



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

CHARGE SHEET
(U/s 173 CrPC)

**IN THE COURT OF SPECIAL JUDGE NIA
PATIALA HOUSE COURTS, NEW DELHI**

1. Name of the Branch : National Investigation Agency,
New Delhi.
- FIR No/year and date : 01/2010, Dated 13/01/2010
2. Final Report/ Charge Sheet No : of 2011
3. Date : 26/03/2011
4. Sections of Law : Section 120-B, 121-A, 122 of IPC and
Section 16, 17, 18 and 20 of the
Unlawful Activities (Prevention) Act
1967 as amended up to 2008.
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 Investigating Officer : Dr. R P Meena, IPS, DIG (Inv-I)/NIA
HQrs, New Delhi.
9. Name of the Complainant/
Informant : Source information.
10. Details of properties/ Articles/
Documents recovered/ seized
during Investigation and relied
upon : As per annexure 'I', 'II' and 'III'
enclosed.

11 Particulars of accused person charge sheeted

i) Name : **Anthony Shimray @ Ningkhan Shimray @ Anthony Shing @ Anthony Sheing @ Sir Khan (herein after referred as A-1)**

Fathers name : Rev Hanggakham Shimray

Nationality : Indian

Sex : Male

DOB : 27/10/1961

Address : Tushar village, District Ukhrul, Manipur.

Date of arrest : 02/10/2010

Whether on bail/Judicial Custody : Judicial custody, Central Jail Tihar, New Delhi.

Under Acts & Sections (of charge sheet) : Section 120-B, 121-A, 122 of IPC and Section 16, 17, 18 and 20 of the Unlawful Activities (Prevention) Act 1967 as amended upto 2008.

ii) Name : **T R Calvin @ Grace Raingam @ Tayao @ Tao Calvin (hereinafter referred as A-2)**

Fathers name : Marong Raingam

Nationality : Indian

Sex : Male

DOB : 05/10/1981

Address : Phungreitang village , Ukhrul, Manipur - 795142

Date of arrest : Not arrested.

Whether on bail/Judicial Custody : N/A

Under Acts & Sections (of charge sheet) : Section 120-B, 121-A, 122 of IPC and Section. 16, 17, 18 and 20 of the Unlawful Activities (Prevention) Act 1967 as amended upto 2008.

iii) Name : **Hangshi Ramson Tangkhul @ Raman Chonmi @ Hans (hereinafter referred as A-3)**

Fathers name : Peter Raman

Nationality : Indian

Sex : Male

DOB : 10/08/1954

Address : Village – Tuinemi, Distt Ukhrul, Manipur

Date of arrest : Not arrested.

Whether on bail/Judicial Custody : N/A

Under Acts & Sections (of charge sheet) : Section 120-B, 121-A, 122 of IPC and Section 16, 17, 18 and 20 of the Unlawful Activities (Prevention) Act 1967 as amended up to 2008.

iv) Name : **Willy Naruenartwanich @ Mr. Wuthikorn Naruenartwanich @ Willy (hereinafter referred as A-4)**

Fathers name : W Naruenartwanich

Nationality : Thai national (national of Thailand)

Sex : Male.

DOB : 03/07/1957

Address : Sri Siam Beauty Ltd, 25-27 Rajdamri Road, Pathumwan Bangkok.

Date of arrest : Not arrested.

Whether on bail/Judicial Custody : N/A

- Under Acts & Sections (of charge sheet) : Section 120-B, 121-A, 122 of IPC and Section 16 and 18 of the Unlawful Activities (Prevention) Act 1967 as amended upto 2008.
12. Particulars of accused persons not charge sheeted : Nil
13. i) Particulars of witnesses to be examined : As per the list enclosed as Annexure 'I'
- ii) List of documents : As per the list enclosed as Annexure - 'II'
- iii) List of articles : As per the list enclosed as Annexure 'III'
14. If FIR is false action taken : Not applicable.
15. Result of laboratory analysis : As per the expert reports listed in list of documents, as Annexure 'II'

