

CHARGE SHEET

(Under Section 173 Cr.P.C)

IN THE COURT OF SPECIAL JUDGE, NIA, NEW DELHI

1	Name of the Investigation Agency	National Investigation Agency (NIA).
	FIR No and date	RC-04/2012/NIA-DLI dt 08.06.2012
2	Final Report/Charge Sheet No.	01/ 2013.
3	Date	<input type="text"/>
4	Sections of Law	153A(1)(a) IPC & Sections 18, 18B, 20, 38(2) & 40(2) of UA(P) 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	Original.
8	Name of Investigation Officer	<input type="text"/>
9	Name of the Complainant/ Informant	Source information
10	Details of Properties /Articles/ Documents recovered/seized during the investigation and relied upon:	As per Annexure "A", "B" & "C" enclosed.

(11) Particulars of accused person charge-sheeted:

Name : Sayed Zabiuddin Ansari @ Abu Jundal @ Riyasat
All@ Asif @ Zabi @ Sameer Hasan @ Aazam Khan
(hereinafter referred to as A-1)

Whether verified : Yes

Father's Name :

Year/Date of Birth :

Sex : Male

Nationality : Indian

Passport No. : NA

Place of issue : NA

Date of issue : NA

Religion : Islam

Occupation : Member of Lashkar-e-Taiba

Address (Present) :

Address (Permanent) :

Whether verified : Yes

Provisional Criminal No. : NA

Regular Criminal No. (if known) : NA

Date of Arrest :

Date of release on bail : NIL (in JC)

Under Acts & Sections (of charge sheet) : 153A(1)(a) of IPC & Sections 18 r/w 18B, 20, 38(2) & 40(2) of UA(P) Act 1967 as amended.

Name(s) of bailer/sureties and address : NA

Previous convictions with case reference : NA

Status of the accused : In Judicial Custody

(12) Particulars of accused person - not charge-sheeted.

Name : Fayyaz

Whether verified : Yes

Father's Name :

Year/Date of Birth :

Sex : Male

Nationality : Indian

Passport No. : N/A
Place of issue : N/A
Date of issue : N/A
Religion : Islam (Sunni)
Occupation : Member of Lashkar-e-Taiba
Address (Present) : N/A
Address (Permanent) :
Whether verified : Yes
Provisional Criminal No. : N/A
Regular Criminal No. : N/A
Date of Arrest : Not Arrested
Date of release on bail : N/A
Under Acts & Sections (of charge sheet) : N/A
Name(s) of bailer/sureties and address : N/A
Previous convictions with case reference : N/A
Status of the accused : Not Arrested

- (13) (i) Particulars of witnesses to be examined : As per the list enclosed as
(ii) List of documents : As per the list enclosed as
(iii) List/details of articles : As per the list enclosed as
- (14) If FIR is false, indicate action taken or proposed to be taken u/s 182/211 IPC : NA
- (15) Result of laboratory analysis : ---

(16) **Brief facts of the case:**

16.1. The case was registered on the basis of a Source information that one resident of Beed, Maharashtra is making efforts to collect explosive substances including Ammonium Nitrate in pursuance of a large conspiracy

hatched by members of Lashkar-e-Taiba (LeT) such as Zabiuddin Ansari, Fayyaz [] and others to organize terrorist attacks in various parts of India. The abovementioned information *prima facie* disclosed commission of offences by the cadres of LeT punishable under sections 18 of UA (P) Act, 1967. This case was registered and taken up for investigation in pursuance of Govt of India Order No. MHA F. No.1-11011/33/2012-IS-IV dated 8th June 2012. FIR No. RC-04/2012/NIA-DLI dated 08/06/2012 under Section 18 of Unlawful Activities (Prevention) Act, 1967 against Zabiuddin Ansari, Fayyaz [] and other members of LeT, a proscribed terrorist organization as per UA (P) Act, 1967.

16.2. During the investigation by the National Investigation Agency, offences under Section 153A(1)(a) of IPC & under Sections 18 r/w Section 18B, Section 20, Section 38(2) & Section 40 (2) of UA (P) Act 1967 (as amended) found to have been committed by the arrested accused person in the instant case.

