



सत्यमेव जयते

**NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA.**

SUPPLEMENTARY CHARGE SHEET
(U/s 173 CrPC)

**IN THE COURT OF SPECIAL JUDGE FOR TRIAL OF NIA CASES,
ERNAKULAM.**

UNION OF INDIA

v/s

SAVAD (A-1) AND OTHERS

- 1. Name of Branch** : National Investigation Agency,
Kochi.
- FIR No.** : RC 01/2011/NIA/DLI
- Year** : 2011
- Date** : 04.04.2011
- 2. Final Report/ Charge Sheet No.** : Supplementary Charge Sheet
No. 3
- 3. Date** : 01.06.2017

- 4. Sections of Law** : Under sections 118, 341, 427, 324, 326, 506, 201, 202, 212, 153 A, 307 r/w 120 B of Indian Penal Code, 1860.
- Section 3 & 6 of Explosive Substances Act, 1908.
- Sections 16(1) (b), 18 & 20 of Unlawful Activities (Prevention) Act, 1967.
- 5. Type of Final Report** : Supplementary Charge-Sheet No. 3
- 6. If Final Report un-occurred/ False/ Mistake of fact/ Mistake of law/ Non-Cognizable/ Civil Nature.** : Not applicable
- 7. If charge sheeted: Original/ Supplementary** : Supplementary Charge-Sheet No. 3
- 8. Name of Investigating Officer** : V. K. Abdul Kader,
Deputy Superintendent of Police,
National Investigation Agency,
Kochi, Kerala.
- 9. Name of the Complainant/ Informant** : Smt. Salomi,
Thenganakunnel House,
Hostelpadi, Muvattupuzha.
- 10. Details of properties/ Articles/ Documents recovered/ seized during Investigation and relied upon.** : As per the list enclosed.

11. PARTICULARS OF ACCUSED PERSONS CHARGE SHEETED

(1) **Mohamed Rafi @ Rafi (A-38)**

1.	Name	Mohamed Rafi @ Rafi
2.	Whether verified	Yes
3.	Year/date of birth	Age 36/2017 D.O.B - 14.05.1981
4.	Father's name	Beeran
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Not available
8.	Religion	Islam
9.	Occupation	Driver and Insurance agent.
10.	Address (Present)	Mattuppadi House, Perickappalam, Thottakkatukara, Aluva, Ernakulam district.
11.	Address (Permanent)	Same as above
12.	Whether verified	Yes
13.	Provisional Criminal No	Not known
14.	Regular Criminal No. (If known)	Not known
15.	Date of arrest	Not arrested
16.	Date of release on bail	Not Applicable
17.	Under Act and Sections (of charge sheet)	U/S 118, 341, 427, 324, 326, 506, 201, 202, 212, 153 A, 307 r/w 120B of Indian Penal Code, 1860. Section 3 and 6 of Explosive Substances Act, 1908 and Sections 16(1)(b), 18 and 20 of Unlawful Activities (Prevention) Act, 1967.
18.	Name(s) of bailer/sureties and address	Not Applicable
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	Absconding

(2) Subair. T. P. @ Subu (A-39)

1.	Name	Subair T. P. @ Subu
2.	Whether verified	Yes
3.	Year/date of birth	Age 35/2017 D.O.B 28.03.1982
4.	Father's name	Pareeth Pillai
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Not available
8.	Religion	Islam
9.	Occupation	Alluminium Fabrication work & Collection agent.
10.	Address (Present)	Karimbanakkal House, Near Ice Plant, Similiya Junction, West Veliyathunadu, Aluva, Ernakulam District.
11.	Address (Permanent)	Same as above
12.	Whether verified	Yes
13.	Provisional Criminal No	Not known
14.	Regular Criminal No. (If known)	Not known
15.	Date of arrest	05.11.2014
16.	Date of release on bail	27.03.2015
17.	Under Act and Sections (of charge sheet)	U/S 118, 341, 427, 324, 326, 506, 201, 202, 212, 153 A, 307 r/w 120B of Indian Penal Code, 1860. Section 3 and 6 of Explosive Substances Act, 1908 and Sections 16(1)(b), 18 and 20 of Unlawful Activities (Prevention) Act, 1967.
18.	Name(s) of bailer/sureties and address	1) Rasheed age 45/15, S/o Hussain, Kannikandathil House, Kalamassery, Thrikakara – North Village, Ernakulam. 2) Nisar Ahamed age 39/15, S/o Ummer, Nambiathuparambil House, Kottuvalli, Paravur, Ernakulam.
19.	Previous convictions with case reference	Not known
20.	Status of accused	On bail

(3) M. K. Noushad (A-41)

1.	Name	M. K. Noushad
2.	Whether verified	Yes
3.	Year/date of birth	Age 43/2017 D.O.B. 15.03.1974
4.	Father's name	Kunhu Mohamed
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Not known
8.	Religion	Islam
9.	Occupation	Painter/ Auto Driver
10.	Address (present)	Mannarkad House Kunhunnikkara, Kadungalloor, Aluva, Ernakulam District.
11.	Address (Permanent)	Same as above
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No. (If known)	Not Applicable
15.	Date of arrest	12.06.2011
16.	Date of release on bail	09.12.2011
17.	Under Act and Sections (of charge sheet)	U/S 118, 341, 427, 324, 326, 506, 201, 202, 212, 153 A, 307 r/w 120B of Indian Penal Code, 1860. Section 3 and 6 of Explosive Substances Act, 1908 and Sections 16(1)(b), 18 and 20 of Unlawful Activities (Prevention) Act, 1967.
18.	Name(s) of bailer/sureties and address	1) Shameer age 35/11 S/o Muhammed, Parambathodath House, Uliyannoor Kara, Kadungalloor Village, Aluva. 2) Abdul Rasheed age 36/11 S/o Muhammed, Kodoppallimalil House, Kunjunnikara, Kadungalloor, Aluva.
19.	Previous convictions with case reference	Not known
20.	Status of accused	On bail

(4) Mansoor (A-43)

1.	Name	Mansoor
2.	Whether verified	Yes
3.	Year/date of birth	Age 47/16
4.	Father's name	Aliyar
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Not known
8.	Religion	Islam
9.	Occupation	Painting
10.	Address (present)	Kanhirathunkal House Kunnatheri, Choornikkara, Aluva, Ernakulam District
11.	Address (Permanent)	Same as above
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No. (If known)	Not Applicable
15.	Date of arrest	Not arrested
16.	Date of release on bail	Not Applicable
17.	Under Act and Sections (of charge sheet)	U/S 118, 341, 427, 324, 326, 506, 201, 202, 212, 153 A, 307 r/w 120B of Indian Penal Code, 1860. Section 3 and 6 of Explosive Substances Act, 1908 and Sections 16(1)(b), 18 and 20 of Unlawful Activities (Prevention) Act, 1967.
18.	Name(s) of bailer/sureties and address	Not Applicable
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	Absconding

(5) P. P. Moideen Kunhu (A-44)

1.	Name	P. P. Moideen Kunhu
2.	Whether verified	Yes
3.	Year/date of birth	Age 55/16
4.	Father's name	Pareeth Musliyar
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	
8.	Religion	Islam
9.	Occupation	Business
10.	Address (present)	Paliyath House, Kunhunnikkara, Kadungalloor Village, Aluva, Ernakulam District.
11.	Address (Permanent)	Same as above
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No. (If known)	Not Applicable
15.	Date of arrest	28.11.2011
16.	Date of release on bail	06.03.2012
17.	Under Act and Sections (of charge sheet)	U/S 341, 427, 324, 326, 506, 201, 202, 212, 153 A, 307 r/w 120 B of IPC, Section 3 & 6 of Explosive Substances Act, Sections 16(1) (b), 18 & 20 of Unlawful Activities (Prevention) Act.
18.	Name(s) of bailer/sureties and address	1) Nazeer age 39/12 S/o Khalid, Thavakkalthu Manzil, Kumbalam, Ernakulam. 2) Salam age 48/12 S/o Kochu Muhammed, Mailakara House, Kunjunnikara, Kadungalloor Village, Aluva
19.	Previous convictions with case reference	Not known
20.	Status of accused	On bail

