



**NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA
BRANCH OFFICE, KOLKATA**

1st SUPPLEMENTARY CHARGESHEET

(Under Section 173 Cr.P.C)

IN THE COURT OF THE LEARNED NIA SPECIAL JUDGE, CALCUTTA

State (NIA)

V/s

Nasir Sheikh & others.

1	Name of the Branch	NIA Hqrs, New Delhi.
	FIR Number, year and date	RC - 13/2016/NIA-DLI dated 04.08.2016 (Arising out of Baishnabnagar P.S. case No. 219/16 dt. 31.03.2016. u/s 489B, 489C and 120B of IPC.)
2	Final Report/ Charge Sheet No	03/2017
3	Date	01. 06. 2017
4	Section (s) of Law	Sections 120B, 489B, of IPC and Section 16, 18 and 20 of Unlawful Activities Prevention Act, 1967 as amended.
5	Type of Final Report.	Charge sheet.
6	If Final Report Un-occurred/ False/ Mistake of fact/Mistake of law/Non-Cognizable /Civil Nature	Not applicable.
7	If Charge-sheeted: Original/ /Supplementary	Supplementary Charge sheet
8	Name of Investigation Officer	██████████, Dy.S.P, NIA.
9	Name of the Complainant	████████████████████████████████████████

	/Informant :	[REDACTED] [REDACTED]
10	Details of Properties /documents/ Articles/ recovered/seized during the investigation and relied upon	As per Annexure [REDACTED] enclosed.

11. Particulars of accused persons charge sheeted:

A-1

Name	Nasir Sheikh .
Father's Name	S/o Mujaffar Sk
Year/Date of Birth	23 yrs, (10-04-1994, As per school certificate issued by Mohabbatpur primary school)
Sex	Male
Nationality	Indian
Passport No	-
Religion	Muslim
Occupation	Assistant Mason & day labourer.
Address (Present)	Vill- Mohabbatpur, PO- Duisatbughi, PS- Kaliachak, District- Malda, West Bengal
Address(Permanent)	Same as above
Whether verified (Address)	Yes
Provisional Criminal No.	Not applicable.
Regular Criminal No. (if known)	Not applicable.
Date of Arrest	31.03.2016 by State Police. He was charge sheeted by ASI Biswajit Guha of Baishnabnagar P.S vide No. 325/16 dated 28.06.2016 u/s 489B and 489C of IPC.
Date of release on bail	Not applicable.
Under Acts & Sections (of charge sheet)	16, 18 and 20 of Unlawful Activities (Prevention) Act, 1967.

Previous convictions with case reference	Not applicable.
Status of the accused	At present in judicial custody.

A-2

Name	Tajel Sk @ Tiger @ Gudhu
Father's Name	Abdul Kalam @ Dukhu Sk,
Year/Date of Birth	19 years (As per EPIC Card No. ZMU1623081).
Sex	Male
Nationality	Indian
Passport No	-
Religion	Muslim.
Occupation	Assistant Mason & day labourer.
Address (Present)	r/o -Mohabbatpur, PS- Kaliachak,, Dist:- Malda, West Bengal
Address(Permanent)	Same as above
Whether verified (Address)	Yes
Provisional Criminal No.	Not applicable.
Regular Criminal No. (if known)	Not applicable.
Date of Arrest	07.12.2016
Date of release on bail	Not applicable.
Under Acts & Sections (of charge sheet)	120B, 489B of IPC and 16, 18, 20 of Unlawful Activities (Prevention) Act, 1967.
Previous convictions with case reference	Not applicable.
Status of the accused	At present in judicial custody.

12. Particulars of accused persons not charge sheeted: Not applicable.

13. (i) Particulars of witnesses examined: As per the list enclosed in [REDACTED]

(ii) List / details of documents / Articles: As per the list enclosed in [REDACTED]

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

15. Result of laboratory analysis : As mentioned in Para 17.6 and 17.7.

16. **Brief facts of the case:**

16.1 The instant case relates to international racket of smugglers involved in High quality counterfeit Indian currency and drugs. These accused are involved in smuggling of FICN from Bangladesh to Indian side and circulation in local areas. This act of terror relates to offence towards attempting to damage the monetary stability of India.

16.2 Acting upon a source information, a joint team of BSF apprehended FIR named accused Nasir Sheikh S/o Mujaffar Sheikh r/o- Mohabbatpur, PO- Duisatbughi, PS- Kaliachak, District- Malda, West Bengal and recovered FICN with face value of 9,80,000/- (1000/- X 580 Notes and 500/- X 800 Notes), one Nokia Mobile handset Model No. 1600 fitted with a Vodafone SIM card and battery in between 30.03.2016 at 2110hrs and 31.03.2016 at 0120 hrs from the possession of aforesaid Nasir Sheikh near Indo Bangladesh Border at Sukhdevpur, PS- Baishnabnagar, Malda. On the written complaint of [REDACTED] [REDACTED] Baishnabnagar PS case No. 219/ 16 u/s 489B, 489C and 120B of IPC was registered and investigation was commenced.

