




NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
FINAL REPORT
(Under section 173 Cr. PC)
BEFORE THE HONORABLE SPECIAL JUDGE FOR NIA CASES
BHUBNESHWAR
STATE (NIA)
V/s
GAMELI CHINNA RAO @ KHILLO RAO @ SANTU AND OTHERS

1	Name of the Branch FIR No. Year Date	National Investigation Agency, New Delhi/Lucknow RC 02/2012/NIA/DLI 2013 08.06.2013
2	Final Report/Charge Sheet No.	Supplementary Report {1 (A)/2014}
3	Date	6/8/2015
4	Sections of law	Under section 121 / 121(A)/ 122 / 147/ 148 /149 326/ 307/ 302/124 (A)/ 324/ 395 of IPC, section 25 and 27 of Arms Act, Section 3, 4 & 5 of Explosive Substances Act and sec 17 of Cr. Law Amendment Act.
5	Type of Final Report	Supplementary charge sheet.
6	If Final Report un-occurred-False/ Mistake of fact/ Mistake of law/ Now cognizable/ civil nature.	Not Applicable
7	If charge sheeted: Original/Supplementary	Original charge sheet No.01/2014 was laid by the NIA on 09.05.2014. Supplementary charge sheet is being filed by the NIA
8	Name of the Investigation officer:	1. Sh. K Sanjay Kumar, IPS, SP/NIA/Lucknow 2. Sh S K Malviya, DY. SP/NIA/Lucknow
9	Name of the complainant	Sh Vishnu Pani s/o Late Vinod Pani, resident of Village Sri Rampura, PS Bhuban, Dhenkanal, Odisha.
10	Details of Properties/Articles /Documents	As per Annexures – A, B & C

	recovered/seized during investigation and relied upon	
--	---	--

11. **PARTICULARS OF ACCUSED PERSONS CHARGE SHEETED**

(i)


	Name	Khillo Ranju @ Chanti @ Bishant @ Bingshanta  A3
b	Father's Name	Shri Khillo Manju
c	Age	35 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details*	Nil
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Presently under judicial custody at District Jail Malkangiri, Odisha.
j	Address (Permanent)	Vill – Kadaguma, P/S- Papermetla, Dist – Malkangiri, Odisha
k	Whether Arrested/ on bail/ absconding Absconding	Presently in Malkangiri Distt. Jail in Papermetla PS case No 01/2013

(ii)


a	Name	Akkiraju Haragopal @ Panthulu @ Srinivas Rao @ Saket @ Ramakrishna @ Gopal @ R.K. @ S.V. @ Santosh  Akiraju Hargopal A4
b	Father's Name	Late Akkiraju Sachudanand @Satyanarayana
c	Age	45 Yrs Approx.

d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	r/o Vill- Thumrukota , P/S Rentachintala, Dist – Guntur, Andhra Pradesh (AP)
j	Address (Permanent)	r/o Vill- Thumrukota , P/S Rentachintala, Dist – Guntur, Andhra Pradesh (AP)
k	Whether Arrested/ on bail/ absconding	Presently Absconding


(iii)

a	Name	Gajarla Ravi @ Ganesh @ Anand @ Uday @ Gajarla Ravinder  A5
b	Father's Name	Late Gajarla Mallaiah
c	Age	38 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill.-Velishala, P/S Chityala, Dist: Warangal, Andhra Pradesh (AP)
j	Address (Permanent)	Vill.-Velishala, P/S Chityala, Dist: Warangal, Andhra Pradesh (AP)
k	Whether Arrested/ on bail/ absconding	Presently Absconding

(iv)


a	Name	Dubashi Shankar @ Ankam Babu Rao @ Pedda Mahendra @ Mahesh @ Ramesh @ Sreenu @ Ramesh @ Ravanna @ RM  A6
b	Father's Name	Veera Mallaiah
c	Age	34 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill.-Velishala, P/S Chityala, Dist: Warangal, Andhra Pradesh (AP)
j	Address (Permanent)	Vill-Mutharasi Chetla Narsampally, P/S Dowlathabad, Distt-Medak , Andhra Pradesh (AP)
k	Whether Arrested/ on bail/ absconding	Presently Absconding