(6) P. M. Ayoob @ Ayoob (A-45)

1.	Name	P. M. Ayoob @ Ayoob
2.	Whether verified	Yes
3.	Year/date of birth	Age 44/2017 D.O.B.- 30.05.1973
4.	Father's name	Moideen
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	H 0490232
8.	Religion	Islam
9.	Occupation	Jewellery Business
10.	Address (present)	Panikkaru Veetil House, Thaikkattukara, Aluva West, Ernakulam District
11.	Address(Permanent)	Same as above
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No.(If known)	Not Applicable
15.	Date of arrest	13.07.2015
16.	Date of release on bail	29.11.2015
17.	Under Act and Sections (of charge sheet)	U/S 341, 427, 324, 326, 506, 201, 202, 212, 153 A, 307 r/w 120 B of IPC, Section 3 & 6 of Explosive Substances Act, Sections 16(1) (b), 18 & 20 of Unlawful Activities (Prevention) Act.
18.	Name(s) of bailer/sureties and address	1) Abdul Basheer age 47/15, S/o Muhammed, Kanjirathingal House, Thaikkattukara, Aluva. 2) Abitha age 44/15, W/o Aboobacker, Chithakodath House, Edathala, Aluva.
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	On bail

12. Particulars of the accused persons not charge sheeted.

(1)	Jabeel (A-40)	
1.	Name	Jabeel
2.	Whether verified	Yes
3.	Year/date of birth	Age 37/2017
4.	Father's name	Late Beeran
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Not known
8.	Occupation	Labourer
9.	Address (present)	Chembolil House H No. IX/497 Malikampeedika, Aluva, Ernakulam District.
10.	Address (Permanent)	Same as above
(2)	M. K. Asharaf @ Thamar Asharaf (A-42)	
	Name	M.K. Asharaf @ Thamar Asharaf
1.	Whether verified	Yes
2.	Year/date of birth	Age 47/2017
3.	Father's name	Khader
4.	Sex	Male
5.	Nationality	Indian
6.	Passport details	B 5359318
7.	Religion	Islam
8.	Occupation	Business/NRI
9.	Address (present)	Mattappillil House, Poochakkal Road, Kavunkara, Velloorkunnam, Muvattupuzha, Ernakulam District
10.	Address (Permanent)	Same as above
(3)	K. A. Ali (A-46)	
1.	Name	K.A. Ali
2.	Whether verified	Yes
3.	Year/date of birth	Age 45/2017
4.	Father's name	Late Abdul Khader
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	F 2381694
8.	Occupation	Labourer
9.	Address (present)	Karimberipadi House, Uliyannoor, Kadungalloor Village, Aluva, Ernakulam District.
10.	Address (Permanent)	Same as above

(4)	Noufal N. M. (A-47)	
1.	Name	Noufal.N.M.
2.	Whether verified	Yes
3.	Year/date of birth	Age 25/2017 D.O.B. 02.05.1992
4.	Father's name	Mammu kunhu
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Not known
8.	Occupation	Labourer
9.	Address (present)	Nareekkamattam House, Kunnathu veedu, Ashamanoor.P.O., Ekkunnam, Nooleli, Perumbavoor, Ernakulam District.
10.	Address (Permanent)	Same as above

(5)	Shamnad (A-48)	
1.	Name	Shamnad
2.	Whether verified	Yes
3.	Year/date of birth	Age 31/2017
4.	Father's name	Yousuf
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Not known
8.	Occupation	Labourer
9.	Address (present)	Kakkattukudi House, Canal Junction, Indira Gandhi College Road, Nellikuzhi, Kothamangalam, Ernakulam District.
10.	Address (Permanent)	Same as above

(6)	Shanavas (A-49)	
1.	Name	Shanavas
2.	Whether verified	Yes
3.	Year/date of birth	Age 33/2017
4.	Father's name	Alikunhu
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	A 8863709
8.	Occupation	Business
9.	Address (present)	Pulikkapparambil House, Masjid Road, Elookara, Kadungalloor, Aluva, Ernakulam District.
10.	Address(Permanent)	Same as above

(7)	P. M. Siyad (A-50)	
1.	Name	P. M Siyad
2.	Whether verified	Yes
3.	Year/date of birth	Age 41/2017
4.	Father's name	Muhammed
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	B1683395
8.	Occupation	Labourer
9.	Address (present)	Pattamana House, Near Juma Masjid, Eramam, Muppathadam, Binanipuram PS, Ernakulam District.
10.	Address (Permanent)	Same as above
(8)	Niyas (A-51)	
1.	Name	Niyas
2.	Whether verified	Yes
3.	Year/date of birth	Age 30/2017
4.	Father's name	Naser
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	D3681114
8.	Occupation	Business
9.	Address (present)	Kappoori House, Kunhunnikkara, Aluva, Ernakulam District
10.	Address (Permanent)	Same as above
(9)	Saleem V. (A-52)	
1.	Name	Saleem. V
2.	Whether verified	Yes
3.	Year/date of birth	Age 43/2017
4.	Father's name	Kunhan Pilla
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Q 958847
8.	Occupation	Business
9.	Address (present)	Vadamanakudiyil House Kunhunnikkara, Kadungalloor village, Aluva, Ernakulam District.
10.	Address (Permanent)	Same as above

(10)	Ibrahim (A-53)	
1.	Name	Ibrahim
2.	Whether verified	Yes
3.	Year/date of birth	Age 42/2017 D.O.B. 14.05.1974
4.	Father's name	Late Aboobacker Haji
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Not known
8.	Occupation	Business
9.	Address (present)	Manakkanakath house, Valanchery Road, Puthanathani, Kurumbathur village, Malappuram District.
10.	Address (Permanent)	Same as above
(11)	Sakeer Hussain (A-54)	
1.	Name	Sakeer Hussain
2.	Whether verified	Yes
3.	Year/date of birth	Age 40/2017 D.O.B. 02.01.1977
4.	Father's name	Ibrahim
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	G 5174831
8.	Occupation	Driver
9.	Address (present)	Chalilakath House, Thiroorkad, Valamboor Village, Perinthalmanna, Malappuram District.
10.	Address (Permanent)	Same as above

13. (i) Particulars of Witnesses examined : Separate list attached as **Annexure-I**

(ii) List of documents : Separate list attached as **Annexure-II**

(iii) List of Articles : Separate list attached as **Annexure-III**

14. If FIR is false action taken : Not Applicable

15. Result of laboratory analysis:

15.1 Examination report of remnants of explosives collected from the scene of crime has been received from FSL, Thiruvananthapuram.

15.2 Examination report of glass pieces collected from the scene of crime and Omni Van has been received from FSL, Thiruvananthapuram.

15.3 Examination report of blood stains and soil collected from the scene of crime and Omni Van has been received from FSL, Thiruvananthapuram.

15.4 Examination report of film, which was used for making fake number plate for the Omni Van, has been received from FSL, Thiruvananthapuram.

15.5 The forensic analysis reports of mobile phones and SIM cards have been received from CFSL, Hyderabad.

15.6 Examination report of samples collected by Scientific Assistant of DCRB Kochi City from Indica Car KL xxxxx has been received from FSL, Thiruvananthapuram.