16.4 Considering the gravity of the offence, Ministry of Home Affairs, Govt. of India issued an order No. F No . [REDACTED] dated 28.07.2016, and accordingly the NIA took up the investigation of this case by re-registering the case as RC-13/2016/NIA/DLI under section 120B, 489B and 489C of IPC on 04/08/2016.

17. **Facts Disclosed During Investigation:**

- 17.1** During investigation, it is established that the staff of BSF and “G” Branch of BSF, Farakka seized Fake Indian Currency Note (FICN) with face value of Rs. 9,80,000/-, one Nokia Mobile handset Model No. 1600 fitted with a Vodafone SIM card and battery in between 30.03.2016 at 2110hrs and 31.03.2016 at 0120 hrs from the possession of aforesaid Nasir Sheikh near Indo Bangladesh Border at Sukhdevpur, PS- Baishnabnagar, Malda. Subsequently, on 31.03.2016 on the written complaint of [REDACTED] Baishnabnagar PS case No. 219/ 16 u/s 489B, 489C and 120B of IPC was registered and investigation was commenced. I.O. of State Police has filed charge sheet No. 325/ 16 dated 28.06.2016 u/s 489B, 489C of IPC only against FIR named accused Nasir Sheikh (A-1). The I.O of State Police neither investigated the case on the light of UA(P) Act nor he has investigated involvement of other accomplices of accused Nasir Sheikh in instant case.
- 17.2** Considering the gravity of the offence, seizure of High Quality Fake Indian Currency Notes along International Indo- Bangladesh Border, CIO obtained approval of the Ld. NIA Special Court, Calcutta to continue investigation of the case u/s 173 (8) Cr.P.C.
- 17.3** The case of accused Nasir Sheikh was referred to Ld. Juvenile Justice Board, Kolkata by the Ld. Spl. NIA Court, Calcutta. CIO has filed a petition before the Ld. Juvenile Justice Board; Kolkata with all the supporting documents to treat accused Nasir Sheikh as a major and to transfer the case in the Court of the Ld. Spl. NIA Court, Calcutta for trial. Accordingly, an inquiry was initiated by the Ld. Board and finally vide order dated 18.04.2017, declared accused Nasir Sheikh an adult on the basis of School certificate issued by [REDACTED] Malda, West Bengal and referred the case in the Court of the Ld. Spl NIA Court, Calcutta.
- 17.4** During interrogation under NIA custody, statement of accused Nasir Sheikh was not corroborating with the statement of accused Tajel Sk @ Tiger Sk in respect of onward circulation of FICN in India. Accordingly, both the accused Tajel Sk @ Tiger Sk and

accused Nasir Sk were confronted. During confrontation, both the accused have revealed that they were engaged by a person [REDACTED], P.S- Baishnabnagar, Malda, West Bengal in FICN racket to collect FICN from one Darul Sk of Bangladesh and for this they were getting Rs 1000/- each for collection of each consignment of FICN. They further disclosed that they do not know the name of that person but can lead Investigating Officer to the house of that person and can identify him even by photograph. They also disclosed that they can lead investigating to the place of occurrence of the case.

17.5 Both the accused Tajel Sk @ Tiger Sk (A-2) and Nasir Sk (A-1) have led the investigation team of NIA to the place of occurrence in the case at Sukdevpur, PS- Baishnabnagar, Malda and further led to the house of their accomplice [REDACTED] [REDACTED] and also identified him by photograph as their accomplice to whom they used to supply the FICN after collecting the same from [REDACTED] of Bangladesh and who had engaged them in FICN racket.

17.6 Nokia mobile hand set fitted with one Vodafone SIM Card and battery was seized from accused Nasir Sheikh. Report of CFSL, Kolkata revealed that mobile number of Tajel Sheikh is saved in the SIM memory of the exhibit marked as SCQ1 i.e the SIM card seized from the custody of accused Nasir Sheikh. It is to mention that as per CDR and CFSL report the IMSI number of mobile No. [REDACTED] is same as [REDACTED] It proves that mobile No. [REDACTED] was used in the hand set i.e Exhibit No. MBQ1, which was seized from the accused Nasir Sheikh.

17.7 The expert of Bharatiya Reserve Bank Note Mudran Pvt. Ltd, Salbani, West Midnapore, West Bengal in report [REDACTED] [REDACTED] has opined that the seized FICN in connection with the case are “**High Quality Counterfeit Notes**”, which attracts the commission of terrorist act under Unlawful Activities (Prevention) Act, 1967.