(v)


a	Name	Jalumuri Srinu Babu @ Sunil @ Rhino  A 7
b	Father's Name	Jalumuri Somaiah
c	Age	22 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre

i	Address (Present)	Dabbapalem, Y.Ramavaram Mandal, P/S Ducharathi Addatheegala, Distt-East Godavari, Andhra Pradesh (AP)
j	Address (Permanent)	Dabbapalem, Y.Ramavaram Mandal, P/S Ducharathi Addatheegala, Distt-East Godavari, Andhra Pradesh (AP)
k	Whether Arrested/ on bail/ absconding	Presently Absconding


(vi)

a	Name	Metturu Joga Rao @ Babu @ Shankar @ Shiva @ Tech Shankar  A8
b	Father's Name	Late Kamaiah Rajaka, (Kurumayya)
c	Age	32 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Bathupuram , P/S Vajrapu Kotturu, Distt – Srikakulam, Andhra Pradesh (AP)
j	Address (Permanent)	Bathupuram , P/S Vajrapu Kotturu, Distt – Srikakulam, Andhra Pradesh (AP)
k	Whether Arrested/ on bail/ absconding	Presently Absconding

(vii)


a	Name	Jalumuri Venkateswarlu @ Chinnayya @ Anand  A9
b	Father's Name	Jalmuri Somaiah
c	Age	20 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill- 3rd Street, Dabbapalem , Mandal - Y.Ramavaram , P/S Ducharathi Dist - East Godavari, Andhra Pradesh(AP).
j	Address (Permanent)	Vill- 3rd Street, Dabbapalem , Mandal - Y.Ramavaram , P/S Ducharathi Dist - East Godavari, Andhra Pradesh(AP).
k	Whether Arrested/ on bail/ absconding	Presently Absconding

(viii)


a	Name	Boddu Kundanalu @ Vanaja @ Nirmala @ Mamatha  A10
b	Father's Name	Late Boddu Simhadri
c	Age	25 Yrs Approx.
d	Sex	Female

e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill - Nallabodduluru, P/S Mandasa, District - Srikakulam, Andhra Pradesh (AP)
j	Address (Permanent)	Vill- Nallabodduluru, P/S Mandasa, District - Srikakulam, Andhra Pradesh (AP)
k	Whether Arrested/ on bail/ absconding	Presently Absconding


(ix)

a	Name	Budhara Kowasi @ Sukhdev @ Ajit  A11
b	Father's Name	Late Singa Kavasi
c	Age	21 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill Tekguda Colony, P/S Kalimela area, Distt. Malkangiri(Odisha).
j	Address (Permanent)	Vill Tekguda Colony, P/S Kalimela area, Distt. Malkangiri(Odisha).
k	Whether Arrested/ on bail/ absconding	Presently Absconding

(x)


a	Name	Rama Kawasi @ Ashok  A 12
b	Father's Name	Ganga Kawasi
c	Age	28 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill – Badigetta, P/S Kalimela, Distt. Malkangiri(Odisha).
j	Address (Permanent)	Vill – Badigetta, P/S Kalimela, Distt. Malkangiri(Odisha).
k	Whether Arrested/ on bail/ absconding	Presently Absconding

(xi)


a	Name	Daba Madhi @ Arjun @ Gangal @ Mukesh  A 13
b	Father's Name	Singha Madhi
c	Age	28 Yrs Approx.

d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill Bada Tekguda, P/S Kalimela Area, Distt. Malkangiri (Odisha).
j	Address (Permanent)	Vill Bada Tekguda, P/S Kalimela Area, Distt. Malkangiri (Odisha).
k	Whether Arrested/ on bail/ absconding	Presently Absconding


(xii)

a	Name	 <p>Deve Podiyami @ Navatha @ Sandhya</p> <p>A14</p>
b	Father's Name	w/o Tella Anil Kumar @ Chandu
c	Age	24 Yrs Approx.
d	Sex	Female
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill Akkupally, Vajrapukothuru, P/S Vada Baliya, Srikakulam, Andhra Pradesh.
j	Address (Permanent)	Vill Akkupally, Vajrapukothuru, P/S Vada Baliya, Srikakulam, Andhra Pradesh.
k	Whether Arrested/ on bail/ absconding	Presently Absconding