15.7 Forensic analysis report No. CDAC/RCCF/2015-02 NIA/AR/APR/2015 dated 24.04.2015 of C-DAC, Thiruvananthapuram related to the mobile phone and SIM card seized from Subair T. P. (A-39) during arrest, has been received.

15.8 Forensic analysis report No. CDAC/RCCF/2015-06 NIA/AR/FEB/2016 dated 29.02.2016 of C-DAC, Thiruvananthapuram related to the digital devices seized at the instance of Najeeb (A-31), has been received.

15.9 Forensic analysis report No. CDAC/RCCF/2016-01 NIA/AR/MAY/2016 dated 03.05.2016 of C-DAC, Thiruvananthapuram related to the mobile phones and SIM cards seized at the instance of M. K. Nasar (A-28) has been received.

16. BRIEF OF THE CASE:

16.1 Shri. T. J. Joseph, son of Late Joseph, Thenganakunnel house, Hostelpadi, Muvattupuzha, Ernakulam district was working as Professor of Malayalam in Newman College, Thodupuzha, Idukki District in Kerala. He had prepared Malayalam Question Paper for the internal examination for 2nd semester B. Com students for the academic year 2009-2010. In the said question paper, one question was allegedly containing some derogatory remarks against Prophet Mohammed. The accused, who are active members of Popular Front of India (PFI)/ Social Democratic Party of India (SDPI), which was having close links with the organization Students Islamic Movement of India (SIMI), proscribed under the Unlawful Activities (Prevention) Act, 1967; decided to take law in to their hands and conspired to avenge the said act by attacking Professor T. J. Joseph and thereby to strike terror in the minds of common people. With the above said motive, common object and intention, after indulging in due conspiracy and preparation, on 04.07.2010 at 0800 Hrs, when Professor T. J. Joseph was returning to his house from Church after the sunday mass in his Maruti Wagon-R car bearing Registration Number KL-██████, along with his mother Elikutty and sister Sr. Stella, he was wrongfully restrained by the accused persons Savad (A-1), Jamal (A-2), Muhammed Shobin (A-3), Sajil (A-4), Shamsudhin @ Shamsu (A-5), Shanavas @ Shemi (A-6) and Pareed K. A. (A-7) by intercepting the car with a Maruti Omni Van bearing fake registration number KL--██████ near his house at Hostelpadi in Muvattupuzha village. During the process, they smashed the window pane of the car, forcefully pulled Professor Joseph out of the car, attacked him with choppers, knives and small axe and attempted to kill him. Savad (A-1) chopped off the right palm and asserted in Malayalam "*this hand which insults Islam will not be used in future*". The accused also hurled country made bombs to prevent the family members and others from rescuing Professor Joseph and to create terror and panic in the minds of people. The chopped palm was thrown into a nearby compound and later the accused persons fled away in the Maruti Omni Van.

16.2 A case was registered at Muvattupuzha Police Station vide First Information Report No. 704/2010 under sections 143, 147, 148, 120 B, 341, 427, 323, 324, 326, 506(ii) and 307 read with 149 of the Indian Penal Code, 1860 and Section 3 of the Explosive Substances Act, 1908 based on the statement given by Smt. Salomi, wife of Professor T. J. Joseph and investigated into. The investigation of Kerala Police established that the assailants and their associates had conspired at various places and at various times for committing the above act. It was also established that there was involvement of more accused persons in the commission of the offence in addition to the assailants, who had committed the act of palm chopping. Subsequently, Kerala Police arraigned 54 persons, including the assaialnts, as accused in this case. Out of the 54 accused persons, some were alleged to have participated in the conspiracy, some were alleged to have participated in harbouring of accused persons after commission of the offence and others were alleged to have participated in extending other support to the assailants or other accused persons. Accordingly, sections 153A, 201, 202, 212 of the IPC besides sections 16, 18, 18(B), 19 and 20 of the Unlawful Activities (Prevention) Act, 1967 were invoked in the case and investigated. After investigation, the then Investigating Officer of the Kerala Police filed charge sheet against A-1 to A-27, showing two of them as absconding [Savad (A-1) and Sajil (A-4)], on 10.01.2011 for the offences punishable under sections 143, 147, 148, 120(B), 341, 427, 323, 324, 326, 506 (ii), 201, 202, 212, 153A and 307 r/w 149 of IPC, section 3 of the Explosive Substances Act besides sections 15 r/w 16, 18, 18 B, 19 and 20 of the Unlawful Activities (Prevention) Act.

16.3 The National Investigation Agency (NIA) took over the investigation of this case as per directions of the Central Government vide order No.1-11011/62/2010-IS-IV dated 09.03.2011 of the Ministry of Home Affairs and re-registered the same as Regular Case-01/2011/NIA/DLI on 09.04.2011. After re-registration of the case, NIA filed application before the Hon'ble Special Court for NIA cases, Ernakulam to continue the investigation

u/s 173(8) of Cr.PC, which was allowed and further investigation was carried out.

16.4 Supplementary charge sheet against 9 accused persons (A-28 to A-36) showing six of them as absconding [M. K. Nasar (A-28), Shefeeque (A-30), Najeeb (A-31), Azeez Odakkali (A-33), Niyas (A-35) and Riyas (A-36)] was filed by the NIA on 18.01.2013. The Hon'ble court took cognizance as SC 1/2013/NIA and permitted further investigation u/s 173(8) of Cr. PC. Later, another supplementary charge sheet against 1 accused, P. V. Noushad (A-37) was also filed by the NIA on 12.04.2013 and further investigation was carried out as permitted by this Hon'ble court.

16.5 Thereafter, two charge sheeted accused persons [Niyas (A-35) and Riyas (A-36)] had surrendered before this Hon'ble court and trial against the 31 available accused persons was commenced on 29.04.2013 in SC 01/2013/NIA and one witness (CW-1 Salomi) was examined. Due to retirement of Ld. Judge, trial was stopped and later resumed *de-novo* on 08.07.2013.

16.6 During the trial, prosecution had examined 306 witnesses through whom 902 documents and 227 material objects were marked. 60 court documents were also marked. Defence had examined 4 witnesses and produced 27 documents. The Hon'ble court found 13 accused persons [Jamal (A-2), Shobin (A-3), Shamsudheen (A-5), Shanavas (A-6), Pareeth (A-7), Yoonus (A-8), Jaffer (A-9), K. K. Ali (A-12), Abdul Latheef (A-25), Shajeer (A-27), Kasim (A-29), Anvar Sadik (A-34) and Riyas (A-36)] guilty of various offences including those under UA (P) Act on 30.04.2015 while acquitting remaining 18 accused persons, who had faced trial.

16.7 Case against five absconders [Savad (A-1), Sajil (A-4), M. K. Nasar (A-28), Shefeeque (A-30) and Azeez Odakkali (A-33)] besides Najeeb (A-31), who was arrested on 10.04.2015, has been split up and re-filed as SC No. 01/2015/NIA by this Hon'ble Court. Later, charge sheeted accused M. K.

Nasar (A-28: new number A-3), Azeez Odakkali (A-33: new number A-6) and Sajil (A-4: new number A-2) had surrendered before this Hon'ble court on 06.11.2015, 03.03.2016 and 30.08.2016, respectively. In this case four accused persons namely Sajil (A-4), M. K. Nasar (A-28), Najeeb (A-31) and Azeez Odakkali (A-33), are presently in judicial custody and trial against them is pending. Charge sheeted accused Savad (A-1) and Shefeeque (A30: new number A-4) are still absconding.