17. Facts Disclosed During Investigation.

17.1 Investigation has revealed that in or around 2005, the accused Zabiuddin Ansari (hereinafter referred to as A-1) along with his associate Fayyaz [] joined a Pakistan based proscribed terrorist organization 'Lashkar-e-Taiba'.

17.2 Investigation has brought on record that the 'Lashkar-e-Taiba' (hereinafter referred to as LeT) is a Pakistan based terrorist organization having the principal purpose of engaging in acts of violence to separate from India, State of Jammu and Kashmir. As per the LeT view, once Kashmir is separated from India, it would serve as a base of operations to conquer India and restore Muslim rule to the Indian subcontinent. LeT motivates and recruits innocent Muslim youths, and trains them to conduct violent *jihad* against non-muslims. LeT maintained training camps in Pakistan and trained operatives to carry out terrorist attacks against both military targets and civilians in India. LeT has been declared by the Central Government as a terrorist organisation in the *schedule* of Unlawful Activities (Prevention) Act 1967, as amended and mentioned at Sl. No 05 in the

aforementioned Act.

17.3 Investigation has revealed that in or around [] [] A-1 along with co-accused Fayyaz [] and one [] of [], went to [] to meet LeT Commander [] [] and received three-day's training of bomb assembling & IED making from him.

17.4 In or around [] on the instruction of Junaid, A-1 along with other associates went to Mumbai to collect the consignment of huge cache of arms and explosives from one LeT agent code-named Ahmed. The consignment contained 16 AK-47 Rifles, 60 Magazines, 3200 live cartridges, 43 Kg explosive. It was transported through one Tata Sumo and a Tata Indica vehicle. The consignment was seized by Maharashtra Police. However, A-1 managed to escape. A case FIR no. [] dated [] of PS [] u/s 120B/201 IPC, 4/5 Explosive Substances Act, 5/6/9(b) of Explosive Act, r/w 3/25 Arms Act, and Sec 16/18 of UA(P) Act, was registered in this regard. Total 21 accused persons including [] had been chargesheeted and 07 accused persons including A-1, Fayyaz [] and [] were declared 'Wanted' in this case.

17.5 Investigation has established that after escaping from Aurangabad, A-1 with the help of Fayyaz [] fled away to Pakistan via []. In Pakistan, A-1 met LeT Commander [] who arranged his stay in LeT safe-house in Karachi and afterwards in LeT Headquarters at Muridke.

17.6 Investigation has established that in or around [], A-1 had attended three separate training courses namely *Daura-e-Suffa*, *Daura-e-Aam*, and *Daura-e-Khas*, organized by LeT in its terrorist camps located in Pakistan. In these military training courses specially designed for a LeT recruit, A-1 had been trained in, among other topics, LeT's interpretation of *jihad*, the use of sophisticated weapons and grenades, combat tactics, and counter-surveillance techniques.

17.7 Investigation has further revealed that by the passage of

time, A-1 became acquainted with senior functionaries of the LeT, including but not limited to, [REDACTED], the Chief of *Markaz-al-Dawa-al-Irshad* & the LeT; [REDACTED], the Chief of military operations; [REDACTED], the then Chief of India-operations; [REDACTED] and [REDACTED]. It is evident that by early [REDACTED], A-1 had started participating in the conspiratorial meetings of LeT functionaries at LeT's Muridke Headquarters to achieve the aforementioned objectives of the organization. During one such meeting, A-1 showed his eagerness to be assigned an operational assignment in *jihad* against India.

17.8 Investigation has revealed that A-1 was one of the conspirators in the conspiracy hatched by LeT to carry out violent attacks in Mumbai in November 2008 and he had also played active part in execution of the said conspiracy. Pursuant to this conspiracy, in or around September 2008 in a special training camp of LeT, A-1 taught spoken Hindi to squad of 10 cadres, who were selected and trained by LeT to carry out violent attack in Mumbai.