(xiii)


a	Name	Mangla Podiyami @ Pavan @ Arjun  A15
b	Father's Name	Mukka Podiyami
c	Age	25 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill Marigetta, P/S Kalimela, Distt. Malkangiri, Odisha.
j	Address (Permanent)	Vill Marigetta, P/S Kalimela, Distt. Malkangiri, Odisha.
k	Whether Arrested/ on bail/ absconding	Surrendered before the Superintendent of Police, Malkangiri (Odisha)

(xiv)

a	Name	Gamilli Sadai @ Devi @ Sadhana  A16
b	Father's Name	Late Pippeda Peddaveedhi
c	Age	23 Yrs Approx.
d	Sex	Female
e	Nationality	Indian
f	Passports Details	-

g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Vill Marigetta, P/S Kalimela, Distt. Malkangiri, Odisha.
j	Address (Permanent)	Kondrum, Panchayat -Injari, Peddabailu Md, Dist – Vishakhapatnam , Andhra Pradesh(AP)
k	Whether Arrested/ on bail/ absconding	Presently Absconding

(xv)

a	Name	Muka Sodhi @ Anil  A17
b	Father's Name	Mukka Soma
c	Age	24 Yrs Approx.
d	Sex	Male
e	Nationality	Indian
f	Passports Details	-
g	Religion	Hindu
h	Occupation	Active Maoist cadre
i	Address (Present)	Suddakunta, P/S Kalimela area, Distt. Malkangiri , Odisha
j	Address (Permanent)	Suddakunta, P/S Kalimela area, Distt. Malkangiri , Odisha
k	Whether Arrested/ on bail/ absconding	Presently Absconding

12. Particulars of accused persons

Not charge sheeted: -

13. (i) Particulars of witnesses

Examined: Separate List annexed as Annexure- A

(ii) List of Document: Separate List annexed as Annexure- B

14. If FIR is false action taken: Not Applicable

15. Result of laboratory/Analysis: Attached separately

16. Brief facts of the cases:

16.1 The brief allegation of the FIR is that Panchayat / Zila Parishad elections were declared in the state of Odisha and polling was to be held on 11.02.2013 in Malkangiri District. Banned terrorist outfit CPI (Maoist) had given a call to boycott the election. 107 Bn of BSF was deployed in the area with its TAC Hqrs at Balimela, District Malkangiri. On 10/02/2012, Late Shri J R Khaswan, Commandant 107 Bn BSF held a meeting of company commanders of BSF at Inspection Bunglow, Chitrakonda and briefed troops about operational preparedness during Local Body Election. After briefing, Late Shri J R Khaswan, Commandant along with other officers and Escort party left Chitrakonda Inspection Bunglow at about 11.30 hours for TAC headquarters Balimela in a convoy of 3 vehicles i.e. (1) TATA 207 Pick-up (2) TATA Sumo (3) One Bolero. They halted at BSF Tunnel camp for about 20 minutes for refreshment.

It is further disclosed that after refreshment at Tunnel camp, they left for TAC Headquarters Balimela in 3 vehicles. TATA Pick-up, loaded with Arms & Ammunitions moved in advance. Late Shri J R Khaswan left Tunnel camp in **BOLERO** vehicle bearing registration No **GJ-18-G/2041**. He was accompanied with Late Shri Rajesh Saran, 2 I/C, Late Inspector Ashok Yadav, Late ASI (RM), Jitendra Kumar, Constable Vishnu Pani and Constable (Dvr) Suwendu Kundu. This was followed by TATA SUMO vehicle.

It is further disclosed that about 1 Km before the Valve house, near Janiguda village on **Chitrakonda–Balimela** road, a group of unknown Naxals armed with deadly weapons, laid the ambush. At about 1245 hours, when **BOLERO** vehicle, carrying Commandant and others was passing by, a pre-fixed land mine blast was affected by these Maoists. This blast was followed by indiscriminate firing & Grenade lobbing on the occupants of the Bolero vehicle resulting therein the

death of 04 BSF officers / officials namely **(1) Late J R Khaswan, Commandant, 107 Bn BSF (2) Late Rajesh Saran, 2- I/C, (3) Inspector Ashok Yadav, (4) ASI(RM) Jitendra Kumar.** The remaining 02 occupants of the vehicle **viz Constable Vishnu Pani and Constable (Dvr) Suwendu Kundu** sustained bullet injuries on their body. After killing the BSF personnel, Naxals snatched Arms & Ammunition and other belongings of deceased BSF officers/ officials.