16. **BRIEF FACTS OF THE CASE**

16.1 A credible information was received by the Government of India that A-1, Chief Arms Procurer of the National Socialist Council of Nagaland (Isac Chisi Swu and Thuengaleng Muivah faction) (hereinafter referred as NSCN -IM) and his deputy A-2 conducted negotiations for the purchase of a consignment of lethal arms from foreign countries. The information further revealed that to procure the arms and ammunition, Chief Arms Procurer of NSCN (IM), SS (Self Styled) Major General and Commander, Alee Command (Foreign Affairs), A-1, also known as Anthony Sheing @ Anthony Shing @ Ningkhan Shimray @ Sirkhan; holding a number of Bangladeshi passports in various names and his Deputy A-2, in collusion with one A-3, Self Styled Defence Minister of NSCN (IM) had conspired to create a network in Delhi, Nagaland, Bangladesh, Myanmar, Thailand, Philippines and China etc. to facilitate the procurement of arms and ammunitions. In May 2009, allegedly, they deposited US \$ 100,000 to a foreign company selling arms and ammunition.

16.2 On receipt of the above mentioned credible information, related to terrorist activities having inter-state and international ramifications, the Ministry of Home Affairs, Govt. of India vide Order No. 17011/124/2009 IS-VI dated 18.12.2009 directed the National

Investigation Agency to register and investigate a case considering the gravity of the offences as per the Scheduled Offences of the National Investigation Agency Act 2008.

- 16.3 In compliance to said order of the MHA, the National Investigation Agency registered the FIR No. 01/2010 dated 13/01/2010 against Anthony Shimray (A-1), T R Calvin (A-2), Hangshi Ramson Tangkhul (A-3) and others under sections 120 (B), 121-A and 122 of IPC and Section 16, 17, 18 and 20 of Unlawful Activities (Prevention) Act 1967 (as amended in 2008) and investigated the case. The role of Willy Naruenartwanich (A-4) in the instant case came during the course of investigation.

17. FACTS DISCLOSED DURING INVESTIGATION

- 17.1 Investigation has revealed that the NSCN (IM) is a formidable insurgent group with long history of armed struggle against Govt of India. NSCN (IM), a breakaway faction which emerged out of the NSCN is the best-organized and most lethal faction of it. The present case is regarding a conspiracy to procure a huge consignment of arms and ammunitions illegally from foreign countries by the NSCN (IM) to strengthen their armed cadres.
- 17.2 NSCN (IM) has armed cadre strength about 4500 men, armed with sophisticated arms like AK series rifles, sub machine guns, rocket launchers, grenade launchers, 9 mm pistols etc. NSCN (IM) regularly procures arms in bulk from China mostly from the Chinese Arms Company NORINCO (North China Industries Company). Apart from this NSCN (IM) also procure arms and ammunition in smaller quantity at local level from small smugglers active in and around the North Eastern states and from various insurgent groups active in bordering area of North Eastern states of India viz Nagaland, Manipur and Mizoram.
- 17.3 Investigation has revealed that, the NSCN (IM) was declared as an unlawful association by the Government of India in the year 1990. The ban under UA (P) Act was not renewed after 2002. Presently the NSCN (IM) is in the process of peace talks with the Government of India since 1997. The evidence collected during investigation shows that NSCN (IM) functions as terrorist gang as per the Section 2 (1)(l) of the Unlawful Activities Prevention Act.
- 17.4 Accused A-1 to A-3 hold responsible posts in the said terrorist gang and hatched a criminal conspiracy by indulging in the procurement of

huge consignment of arms and ammunition illegally with intention to use them for terrorist activities to wage war against the Govt. of India. A-4 is an arms smuggler (arms procurer) of Thailand stationed in Bangkok and helped A-1 to A-3 in the said criminal conspiracy and became the co-conspirator.

17.5 Investigation revealed that A-1 joined NSCN (IM) armed wing as a cadre in the year 1981. On 11 Dec 1982, A-1 alongwith other NSCN (IM) cadre Trophimos committed bank dacoity of 5.20 lacs and caught by the Assam Police in Namrup P.S. Case No. 50/82 u/s 394 IPC and Namrup PS Case No. 51/82 u/s 25(1) (a) Arms Act, and lodged in Dibrugarh Central jail for 08 months. In the mid part of July 1983, he managed to escape from Dibrugarh jail. Another case was registered against him vide Dibrugarh PS Case No. 510/83 u/s 224 IPC for escaping from Dibrugarh central jail.

17.6 Investigation has further revealed that as per the direction of the NSCN (IM) leadership, A-1 left India 1988 for Bangkok Thailand. He established a safe house cum office of NSCN (IM) in Bangkok. Initially the said office housed in [REDACTED], up to 1999 and finally shifted to present location at [REDACTED].

