Act, 1967:-**

***Section 18 of the UA(P) Act reads as follows:-***

***18. Punishment for conspiracy, etc- Whoever conspires or attempts to commit, or advocates, abets, advises or [incites, directs or knowingly facilitates] the commission of, a terrorist act or any act preparatory to the commission of a terrorist act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.***

***18A. Punishment for organising of terrorist camps.- Whoever organizes or causes to be organized any camp or camps for imparting training in terrorism shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.***

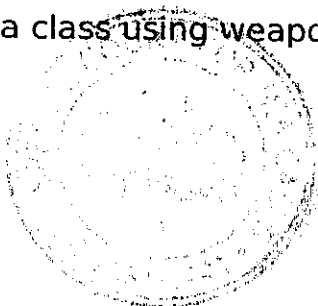
Terrorist Act is made punishable under Section 18 of the UA(P) Act and organizing camp for imparting training in terrorism is made punishable under Section 18(A) of the UA(P) Act. Terrorist Act is defined under Section 15 of the UA(P) Act and it reads as follows:-



**15. Terrorist Act.- (1) Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security [economic security] or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,**

**(a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause-.....**

59. The evidence on record shows that first accused was delivering a speech regarding the need of training in arms to defend the torture faced by Muslims from other religions especially from Hindus. Articles seized from the hall such as bombs, iron nails, glass pieces, aluminum powder, human target, sword, lathies shows that the purpose of assembly was unlawful and it was for imparting training among the cadre. It is true that accused are the workers of SDPI which is a political party and PFI which is not a banned organization. However, they had no authority to train the cadre in using weapons that also among a section of people in India. As narrated by PW1 when questioned A1 stated that Yoga class was going on. Yoga class using weapons is rather unheard of. When questioned regarding the



weapons the accused had no satisfactory explanation for the possession. A1 to A21 were arrested from the spot and the contraband article were seized as per Ext.P9 search list. The hall was situated in a remote area where even there is no motorable way. Except A3 and A22 others belongs to distant places within Kannur district. There was no previous published notice regarding the meeting. Though it was explained by the accused that the meeting of Thanal Foundation to raise fund for the construction of building was going on, the circumstances shows that the purpose of assembly was unlawful and the accused could not satisfactorily explain the possession of weapons and country bombs. In such circumstances it can be safely concluded that a terrorist camp was going on and so A1 to A21 are liable for punishment under Section 18 and 18 A of the UA(P) Act. These points are found accordingly.

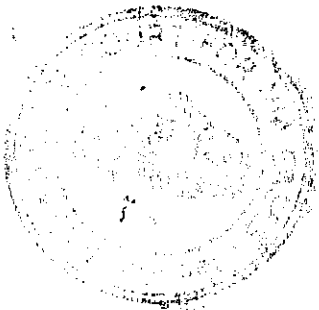
60. **Point No.7:-** The evidence against A22 Kamarudheen stands in a different footing. As per the prosecution case A22 and A23 were guarding the scene of occurrence and on seeing the police party they ran away. PW1 had no previous acquaintance with A22. But PW3 stated that he had previous acquaintance with him. Though the incident occurred on 23.4.2013 the name of A22 is not finding a place in the FIR. He was made an accused as per Ext.P83 report dated 26.4.2013 which reached the court on 2.5.2013. A22 was never arrested by the police and he surrendered before court on 19.11.2015.

61. The other circumstances against A22 is the seizure of a scooter from the place of occurrence. As per Ext.P65 seizure mahazar Access scooter bearing Regn.No.KL-13/9378 belong to A22 was seized by the DySP. It was kept



abandoned near the place of occurrence. It is true that as per the oral evidence of PW17 and Ext.P73 RC particulars the registered owner of the vehicle is A22 Kamarudheen. But there is no clear evidence to show that during the period he was using the vehicle. This attains significance especially when PW21 Abdul Rahim stated that he was using the vehicle during the relevant time. Ofcourse he was declared hostile to the prosecution.