It is further disclosed that case crime No 07/2012 dated 10/02/12 was registered u/s 147,148,121, 121(A), 122, 124(A), 324, 326, 307, 302, 395 and 149 of IPC, Sections 25 & 27 of Arms Act, Section 17 of Criminal Law Amendment Act and Sections 3, 4 & 5 of Explosive Substances Act at PS Chitrakonda, District Malkangiri, Odisha on the written complaint of Constable Vishnu Pani.

In compliance to order of Ministry of Home Affairs, Government of India, Govt. of India issued vide No. F. 11011/28/2012-IS-IV dated 01.06.2012, the National Investigation Agency, New Delhi, registered a case as RC02/2012/NIA/New Delhi dated 08.06.2012 u/s 147,148,121, 121(A), 122, 124(A), 324, 326, 307, 302, 395 and 149 of IPC, Sections 25 & 27 of Arms Act, Section 17 of Criminal Law Amendment Act & Sections 3, 4 & 5 of Explosive Substances Act against unknown members of CPI (Maoist) and investigation of the case was taken over by the NIA.

17. Facts disclosed in Investigation-

17.1:- It is disclosed that the Communist Party of India (Maoist) [*hereinafter referred to as CPI(Maoist)*] is a proscribed terrorist outfit in India as declared in the 1st schedule of Unlawful Activities (Prevention) Act 1967 (Act No 37 of 1967), as amended and mentioned at serial no 34 in the aforementioned schedule.

17.2:- It is further revealed that a **Naxal** or **Naxalite** is a member of any of the Communist guerrilla groups in India, mostly associated with the Communist Party of India (Maoist). The term *Naxal* derives from the name of the village Naxalbari in West Bengal, where the movement had its origin. Naxalites are considered far-left radical communists, supportive of Maoist political sentiment and ideology. Their origin can be traced to the split in 1967 of the Communist Party of India (Marxist), leading to the formation of the Communist Party of India (Marxist–Leninist). In 1998, the CPI (ML) (Party Unity) merged with CPI (ML) (People's War Group) and the new group came to be known as CPI (ML) (PW). The CPI (ML) (PW) has been declared as a terrorist organization by the central government in terms of UA (P) Act.

17.3:- On 21st September 2004, with a view to intensify its armed struggle and expand its area of operation, the CPI (ML) (PW) merged with another terrorist

organization Maoist Communist Centre of India, to form the Communist Party of India (Maoist) or CPI (Maoist) in short. The stated aim of this new outfit remained to overthrow the democratically elected government of India by force and violence as speedily as circumstances permit. The merger was announced on 14 October the same year. In the merger a provisional Central Committee was constituted, with the erstwhile People's War Group leader Muppala Lakshmana Rao, alias "Ganapathi", as General Secretary.

17.4.-Initially the movement had its centre in West Bengal. It spread subsequently into forested and less developed areas of rural southern and eastern India, such as Chhattisgarh, Odisha and Andhra Pradesh. In recent past, it has grown mostly from uneducated & poor tribes and natives. Currently, the outfit has a presence in remote regions of Jharkhand and Andhra Pradesh, as well as in Bihar and the tribal-dominated areas in the borderlands of Chhattisgarh, Maharashtra, West Bengal, and Odisha. The CPI (Maoist) aims to consolidate its power in this area and establish a Compact Revolutionary Zone from which to advance war in other parts of India.

17.5.- The party hierarchy consists of a Central Committee, Regional Bureaus, Special Zonal Committee / State Committees, Regional Committees, the Divisional Committees, Area Committees, Local organizational squad/ Local Guerrilla squad and dalams. The highest decision making body of CPI (Maoist) is its Politburo. The Central Committee takes command from the Politburo. Central Committee is divided into 5 bureaus viz (1) South Regional Bureau comprising (SWRB) of Maharashtra, Karnataka, Kerala and Tamilnadu (2) North Regional Bureau comprising (NRB) of J & K, Punjab, Haryana, Delhi, UP and UK (3) Central Regional Bureau comprising (CRB) of Chhattisgarh-Odisha Border State Committee (COBSC), Dandakaranya Special Zonal Committee (DKSZC), Andhra Odisha Border Special Zonal Committee (AOBSZC) and North Telangana Special Zonal Committee (NTSZC) (4) Eastern Regional Bureau (ERB) consisting of West Bengal, Bihar-Jharkhand Special Area Committee (BJSAC), Odisha State Organising Committee (ORSOC) and North Eastern States (5) Central Propaganda Bureau (CPB).

