



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

**SUPPLEMENTARY CHARGE SHEET
(Under Section 173 Cr. P.C.)**

**BEFORE THE HONOURABLE SPECIAL COURT FOR N.I.A CASES
(XLIX ADDITIONAL CITY CIVIL & SESSIONS COURT)
BANGALORE, KARNATAKA**

STATE

V/s

SHOAIB AHAMED MIRZA @ CHOTU AND OTHERS

- 1 Name of the Branch** : National Investigation Agency,
Hyderabad
- FIR No.** : RC 04/2012/NIA/HYD
- Year** : 2012
- Date** : 25.11.2012
- 2. Final Report/
Charge Sheet No.** : Supplementary Charge Sheet No.4
- 3 Date** :
- 4 Sections of Law** : U/s 3, 5(1)(c) and 9 of the Official
Secrets Act 1923.
- 5 Type of Final Report** : Supplementary Charge sheet No.4

- 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 Investigating Officers** : 1. A.G.Kaiser, Dy. Superintendent of Police, NIA, Hyderabad.
2. K.Sunil Emmanuel IPS Superintendent of Police, NIA, Hyderabad.
- 9 **Name of the Complainants/ Informants** : Sri.K.N.Jithendranath, ACP (Special Enquiries), City Crime Branch, Bangalore City, Karnataka.
- 10 **Details of properties/ Articles /Documents Recovered/ seized during Investigation and relied Upon.** : List enclosed.

11. PARTICULARS OF ACCUSED PERSONS CHARGE SHEETED:

1) UBEDULLAH BAHADUR @ SAMEER @ IMRAN (A-8)

1	Name	Ubedullah Bahadur @ Sameer @ Imran
2	Whether verified	Yes
3	Age	24/2012 years
4	Father's name	[REDACTED]
5	Sex	Male
6	Nationality	Indian
7	Passport details	[REDACTED]

8	Occupation	Die corrector (Diploma in tool & die making)
9	Address (present)	[REDACTED]
10	Address(Permanent)	Same as above
11	Whether verified	Yes
12	Provisional Criminal No	Not known
13	Regular Criminal No.(If known)	Not known
14	Date of arrest	30.08.2012
15	Date of release on bail	In Judicial custody
16	Under Act and Sections (of charge sheet)	3, 5(1)(c) and 9 of the Official Secrets Act 1923.
17	Name(s) of bailer/ sureties and Address	Not applicable
18	Previous Cases	Not known
19	Previous convictions with case Reference	Not known
20	Status of accused	In judicial custody at Central Prison, Bangalore [REDACTED]

12. Particulars of the accused persons not charge sheeted:

- NIL -

13. (i) Particulars of

Witnesses examined

: Separate list attached as
Annexure-I

(ii) List of Articles

: Separate list attached as
Annexure-II (List of documents) and
Annexure-III (List of Material Objects)

14. If FIR is false, action taken

: Not Applicable.

15. Result of laboratory analysis :

Report vide Supplementary Examination Report No.CFSL(H)/1217/DOC/690/CAH-136/2012 dated 26.09.14 from Forensic Expert, CFSL Hyderabad, regarding the Hard Disk (Make Seagate, Model-ST31000524AS, S/N.9VPGDWPF) marked as Q2-HD which contains the mirror images of the hard disk of laptop seized from the accused Ubedullah Bahadur(A-8).

16. BRIEF FACTS OF THE CASE:

16.1 The City Crime Branch, Bangalore received credible information that members of the banned terrorist organizations Lashkar-E-Taiba (**L-e-T**) and Harkat-ul-Jehad-E-Islami (**HuJI**) have hatched a conspiracy to indulge in subversive activities like target killings of important personalities of Hindu community in Bangalore and Hubli and thereby to disturb the communal harmony. They were also in possession of illegal fire arms and ammunition to carry out their desired objective and wage war against the Government of India.