16.8 The present charge sheet is being filed in continuation of the charge sheet filed by Kerala Police on 10.01.2011 against 27 accused persons as well as the supplementary charge-sheets filed by the NIA on 18.01.2013 against nine accused persons and subsequently on 12.04.2013 against one accused person.

17. FACTS DISCLOSED DURING INVESTIGATION

17.1 Investigation conducted by the Kerala Police and by the NIA has revealed that Shri. T. J. Joseph, son of Late Joseph, Thenganakunnel house, Hostelpadi, Muvattupuzha, Ernakulam district was working as Professor of Malayalam in Newman College, Thodupuzha in Idukki District, Kerala. He had prepared Malayalam Question Paper for the internal examination of 2nd semester B. Com students for the academic year 2009-2010. In the said question paper, one question allegedly contained some derogatory remarks against Prophet Mohammed. The accused, who are active members of Popular Front of India (PFI)/ Social Democratic Party of India (SDPI), which was having links with the proscribed organization SIMI, decided to take law in to their hands and conspired to avenge the said act by lethally attacking Professor T. J. Joseph and thereby striking terror in the minds of the common people.

17.2 Further investigation has confirmed that the accused persons who are active members of Popular Front of India (PFI)/ Social Democratic Party of India (SDPI) were of the opinion that Professor T. J. Joseph who was working at Newman College, Thodupuzha had ridiculed Prophet Mohammed,

while preparing the question paper for the internal examination of B. Com 1st year students and hence had decided to avenge by way of committing terror so as to give a message to the society and thus, to build an image for themselves and the organizations PFI/ SDPI, of being the champions in the cause of Muslim community in Kerala. In order to execute the evil design, they had hatched criminal conspiracy at different places and at different occasions, as mentioned hereafter.

17.3 A criminal conspiracy was hatched at Seema Auditorium on 28.03.2010 evening, wherein M. K. Noushad (A-41), Mansoor (A-43), Moideen Kunhu (A-44) and other hitherto charge-sheeted accused persons [Yunus (A-8), M. K. Nasar (A-28), Kasim (A-29), Manaf (A-32) and Azeez Odakkali (A-33)] had participated and decided to commit the terrorist act on Professor T. J. Joseph. It was decided in that conspiracy meeting that the other accused in the crime have to be recruited in to this terrorist gang. Further, it was also decided in that conspiracy meeting that there shall be different teams with specific purposes and also that M. K. Nasar (A-28) shall be the leader of all the teams.

17.4 In furtherance of the conspiracy and consequent directions of M. K. Nasar (A-28) and Yunus (A-8), a sketch of the locality and house of the victim was prepared by Sikkander Ali Khan (A-11) and handed over to A-8, who in turn had handed over the the same to A-28. Subsequently, Yunus (A-8), Fahad (A-18) and P. V. Naushad (A-37) had hatched another criminal conspiracy at Revenue tower, Kothamangalam on 10.04.2010 at 10 AM and decided to perfect the sketch prepared by Sikkander Ali Khan (A-11), as per the direction of M. K. Nasar (A-28), leader of the terrorist gang. Since the sketch required further improvements, Fahad (A-18) and P. V. Noushad (A-37) were detailed by M. K. Nasar (A-28) to finalise the sketch and as per this direction, Fahad (A-18) and P. V. Noushad (A-37) visited the locality of the house of the victim and modified the sketch, according to the directions of A-8 and A-28.

17.5 On 03.04.2010 night, another criminal conspiracy meeting was conducted at Kerala Water Authority Inspection Bungalow, Muvattupuzha wherein Sajil (A-4), M. K. Nasar (A-28), Shafeeq (A-30), Najeeb (A-31), Azeez Odakkali (A-33) and others [Shobin (A-3), Yunus (A-8), Sikkandar (A-11), K. K. Ali (A-12), Anas (A-20), K. M. Ali (A-21), Kasim (A-29) and Manaf (A-32)] had participated and decided to further fine-tune the execution plan for committing the terrorist act.

17.6 On 04.05.2010, another criminal conspiracy meeting was conducted at Kothamangalam Municipal Park, in which, Sajil (A-4), M. K. Nasar (A-28) and others [Jamal (A-2), Shobin (A-3), Shamsudheen (A-5), Shanavas (A-6) and Pareeth (A-7)] had participated and decided to arrange money, weapons, explosives and vehicles besides purchasing mobile phones and SIM cards, using fake IDs or otherwise, for committing the terrorist act.

17.7 On 06.05.2010 evening, another criminal conspiracy meeting was conducted at Municipal Stadium, Perumbavoor by Sajil (A-4) and M. K. Nasar (A-28) and others [Jamal (A-2), Shobin (A-3), Shamsudheen (A-5), Shanavas (A-6) and Pareeth (A-7)] had participated and decided to commit the terrorist act at the earliest opportunity.

17.8 On 06.05.2010 evening, as a part of the afore-mentioned criminal conspiracies, Jamal (A-2), Shobin (A-3), Sajil (A-4), Shamsudheen (A-5), Shanavas (A-6) and Pareeth (A-7) had armed themselves and under a different pretext visited the house of Professor T. J. Joseph for attacking him and committing terror with common intention. As per the direction of Yunus (A-8) and Shiyas (A-13), K. M. Ali (A-21) waited near Mulavur Spade Junction while Noufal (A-47) and Shamnad (A-48) waited along with Rasheed (A-22), Mahin Kutty (A-23) and Shafeeq (A-30) at Kozhippilly Junction to receive and destroy the weapons or dresses worn by accused at the time of commission of crime and to dispose off the vehicle used for committing the terrorist act. Accused Rafi (A-38), Subair (A-39) and Jabeel (A-40) along with Fahad (A-18) and P. V. Noushad (A-37) came on motorcycles bearing registration numbers KL--██████, KL--██████ and KL-██████ to place themselves at vantage points

and intimate the whereabouts of Professor Joseph besides also to keep watch on the movements of Police. The assailants A-2 to A-7 reached the house of Professor Joseph, on false pretext, on motorcycles bearing registration numbers KL--██████, KL--██████ and KL--██████ to commit the crime. The plan of attack on 06.05.2010 was foiled because Professor Joseph was out of his house at that point of time.

17.9 On 17.05.2010 evening, A-2, A-3, A-5, A-6, A-8 and A-28 had armed themselves and under a different pretext, visited the house of Professor Joseph for attacking him and committing terror with common intention after making due preparations. The plan of attack on 17.05.2010 was foiled because there were other witnesses in the house. A-38, A-39, A-40, A-47, A-48 and others (A-18, A-21, A-22, A-23, A-30 & A-37) played the same roles as in the earlier attempt.

17.10 On 27.05.2010, another criminal conspiracy meeting was conducted by Sajil (A-4), M. K. Nasar (A-28) and others [Jamal (A-2), Shobin (A-3), Shamsudheen (A-5), Shanavas (A-6) and Pareeth (A-7)] at Muvattupuzha Municipal Park and decided to commit the terror attack on Professor T. J. Joseph by directly trespassing into his house.

17.11 On 28.05.2010 at about 14.00 Hrs, accused persons armed themselves and reached near the house of the victim. Shobin (A-3) and Sajil (A-4) illegally trespassed into the house of Professor Joseph for attacking him and committing terror with common intention. Others (A-2, A-5, A-6 and A-7) waited inside the compound. The plan of attack on 28.05.2010 was foiled because Professor Joseph had moved out of his house just before the arrival of the assailants, to leave his car in the neighbouring house. A-38, A-39 A-40, A-47, A-48 and others (A-18, A-21, A-22, A-23, A-30, A-37) played the same roles as in the earlier attempt.