17.6.- It is further revealed that Military wing also impart training to its cadres. A recruit would learn guerrilla warfare tactics, survival techniques, and how to fire different types of light weapons, as well as how to use hand grenades, how to assemble IEDs, how to snatch Arms / ammunitions after lying ambush etc.

17.7.-It is further revealed that funding for the Maoists comes from abductions, extortion and by setting up unofficial administrations to collect taxes in rural areas. Maoists are extorting vast amounts of money from local branches of mining companies and other businesses. In their efforts to intimidate their political adversaries and consolidate control, the Naxalites tax local villagers,

extort businessmen, abduct and kill "class enemies" such as Government officials and Police officers/ officials, and regulate the flow of aid and goods. They have been involved in several cases of blowing up schools and railway tracks, Police stations and other offices. They try hard to keep the areas under their control, away from modernity and development, typically the uneducated rural population since the developed population may not support their cause.

17.8.- Investigation brought out that that Panchayat / Zila Parisad elections were declared in Odisha and polling was scheduled on 11/02/2013 in Malkangiri district. Maoists had declared to boycott the election. On 10/02/2012 at about 0800 hours, Shri J R Khaswan, Commandant 107 Bn BSF along escort left TAC Balimela for Chitrakonda in BOLERO vehicle No GJ-18-G/2041 to conduct meeting of Company Commanders and to brief the troop about the operational preparation during local body election. On their way to Chitrakonda, they picked up Shri G S Rathore, Assistant Commandant from Tunnel camp and reached Chitrakonda Inspection Bunglow at about 0830 hours. Shri Rajesh Saran, 2nd in-Command, who had been camping at Janbai since 08/02/2012, also attended the meeting.

17.9.- It is further disclosed that after the meeting, they all left Chitrakonda Inspection Bunglow at about 1130 hours for TAC Balimela in convoy of 3 vehicles i.e. Mahindra BOLERO, TATA Sumo and TATA 207 pick-up van. They reached BSF Tunnel camp at about 1200 hours and halted there for refreshment.

17.10.- It is further revealed that from BSF Tunnel camp, TATA Pick-up, loaded with Arms & Ammunitions was ordered to advance first for TAC Balimela. Occupants of this vehicle were ASI(Ops) D Bhattacharya, Head Constable P. P. Sunil, Head Constable Sukhnanadan Oraon and CT/Dvr Raghuv eer Simha. Late Shri J R Khaswan left Tunnel camp in BOLERO vehicle bearing registration No GJ-18-G/2041. He was accompanied with Late Shri Rajesh Saran (middle seat), 2nd in Command, Inspector Ashok Kumar Yadav (front seat beside driver), ASI (RM) Jitendra Kumar (rear seat), Constable Vishnu Pani (rear seat) and Constable (Dvr) Suvendu Kundu was driving the vehicle. All the six occupants of BOLERO vehicle were armed with AK-47 rifle except Shri J R Khaswan who was carrying 9 mm browning Pistol issued by BSF.

17.11.- It is further disclosed that in pursuance of the criminal conspiracy, the accused persons with common intention and motive caused land mine explosion, when the BOLERO vehicle passing through a curved road. BOLERO vehicle could not bear the impact of the blast and capsized on left side of the road. After the blast, Maoists started firing and lobbed grenades towards capsized vehicle. All the occupants of vehicle managed to evacuate themselves from damaged vehicle. Constable Vishnu Pani made exit on right side of the road whereas remaining 5 BSF personnel made the exit on the other side. A brief exchange of

fire took place between BSF personnel and Naxals which resulted into death of four BSF personnel namely Shri J R Khaswan, Shri Rajesh Saran, Shri Ashok Kumar Yadav & Jitendra Kumar on the spot. Remaining 02 personnel namely Ct(Dvr) Suwendu Kundu and Constable Vishnu Pani sustained injuries.