17.9 Investigation has further revealed that in or around second week of November 2008, on the direction of LeT Commander [REDACTED], A-1 came to Karachi Safe House of LeT and met [REDACTED] told him to make the same squad of [REDACTED] rehearse spoken Hindi lessons given earlier by him. The cadres were present in the same Karachi Safe house at that time. A-1 made them rehearse Hindi lessons and especially briefed a cadre namely [REDACTED] about what to say to Media during attacks.

17.10 Investigation has brought on record that on [REDACTED], when the violent attacks were being carried out in different places of Mumbai, A-1 again guided attackers at Nariman House over VoIP as to what statement should be given to Indian Electronic Media. The said telephone conversation between A-1 and attackers was lawfully intercepted by Indian Law Enforcement Agencies.

17.11 It is evident that [REDACTED] has filed a supplementary charge-sheet on [REDACTED] in the Court of ACMM

37th Court, Esplanade, Mumbai, against A-1 in the Mumbai terror attack cases for committing various offences including but not limited to membership of a proscribed terrorist organization LeT and committing terrorist act with the co-conspirators of LeT.

17.12 Investigation has disclosed that after organizing terrorist attacks in Mumbai on 26th November 2008, A-1, along with other senior functionaries of the LeT, [REDACTED] [REDACTED] Since arrest of [REDACTED] & subsequent investigations had established the fact that all the attackers were citizens of Pakistan, LeT functionaries further conspired to use Indian youngsters for carrying out future terrorist attacks so as to conceal the active involvement of LeT in promoting terrorism in India. And at the same time, this would be helpful in projecting before the world that the terrorism in India is indigenous in character and content.

17.13 Pursuant to the aforesaid conspiracy, LeT Commander [REDACTED] arranged a [REDACTED] [REDACTED] for A-1 in the assumed identity of [REDACTED] of [REDACTED] [REDACTED]. Thereafter, as advised by co-conspirators, A-1 procured a [REDACTED] in the false name of [REDACTED] but bearing A-1's photograph, so as to conceal his real identity to avoid detection from Law Enforcement Agencies and to strengthen his cover for his future *jihadi* activities for LeT.

17.14 Investigation has revealed that after arresting of LeT's Chief of Operations [REDACTED] and few other senior LeT functionaries in or around [REDACTED] by Pakistani agency, LeT conspirators decided to put the execution of conspiracy on hold for the time being due to pressure on LeT resulting from exposure of its direct involvement in 26/11 Mumbai attacks.

17.15 Investigation has further revealed that in pursuance of the said conspiracy, in or around [REDACTED], A-1 along with [REDACTED] [REDACTED] went to [REDACTED] to meet arrested LeT Chief of

Operations [redacted]. As the outcome of meeting, A-1 was tasked to recruit some Muslim youths from India for participating in *jihad* and to carry out terrorist attacks in India similar to Mumbai attacks.

17.16 Investigation has brought on record that pursuant to the conspiracy, in or around [redacted] A-1 opened two accounts in social networking website 'facebook' in the assumed identity of [redacted] and [redacted] respectively, to contact, motivate and then recruit Muslim youths from India for *jihadi* activities. A-1 operated the facebook account [redacted] through his email id [redacted]. It is evident that the reason for opting facebook was to easily search, scrutinize and communicate potential targets i.e. Muslim youngsters from India, without revealing his real identity and at the same time, avoiding detection from Indian Law Enforcement Agencies as A-1 was a [redacted] [redacted].

17.17 Investigation has established that A-1 also intended to use this platform to arouse the feeling of 'hatred against non-Muslims' in the minds of Muslim youngsters and thereby easily motivate them for participating in violent *jihad* in India. A-1 further intended to recruit them to LeT folds, with the objective of carrying out violent attacks on non-Muslims in India.

17.18 In pursuance of the aforesaid conspiracy, A-1 uploaded in his facebook id of [redacted]', a number of provocative writings directing Muslims to wage violent *jihad* against non-Muslims in India. In the background of writings, National Flag of India has been depicted being pierced by sword and knife, portraying violent killing of Indians in the name of *jihad*. The writings have been presented in such a manner so as to attract the attention of likeminded Muslims and motivate vulnerable youngsters.