62. The other evidence against A22 Kamarudheen is the seizure of weapons from a room allegedly used by him. The building in question belong to Aysha, mother of Kamarudheen, as per Ext.P49 certificate. But even as per the prosecution case it was being occupied by PW21 Adbdul Rahim who is a relative of Kamarudheen. As per the prosecution case a search was conducted at the house. A room which had entrance from the verandah was kept locked. DySP and party broke open the lock and conducted a search. Certain certificates which are marked as Ext.P58 series, P52 voters ID card, MO.14 series swords, MO.15 Axe, MO.16 'Nanchang' were seized from the room. However, there is no convincing evidence to show that the room was in occupation of A22 Kamarudheen. PW21 stated that he was in possession of the said room also, ofcourse he was declared hostile to the prosecution. As discussed earlier as per the prosecution case A22 was sitting outside guarding the hall and so he cannot be made liable as to the incidents which are going inside the hall. At any rate A22 is entitled for the benefit of doubt. So he cannot found guilty for any of the offence alleged against him and so this point is found in favour of the accused.



63. **Point No.8:-** In the result accused numbers 1 to 21 are found guilty for the offences punishable under Section 120(B), 143, 149 of IPC, Section 5 (1) (a) r/w Section 27 of the Arms Act, Section 4 and 5 of the Explosives Substances Act and Section 18 and 18A of the Unlawful Activities (Prevention) Act.

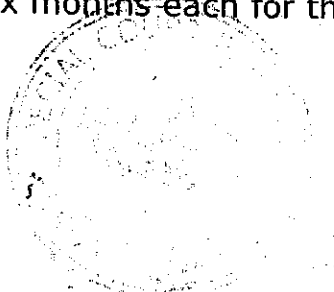
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64. A1 is found guilty for offence punishable under Section 153(A), 153(B) (1)(c) of IPC. A2 to A21 are found not guilty for offences punishable under Section 153 (A) and 153(B)(1)(c) of IPC and they are acquitted under Section 235(1) of Cr.P.C. for the said offence. A22 is found not guilty for all the offences and he is acquitted under Section 235(1) of Cr.P.C.

Dictated to the confidential assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 20<sup>th</sup> day of January, 2016.

Sd/-  
S.Santhosh kumar,  
Judge, Spl. Court for N.I.A. Cases.

65. Heard about the question of sentence of A1 to A21. They pleads to take a lenient view. Considering the nature and circumstances of the case, I don't find any reason to invoke the Probation of Offenders Act. However, considering the age of the accused a lenient view is taken. Accused are convicted and sentenced to undergo SI for six months each for the offence under Section 120 B of IPC, SI for six months each for the offence under Section 143 r/w 149 of IPC, SI





for three years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for the offence under Section 5(1)(a) r/w Section 27 of the Arms Act, SI for five years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for the offence under Section 4 of the Explosive Substances Act, SI for five years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for offence under Section 5 of the Explosive Substances Act. They are also sentenced to undergo SI for five years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for offence under Section 18 of UA(P) Act and to undergo SI for five years each and to pay a fine of ₹1,000/- each in default of payment of fine SI for one month each for offence under Section 18A of UA(P) Act. The sentence of imprisonment shall run concurrently.

Accused No.1 is further sentenced to undergo SI for one year for offence under Section 153(A) of IPC and SI for one year for offence under Section 153(B)(1)(c) of IPC. The sentence of first accused for offences under Section 153(A) and 153(B)(1)(c) of IPC shall run consecutively. Set off is allowed under Section 428 of Cr.P.C.

MOs will be retained since charge sheet is to be filed against absconding accused.

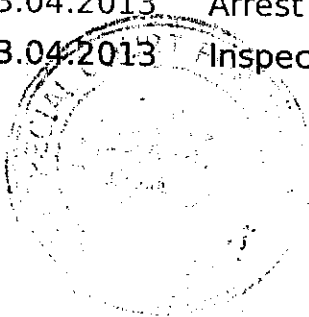
Pronounced by me in open court on this the 20<sup>th</sup> day of January, 2016.

Sd/-  
S.Santhosh kumar,  
Judge, Spl. Court for N.I.A. Cases.