17.12.- It is further disclosed that during exchange of fire, one Mahendra Commander Jeep bearing registration No OR-10A/3412 of Irrigation Department reached near the Scene of crime on its way to Chitrakonda. Vehicle was being driven by Anant Kumar Mallick, who is working as driver at Potteru Canal Division – III located at MV-79 Malkangiri. Other occupants of the said Jeep were Shri Srikanta Behera, peon (sitting on front left seat), Shri T C Jena, clerk and Govind Ch. Ray (both sitting on the middle seat). Naxals also fired on this vehicle which caused bullet injuries to two of its occupants namely Srikanta Behra and Govind Chandra Ray but driver turned the vehicle back and managed to escape.

17.13.- It is further revealed that after the occurrence of the incident, the Maoists snatched away Arms, Ammunitions & Communication equipment of BSF, besides some personal belongings of deceased/ injured personnel, from the spot and fled away. The details thereof has already been mentioned in the charge sheet, which was filed in this case on 09.05.2014 vide No. 01/2014.

17.14.- Investigation brought out that Assistant Commandant G S Rathore heard the sound of blast / firing at BSF tunnel camp and ordered the troop to run towards incident site. He himself along with 10 armed personnel rushed towards spot via jungle routes. By the time they reached the ambush site, they found that BOLERO vehicle was badly damaged and capsized on left side of the road. Shri J R Khaswan (since dead), Shri Rajesh Saran (since dead), Shri Ashok Kumar Yadav (since dead) and Shri Jitendra Kumar (since dead) were lying unconsciously at different places on left side of the road. In the meanwhile, Shri G S Rathore heard the cry of injured persons from the other side of the road and injured Const (Dvr) Suwendu Kundu and Constable Vishnu Pani were given first aid on the spot.

17.15.- It is further disclosed that Shri Dikhokm, Dy Commandant 107 Bn BSF reached the ambush site with 19 QRT personnel on 10 motorcycles. Dr Ranbir Singh also reached the SOC with ambulance. Dr Ranbir Singh checked-up the injured and declared that Shri J R Khaswan, Shri Rajesh Saran, Shri Ashok Kumar Yadav and Shri Jitendra Kumar had succumbed to the injuries.

17.16. It is further revealed that Dead bodies of deceased BSF personnel were shifted to Distt. Hospital Malkangiri. Two injured BSF personnel namely Suwendu Kundu and Vishnu Pani were also sent to D H H Malkangiri for treatment.

17.17.- It is further revealed that case crime No 07/2012 dated 10/02/2012 was registered at Police Station Chittrakonda district Malkangiri on the written complainant of Constable Vishnu Pani, of 107 Bn BSF, and investigation was undertaken by Shri Debashish Mishra, IC Chirakonda P/S.

17.18.- It is further revealed that SI Sujit Kumar Nayak of PS- Malkangiri town had carried out inquest over dead body of late Shri J R Khaswan and Late Shri Ashok Kumar Yadav. SI Devendra Kumar Biswal held the inquest of the dead body of Late Shri Rajesh Saran and Late Shri Jitendra Kumar.

17.19.- It further disclosed that during course of investigation, Post Mortem reports of the following deceased were collected from District H Malkangiri. The details thereof are as under:

- (A) **Late Jeevan Ram Khaswan** –Doctor conducting autopsy noticed 4 numbers of injuries i.e (1) extensive lacerated wound size 7”X5” on left front temporal area including left eye ball and brain matter of cerebral cortex loosed (2) Incised wound of 1”X ½” on left side of chest about 5” below left nipple (3) lacerated wound size 3”X1”X½” on medial side of left knee and (4) lacerated wound size 1”X1/2 ”X½” on right inter scapular region. They opined that the cause of death of deceased is due to shock and gross ovulation of scalp bone with cerebral cortex and all the injuries are ante mortem in nature.
- (B) **Late Ashok Kumar Yadav** :- MOs noticed 4 numbers of injuries i.e (1) Large lacerated wound size 3”X2”X3” on left side of neck of posterior aspect present and lower portion on left side occipital bone absent. (2) A puncture lacerated inverted margin with tattooing all around the wound with abraded grease colour around the wound size 1”X½” (entry) present on right gluteal region and laceration of skin of mole genitalia with exit wound at left inguinal region showing averted grease colour margin with tattooing (3) Wound of size 1”X ½” present on infra clavicle region and (4) lacerated wound of 1”X½” on right upper arm of lateral site. They opined that the cause of death of deceased is due to shock of both bone loss, neck muscle loss and occipital cortex loss and all the injuries are ante mortem in nature.
- (c) **Late Rajesh Saran:-** MOs noticed three numbers of injuries i.e (1) Incised wound size 5”X ½” on right temporal region horizontal scalp bone (temporal bone) and deep out injury to the cerebral cortex (2) incised wound size 1”X ½” on back side of the body and right renal angle and (3) incised wound size 1”X ½” on back side of the body on right lumbar region.They opined that the cause of death of deceased is due to shock

followed by heavy injury involving brain matter and all the injuries are ante mortem in nature.