17.7 In mid 1991 A-1 was shifted to Bangladesh. In Bangladesh A-, at first stayed at Easter Hotel, Farisapur, then shifted to other economy hotels and finally rented in a small house in Guran area in Dhaka. A-1 became in-charge of the foreign affairs of the NSCN (IM), which is called the Alee command. It included the camps of NSCN (IM) in the jungles of Chittagong Hill Tracts, Bangladesh near the Indian Border. A-1 undertook extensive surveys of the prospective arms market while staying in Dhaka, Bangladesh, Bangkok, Myanmar and Philippines from 1992 to 2010 (till his arrest in this instant case on 2/10/2010)

17.8 After establishing the camps in Bangladesh, A-1 was assigned the job of procuring arms & ammunition for NSCN (IM). Accordingly, 1991 A-1 contacted the President of Arakan Liberation Party (ALP) Mr. Khai So Nai and with his help procured a consignment of illegal arms from the Karen Militia (KNU) for 20 Lacs Thai Baht. This illegal procurement of arms and ammunition was code named 'Operation Jordon'. This illegal arms consignment included a total of 130 Rifles (AK Series, LMG, and RPG), 20 Pistols and 30,000 ammunition. Out of this, 30 Rifles and 5000 ammunition were given to ALP (Arakan Liberation Party) in lieu of their help. All these arms were second hand and were brought in the fishing trawlers from Markui (Mon area) up to Tecnaf, the

southernmost part of Bangladesh. From Tecnaf the weapons were carried by the NSCN (IM) cadres to the transit camp around 60-70 kms south from Cox's Bazar which was setup for this operation. From there the consignment was taken to NSCN (IM) Alikadam Camp led by A-1.

- 17.9 In the year 1994, A-1 was directed by the NSCN (IM) leadership to purchase a huge consignment of arms and ammunition. For the said purpose, A-1 went to Thailand and met one Mr Presert - an arms procurer (a middleman), ethnically a Thai Chinese, dealing in arms & ammunition. This time A-1 also involved NDFB (National Democratic Front of Bodoland), another banned organisation of Assam, for joint procurement of arms (60:40 ratio) including sharing money as well sharing of arms and ammunition. This was done in lieu of the NDFB's help to NSCN (IM) leaders by giving them shelter in their terrorist camps in Bhutan. Secondly, NSCN (IM) was short of money for the purchase of a huge consignment of arms and ammunition directly from Arms manufacturing Company NORINCO of China. For this purpose A-1 discussed the matter with [REDACTED] and further visited NORINCO HQ in Beijing (China) alongwith [REDACTED] of NDFB, accompanied by Mr Presert. At NORINCO HQs they met Mr. Xiao, the main person, Mr Lee Hong, an agent; and Mr. Chang - a representative of NORINCO. The deal was struck for 1.1 million US\$.
- 17.10 The agreement between NSCN (IM) and NDFB was such that the money would be collected in NSCN (IM) office Bangkok. [REDACTED] went to Bangkok and paid US\$ 500,000 (this includes US\$ 400,000 the cost of arms and US\$ 100,000 for transportation). From NSCN (IM) side the money came to Bangkok office from India. All the transactions were made in cash, no banking channels were used. This consignment of about 1800 arms came in 1996 at Cox's Bazar. The consignment was offloaded at Cox's Bazar deep sea from where it was transported to the camps of the NSCN (IM) and NDFB.
- 17.11 At the time of unloading the above consignment, the Bangladeshi Forces seized about half of the consignment of weapons. In order to compensate this loss, A-1 again approached Mr. Presert in 1998. In the meantime, a terrorist attack on the Twin Towers took place in New York (09/11). In the wake of that incident, the Chinese Government also tightened its grip over the arms selling companies, and, as a result, the NORINCO cancelled this deal in 2001.
- 17.12 Investigation has further revealed that in 2001-02, for getting Visa easily and to cover up the foreign visits for arms procurement, A-1

established a company M/S Correction Computers Bangladesh Limited with the help of Bangladeshi friend Shahidul Islam @ Mohd Shahid. At the time of arrest of A-1 a visiting card of the Correction Computer Company was also recovered from his personal search showing A-1 as Director. The address of the Company's office mentioned in the visiting card is 3/3, B Purana Paltan (third Floor) Room No. 8, North South Road, Dhaka 1000.