APPENDIXProsecution Exhibits:-

P1	23.04.2013	Search Memorandum prepared by PW1
P2 Series	--	Pamphlet of "ഭരണകൂടം ഭയപ്പെടുത്തുന്നതാമര" (50 Nos.)
P3	--	Pamphlet of "തിരിച്ചറിയുക കാപട്യങ്ങളെ"
P4	--	Pamphlet of "നൃനപക്ഷവേദ അവസാനിപ്പിക്കുക"
P5	23.04.2013	Thejus News paper
P6	--	Receipt book of 'തേജസ്സ് ഡൈവാനിക'
P7	23.04.2013	Arrest Memo of A1
P7(a)	23.04.2013	Arrest Memo of A2
P7(b)	23.04.2013	Arrest Memo of A3
P7(c)	23.04.2013	Arrest Memo of A4
P7(d)	23.04.2013	Arrest Memo of A5
P7(e)	23.04.2013	Arrest Memo of A6
P7(f)	23.04.2013	Arrest Memo of A7
P7(g)	23.04.2013	Arrest Memo of A8
P7(h)	23.04.2013	Arrest Memo of A9
P7(i)	23.04.2013	Arrest Memo of A10
P7(j)	23.04.2013	Arrest Memo of A11
P7(k)	23.04.2013	Arrest Memo of A12
P7(l)	23.04.2013	Arrest Memo of A13
P7(m)	23.04.2013	Arrest Memo of A14
P7(n)	23.04.2013	Arrest Memo of A15
P7(o)	23.04.2013	Arrest Memo of A16
P7(p)	23.04.2013	Arrest Memo of A17
P7(q)	23.04.2013	Arrest Memo of A18
P7(r)	23.04.2013	Arrest Memo of A19
P7(s)	23.04.2013	Arrest Memo of A20
P7(t)	23.04.2013	Arrest Memo of A21
P8	23.04.2013	Inspection Memo of A1



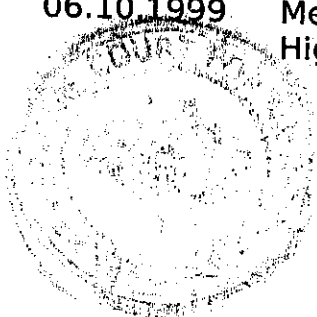
P8(a)	23.04.2013	Inspection Memo of A2
P8(b)	23.04.2013	Inspection Memo of A3
P8(c)	23.04.2013	Inspection Memo of A4
P8(d)	23.04.2013	Inspection Memo of A5
P8(e)	23.04.2013	Inspection Memo of A6
P8(f)	23.04.2013	<del>Inspection Memo of A7</del>
P8(g)	23.04.2013	Inspection Memo of A8
P8(h)	23.04.2013	Inspection Memo of A9
P8(i)	23.04.2013	Inspection Memo of A10
P8(j)	23.04.2013	Inspection Memo of A11
P8(k)	23.04.2013	Inspection Memo of A12
P8(l)	23.04.2013	Inspection Memo of A13
P8(m)	23.04.2013	Inspection Memo of A14
P8(n)	23.04.2013	Inspection Memo of A15
P8(o)	23.04.2013	Inspection Memo of A16
P8(p)	23.04.2013	Inspection Memo of A17
P8(q)	23.04.2013	Inspection Memo of A18
P8(r)	23.04.2013	Inspection Memo of A19
P8(s)	23.04.2013	Inspection Memo of A20
P8(t)	23.04.2013	Inspection Memo of A21
P9	23.04.2013	Search list prepared by S.I. of police, Mayyil P.S.
P10	23.04.2013	FIR in Crime No. 276/13 of Mayyil P.S.
P11	--	Health Card issued by HDFC ERGO to Fahad.P.C.
P12	--	Driving licence of Fahad.P.C.
P13	--	Pan Card of Fahad.P.C.
P14	--	Axis bank Master card of Fahad.P.C.
P14(a)	--	Axis bank Visa card of Muhammed Faizal.P.C.
P15	--	Axis bank Master card of Fahad.P.C.
P16	--	HDFC Master card of Fahad.P.C.
P16(a)	--	HDFC Master card of Muhammed Faizal.P.C.
P16(b)	--	HDFC Master card of Fahad.P.C.
P17	--	HDFC Visa card of Fahad.P.C.
P18	--	Federal bank Master card No. 12092251.