16.2 Surveillance was arranged by CCB, Bangalore City Police over the activities of the suspected members at Hubli and Bangalore and finally on 29.08.2012 the accused Shoaib Ahamed Mirza @ Chotu (**A-1**) and Abdul Hakeem Jamadar (**A-2**) were arrested with possession of illegal weapon when they had reached near the house where their target [REDACTED] used to visit. Subsequently other accused were also arrested and a case was registered in Basaveshwara Nagar Police Station as Crime.No.384/2012 under sections 120 B, 121, 121 A, 122, 153 A, 153 B, 307, 379 IPC and sections 3 & 25 of the Arms Act, 1959 and sections 10, 12, & 13, of the Unlawful Activities (Prevention) Act, 1967 on the complaint of Shri K.N.Jithendranath, ACP, Bangalore City, Karnataka on 29.08.2012.

16.3 The investigation disclosed the widespread L-e-T supported network of terrorists based in Saudi Arabia, Pakistan and their

associates in India in the States of Karnataka, Andhra Pradesh and Maharashtra and their conspiracy to commit terrorist activities in India. It is also found during the investigation that a larger conspiracy was hatched by the accused in Riyadh and Dammam in Kingdom of Saudi Arabia. In furtherance of the conspiracy hatched by them, the accused persons decided to kill the selected targets i.e. prominent right wing politicians, police officers and journalists in Bangalore, Hubli, Hyderabad and Nanded.

16.4 Having regard to the gravity and seriousness of the case and considering the international ramifications of the case, the Government of India passed orders to transfer the case to National Investigation Agency (NIA) for investigation. As per the orders of Ministry of Home Affairs, Govt of India vide No.1-11011/55/2012-IS-IV dated 16th November, 2012, National Investigation Agency took over the investigation of the above case and re-registered the same as RC No. 04/2012/NIA/HYD and the case was investigated by NIA Field Office, Hyderabad. After completion of investigation, NIA filed charge sheet against 14 accused persons, who are facing trial before the Hon'ble NIA Special Court, Bangalore in Special case No.SCC.52/2013.

17. FACTS DISCLOSED DURING THE INVESTIGATION:

17.1 Investigation conducted by the Karnataka Police and the NIA has revealed that some members of the banned terrorist organizations L-e-T/HuJI based in Saudi Arabia and Pakistan hatched a conspiracy to carry out target killings in Bangalore, Hubli, Hyderabad and Nanded with the help of their operatives in Karnataka, Andhra Pradesh and Maharashtra. They chose [REDACTED]

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

[REDACTED] in Bangalore. At Hubli, they chose [REDACTED]

[REDACTED]
[REDACTED].

Similarly, in Hyderabad, [REDACTED]

[REDACTED]

[REDACTED] were identified as targets. Specific tasks were assigned to the arrested accused as per the conspiracy. One Zakir @ Ustad (**A-13**), whose identity is now established as Mohammed Shaheed Faisal of Bangalore, motivated the other accused in Bangalore and elsewhere from September 2010 onwards and was their main handler in India.

17.2 During the course of investigation, it is disclosed that accused Dr Zafar Iqbal Sholapur (A-10) and Abdul Hakeem Jamadar(A-2) in furtherance of conspiracy hatched by the Chief Conspirator Mohammed Shaheed Faisal@Zakir@Ustad(A-13) and the funds provided for the visit to Pakistan via Iran and thereon to undergo training at Afghanistan with Al-Qiada and to fight against the NATO forces in Afghanistan. They both obtained a pilgrim VISA to Tehran(Iran) and thereby illegally crossed over from Iran border to Pakistan. During their stay at Pakistan, they had interacted and stayed with the members of L-e-T and ISI.

Accused Dr Zafar Iqbal Sholapur (A-10) and Abdul Hakeem Jamadar(A-2) assisted and provided with all logistics by the L-e-T handler (absconding accused Abdul Rehaman@ Mohammed Farhathullah Ghori(A-20) at the instance of Mohammed Shaheed Faisal @Zakir@Ustad(A-13). He further introduced them to ISI agents in Pakistan. During their 15 days stay at ISI Safe House in Karachi, they interacted and met many senior ISI officers, who persuaded them to act as their agents in India, to carry out espionage activities for them by collecting vital information pertaining to national importance organizations and vital installations.

17.3 To impress upon both the accused persons, the ISI officials had given them a document(Manual) prepared by them which contained highly sensitive and confidential information about deployment of Military and Armed Forces, the national importance organizations/institutions such as [REDACTED] etc belonging to the Government of India. They were asked to collect such confidential and secret information which is useful for them as disclosed in the above manual.