- 17.13 Investigation has revealed that during 2003-04, A-1 alongwith NSCN (IM) leadership was very busy for the Naga consultation meetings in Bangkok and he was frequently flying between Dhaka and Bangkok. He also got the frequent flyer card of Thai Airways No. YE 51664, which was also recovered from his possession during the personal search at the time of his arrest. Thai Airways Delhi office had provided the travel details of A-1 which established his frequent travelling to Bangkok, Chiangmai, Kunming, Manila, New Delhi, Dhaka, Shanghai.
- 17.14 Investigation has further revealed that, in the year 2005, A-1 came to India to consult the NSCN (IM) leaders in Delhi. For the purpose he got an Indian passport No. F- 1484137 issued from the Indian Embassy Bangkok. The copy of said application form has been obtained during investigation from Indian Embassy Bangkok through CPV division, MEA. A-1 got his Indian passport renewed twice in Delhi. During that time, A-1 also visited Nagaland and Manipur to his native places. Again, A-1 came to India in 2006 and in 2007. The details of his visits have also been obtained from FRRO, New Delhi during investigation.
- 17.15 Investigation has revealed that A-1 met Col. Soe Soe of KNU (Karen National Union) in 2007 and used his services for the procurement of arms and ammunition through KNU. A-1 was in constant touch with Col Soe Soe over telephone as well as on email id [REDACTED] from his email id [REDACTED].
- 17.16 Investigation has further revealed that NSCN (IM) under command of A-1 has various terrorist camps in the territory of Bangladesh. At present, there are three camps: Goshen, Bethel and Zion; three outposts and one office in Chittagong, in Bangladesh. These camps are being used for ground preparation, storage and transportation of arms and ammunition consignment illegally procured through Cox's Bazar Bangladesh to various camps of NSCN (IM) in India. Earlier, NSCN (IM) camps in Bangladesh had more weapons, however, most of the weapons of the Alee command have been sent to various camps of NSCN (IM) in India to make room for the receipt of the new weapons to be procured by A-1. As per the directions of A-1 the Alee Command is

preparing for the latest arms procurement and increasing the strength of unarmed cadres, so that, after receiving the arms consignment, the weapons can be transported by the cadres by long march to the Indian territory and then to Nagaland.

- 17.17 Investigation has revealed that, in 2007, one of the top functionaries of NSCN (IM), Azetho Sumi the then SS Home Minister deserted the NSCN (IM) and joined NSCN (K) (the other rival insurgent group in Nagaland) with 70-80 weapons. Due to this, NSCN (IM) ran short of weapons. After this development A-3 the self styled defence minister of NSCN (IM) discussed the issue with NSCN (IM) leadership in New Delhi.
- 17.18 Accordingly, a criminal conspiracy was hatched in New Delhi by A-3, Self Styled Defence Minister of NSCN (IM) to procure huge consignment of arms and amm illegally for NSCN (IM) and directed A-1 to work on it. A-2 was also sent to Bangkok as deputy of A-1 and became the part of this conspiracy being the deputy of A-1. In pursuance to this conspiracy A-3 also visited Bangkok and met A-1 and A-2 in NSCN (IM) Bangkok office. A-3 discussed with A-1 and A-2 and directed them that at least 1000 pieces of arms mainly the AK series Rifles, LMGs, Sub Machine Gun, Pistols, RPGs and Rocket Launchers and 5 lacs ammunition are required to be procured immediately. During this visit, A-3 alongwith A-1 and A-2 also met the Mon militia President Gen Thon Mon and their Comdr Kyaw Yea at a Mon Buddhist Monastery in Bangkok to seek their help in procuring the arms. They also went to Maesot to meet Karen Militia leaders Gen. Sec. Tho Tooley, C-N-C Gen Mo Thu and Col. Soe Soe to explore the possibility of procurement of arms and ammunition through them. A-3 instructed A-1 for early execution of the proposed plan of procurement of arms and ammunition at the earliest and left for India.
- 17.19 In pursuance to this conspiracy A-3 also requested PW - 21 to help A-1 and A-2 in finding a suitable arms dealer for procurement of arms and ammunition for the NSCN (IM), as PW-21 had good contacts in Bangkok.
- 17.20 For this procurement, initially A-1 contacted Suthep Chaviwuan, of Pathanakan Road, Mooban Sabaijai, Bangkok ex-journalist of local English daily 'Bangkok Post' who had good contacts with many militia groups. Initially Suthep arranged meeting of A-1 with Mr. Pao (Thai - Chinese) and Mr. Ken (Thai-Chinese). In this meeting, A-1 submitted the list of arms to Mr. Ken and asked that the weapons should be delivered in Cox's Bazar but Mr. Ken informed that it would be difficult to deliver at Cox's Bazar, but could be delivered near Andaman Sea or