P19	--	Driving licence of Abdu Samad.
P20	--	Driving licence of Mohammed Samreed.P.
P21	--	Driving licence of Noufal .C.
P22	--	Voters ID card of Rikkas.C.
P23	--	Identity card issued by Pondicherry University to Rikkas.C.
P23(a)	--	Identity card issued by EXCEL Centre for Carrier Development to Rikkas.C.
P24	--	Driving licence of Jamshid.P.
P25	--	Canara Bank Visa Card.
P26	--	Driving licence of Missaj.A.P.
P27	--	Federal Bank Visa card of Missaj.A.P.
P28	--	Driving licence of Muhammed Absheer.V.P.
P29	--	Union Bank Visa Card.
P30	--	Card of Islamic Republic of Iran in the name of Sadikh Mangalodayam.
P31	--	Driving licence of Ajmal .P.M.
P32	--	Driving licence of Suhair.A.K.
P33	--	Voters ID card of Ajmal.C.M.
P34	--	Driving licence of Ajmal.C.M.
P35	--	Voters ID Card of Muhammed Rashid.E.K.
P36	--	State Bank Shopping Card of Muhammed Rashid .E.K.
P37	--	Copy of Voters ID Card of Shafeek.P.
P38	--	Pamphlet of "ഗുജറാത്ത് വംശഹത്യ മോഡി നിരപരാധിയാണോ"
P39	--	Pamphlet of "ഭരണകൂടം ഭയപ്പെടുന്നതാണോ"
P40	--	Pamphlet of "ജനകീയ അവകാശങ്ങൾക്കായി പടയണി ചേരുക"
P41	--	A sheet of paper containing Slogans.
P42	--	Sheet of paper with writings.
P43	24.04.2013	Remand Report prepared by S.I.of police, Mayyil Police station.
P44	25.04.2013	Search list of the house of Kamarudheen.



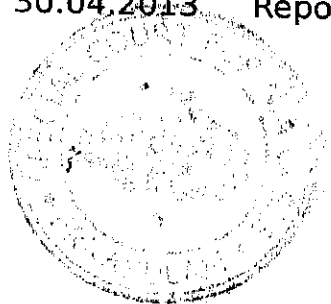
P45	25.04.2013	Portion of 161 statement given by PW5 to DySP, Kannur that "കമറുദ്ദീനെ എനിക്ക് നല്ല പരിചയമുണ്ട്".
P45(a)	25.04.2013	Portion of 161 statement given by PW5 to DySP, Kannur from "അവിടെനിന്നും 4 വാളുകളും .....ഒപ്പുവച്ചിട്ടുണ്ട്".
P45(b)	25.04.2013	Portion of 161 statement given by PW5 to DySP, Kannur from "ഞങ്ങളുടെ സാന്നിധ്യത്തിൽ ..... പരിശോധന നടത്തി".
P46	05.09.2013	Site Plan prepared by Village officer, Narath Village.
P47	05.09.2013	Ownership certificate of Building No. XIII/234 in the name of Asiya.
P48	02.05.2013	Ownership certificate of Building No. NP-1-576/A in the name of Thasnimudheen .K.P.,Chairman, Thanal Foundation Trust.
P49	05.09.2013	Ownership certificate of Building No. 1/160 in the name of Ayisa.
P50	20.09.2013	Ownership certificate of Building No. 1/382 in the name of Khadeeja.
P51	01.05.2013	Certificate prepared by A. Ramachandran, SI, B.D.D.S.,Kannur.
P52	--	Copy of Voters ID card of A. Kamarudheen.
P53	--	Cheque leaf of The Mullakkodi Co-operative Rural Bank Ltd.
P54	--	Piece of paper with writing of "SANAULLA SHABANDRI"
P55	--	Piece of paper with writing of "SH ALI BIN SOUD ALTHANI"
P56	--	Receipt book of Thejus Publications.
P57	--	A paper with heading of 'വിവിധ സംഘപരിവാർ സംഘടനകൾ ആസൂത്രണം ചെയ്തതെന്ന് മാധ്യമങ്ങൾ റിപ്പോർട്ട് ചെയ്തതും പോലീസ് അന്വേഷണത്തിൽ കണ്ടെത്തിയതുമായ സ്ഫോടനങ്ങൾ ദുരുഹമായവ ഒട്ടേറെ വേറെയുണ്ട്'.
P58	06.10.1999	Merit certificate of Sports issued by Kambil Mopda High school, Kolacherry.