17.19 In pursuance of the said conspiracy, in or around [redacted], A-1 opened another facebook account in the name of [redacted]' by using his email id [redacted]' with aforementioned intention. A-1 continued posting provocative contents in this account also. In one of the writings, A-1 openly stated that the 26/11

Mumbai attacks were part of *jihad* against non-Muslims in India.

17.20 Investigation has established that in pursuance of conspiracy, A-1 was using at least 10 email accounts including [redacted] [redacted] and [redacted] to communicate with others. During investigation, contents of his email account [redacted] were downloaded and further sent to Forensic Science Laboratory for retrieval of incriminating emails. Report from [redacted] and would be submitted to the Court as soon as it is received.

17.21 Investigation has also brought on record that the email address [redacted] is connected with facebook id 'Sameer Hasan'. Likewise, email address [redacted] is found to be connected with facebook id 'Zabi Din' and email address [redacted] with facebook id [redacted].

17.22 Investigation has established that in pursuance of the aforesaid conspiracy, A-1, by posting inflammatory writings and uploading visual representations in highly provocative manner on both of his facebook accounts for public view, attempted to promote the feeling of enmity, hatred and ill-will between Muslims and Hindus in India with intention to incite the Muslim people to violence against non-Muslims in India to achieve his objective of attracting and then recruiting Muslim youths for committing terrorist acts in India in the name of *jihad*.

17.23 Pursuant to the aforesaid conspiracy, in or around [redacted] [redacted] LeT Commander [redacted] advised A-1 to go to [redacted] [redacted] and start searching for Muslim youngsters from India to be recruited into LeT folds to carry out terrorist attacks in India, since a number of Indian Muslims used to work in Gulf countries.

17.24 Investigation has established that pursuant to the conspiracy, in or around [redacted], A-1 visited [redacted] with the intention of recruiting persons for terrorist attacks. It was part of conspiracy

that A-1 used his [] in the false name of [] for this visit so as to smoothly carry out his activities on behalf of LeT by presenting himself in [] as a *bona fide* Pakistani. He also adopted the cover story of performing Haj that would explain his visit to [], thus hiding his actual purpose of visit.

17.25 Investigation has established that in or around [] [] while A-1 was visiting [] in search of potential targets for recruitment, he met his old acquaintance [] who was working in []. In pursuance of the conspiracy, A-1 made full efforts to recruit [] into LeT fold for commission of terrorist acts in India. A-1 also abetted Person 'C' to kill non-muslims of India by way of instigating him in the name of *Jihad*.

17.26 Investigation has also established that after having failed in recruiting [] into LeT fold, A-1 made efforts to contact three other Muslim youths of [] namely [], brother of [] cadre [].

17.27 Investigation has revealed that in or around [] [] A-1 arranged [] (equivalent to approximately [] from LeT Commander [] and got it delivered to [] in [] with the request to further hand over it to one []. A-1 wanted to provide this money to [] with the intention to gain [] and induce his assistance in future to accomplish aforesaid conspiratorial objectives of LeT. Investigation has further revealed that [] is real brother of [] who had received IED training from LeT Commander [] along with A-1 and [] and was later on arrested by Maharashtra Police in connection with Aurangabad Arms Haul case. It is evident that by sending money through [] again attempted to motivate him to join LeT by showing him that the LeT provides monetary support to the needy Muslim youths.

17.28 Investigation has established that [] transferred said money from [] through [] into the account of

one of his friends in India. Upon his return to India in [redacted], [redacted] collected the money from his friend, but could not locate [redacted]. [redacted] A-1 contacted [redacted] over phone & facebook and further asked him to hand over it to one [redacted] with the request to deliver it to [redacted]. As requested by A-1, [redacted] handed over the money i.e. [redacted] for further delivering it to [redacted]. In or around [redacted] the money was seized from [redacted] by Mumbai Crime Branch.

17.29 Investigation has also brought on record that in or around [redacted], A-1 sent his [redacted] to [redacted] through [redacted] with the request to give that Number to [redacted]. Investigation has revealed that in or around December 2012, Syed Kashif was arrested by [redacted] for his involvement in [redacted].