Mungui Division of Myanmar. They also asked for some advance money deposit and also informed that the deal should not be less than 2 million US\$. However, this deal could not be materialised.

17.21 Investigation also revealed that in pursuance to the said conspiracy on the request of A-3, PW-21 introduced A-1 and A-2 with a Thai arms procurer A-4 in Bangkok. A-4 a Thai businessman, based in Bangkok is running a Spa business and also deals in arms procurement as a middleman. PW 21 was in constant touch with A-1 through his email id [REDACTED] and with A-4 on his email id [REDACTED] and A-2 on his email id [REDACTED].

17.22 In pursuance to said criminal conspiracy A-1 informed A-4 that he wanted to procure 1000 pieces of arms including AK series automatic Rifles, Light Machine Guns, Pistols, RPGs, Rocket Launchers and 5 lakh rounds of ammunition and gave him the list of weapons required. A-4 assured A-1 that he would arrange it through TCL a Chinese company dealing in arms and ammunition. After this meeting A-1 and A-2 started direct dealing with A-4, who further introduced them to a Chinese person Yuthana, a representative of TCL Company in Bangkok. TCL is the authorized representative of an Arms selling company in China. A-4 after consulting with the TCL representatives sent a price list to A-1. Initially A-4 told A-1 that the deal should not be less than 2 million US\$ but on persuasion of A-1 they agreed to sell arms and amn for 100,000 US\$.

17.23 In pursuance to said conspiracy, A-1 informed A-3 in India about this development. After working out the price and other expenses, it was decided that 800 pieces of arms which included 600 AK series rifles, 200 other weapons including 9mm Sub Machine Guns, Light Machine Guns and Pistols, plus one lakh rounds of ammunition can be purchased for 1 million US\$. A-1 sent a list of arms to A-3 for approval through the email of A-2. At that time, A-2 was in NSCN (IM) HQ Hebron, Dimapur Nagaland. A-3 approved it and directed to procure the same as soon as possible. The deal was fixed for US\$ 1.2 million (1 million US\$ for the cost of arms & ammunitions and 200,000 US\$ for transshipment of the consignment)

17.24 In pursuance to said conspiracy, A-1 met A-4 and Yuthana several times, during which the modalities for procurement, mode of payment, the mode of shipment etc were also discussed. They informed A-1 that the End User Certificate, engaging the shipping company and loading the goods at loading port will be arranged by A-4 and the total cost will be 200,000 US\$ for transshipment. They also informed that the

loading port will be Beihei Port of South China near Vietnam and the delivery would be at Cox's Bazar in the high sea in Bangladesh. From the high sea, the goods would be shifted in smaller fishing trawlers. The entire deal was of 1.2 million USD.

17.25 In pursuance to said conspiracy, the following final list of arms and ammunition was finalized to be procured between A-1, A-2, A-3 and A-4 :-

1.	Ak47/56/81 Semi-Auto rifle. 7.62mm	100
2.	AK 81S(folding) Semi-Auto 7.62mm	100
3.	AK 56-1 Semi-Auto AR 7.62mm	100
4.	Ak 56C Compact Rifle 7.62x39mm	50
5.	M21/ M21-SKS Semi auto rifle (long magazine)	100
6.	M23 Light Machine Gun (LMG)	20
7.	M43 AK.81-S LMG 7.62X39mm	20
8.	M 20 Pistol	30
9.	5. 9mm Sten-Gun or UZI	100
10.	9mm Pistol & also silencer pistol	30
11.	.77 pistol 7.65x17 type 64 ball	30
12.	7.62 mm Sniper rifle	30
13.	86s -assault Rifle Norinco-type	100
14.	Ak. 47 Assault Rifle (original) -5.56 mm	100
15.	RPG-5/7 Rocket propelled Launcher	20
16.	79mm Grenade launcher	20
17.	AK. 47 Grenade launcher	20
18.	M203. Assault Rifle with Grenade launcher or M4	30
19.	Hand grenades small-handy type	1000
20.	TNT and RDX symtex plastic explosive	500 kgs
21.	Shell for RPG	200
22.	Shell for M203 or M4	500
23.	Ammo's for 7.62 mm	600,000
24.	Ammos for .77 pistol and m20 pistol	1000each
25.	9mm. Ammos'	6000