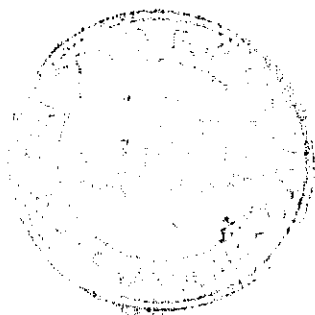
P58(a)	06.10.1999	Merit certificate of Sports issued by Kambil Mopda High school, Kolacherry.
P58(b)	06.10.1999	Merit certificate of Sports issued by Kambil Mopda High school, Kolacherry.
P59	04.10.2006	Building Tax receipt of Building No. NP 1/28 of Narath Panchayath issued by Secretary, Narath Panchayath.
P60	20.04.1994	Land Tax receipt issued by Village Officer, Narath to Attakkaravada Ayisumma.
P61	--	Certificate No. 0026765 issued by ICICI Bank to Kamarudheen.A.
P62	--	Piece of paper containing black and white photo with Arabi writing.
P63	01.05.2013	Seizure Mahazar prepared by DySP, Kannur.
P64	25.04.2013	Scence Mahazar prepared by DySP, Kannur.
P65	25.04.2013	Seizure Mahazar of White Access Scooter bearing Reg. No. KL 13 9378 prepared by DySP, Kannur.
P66	09.10.2013	Ownership certificate in respect of Building No. MP IX 99 (New Number XIII 106) issued by Secretary, Munderi Grama Panchayath.
P67	05.09.2013	Certificate in respect of Building No. MP 8/232 belongs to Sri. Thayilekkandy Pilachery Hamsa issued by Secretary, Muzhappilangad Grama Panchayath, Edakkad P.O.
P68	05.09.2013	Ownership certificate in respect of the Building No. IV/359 (New Number IV/424) belongs to P.P.Aboobacker issued by Revenue Officer, Thalassery Municipality.
P69	09.09.2013	Ownership certificate in respect of the Building No. IV/53 (New Number IV/62) belongs to Sri. Palikandy Latheef issued by Revenue Officer, Thalassery Municipality.
P70	24.04.2013	Search list of the house of Muhammed Abseer, S/o. Aboobacker, Building No. IV/424, Thalassery Municipality.
P71	25.04.2013	Search list of the house of A.T.Jameela, W/o. Attakkoya Mashhador, Aval Thayyil House, Edakkad.
P72	17.10.2013	Sanction order issued by N.S.Bisht, Under Secretary to Govt. of India.



P73	11.06.2013	RC particulars of Vehicle No. KL 13 V 9378 issued by Joint RTO, Kannur.
P74	30.01.2004	Certified copy of deed of declaration of Trust No. 15/2004 issued by Valapattanam Sub Registrar.
P75	25.04.2013	Search list of the house of T.P.Hamsa, S/o. Kalanthan, House No. 1/46, Muzhappilangadu, prepared by S.I., City Police, Kannur.
P76	--	Note book
P76(a)	--	Index page of Ext. P76.
P76(b)	--	One paper with heading 27.08.2012 AREA SITTING in Ext. P76.
P77	25.04.2013	Search list of the house of Jamsheer, Building No. NP XVII/65 prepared by DySP, Kannur.
P78	--	Savings Bank account Pass book of A/c. No. 4494 of The Mullakkodi Co-operative Rural Bank Ltd in the name of Jamsheer K.K.
P78(a)	--	Canara Bank pass book of Jamsheer.P.
P78(b)	--	Pocket Note book.
P78(c)	--	Pamphlet "ഭരണകൂടം ഭയപ്പെടുന്നതാണ്".
P78(d)	--	Booklet 'നീതിയുടെ പാതയിൽ സധൈര്യം മുന്നോട്ട്'
P78(e)	--	Book 'പ്രതിരോധത്തിന്റെ വേരുകൾ'
P78(f)	--	Book 'കർക്കരയെ കൊന്നതാര്'
P78(g)	--	Note book
P79	25.04.2013	Search Memorandum of the house of Kamarudheen by DySP, Kannur.
P80	25.04.2013	Report for getting permission of court for keeping the seized items in police custody.
P81	25.04.2013	Report for adding sections of 153(A) IPC and Section 13(1)(a)(b), 18(A) of UA(P) Act.
P82	26.04.2013	Search list of the house of Abdul Jaleel by DySP, Kannur.
P83	26.04.2013	Accused inclusion report of Kamarudheen as accused No. 22 in this case.
P84	30.04.2013	Report regarding the Chasis Number of Access Scooter bearing Reg. No. KL 13 V 9378.(MO17)
P85	30.04.2013	Report for getting permission for diffusing bomb.