17.4 These accused after perusing the manual, they managed to stealthily photographed the complete contents of the said manual with the help of a digital camera and further managed to bring back the said camera along with them to India. Later on Dr Zafar Iqbal Sholapur(A-10) copied the whole contents of the data(Manual) from the camera to the laptop of his close associate and accused Ubedullah Bahadur@Imran(A-8).

17.5 The accused Ubedullah Bahadur (A-8) who is a close associate and a friend of Dr Zafar Iqbal Sholapur (A-10) and accused Abdul Hakim Jamadar(A-2) was arrested on 29.08.2012. Based on the voluntary information given by the accused Ubedullah Bahadur(A-8), police recovered incriminating articles such as laptop, mobile phones, jihadi literature and other tools etc under the provisions of 27 Indian Evidence Act from the safe house used by the accused persons for their conspiracy meetings and storage of incriminating articles.

17.6 The mirror image of the laptop and other gadgets seized on the information given by the accused was taken by following due procedures by the Cyber Experts. The in-house analysis of the said mirror image of the laptop has revealed information pertaining to the confidential and sensitive data about deployment of Military and Armed Forces, the national importance organizations/institutions such as [REDACTED] etc belonging to the Government of India. The said laptop and other gadgets were further sent for forensic analysis and examination to the CFSL, Hyderabad.

17.7 Accused Ubedullah Bahadur (A-8) explained that the confidential information was provided to him by Dr Zafar Iqbal Sholapur(A-10) who had visited Pakistan and copied the whole contents of the data to his laptop. In this regard, the investigation against the two accused Dr Zafar Iqbal Sholapur (A-10) and Abdul Hakim Jamadar(A-2) is continued to establish their visit and the details of acquiring the confidential and sensitive information at Pakistan.

17.8 After the analysis and examination of the above mentioned sensitive data and confidential documents, it is prima facie established that the contents are of highly confidential nature, the disclosure and

possession of the contents is likely to affect the sovereignty and integrity of Government of India, the security of the State or friendly nations with foreign state.

17.9 Further, a request was made to the Director General, Military Intelligence, Government of India and the contents of the laptop were shared in a CD for analyzing the data and to confirm about the genuineness and nature of sensitivity and confidentiality. The Director General, MI office deputed [REDACTED] [REDACTED] Bangalore to peruse and examine the complete details of the data/documents.

17.10 After detailed examination of the documents, [REDACTED] [REDACTED] confirmed that many of the documents are of highly sensitive nature and confidential information not being available in public domain. Therefore, [REDACTED] is of an opinion that 'if any person for any purpose possess these information, it would be prejudicial to the safety and security of the State and it is likely to affect the sovereignty and integrity of India'.

17.11 The Expert Report from the CFSL, Hyderabad regarding analysis of accused Ubedullah Bahadur's Laptop is received and confirms the presence of the images/documents having sensitive information about the Government of India in respect of Indian Armed Forces, premier and highly sensitive organizations.

17.12 Thereafter, a proposal was sent to the Ministry of Home Affairs, Government of India from the NIA to authorize and designate the CIO for preferring a complaint against accused Ubedullah Bahadur (A-8) for initiating proceedings and take cognizance under the provisions of the Indian Official Secrets Act 1923 as mandated under the provisions of 13(3) of the Indian Official Secrets Act 1923.

17.13 Ministry of Home Affairs, Government of India vide order No.11011/55/2012-IS-IV/IS-I dated 26th August 2014 has empowered the undersigned to prefer a complaint against accused

Ubedullah Bahadur (A-8) before the competent court to take cognizance under the provisions of the section 3, 4, 5 & 9 of the Indian Official Secrets Act 1923 by the Government in this behalf as per the provisions of 13(3) Indian Official Secrets Act 1923. Accordingly, a complaint has been lodged on 29.09.2014 along with all relevant documents.