17.30 Investigation has revealed that in or around [redacted], A-1 came back to Pakistan from [redacted]. In Pakistan, A-1 met with LeT Commander [redacted] and debriefed him on the progress made in [redacted] regarding his assignment of recruitment.

17.31 Investigation has revealed that in early [redacted], pursuant to the aforesaid conspiracy, LeT Commander [redacted] instructed A-1 to go back to [redacted] for recruiting Indian Muslims for Jihad. He also told him to keep in touch with another LeT cadre [redacted] who was already staying in [redacted]. It was also part of the conspiracy that [redacted] discussed with A-1 the idea that taking advantage of his previous experience, A-1 could work as an electrician in [redacted] a cover for his recruitment activities on behalf of LeT. [redacted] arranged Visa for A-1 through his [redacted] contact.

17.32 Investigation has further revealed that in or around April [redacted], LeT Commander [redacted], in pursuance of ongoing conspiracy, provided A-1 with approximately [redacted] and promised further [redacted] to, among other purposes, establish his base in [redacted] and pay for initial living

expenses while A-1 carried out his assignment of recruiting persons for committing terrorist acts.

17.33 Investigation has established that in or around [redacted] A-1, to effect the objectives of aforesaid conspiracy, again went to [redacted] on the strength of his [redacted] in the false name of [redacted] Upon reaching [redacted], A-1, with the help of one [redacted] person, started working as [redacted] for the purpose of providing cover for his *jihadi* activity on behalf of LeT. In pursuance of conspiracy, A-1 managed to procure at least [redacted] in [redacted] make contact with potential targets and also to feed updates to LeT Commander [redacted] regarding his assigned task of recruitment.

17.34 Investigation has established that on or around [redacted] just after reaching [redacted] A-1 with intention to start recruitment in pursuance of aforesaid conspiracy, contacted on facebook website one [redacted], who was working in [redacted] at that time and with whom A-1 had already made acquaintance through facebook under false identity of [redacted]. A-1 gave his [redacted] number [redacted] to [redacted] through facebook message and requested him to talk over phone. It was also revealed that ignorant of the intention of A-1, [redacted] called A-1 over phone through his [redacted] wherein A-1 pressed him for personal meeting. Alarmed from the intention of A-1 in the light of inflammatory anti-national contents posted by A-1 in his facebook accounts, [redacted] stopped responding to A-1's messages thereafter.

17.35 Investigation has further established that in or around [redacted] in pursuance of aforesaid conspiracy, A-1 with intention to recruit [redacted], with whom he had already made acquaintance through facebook under false identity of [redacted] on the pretext of web-designing work, contacted him on facebook. After making several attempts and finding it difficult to provoke [redacted] on religious issues, A-1 pressed [redacted] giving him contact numbers of his friends from Maharashtra, namely [redacted] all of whom were

working in Gulf countries at that time. It was revealed during investigation that [] stopped his communication with A-1 on facebook after getting alarmed with the provocative contents posted by A-1 in his facebook account and A-1's persistent interest in friends of [] who were working in Gulf countries.

17.36 Investigation has also brought on record that during his stay in [] to execute his part of conspiracy, A-1, made regular telephonic contact with, among other persons, LeT Commander [] [], and LeT facilitator [] It was also a part of conspiracy that A-1 used to report the progress of his assignment in [] as entrusted by LeT, regularly to LeT Commander [] who was stationed in Pakistan. A-1 also sought assistance and guidance from LeT Commander [] [] from time to time, to effect the objects of conspiracy successfully.

17.37 During investigation, copy of confessional statement of A-1, recorded u/s 164 CrPC by Addl Chief Metropolitan Magistrate, 37th Court Esplanade, Mumbai, on [] in connection with Mumbai attack cases, was also obtained, which corroborates the complicity of A-1 in respect of the instant case.