17.12 Since three attempts had got foiled and the assailants' presence in the locality, on motorcycles, was noticed by witnesses, the terrorist gang decided to avoid motor cycles and to use a van for convenient movements of the assailants. Accordingly, M. K. Nasar (A-28) and Najeeb (A-31) visited

Thrissur on 14.06.2010 and identified Maruti Van KL--[REDACTED] for the purpose. On reaching back, A-28 conspired with Manaf (A-32), Moideen Kunhu (A-44) and Ayoob (A-45) for arranging funds for purchasing the van. Consequently, Ayoob (A-45) arranged Rs. 1 lakh and handed over the amount to M. K. Nasar (A-28), leader of the terrorist gang.

17.13 On 15.06.2010 morning, M. K. Nasar (A-28), entrusted the cash to Yunus (A-8) at Kothamangalam who in turn sent Sajil (A-4) and K. K. Ali (A-12) with cash and details provided by A-28 to Thrissur. It was instructed to purchase the van in the name of K. K. Ali (A-12), who had already been arranged as a dummy accused to shield the actual assailants. Accordingly, on 15.06.2010, Sajil (A-4) and K. K. Ali (A-12) visited Thrissur and bought the Maruti Omni Van bearing registration KL--[REDACTED] and handed over the vehicle to M. K. Nasar (A-28) at Perumbavoor in the evening. Subsequently, A-28 and Kasim (A-29) removed the original registration number plate of the vehicle at the house of A-29 and fixed a fake registration number plate bearing identity KL--[REDACTED], after which, A-28 kept the vehicle in his custody.

17.14 On 30.06.2010 afternoon, the mobile phones of Savad (A-1), K. K. Ali (A-12) and Noufal (A-47) were collected by Yunus (A-8) near his residence. He retained the phone of A-12 and handed over the other two mobile phones to A-28 at Aluva on the same day evening. Meanwhile, on 01.07.2010, Kasim (A-29) collected the SIM card of Khamarudheen (A-17) and handed over the same to A-28, as instructed by leader of the terrorist gang.

17.15 On 01.07.2010 evening, a meeting with the assailants (A-1 to A-7) was conducted by M. K. Nasar (A-28) at his house and it was decided to attempt continuously till the task is completed. It was decided to entrust the weapons to A-3, the explosives to A-6 and to post A-7 as the driver of the Omni van. Pursuant to this conspiracy, on 02.07.2010 and 03.07.2010, the assailants, with the support of other accused persons, made attempts to intercept the victim, but could not succeed for want of opportune moment. Professor Joseph and his sister (CW-3) had noticed Fahad (A-18) and P. V.

Noushad (A-37) following their car during their journey from Muvattupuzha to Bishop's house at Kothamangalam on 02.07.2010 morning. On the same day evening, the Maruti Omni van was also noticed by CW-3 near their residence.

17.16 On 02.07.2010 morning, Yunus (A-8) handed over the mobile phone of K. K. Ali (A-12) to Najeeb (A-31) through K. A. Ali (A-46) at Perumbavoor. On 03.07.2010, M. K. Nasar (A-28) purchased SIM cards and mobile phones besides obtaining more SIM cards and mobile phones from Ernakulam, through Shajeer (A-27) and Najeeb (A-31) using fake IDs, with the intention of using the same for facilitating the attack, without being identified.

17.17 On 03.07.2010 evening, a meeting was held at the house of Mohamed Ansari (CW-281), a PFI activist, at Kakkanad which was attended by P. V. Noushad (A-37), Manaf (A-32), the District President of PFI, Mansoor (A-43), the District Secretary of PFI and P. P. Moitheen Kunju (A-44), the District General Secretary of SDPI besides PFI state leaders K. H. Nasar, V. K. Shoukathali and Anvar Sadath (CW-282). Criminal conspiracy was hatched by A-32, A-37, A-43 and A-44, being leaders of PFI/ SDPI, to successfully commit the offence of chopping the palm of Professor Joseph. M. K. Nasar (A-28) collected the Maruti Swift car, bearing registration KL--XXXXXXXXXX, from Mohamed Ansari (CW-281) through Najeeb (A-31) on the same day evening for his movements to supervise and coordinate the terror attack.

17.18 On 03.07.2010 evening, after sending his wife to her ancestral house, another criminal conspiracy meeting was conducted at his house by M. K. Nasar (A-28), leader of the terrorist gang. That meeting was attended by assailants A-1 to A-7, along with A-28. A-28 gave a mobile phone to A-5, for the specific purpose of commission of the crime, next day. After the meeting, A-3 and A-5 left the house of A-28, while rest of the persons stayed back. A-3 proceeded to his house at Venduvazhy, Kothamangalam while A-5 proceeded to Carmel Hospital, Aluva, where his wife was admitted.

17.19 On 03.07.2010 night, A-28 and A-29 reached Ankamaly and made some phone calls amongst the numbers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] with the intention of diverting the attention of Police to Ankamaly instead of Aluva, incase any of the numbers are traced, after the attack. Then, they returned to Aluva, met P. V. Noushad (A-37) and handed over three mobile phones with SIM cards (for the numbers [REDACTED], [REDACTED] and [REDACTED]) while A-28 retained the SIM for number [REDACTED] and the phone. He also gave a piece of paper having the phone numbers to be used by A-38, A-39 and A-40, who were assigned to watch the movements of the victim and Police, under the leadership of P. V. Noushad (A-37). M. K. Nasar (A-28), gave direction to A-37 that after the attack, all the team members were to reach Sait Masjid at Bank Junction, Aluva for returning those mobile phones back to A-28. Later, A-28 could not come to Sait Masjid and collect the phones and SIM cards back, since their plan was suddenly changed due to the unexpected injury sustained to Savad (A-1) during the attack and immediate interception of the crime vehicle by Police.

17.20 On 04.07.2010, in the early hours P. V. Noushad (A-37) and Jabeel (A-40) proceeded to Muvattupuzha on A-40's bike and as planned, they met Rafi (A-38) and Subair (A-39) on the way. A-37 handed over the mobile phones already collected from M. K. Nasar (A-28) to A-38 and A-39. As part of the conspiracy, P. V. Noushad (A-37) and Jabeel (A-40) stayed near Village Office, Muvattupuzha on Muvattupuzha – Thodupuzha road having view of the Police Station, in order to watch the movements of Police vehicles. Rafi (A-38) stayed near victim's house on the way from church and Subair (A-39) stayed near the church to watch movements of Professor Joseph and to alert the assailants.

17.21 On the same day at early hours, M. K. Nasar (A-28) and M. K. Noushad (A-41) met at Marangattu mosque and A-41 called Yunus (A-8) from his mobile phone, as per direction of A-28, for confirming the arrangements. M. K. Nasar (A-28) met Kasim (A-29) near the house of A-28 and as sought for earlier by A-28, A-29 gave a sum of Rs 25,000/- to A-28 for meeting the expenditure of the operation and further requirements. A-28

and A-29 proceeded to Ankamaly in the white Maruti Swift car (KL-██████, collected from Mohamed Ansari (CW-281) and stayed near Ankamaly Juma Masjid up to 0850 Hrs. A-28 monitored the operation and gave directions to the pilot team and assailants over phone, using number ██████. This number was used only on 03.07.2010 and 04.07.2010, that too, to contact P. V. Noushad (A-37) on the number ██████, Mohamed Rafi (A-38) on the number ██████ and Subair (A-39) on the number ██████. All these four numbers were clandestinely obtained by M. K. Nasar (A-28) and other accused persons, pursuant to the conspiracy to avoid tracking or detection by Police.