- 17.8** Considering the report of Bharatiya Reserve Bank Note Mudran, Salboni and provisions of Unlawful Activities Prevention Act 1967, section 16 of the said Act was invoked in the instant case. The same was approved by the Competent Authority, NIA and also allowed by the Ld. Spl. NIA Court, Calcutta.
- 17.9** Taken digital imagery of the Place of Occurrence in connection with the case with the help of Google Earth and also prepared index in separate sheet.
- 17.10** Recorded the statement of the complainant of the case and the other officers / official of [REDACTED], who were the members of raid party in respect of seizure of FICN and Mobile phone etc. Their statements are corroborating with the FIR.
- 17.11** Statement of Protected witnesses "A" and "B" recorded u/s 161 Cr. PC. by the CIO and u/s 164 Cr.P.C. by the Ld. 15th M.M, Calcutta has revealed the involvement of accused Nasir Sheikh (A-1) & Tajel Sk @ Tiger (A-2) in the instant case.
- 17.12** Statement of witnesses have also revealed that mobile number [REDACTED] was being used by accused Nasir Sk. (A-1) and accused Tajel @ Tiger Sk (A-2) was using mobile number [REDACTED] at the relevant time. Further, accused [REDACTED] of Bangladesh was using mobile number [REDACTED] at the relevant time.
- 17.13** Collected CAF and CDR with certificate u/s 65 B of Evidence Act from the concerned service providers in respect of Mobile No [REDACTED] of accused Nasir Sk (A-1), in respect of Mobile No [REDACTED] of accused Tajel Sk (A-2) and in respect of Mobile No [REDACTED] of suspect Darul Sk of Bangladesh for the relevant period.
- 17.14** Connectivity Chart of Mobile No. [REDACTED] (A-1), [REDACTED] (A-2) and [REDACTED] (accused [REDACTED]) revealed constant connectivity between them on 29.03.2016 and 30.03.2016 i.e. on the date of Occurrence. Further their tower location is showing the same place on 30.03.2016.

17.15 The chain of circulation of Fake Indian Currency Notes as revealed during investigation of the case is as follows :-



for further circulation of FICN to different States in India in connivance with other conspirators.

17.16 The recovered Fake Indian Currency Notes are of High Quality, all the seized notes being of the denomination of Rs. 500/- and 1000/- duly recovered from the Place of occurrence at Sukhdevpur which is **close to Indo- Bangladesh border**. The quantum of FICNs being very high i.e. to the tune of Rs.9, 80,000/- (nine Lacs and eighty thousand), the accused persons had been involved in the **trans-border illegal business and it came under the purview of anti-national act**. They had circulated FICNs as part of their business transactions and hence they had the knowledge of wrongful gain from the criminal act of possessing and circulating Fake Indian Currency Notes in the Indian markets with a view to destabilize the economic security of India.

17.17 The conditions as laid down in section 6(4) of the Investigation of High Quality Counterfeit Indian Currency Offence Rules, 2013 are satisfied and therefore the instant **crime falls under the category of terrorist act** intended to **damage the monetary stability of India** as defined under section 15 (1) (a) (iiia) of Unlawful activities Prevention Act, 1967, as amended. Therefore, arrested accused person Nasir Sheikh (A-1) is culpable under section 16, 18 and 20 of Unlawful activities Prevention Act, 1967 and accused person TajelSk @ Tiger Sk @ Gudhu (**A-2**) is culpable under section 16, 18 and 20 of Unlawful activities Prevention Act, 1967, as amended, in the instant case.

17.18 During further investigation and from the statement of witnesses and other circumstantial evidences it has been revealed that accused Nasir Sheikh (A-1) is liable to be prosecuted u/s 16, 18 and 20 of Unlawful Activities (Prevention) Act, 1967 as amended. Further accused Tajel Sk @ Tiger Sk @ Gudhu (**A-2**) is liable to be prosecuted u/s 120B, 489B of IPC and section 16, 18 , 20 of Unlawful Activities (Prevention) Act, 1967 as amended.

18. CHARGE

It is, therefore, most graciously prayed that the arrested accused persons may be charged for offences as noted below against their names in the instant case as under :-

- I. **Nasir Sheikh (A-1) to be charged for offences under sections 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 as amended.**
- II. **Tajel Sk @ Tiger Sk @ Gudhu (A-2) to be charged for offences under sections 120B, 489B of IPC and section 16, 18 , 20 of the Unlawful Activities (Prevention) Act, 1967 as amended.**

18.1 The sanction for prosecution under Section 45 (1) (ii) of the Unlawful Activities (Prevention) Act, 1967 as amended has been obtained from the competent authority and enclosed herewith this supplementary charge sheet.

18.2 All the aforesaid offences have been committed within the jurisdiction of this Hon'ble Court. Hence, this Hon'ble Court has got jurisdiction to try the above offences.

18.3 It is, therefore, prayed that in the light of the averments herein, documents and other materials filed with this Police report u/s 173 Cr.P.C, this Hon'ble court may kindly take cognizance of the offences committed by the accused persons as noted above and take such steps for trial as deemed appropriate.

18.4 The NIA may kindly be allowed to continue investigation u/s 173 (8) Cr.P.C to unearth the chain of further circulation of FICN in different part of India.

19. Dispatched on _____ :

20. No. of enclosures: : As per Annexure [REDACTED]

21. List of enclosures:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

[REDACTED]
 [REDACTED]
 National Investigation Agency,
 [REDACTED]

Forwarded by,

[REDACTED]
 National Investigation Agency,
 [REDACTED]