17.38 During investigation, criminal history of A-1 was collected from []. It was revealed that A-1 was charge-sheeted along with Fayyaz [] and others in connection with PS Beed Shahar FIR No. 37/2003 dt 02.02.2003 u/s 307/452/436/147/148/149 IPC and 27 (2) Arms Act through CS No. 54/2003 dated 13.05.2003 under same sections. A-1 was also charge-sheeted as absconding accused in PS Beed Shahar FIR No. 404/2006 dated 19.09.2006 u/s 420/465/468/471/34 IPC through CS No. 324/2006 dt 21.11.2006 under same sections. He was also charge-sheeted as absconding accused in PS Beed Shahar FIR No. 227/2007 dt 27.07.2007 u/s 465/468/471/420/34 IPC through CS No. 176/2007 dt 29.12.2007 under same sections.

17.39 During investigation, a request under Mutual Legal Assistance Treaty (MLAT) has been prepared and is being sent to Competent

Authority of [] for obtaining further documentary evidence pertaining to email & facebook accounts of A-1. The response from the Competent Authority of [] will be intimated to the Court as soon as it is received.

17.40 It is evident that the accused Syed Zabiuddin Ansari @ Abu Jundal (A-1) was arrested on 21.06.2012 in New Delhi by Special Cell, Delhi Police in connection with FIR No. 54/2011 of PS Special Cell, New Delhi. At the time of arrest, one [] issued on [] in the name [] but bearing photograph of A-1, one [] Card for Overseas Pakistanis No. [] for stay in [] issued by Government of Pakistan on [] in the name of [] but bearing photograph of A-1, One [] issued by Government of Pakistan, in the name of [] but bearing photograph of A-1, two Mobile phones, four SIM cards bearing number [] and [] respectively, were recovered from his possession, among other articles. Accused Sayed Zabiuddin Ansari (A-1) was formally arrested by the NIA in the instant case on 8th October, 2012.

17.41 The investigation thus conducted has established the involvement of accused Sayed Zabiuddin Ansari @ Abu Jundal (A-1) in the instant case. A-1, as a member of proscribed terrorist organization LeT, entered into a conspiracy of committing terrorist act in India with other LeT members, advocated and abetted the commission of terrorist act, and attempted to commit an act preparatory to commission of a terrorist act i.e. recruitment of persons for commission of terrorist acts. To conduct the business of the conspiracy and to accomplish its goals, A-1 travelled illegally to different places in Pakistan, [] and obtained identity documents under false name and identity to avoid detection from law enforcement agencies. In pursuance of aforesaid conspiracy, A-1 met potential targets physically, made telephone contacts and facebook communications so as to motivate and recruit persons to carry out terrorist attacks in India. A-1 provided money to a potential target with intention to

further the activity of proscribed terrorist organization LeT. Furthermore, A-1 attempted to promote enmity and feeling of hatred between groups on ground of religion by words and by posting visual representations for public view in his facebook account with the intention to incite the Muslims to violence against non-Muslims. A-1, as a member of conspiracy, concealed, misrepresented and hid the existence and purpose of conspiracy and the acts done in the furtherance of the conspiracy.

18. CHARGE

Sayed Zabiuddin Ansari @ Abu Jundal @ Riyasat Ali @ Arif @
Zabi @ Sameer Hasan @ Aazam Khan (A-1) s/o [REDACTED]

[REDACTED] u/s 153A(1) (a) of IPC & Sec 18 r/w Sec 18B, Sec 20,
Sec 38(2) and Sec 40 (2) of UA (P) Act 1967 as amended.

19. The sanction for prosecution under Section 196 of the Code of Criminal Procedure, 1973 and Section 45(1) of Unlawful Activities (Prevention) Act, 1967 has been obtained from the competent authority and enclosed.

20. It is, therefore, prayed that this Hon'ble court may be pleased to take cognizance of the offences as mentioned above and issue process to the accused person to stand trial in accordance with law.

21. Despatched on :

22. No. of enclosures : 3

23. List of enclosures : Annexure A (List of witnesses)
Annexure B (List of Documents)
Annexure C (List of Material Objects)

Submitted,

Name: Aseem Srivastava
Addl. Superintendent of
Police/ Investigating Officer,
NIA, New Delhi.