17.22 On the same day during early hours, A-1, A-2, A-4, A-6 and A-7 left from the house of M. K. Nasar (A-28) in the Maruti Omni Van (crime vehicle) provided by A-28, to Muvattupuzha and from there to the house of Professor Joseph. A-5 joined the attack team from Carmel Hospital, Aluva while A-3 joined them near main gate of Nirmala College at Muvattupuzha. After that, the attack team consisting of A-1 to A-7 waited near the house of the victim. A-39 watched the movements of Professor Joseph and informed the same to A-38 and A-28 over phone. In turn the information was passed over to the assailants for executing the terrorist act.

17.23 On 04.07.2010 at 08.05 Hrs, when Professor Joseph was proceeding to his house from the Church after the Sunday mass in his Maruti Wagon-R car bearing registration number KL-██████, along with his mother Elikutty and sister Sr. Stella, he was wrongfully restrained by accused A-1, A-2, A-3, A-4, A-5, A-6 and A-7 by intercepting the car with a Maruti Omni Van bearing fake registration number KL-██████ on Hostelpady-Companypany road near his house in Muvattupuzha Village. Savad (A-1) holding an axe, Jamal (A-2) holding a chopper, Shobin (A-3) holding a chopper, Sajil (A-4) holding a knife, Shamsudheen (A-5) holding a knife and Shanavas (A-6) holding a plastic cover with explosives alighted from the Omni Van leaving Pareed (A-7) in the vehicle. A-1 and A-4 went to the side of the Professor whereas A-2, A-3 and A-5 went to the side of Sr. Stella, who was sitting on the front left side seat. A-6 remained standing near the vehicle towards the left side. They tried to open the doors of the vehicle.

When their attempt to open the doors failed, A-1 smashed the right front window pane with the axe, A-2 smashed the left front window pane with the chopper and A-3 smashed the front glass with his chopper. A-1 inflicted cut injuries on both the forearms of Professor after putting the axe inside the car and slashing on the victim. When Professor Joseph was disabled, A-1 opened the front right door. Then A-2, A-3 and A-4 joined A-1 to pull out Professor Joseph from the car and dragged him towards the back of the car. A-2 inflicted cuts on the left hind ankle of Professor Joseph using the chopper. A-1 further inflicted injury to the Professor on his left thigh, left leg and on the left foot using the axe. These four assailants, dragged Professor Joseph further towards back of the car and pinned him down. Meanwhile, A-5 pulled Sr. Stella from the car and held her towards the wall. He threatened her with a knife preventing her from helping Professor Joseph. Then, A-1 started chopping the left hand of Professor. At this stage, when Salomy, wife of Professor Joseph had tried to rush to the spot, A-6 hurled explosive to create terror. A-2 told A-1 to cut the other hand since A-1 was chopping the left hand. Then A-1, at the instance of A-2 to A-4, chopped off the right palm of Professor Joseph using several strikes after asserting in Malayalam "*this hand which insults the Islam will not be used in future*" with intention to kill him by inflicting serious cut injuries and subsequent bleeding. Midhun, son of Professor Joseph, rushed to the spot by then along with a chopper in his hand and inflicted cut on A-1 causing hurt. A-5 and A-6 rushed to the rescue of A-1 and after disarming Midhun, pushed him towards the compound of Nirmala School. A-1 to A-6 rushed to the Omni Van, which was by then turned around by A-7 and the assialants sped away towards Companyadi side. Before they moved away, A-1 threw the severed palm of Professor to the nearby compound.

17.24 Shobin (A-3) alighted from the vehicle near Varappetti bridge along with a bag in which the weapons used for the crime were kept and handed over the same to Shafeeq (A-30) who was waiting there as planned in the conspiracy. The Omni Van was brought to Irumalapadi Junction by Pareed (A-7) where Jaffer (A-9), who had come on the motorcycle bearing registration number KL-██████, as planned, was waiting and the Omni Van

was handed over to him. A-9 removed the fake number plate fitted on the Omni Van and drove it along Kaladi–Perumbavoor canal route to hand over the crime vehicle to Ashraf (A-10) who was waiting there as pre-planned, to destroy the vehicle for ever. The fake number plate was thrown by A-9 in the Periyar Valley Canal.

17.25 Najeeb (A-31) who was waiting at Irumalappadi in a black Tata Indica Car (bearing registration number KL-██████) belonging to Sanooja wife of Anwar Sadiq (A-34), took Savad (A-1) and Shamsuddin (A-5), who had been injured, in the Indica car, to the house of Abdul Salam (A-16) at Thaikkattukara, Aluva as per the direction of M. K. Nasar (A-28). Meanwhile, A-28, A-29 and A-38 brought Dr. Reneef (CW-357) who is a Dentist to the house of A-16 in white Maruti Swift car (bearing registration number KL-██████) of Mohamed Ansari (CW-281) to treat the injured accused secretly and to move them to shelters. Abdul Salam (A-16) brought equipments and medicines from the clinic of Dr. Reneef (CW-357), arranged his house for treatment and then helped A-1 and A-5 to escape from there in his Scorpio Car bearing registration number KL-██████. Further treatment and shelter were arranged by PFI leaders and activists as per the directions of M. K. Nasar (A-28) and Manaf (A-32).

17.26 After the attack, A-2, A-3, A-4, A-5, A-6 and A-7 assembled at Companyadi, Aluva as planned earlier. They were taken in the Maruti Zen Estilo car provided by Ayooob (A-45), sheltered at the rented house bearing number XVIII/617-A of Mohamed Ashraf (CW-377) at Edathala Grama Panchayath, as per direction of A-28 and A-45 before being shifted to safer hideouts in the same vehicle on the same day. Accordingly, on the same day evening, Niyas Nettoor (A-35) harboured A-2, A-3 and A-5 at a house having number XVIII/269 in Maradu Grama Panchayath and rented by him. Later, Riyas (A-36) shifted A-2, A-3 and A-5 from there and harboured them at the house rented by him and having number TC-68/896, at Pachalloor, Thiruvananthapuram.

17.27 On the same day, as the situation unexpectedly changed due to the serious injury sustained by A-1, an urgent meeting was arranged as per directions of M. K. Nasar (A-28) just after the incident. Moideen Kunhu (A-44) conspired with A-28, A-29, A-32 and A-14 in the house having number VIII/533 (new number VII/507) at Mannam in Chittattukara Grama Panchayath belonging to Shihabudheen (CW-269), husband of Raihanath (CW-56), leader of NWF (National Women's Front), a frontal organization of PFI. A-28 gave Rs. 1500/- to A-14 who bought two mobile phones and SIM cards through Vahishad (CW-276) and Shihabudheen (CW-337) using their identity documents and handed over the same to A-28. Pursuant to this conspiracy, A-28 and A-29 escaped in Maruti Alto Car of Ansil (CW-268), bearing number KL-xxxx.

17.28 On the same day evening Anas (A-20) conducted protest march in Perumbavoor town mobilizing around 50 PFI/SDPI activists demanding release of A-9 and A-10 who were arrested, as a part of the earlier conspiracy to sabotage Police investigation and to incite religious feelings of common Muslims against Police. They also conducted *dharna* in front of Perumbavoor Police Station.

17.29 On the same day at 10 pm, A-42, A-43, A-44, A-45 and others (A-13, A-20, A-24 and A-32) conducted a secret meeting at the house of Anas (A-20) bearing number VI/1284 in Vengola Grama Panchayath to discuss about harbouring of the accused persons and extending financial assistance to their families.

17.30 On the same day by late night, A-28, A-29, A-32, A-44 and A-45 gathered at the house of PFI leader Sirajudheen (CW-380) at Chandiroor and hatched conspiracy for further harbouring the accused persons and also for causing disappearance of evidence. They stayed overnight and chalked out plans to sabotage Police investigation.