- (d) Late Jitendra Kumar :-** In his case MO noticed five injuries viz (1) punctured out lacerated wound i.e. invoter margin with tattooing all around the wound i.e. abraded and grease colour of size 1"X1½"X1" two in number just above the left retrial fosse of left upper limbs (2) Lacerated wound size 1"X1/2"X ½"on left iliac fosse (3) punctured lacerated wound with invested margin i.e. tattooing all around the wound size 1"X ½" (entry wound) followed by right iliac fosse (4) ouch out lacerated wound i.e. averted margin at left hypochondrium with portion of omentum coming out and (5) Lacerated wound of size 5"X1" at right upper arm at lateral aspect. The MOs opined that the cause of death of deceased is due to shock haemorrhage on the abdominal cavity regulated by gun shay injury and all the injuries are ante mortem in nature.

17.20:-During course of investigation following 23 exhibits were sent to the Deputy Director, Regional Forensic Science Laboratory, Berhampur for examination and expert opinion vide order No 771 dated 06-07-12 of Hon'ble SDJM Malkangiri. Scientific experts of RFSL Berhampur examined the samples and opined.

SI No	Article	How, when and by whom found
1.	Wearing Apparels of deceased J.R Khaswan	Seized by inquest conducting officer after autopsy
2.	Wearing Apparels of deceased Ashok Kumar Yadav	
3.	Wearing Apparels of Late Rajesh Saran	
4.	Wearing Apparels of deceased Jitendra Kumar	
5.	Ammunition lead – 1 No	Seized by previous IO Shri D Mishra, IIC Chittrakonda during spot visit
6.	EFC of 5.56mm – 1 No	
7.	Sample Earth collected from spot	
8.	Blood Stained Dry Leaf	
9.	Blood stained earth sample	
10.	Brocken Glass Pieces of Blasted BOLERO Vehicle	

11.	303 Live rounds – 17 Nos with 2 numbers of charger clip	Recovered by BSF during search operation. Seized by previous IO Shri P.K. Bisoyi, SDPO Chitrakonda on production.
12.	7.62 mm live ammunitions – 12 Rds	
13.	303 EFC- 04 Nos	
14.	7.62 mm EFC – 27 Nos	
15.	AK-47 EFC(7.62mm) – 64 Nos	
16.	9mm EFC – 6 Nos	
17.	5.56 mm INSAS EFC- 15 Nos	
18.	Recoil Guide spring of Ak-47 – 1 No	
19.	One Recoil Spring of AK-47	
20.	One Retainer Spring return of AK-47	
21.	AK-47 Butt no88, body No-354236	
22.	AK -47, Butt No- 175, body No- OM9919	
23.	Black colour Samsung Mobile No RDZA-709303F having bullet mark	

The details of expert opinion in r/o the above has already been mentioned in the charge sheet No. 01/2014 of this case dated 09.05.2014.

17.21:- During the course of investigation, intimation was sent to Director General of Police Odisha, Maharashtra, Jharkhand, Chhattisgarh, Bihar and Andhra Pradesh vide letter No- RC/02/NIA/LKW/2012/46-51 dated 27/07/12& Director NCRB, CGO Complex, Lodhi Road, New Delhi vide letter No RC/02/NIA/LKW/2012/88 dated 04/09/2012, giving the details of missing / looted Arms & Ammunitions and communication equipment, for wide circulation amongst Naxal affected districts.

17.23:- Investigation brought on record that 9 mm Pistol bearing body No 245PX24364 (butt No 37), AK-47 rifle bearing body No- PT 3870 (butt No 172) and AK-47 rifle bearing body No- TP9277 (butt No 168) were issued to Shri J R Khaswan, Shri Rajesh Saran and Shri Jitendra Kumar respectively. These weapons were not deposited back to the BSF Kote i.e. lost during the above incident.