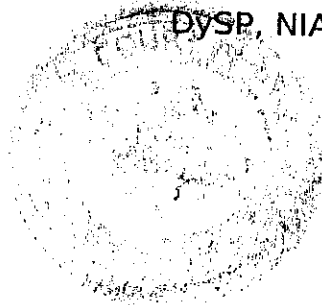


P86	10.05.2013	Accused inclusion report of Ashar @ K.T. Asarudheen and K.V. Abdul Jaleel.
P87	24.07.2013	Remand extension report.
P88	22.06.2013	Report for furnishing the details of mobile phones.
P89	25.04.2013	Portion of 161 statement given by PW21 to DySP from "എന്റെ ഭാര്യ വീട്ടുകാർ ..... ഉപയോഗിച്ചു വരുന്നത്."
P89(a)	25.04.2013	Portion of 161 statement given by PW21 to DySP from "അവന്റെ സാധനങ്ങൾ ..... പറഞ്ഞിട്ടുണ്ട്."
P89(b)	25.04.2013	Portion of 161 statement given by PW21 to DySP from "മുറി പുട്ടി താക്കോൽ ..... വന്നു പോകാറുണ്ട്."
P90	--	SBT pass book of A/c. No. 67194454954 of Missaj.A.P.
P91	--	Cheque book of A/c. No. 67194454954 of Missaj.A.P.
P92	--	Pamphlet expansion Class 1 <sup>st</sup> .
P92(a)	--	Page No.4 in Ext. P92.
P93	24.04.2013	Search list of the building No. IV/62 of Thalassery municipality.
P94	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P94(a)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P94(b)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P94(c)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P94(d)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P94(e)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P94(f)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.





P94(g)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P94(h)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P94(i)	--	Booklet 'പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യ ശാക്തീകരണത്തിന്റെ പാതയിൽ 20 വർഷം'.
P95	--	Branch register of SDPI.
P96	--	Thejus Fortnightly 2012 January 16-31.
P96(a)	--	Thejus Fortnightly 2012 January 16-31.
P97	--	Pass book of A/c. No. 390302010021384 of Muhammed Absheer.V.P.
P98	--	SDPI Membership 2010 No. 671731 of Muhammed Absheer.V.P.
P99	15.10.2013	Sanction for Prosecution of accused under the act of Explosive Substances Act issued by District Magistrate, Kannur.
P100	25.04.2013	Portion of 161 statement given by PW25 to DySP, Kannur from "എനിക്ക് മുൻപരിചയമുള്ള .....ഓടിപ്പോകുന്നത് കണ്ടു"
P100(a)	25.04.2013	Portion of 161 statement given by PW25 to DySP, Kannur from "എസ്.ഐ.സാറും ഞങ്ങളും .....ശബ്ദം കേൾക്കുന്നുണ്ടായിരുന്നു"
P100(b)	25.04.2013	Portion of 161 statement given by PW25 to DySP, Kannur from "ഇന്ത്യയിൽ നമ്മൾ .....എന്നും പറയുന്നത് കേട്ടു".
P100(c)	25.04.2013	Portion of 161 statement given by PW25 to DySP, Kannur from "ക്ലാസ്സെടുക്കാൻ..... എന്നും പറഞ്ഞു".
P101	07.08.2013	FIR in R.C.5/13 NIA
P102	23.09.2013	Forwarding note
P103	23.09.2013	Forwarding note
P104	03.10.2013	Notice under Section 43 F of Unlawful Activities (Prevention) Act issued by DySP, NIA to Thasnimudheen.K.P.
P105	30.10.2013	Notice under Section 43 F of UA(P) Act issued by DySP, NIA to Thasnimudheen K.P.



P106	--	List of the candidates of Narath Grama Panchayath Election, 2010.
P107	25.07.2014	Forwarding note
P108	11.08.2014	Report of CDAC.
P109	30.09.2013	FSL Report of Molly George, Asst. Director (Explosives), Forensic Science laboratory, Thiruvananthapuram.