17.31 On the same night, Anas (A-20) harboured A-13 and A-43 at his house. A-49, A-50, A-51, A-52, A-53, A-54 and others (A-25, A-26 and A-34) harboured Yunus (A-8), who was initially sheltered in the house of A-50 at

Elookara near Aluva. Then he was shifted by these accused persons to the house of CW-64 (who is a relative of A-34) at Eloor near Aluva. Subsequently, A-8 was shifted by A-34 in the car owned by his wife to the parking area of Najath Hospital at Aluva, from where, A-25 and A-51 shifted A-8 in Maruti Ritz car bearing registration number KL-xxxx, to a flat by name Daffodils near Aswini hospital in Thrissur. By that time, Najeeb (A-31) and M. K. Noushad (A-41) had reached the same flat. A-8, A-31 and A-41 were harboured by A-25 for 2 days and then A-8 was shifted to the house of the 2nd wife of A-26 at Valanchery, Malappuram with help of A-53. Later, A-8 was shifted by A-26 to the house of A-54 at Perinthalmanna, Malappuram.

17.32 Meanwhile, A-19, A-28 and A-32 harboured A-12 and A-47 in the building having number XXX/1615 of Cochin Corporation at Ponnurunni, Vyttila, Poonithura Village. A-12 and A-47 were earmarked as dummy accused to surrender before Police, so as to mislead the investigation and also to ensure that the real culprits would not be identified.

18. CHARGE

18.1 That, the accused Mohamed Rafi (A-38), perturbed by the alleged ridiculing of Prophet Mohammed by Professor T. J. Joseph (CW-2) and as instigated by M. K. Nasar (A-28), pursued the common object of the accused persons to avenge by way of committing terrorist acts by knowingly and intentionally hatching criminal conspiracy along with A-28, P. V. Noushad (A-37), Subair (A-39), Jabeel (A-40) and others at different places in person and over phone and in pursuance of the said criminal conspiracies, wilfully joined as member in the terrorist gang with knowledge that it was constituted for terrorist activity. He (A-38) acted as a member of the terrorist gang, visited Muvattupuzha and watched movements of the victim and gave inputs to the assailants on 04.07.2010 and also during previous attempts thereby facilitating the lethal attack on CW-2. Mohamed Rafi (A-38), being part of the terrorist gang, caused terror by exploding explosive substance, caused communal disharmony and fear in the minds of the general public, created panic and hatred among different communities with utter disregard for law of the land, caused severing of the right palm of CW-2, caused to

inflict grievous injuries to CW-2 and thus attempted to kill CW-2 and CW-4. Mohamed Rafi (A-38) also clandestinely provided medical aid to the injured assailants and in consequence to these acts CW-2 was subjected to grievous hurt while Sr. Stella (CW-3) and Midhun (CW-4) were subjected to minor injuries and the terrorist act caused damage to the tune of Rupees 8000/- to the vehicle of CW-2. Thereby, Mohamed Rafi (A-38) committed the offences punishable u/s 118, 341, 427, 324, 326, 506(ii), 201, 202, 212, 153(A), 307 r/w 120-B of IPC, sections 3 and 6 of Explosive Substances Act, 1908 besides sections 16(1)(b), 18 and 20 of UA (P) Act, 1967.

18.2 That, the accused Subair T. P. (A-39), perturbed by the alleged ridiculing of Prophet Mohammed by Professor T. J. Joseph (CW-2) and as instigated by M. K. Nasar (A28), pursued the common object of the accused persons to avenge by way of committing terrorist acts, by knowingly and intentionally hatching criminal conspiracy along with A-28, Mohammed Rafi (A-37), Subair (A-39), Jabeel (A-40) and others at different places in person and over phone and in pursuance of the said criminal conspiracy, wilfully joined as member of terrorist gang with knowledge that it was constituted for terrorist activity. He (A-39) acted as a member of the terrorist gang, visited Muvattupuzha and watched movements of the victim and gave inputs to the assailants on 04.07.2010 and also during previous attempts and facilitated the lethal attack on CW 2. Subair (A-39), being member of the terrorist gang, caused terror by exploding explosive substance, caused communal disharmony and fear in the minds of the general public, created panic and hatred among different communities with utter disregard for law of the land, caused severing of the right palm of CW-2 and caused to inflict grievous injuries to CW-2 and thus attempted to kill CW-2 and CW-4. Subair (A-39) also clandestinely provided medical aid to the injured assailants and in consequence to these acts CW-2 was subjected to grievous hurt while Sr. Stella (CW-3) and Midhun (CW-4) were subjected to minor injuries and the terrorist act caused damage to the tune of Rupees 8000/- to the vehicle of CW-2. Thereby, Subair T. P. (A-39) committed the offences punishable u/s 118, 341, 427, 324, 326, 506(ii), 201, 202, 212, 153(A), 307 r/w 120-B of

IPC, sections 3 and 6 of Explosive Substances Act, 1908 besides sections 16(1)(b), 18 and 20 of UA(P) Act, 1967.

18.3 That, the accused M. K. Noushad (A-41), perturbed by the alleged ridiculing of Prophet Mohammed by Professor T. J. Joseph (CW-2) and as instigated by M. K. Nasar (A28), pursued the common object of the accused persons to avenge by way of committing terrorist acts, by knowingly and intentionally hatching criminal conspiracy along with Mansoor (A-43), P. P. Moideen Kunhu (A-44) and other accused (A-8, A-28, A-29, A-32 and A-33) at Seema Auditorium, Perumbavoor on the evening of 28.03.2010, on 04.07.2010 early morning at Kunhunnikkara Marangattu mosque and at Aluva Sait Masjid after the attack and also at different places in person and over phone and in pursuance of the said criminal conspiracies, wilfully joined as member in terrorist gang with knowledge that the it was constituted for terrorist activity. He (A-41) being member of the terrorist gang, facilitated the lethal attack on CW 2, caused terror by exploding explosive substance, caused communal disharmony and fear in the minds of the general public, created panic and hatred among different communities with utter disregard for law of the land, caused severing of the right palm of CW-2, caused to inflict grievous injuries to CW-2 and thus attempted to kill CW-2 and CW-4. In consequence of these acts, CW-2 was subjected to grievous hurt, Sr. Stella (CW-3) and Midhun (CW-4) were subjected to minor injuries and the terrorist act caused damage to the tune of Rupees 8000/- to the vehicle of CW-2. Thereby M. K. Noushad (A-41) committed the offences punishable u/s 341, 427, 324, 326, 506(ii), 201, 202, 212, 153(A), 307 r/w 120-B of IPC, sections 3 and 6 of Explosive Substances Act, 1908 besides Sections 16 (1) (b), 18 and 20 of UA (P) Act 1967.