18. CHARGE.

18.1 The accused being the members of terrorist organisation Lashkar-E-Taiba (L-e-T), Shoaib Ahmed Mirza @ Chotu **(A-1)**, Abdul Hakeem Jamadar @ Abdul @ Abdullah @ AK **(A-2)**, Riyaz Ahmed Byhatti @ Saleem **(A-4)**, Mohammad Akram @ Khaled @ Imran Khan **(A-7)**, Ubedullah Bahadur @ Sameer @ Imran **(A-8)**, Wahid Hussain Kanakyanavar @ Sahil @ Ibraheem Sayed **(A-9)**, Zafar Iqbal Sholapur @ Zameer **(A-10)**, Mohammad Sadiq Lashkar @ Raju **(A-11)**, Mehboob Bagalkote @ Baba **(A-12)**, Zakir @ Ustad @ Mohammed Shaheed Faisal @ Omer **(A-13)**, Obaid-Ur-Rehman @ Obaid @ Harris **(A-14)**, Dr. Nayueem Siddique @ Amitabh @ Lambu **(A-15)** and others in order to further the activities of the said L-e-T and to associate with it, together have entered into a criminal conspiracy to commit terrorist activities by way of target killings of important personalities of Hindu community and Police Officers by using illegal lethal weapons like pistols and ammunition and thereby to strike terror in the people, to disturb the communal harmony, to commit robbery/dacoity to raise funds for terrorist activities and in pursuance to their criminal conspiracy have collected weapons, recruited men, practiced firing, identified religious leaders as targets for killing to incite communal disharmony, made preparations by procuring implements for committing robbery/dacoity to raise funds for terrorist activities, procured multiple mobile connections through fake/managed IDs, exchanged emails through encrypted messages for concealing the design to commit the crime. In order to execute the said criminal conspiracy when Shoaib Ahmed Mirza @ Chotu **(A-1)** and Abdul Hakeem Jamadar @ Abdul @ Abdullah @ AK **(A-2)** have reached near the house of [REDACTED] on 29-8-2012 at 12.30 noon for killing one of their targets [REDACTED] who used to write articles on [REDACTED] community in Kannada daily and on their way to enter the house of the said [REDACTED], where the said [REDACTED] used to visit, they were arrested by Sri

Jitendranath, ACP and his team with the possession of stolen motor cycle bearing registration number [REDACTED] and illegal pistol, live rounds and other incriminating articles like photograph of the target [REDACTED] and subsequently the criminal conspiracy hatched by all the accused has surfaced.

18.2 In furtherance of the larger conspiracy, the accused Dr Zafar Iqbal Sholapur (A-10) and Abdul Hakeem Jamadar(A-2) have undergone training to carry out their object of terrorist activities and collected highly sensitive and secret/confidential information from their sources, which was later on found in the possession of accused Ubedullah Bahadur(A-8). Thus, this offence was carried out in furtherance of the main conspiracy for which the accused persons carried out various acts of commission and omission to fulfil their objective and facing trial in S.C.C No.52/2013.

18.3 In pursuance of the above said criminal conspiracy mentioned in Paragraph 18.1, **Ubedullah Bahadur @ Sameer @ Imran (A-8)** came in possession of data/images highly confidential and sensitive in nature pertaining to the Government of India. Thus prima facie establishes that the contents may assist, directly or indirectly an enemy or the disclosure of which is likely to affect the sovereignty and integrity of Government of India, the security of the state or friendly relations with foreign states, hence the aforesaid acts of commission and omission by the above mentioned accused person is considered prejudicial to the safety, security and interest of the State.

18.4 It is, therefore, prayed that this Hon'ble Court may be pleased to take cognizance against accused mentioned in Column Number 11 to be prosecuted for offences as under:

- U/sections 3, 5(1)(c) and 9 of the Official Secrets Act 1923.

19. Despatched on : 15/12/2014.

20. No. of enclosures : 03

21. List of enclosures

- : 1. Annexure I (List of Witnesses)
2. Annexure II (List of Documents)
3. Annexure III (List of Material
Objects)
4. Order for lodging complaint -01 No
(Original)

Signature of the
Investigating Officer
submitting the Final Report

Forwarded by SP/NIA

(A G Kaiser)
Deputy Superintendent of Police
NIA /Hyderabad.

(Ms.PRATIBHA AMBEDKAR, IPS)

Superintendent of Police
NIA /Hyderabad.