17.26 In pursuance to said conspiracy, A-4 asked A-1 to deposit the money in advance in cash for supply of consignment of arms and ammunition. A-1 reported this to A-3 in India.

17.27 Investigation has revealed that as an instalment of the cost of arms and ammunitions, A-1 paid US Dollar 100,000 to A-4 in May 2009 which was sent to the Chinese Company TCL International by A-4. A-4 sent an electronic receipt of this payment to A-1. The receipt document was on the letterhead of TCL International.

17.28 Investigation has further revealed that, in 2008, A-1 started receiving the money for this arms procurement from NSCN (IM) HQrs, Hebron, Dimapur through NSCN (IM) office Bangkok. On the instructions from A-3, the money was given to A-1 for onward payments.

17.29 Investigation further revealed that in pursuance to said conspiracy, A-1 received 800,000 US\$ in Bangkok from NSCN (IM) Bangkok office, out of which 700,000 US\$ were paid to TCL through A-4 as the cost of arms and 100,000 US\$ were paid to Shipping Agent Kittichai of Intermarine Shipping Company of Bangkok through A-4. The consignment was agreed to be loaded from Beihei, a South Chinese port. The destination was Cox's Bazar, Bangladesh. All the correspondences were made by A-1 with A-4, NSCN (IM) leadership, in New Delhi, Nagaland and others in Thailand and China on e-mails to maintain the secrecy of the entire project. A-1 used his email ID [REDACTED], A-4 used his email ID [REDACTED] & [REDACTED] A-2 used email ID [REDACTED] and Kittichai a shipping agent used email id [REDACTED]

17.30 During investigation the contents of emails of email IDs [REDACTED] [REDACTED] from Yahoo have been obtained from Yahoo Inc, contents of email IDs [REDACTED] [REDACTED]; cps [REDACTED]; [REDACTED] have been obtained from Google Inc and the contents of email IDs [REDACTED] [REDACTED] [REDACTED] have been obtained from Hotmail c/o Microsoft, USA.

17.31 The CFSL cyber forensic experts from Hyderabad, Delhi and Chandigarh have authenticated these e-mail contents and provided a hard copy of the relevant communications. These email contents corroborate and establish the entire conspiracy to procure a huge consignment of arms illegally from China through TCL by accused A-1 in conspiracy with other accused persons A-2, A-3 and A-4. In this deal, there was huge pressure on A-1 from NSCN (IM) leadership stationed in New Delhi to procure this consignment. A-1 was getting instructions directly from A-3 SS Defence Minister of NSCN (IM). SS Lt A-2, secretary to A-1 was assisting him in Bangkok in this deal including all the activities from receiving money, negotiating with A-4,

TCL representatives and making arrangement for the transshipment of the consignment upto sending it to the various camps in NSCN (IM) in India.

17.32 Investigation has revealed that in the later part of Sep 2010, A-10 consulted A-4 about the ground situation in Bangladesh which was not favourable to NSCN (IM) and decided to postpone this deal for time being. It was decided that the transshipment of the consignment would be done whenever situation improves. Thereafter A-1 planned to visit India to meet NSCN (IM) leadership to brief them about the progress of the procurement of arms and ammunitions. He undertook Air travel on the strength of the Bangladeshi Passport, from Suvarnabhumi International Airport Bangkok to Kathmandu by Nepal Airlines Flight No. RA 401 on 27 Sept 2010. The e-ticket of this air travel of A-1 was recovered from his personal search on 2/10/2010 at the time of his arrest. From Kathmandu, A-1 crossed over to the Indian border in a clandestine manner by using road transport and reached Patna and was arrested in front of Patna Railway station. Bangladeshi passport with visa of Thailand, China, Philippines and Bangladesh affixed on it, Bangladeshi national identity card, an Indian passport in the name of David Sailo and foreign currencies of the countries of Thailand, Nepal and US dollar were recovered from his possession. A visiting card of the Correction Computers Company of Bangladesh showing A-1, as Director was also recovered. At present A-1 is in judicial custody in Tihar Central Jail, New Delhi in the instant case.