18.4 That, the accused Mansoor (A-43), while working as District Secretary of Popular Front of India (PFI) in Ernakulam during 2010, perturbed by the alleged ridiculing of Prophet Mohammed by Professor Joseph (CW-2), pursued the common object of the accused persons to avenge by way of committing terrorist acts, by knowingly and intentionally hatching criminal conspiracy along with M. K. Noushad (A-41), P. P. Moideen

Kunhu (A-44) and other accused persons (A-8, A-28, A-29, A-32 and A-33) at Seema Auditorium, Perumbavoor on the evening of 28.03.2010, at the house of PFI activist (CW-281) at Kakkanad on the evening of 03.07.2010 (along with A-32, A-37 and A-44) and at Perumbavoor in the house of A-20 on 04.07.2010 night after the terrorist attack (along with A-32, A-44, A-45 and others) besides at other places in person and over phone for harbouring the accused persons, causing disappearance of evidence and providing financial assistance to their families. In pursuance of the said criminal conspiracies, Mansoor (A-43) wilfully joined as member in the terrorist gang with knowledge that it was constituted for terrorist activity, acted as a member of a terrorist gang, facilitated the lethal attack on CW 2, caused terror by exploding explosive substance, caused communal disharmony and fear in the minds of the general public, created panic and hatred among different communities with utter disregard for law of the land, caused severing of the right palm of CW-2 besides causing to inflict grievous injuries to CW-2 and thus attempted to kill CW-2 and CW-4. In consequence of these acts CW-2 was subjected to grievous hurt, Sr. Stella (CW-3) and Midhun (CW-4) were subjected to minor injuries and the terrorist act caused damage to the tune of Rupees 8000/- to the vehicle of CW-2. Thereby, Mansoor (A-43) committed the offences punishable u/s 341, 427, 324, 326, 506(ii), 201, 202, 212, 153(A), 307 r/w 120-B of IPC, sections 3 and 6 of Explosive Substances Act, 1908 besides sections 16(1)(b), 18 and 20 of UA (P) Act, 1967.

18.5 That, the accused P. P. Moideen Kunhu (A-44), while working as District General Secretary of Social Democratic Party of India (SDPI) in Ernakulam District during 2010, perturbed by the alleged ridiculing of Prophet Mohammed by Professor Joseph (CW-2), pursued the common object of the accused persons to avenge by way of committing terrorist acts, by knowingly and intentionally hatching criminal conspiracy along with M. K. Noushad (A-41), Mansoor (A-43) and other accused persons (A-8, A-28, A-29, A-32 and A-33) at Seema Auditorium, Perumbavoor on the evening of 28.03.2010, at the house of (CW-281) in Kakkanad on the evening of 03.07.2010 (along with A-32, A-37 and A-43) and at Perumbavoor in the

house of A-20 on 04.07.2010 night after the terrorist attack (along with A-32, A-43, A-45 and others) besides at other places in person and over phone, for harbouring the accused persons, causing disappearance of evidence and providing financial assistance to their families. In pursuance of the said criminal conspiracies, P. P. Moideen Kunhu (A-44) wilfully joined as member in the terrorist gang with knowledge that it was constituted for terrorist activity, acted as a member of a terrorist gang, facilitated the lethal attack on CW 2, caused terror by exploding explosive substance, caused communal disharmony and fear in the minds of the general public, created panic and hatred among different communities with utter disregard for law of the land, caused severing of the right palm of CW-2 besides causing to inflict grievous injuries to CW-2 and thus attempted to kill CW-2 and CW-4. In consequence to these acts CW-2 was subjected to grievous hurt, Sr. Stella (CW-3) and Midhun (CW-4) were subjected to minor injuries and the terrorist act caused damage to the tune of Rupees 8000/- to the vehicle of CW-2. Thereby, P. P. Moideen Kunhu (A-44) committed the offences punishable u/s 341, 427, 324, 326, 506(ii), 201, 202, 212, 153(A), 307 r/w 120-B of IPC, sections 3 and 6 of Explosive Substances Act, 1908 besides sections 16(1)(b), 18 and 20 of UA (P) Act, 1967.

18.6 That, the accused Ayoob (A-45), while working as the president of Popular Front of India in Aluva Division during 2010, perturbed by the alleged ridiculing of Prophet Mohammed by Professor Joseph (CW-2), pursued the common object of the accused persons to avenge by way of committing terrorist acts, by knowingly and intentionally hatching criminal conspiracy along with M. K. Nasar (A-28), Manaf (A-32), Mansoor (A-43) and P. P. Moideen Kunhu (A-44) on 14.06.2010 evening at Aluva in person and over phone, arranged finance for facilitating the attack and arranged transport besides shelter to the assailants after the attack on 04.07.2010. Ayoob (A-45) hatched criminal conspiracy on the night of 04.07.2010 alongwith A-32, A-43, A-44 and others at the house of A-20 at Perumbavoor and also at Chandiroor [alongwith A-28, Kasim (A-29), A-32 and A-44] at the house of Sirajudheen (CW-380) for further harbouring the accused, providing

financial assistance to their families and also for causing disappearance of evidence. In pursuance of the said criminal conspiracies, Ayoob (A-45) wilfully joined as member in the terrorist gang with knowledge that the it was constituted for terrorist activity, acted as a member of the terrorist gang, facilitated the lethal attack on CW-2, caused terror by exploding explosive substance, caused communal disharmony and fear in the minds of the general public, created panic and hatred among different communities with utter disregard for law of the land, caused severing of the right palm of CW-2 besides causing to inflict grievous injuries to CW-2 and thus attempted to kill CW-2 and CW-4. In consequence to these acts CW-2 was subjected to grievous hurt, Sr. Stella (CW-3) and Midhun (CW-4) were subjected to minor injuries and the terrorist act caused damage to the tune of Rupees 8000/- to the vehicle of CW-2. Thereby, Ayoob (A-45) committed the offences punishable u/s 341, 427, 324, 326, 506(ii), 201, 202, 212, 153(A), 307 r/w 120-B of IPC, sections 3 and 6 of Explosive Substances Act, 1908 besides sections 16(1)(b), 18 and 20 of UA (P) Act, 1967.

18.7 Sanction required under section 45 of the Unlawful Activities (Prevention) Act, 1967 for prosecuting Mohamed Rafi (A-38), Subair T. P. (A-39), M. K. Noushad (A-41), Mansoor (A-43), P. P. Moitheen Kunhu (A-44) and Ayoob (A-45) for the offences punishable under sections 16(1)(b), 18 and 20 of Unlawful Activities (Prevention) Act, 1967 has been accorded by the Ministry of Home Affairs, Government of India vide order No. 11011/62/2010-IS-IV dated 17.04.2017.

18.7.1 Sanction for prosecution required u/s 196 of CrPC for the offences punishable under section 153A r/w 120B of IPC has been accorded by the Ministry of Home Affairs, Government of India vide order No. 11011/62/2010-IS-IV dated 16.05.2017.

18.7.2 Sanction for prosecution required u/s 7 of Explosive Substances Act, 1908 for the offences u/s 3 and 6 of Explosive Substances Act has been accorded by District Magistrate, Ernakulam vide order No. DCEKM/3557/2017-M4 dated 15.05.2017.

18.7.3 A separate list of witnesses, for whom protection u/s 17 of the NIA Act is sought, along with statements thereof is submitted herewith in sealed cover. Petition in this regard is also filed separately.

18.7.4 Since, this final report is being filed supplementary to the charge-sheet filed by Kerala Police on 10.01.2011 against 27 accused persons besides the supplementary charge-sheets filed by the NIA on 18.01.2013 against 9 accused persons and also on 12.04.2013 against 1 accused person, it is prayed that this report may kindly be clubbed with the existing case in SC 01/2015/NIA pending before this Hon'ble court and the accused may be tried together. Additional evidence collected during the course of further investigation u/s 173(8) CrPC and submitted already before this Hon'ble court, in respect of those accused persons against whom trial is pending, may kindly be considered during the trial.

19. Dispatched on : 01.06.2017

20. Number of enclosures : Five

21. List of enclosures : 1. Annexure-I (List of witnesses)
2. Annexure-II (List of Documents)
3. Annexure-III (List of Articles)
4. Annexure-IV (Prosecution Sanction orders-
3 Nos)
5. List of protected witnesses along with
statements (In sealed cover)

Submitted by

(V. K. Abdul Kader)
Deputy Superintendent of Police/CIO
National Investigation Agency, Kochi.

Forwarded by

(Rahul S., IPS)
Superintendent of Police,
National Investigation Agency,
Kochi.