### **Defence Exhibits:-**

D1	23.04.2011	Certified copy of FIR in Crime No. 161/2011 of Mayyil P.S.
D2	13.04.2011	Copy of FIR in Crime No. 145/2011 of Mayyil P.S.
D3	18.02.2011	Copy of FIR in Crime No. 57/2011 of Mayyil P.S.
D4	22.02.2012	Certified Copy of FIR in Crime No. 150/2012 of Mayyil P.S.
D5	-	Certified Copy of Final Report in Crime No. 146/2012 of Mayyil P.S.
D6	-	Certified Copy of Final Report in Crime No. 143/2012 of Mayyil P.S.
D7	21.02.2012	Copy of FIR in Crime No. 145/2012 of Mayyil P.S.
D8	25.04.2013	Portion of 161 statement given by PW5 from "അബ്ദുൾ റഹീമും ..... പറയുന്നത് കേട്ടിരുന്നു."
D9	22.04.2013	Certified copy of FIR in Crime No. 274/2013 of Mayyil P.S.
D10	18.03.2012	Certified copy of FIR in Crime No. 572/2012 of Kannur Town P.S.

**Court Exhibits:-** NIL

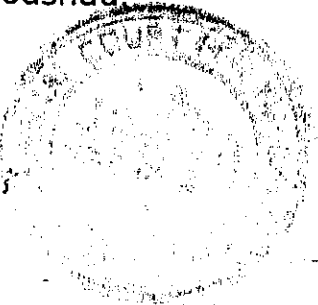


**Prosecution Witnesses:-**

PW1 Surendran Kallayodan  
PW2 K.N.Narayanan  
PW3 C.P.Harish  
PW4 Parameswaran Namboothiri  
PW5 Aneefa  
PW6 Ambili.E.P.  
PW7 U.P. Vasanthi  
PW8 A. Ramachandran  
PW9 Arulanandan  
PW10 M.T.Muraleedharan  
PW11 P. Sadanandan  
PW12 Asokan.M.K.  
PW13 P.V.Radhakrishnan  
PW14 Jaseer.K.M.  
PW15 Shahir  
PW16 N.S.Bisht  
PW17 Dineshan Puthalath  
PW18 P.V.Jayesh  
PW19 Muhammed Rifad.P.P.  
PW20 P. Sukumaran  
PW21 Abdul Rahim  
PW22 Sibi.N.O.  
PW23 V.K.Viswambharan  
PW24 Dr. Rathan Kelkar  
PW25 K.P.Jabir  
PW26 V.K.Abdul Kader

**Defence Witness:-**

DW1 Noushad



**Material Objects:-**

MO1	Sword
MO2	Bucket
MO3	Human Target
MO4 Series	Lathies (5 Nos.)
MO5	Flag of SDPI
MO6	Flex Sheet
MO7	Gunny bag
MO8	Bottle
MO9 Series	Pieces of glass
MO10	Brick with string
MO11 Series	Nails of different sizes
MO12 Series	Iron String
MO13	Bundle of String
MO14 Series	Sword
MO15	Small Axe
MO16	Nanchang
MO17	White Access Scooter
MO18	Flex
MO19 Series	Pipe pieces ( 3 Nos.)
MO20 Series	Iron rods (2 Nos.)
MO21 Series	Candle Pieces (4 Nos.)
MO22 Series	Mosquito Coils (4 Nos.)
MO23	Flex
MO24	Emergency Lamp Cover
MO25	Flex



- MO26 CD 'ലൗ ജിഹാദ് ഒരു പെരുന്താണ്'.  
 MO27 CD 'പോപ്പുലർ ഫ്രണ്ട് സമ്മേളനം'  
 MO28 Flex  
 MO29 CD 'പോപ്പുലർ ഫ്രണ്ട് സമ്മേളനം'  
 MO30 CD 'മദീന, മക്ക ചരിത്ര ദൃശ്യങ്ങൾ'  
 MO31 CD 'വൈവാഹിക ജീവിതം ഇസ്ലാമിൽ'  
 MO32 CD 'സാമുദായിക സത്തുലിതാവസ്ഥ ചിലത് പറയാനുണ്ട്'  
 MO33 CD MMORE  
 MO34 CD MMORE  
 MO35 CD 'ഒരു ഉമ്മയുടെ വിലാപം'  
 MO36 Pink and black colour Nokia mobile phone  
 MO37 CD 'ഉമർ മുഖ്താർ LION OF THE DESERT'  
 MO38 CD of Parade TLY.

Id/-  
 Judge, Spl. Court for N.I.A. Cases.

// True Copy//

(By Order)

Sineale  
 Sheristadar

Typed By: RL  
 Comp: By: [Signature]



Copy of Judgment  
in SE 2/2013 N/A  
Dated : 20.1.16