17.33 Investigation at Tripura revealed that some weapons were seized from the NSCN (IM) cadres in Tripura, after NSCN (IM) militants (50-60 Nos) in olive green fatigue were intercepted and ambushed on 09/03/99 by Assam Rifle in an encounter in which 7 NSCN (IM) cadres were killed and one civilian Jitendra Reang died in the crossfire. Shri Kartar Singh, Asstt. Commandant, Assam Rifles submitted a written complaint to the local police and a case vide FIR No. 05/99 was registered at PS Vangmun. The seized weapons are in the custody of Assam Rifles. During the investigation, the seized weapons in the above-referred FIRs of Tripura Police were inspected at 21 Sector Hqrs of Assam Rifles, which clearly establishes that they were manufactured in China and bore Chinese markings in Chinese language, which was clearly visible. These weapons are ordinance factory made rifles and in serviceable condition. These marking were further got deciphered with the help of an expert of Chinese language Prof. Priyadarsi Mukherji, Chairman, Centre of Chinese and South East Asian Studies JNU, New Delhi who vide his letter dated 14/07/2010 opined that the marking belongs to NORINCO Chinese Arms company which they engraved on their

products (arms - AK series rifles). These facts clearly establish that these seized weapons were the same weapons which were brought by the A-1 in the year 1996 from NORINCO company, China. This fact was also corroborated by the statements of PW -4.

- 17.34 During investigation, the travel records collected from Thai Airways established that A-1 has travelled to various destinations from Bangkok to Dhaka, Chiagmai, Manila, Sanghai, Delhi in the name of Anthony Shing and Ningkhan Shimray. He was in possession of two frequent flyers cards of Thai Airway YE51664 (in the name of Anthony Shing) and QK83314 (in the name of Ningkhan Shimray). He has undertaken air journey over 100 times, indicating his purpose of the networking with International arms dealers. These travel details of A-1, coincide with A-4's presence in Bangkok, clearly establish the proximity of the meeting of mind of these accused persons to hatch the criminal conspiracy to procure huge consignment of arms and ammunition in this instant case.
- 17.35 During investigation, a report from Cyber forensic experts have also been received from GEQD Hyderabad vide supplementary report No. CCH-18/2010 dated 3/05/2010 on the exhibits sent for examination vide L/No. NIA/01/2010/1588 dated 8/04/2010. As per the report, there are pictures with specification of 5.56 mm Assault rifle kept by A-4 in his email account id [REDACTED]. A-4 has also sent an email from his email account [REDACTED] to A-1 on his email id [REDACTED] on 20/09/2009 regarding receipt of 100,000 USD received from A-1 on 12/05/2009 as second payment. These emails contents were duly authenticated by GEQD Hyderabad and establish the allegation in the FIR that money with a foreign company selling arms was deposited by A-1 and others.
- 17.36 During investigation, the digital data (email contents) provided by the Service Provider Yahoo Inc! USA in zipped secure file has been sent to CFSL Chandigarh vide NIA/01/2010/2347 dated 18/05/2010. The expert report was received vide report No. CFSL/348/PHY/137/2010/739 dated 31/05/2010. As per the report Kittichai Rimkeeratikul a Shipping Agent using the email id [REDACTED] for communication with A-4 a Thai Arms Agent of Bangkok regarding transportation of arms consignment to be procured by accused A-1. As per the relevant emails, the arms consignment was to be transported by a 1x20 feet Shipper Own Container (SOC) and the loading port would be Beihei (South China) Qingdao or Shanghai and the unloading port would be Cox Bazar Bangladesh. The email ID of Kittichai is proved by [REDACTED] of

[REDACTED] New Delhi who was in touch with Kittichai through his email ID [REDACTED] in his routine business. He had also proved the identity of Kittichai as a shipping agent who arranged Cargo vessel on commission basis for various parties intends to transship consignments from one port to the other port. The contents of these mails also established that A-4 on behalf of A-1 engaged Kittichai Rimkeeratikul for the transshipment of a huge consignment of arms and ammunition from Beihai port China to Cox's Bazar port Bangladesh engaged Kittichai.

17.37 During investigation A-1 while in police custody, voluntarily disclosed, in the presence of independent witnesses about the email IDs [REDACTED] and [REDACTED] used by him for communicating with various contact persons and arms procurer including his assistant A-2 and A-4 for the ongoing purchase of huge arms consignment from China. In pursuance to the disclosure of A-1, the email contents available in his email accounts were downloaded. Despite the fact that he had deleted most of the emails pertaining to this deal some mails were available. These were taken into the investigation records vide a disclosure cum recovery memo dated 11/10/2010 incorporating the proceedings of the disclosure and retrieval.

17.38 Investigation also revealed that the emails contents received from the service providers duly authenticated by the respective forensics experts and emails contents downloaded vide disclosure cum recovery memo dated 11/10/2010 and the oral testimony of the prosecution witnesses clearly established that accused A-1 in conspiracy with other accused persons including his assistant A-2 and A-3 was in the process of illegal procurement of huge quantity of sophisticated and lethal arms & amn and explosives with the help of A-4. In this process, he had paid US\$ 100,000 to the Chinese Arms company and was trying to bring all these sophisticated and lethal arms to India with a intent to wage war against the Government of India and to commit terrorist acts.

17.39 During investigation a Bangladeshi Passport No. Z0405788 alongwith Passport No Z 0747217, Bangladesh National ID Card No. 2222408385243 and Immigration records the stay of A-1 in Thailand, Bangladesh and Philippines have been recovered and collected. A-1 obtained Bangladeshi Passport No. Z 0405788 alongwith Passport No Z 0747217 from Bangladesh by misrepresenting the facts and concealing his true identity of Indian national.

18. CHARGE

1. Anthony Shimray @ Ningkhan Shimray@ Anthony Shing@Anthony Sheing @ Sir Khan S/o Rev Hanggakham Shimray u/s Section 121-A, 122, 120-B of IPC and Section 16, 17, 18 and 20 of the Unlawful Activities (Prevention) Act 1967 as amended upto 2008.
 2. T R Calvin @ Grace Raingam S/o Marong Raingam u/s Section 121-A, 122, 120-B of IPC and Section 16, 17, 18 and 20 of the Unlawful Activities (Prevention) Act 1967 as amended upto 2008.
 3. Hangshi Ramson Tangkhul @ Raman Chonmi @ Hans S/o Peter Raman u/s Section 121-A, 122, 120-B of IPC and Section 16, 17, 18 and 20 of the Unlawful Activities (Prevention) Act 1967 as amended upto 2008.
 4. Willy Naruenartwanich @ Mr. Wuthikorn Naruenartwanich S/o W Naruenartwanich u/s Section 121-A, 122, 120-B of IPC and Section 16 and 18 of the Unlawful Activities (Prevention) Act 1967 as amended upto 2008.
19. The sanction for prosecution u/s 196 of Criminal Procedure Code, and section 45 (1) of Unlawful Activities (Prevention) Act 1967 amended up to 2008 has been obtained vide Ministry of Home Affairs Order No. 17011/124/2009-IS-VI dated 25 March 2011 and enclosed as Annexure 'IV'.
20. Further investigation in order to unravel larger conspiracy at different places within and outside in India specially in places like Bangladesh, Myanmar, Thailand and China and the role of some of the other accused persons in this instant case will be conducted under the provision of section 173 (8) of Cr. PC:
21. It is therefore, prayed that Hon'ble Court may be pleased to take cognizance of the case and issue process to the accused persons and dispose the case according to the law.

22. Despatched on : 26/03/2011
23. No. of enclosures : Annexure 'I', 'II' 'III' and 'IV'
24. List of enclosures : Annexure-I (List of witnesses)
Annexure-II (List of Documents)
Annexure-III (List of Material Objects)
Annexure-IV(Sanction Order by MHA)

Meena 26/03/2011

(Dr. R P Meena, IPS)
Dy Inspector General
Chief Investigating Officer
NIA HQrs New Delhi
Deputy Inspector General
National Investigation Agency
Ministry of Home Affairs
Govt. of India
New Delhi

Forwarded by

Shri

26.3.11
(Sanjeev Kumar Singh, IPS)
Inspector General (Investigation),
National Investigation Agency,
New Delhi

SANJEEV KUMAR SINGH, IPS
Inspector General (Investigation)
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