17.24:- During course of investigation, forensic team consisting forensic experts of RFSL Berhampur, SFSL Bhubaneswar and DFSL Koraput, conducted the forensic examination of the Bolero vehicle, which was blown away in the IED blast on 10.02.2012, at the BSF sector HQ, Koraput and opined as follows:- “From the extent of damage and type of force acted, it is found to be a case of High Explosive Explosion”.

17.25:- During course of investigation it is further disclosed that one person, Gopu Sandesh was an active member of terrorist organisation CPI (Maoist) and was given the status of Area Committee Member in the organisation. During the period of this incident, he was operating in Machkund area. He happened to be part of the review meeting held by one Central Committee member of CPI (Maoist) namely Akkiraju Hargopal @ Saket @ R.K (A-4) in the cut off area of Andhra-Odisha border to review the incident in which they had killed Shri J.R. Khaswan (since dead), the then Commandant 107 Bn BSF and three other BSF personnel on 10.02.2012. Statement of Gopu Sandesh was also got recorded u/s 164 Cr PC.

17.26:- Investigation has brought out that attack on BSF personnel was done to derail the constitutional procedure of the nation i.e election and to kill force personnel and to snatch the weapons. In furtherance to the conspiracy, a meeting of about 60-70 members of CPI (Maoist) operating in the area of Andhra – Odisha border was held in Andrapalli (cut-off area) of Andhra – Odisha border in the month of December, 2011 in which Akkiraju Hargopal @ Saket (A-4) conveyed the decision of Central Committee of CPI(Maoist) and asked the party cadre to take up the Tactical Counter Offensive Campaign (TCOC) and to attack on security forces in order to disturb the election process. The said (A-4) is secretary of Andhra - Odisha Border Special Zonal Committee of CPI (Maoist). In the meeting, it was conspired to attack on BSF personnel of Balimela camp and a naxal's team comprising about 50 cadres of CPI (Maoist) were selected for this purpose. Dubashi Shankar @ Pedda Mahendra (A-6) was made overall In-charge of the Ambush team. (A-6) assigned the task of collecting information about travel plans, track movement, deployment of BSF personnel during Panchayat elections to Ashok @ Rama Kawasi (A-12). Accordingly Ashok @ Rama Kawasi (A-12) conducted Reece and thereafter it was decided to lay ambush in Janiguda forest area of Malkangiri district of Odisha.

17.27:- Investigation further revealed that the rehearsal for the attack was planned out and was done for about five days in the cut-off area of Andhra-Odisha Border under the overall guidance of (A-5) and (A-6). The entire team camped in the cut-off area. All necessary arrangements including logistics and explosives were made by (A- 6) Pedda Mahender, (A-5) Gazrala Ravi and (A-3) Khillo Ranju @ Chanti. (A-3) had also arranged a boat for Maoist to cross

reservoir from Singaram to Dyke-3. Investigation has brought out that Explosive (Cordtex and gelatine etc) for making IED was arranged by (A-5) and IED was prepared by tech team headed by Mettur Joga Rao @ Tech Shankar (A-8) and assisted by others.

17.28:- Investigation has further brought out that the whole group of Maoist armed with deadly sophisticated weapons, under leadership of Gazrala Ravi (A-5) and Dubashu Shankar @ Peda Mahendra (A-6), moved for Janiguda forest area where the ambush was to be carried out. The group crossed the Balimela reservoir from the Singaram using a boat arranged by Khillo Ranju @ Chanti (A-3) and reached near ambush site about five days prior to the ambush. The spot for placing IED was selected by Dubashi Shankar @ Pedda Mahender (A-6), Rama Kawasi @ Ashok (A-12) and others. The spot was located on Chitrakonda-Balimela curve road about 24 kms from PS- Chitrakonda towards Balimela where dense forest cover and stony heights in the vicinity gave advantage for carrying such attacks and for escaping in the forest after the ambush.

17.29:- Investigation revealed that one accused Madhav (since dead) equipped with SLR & video Camera Sony Handycam, was entrusted to video record the whole occurrence at the site. He had recorded entire incident in his camera.

17.30:- Investigation further revealed that after planting the landmine, the entire group headed by Dubashi Shankar @ Mahender (A-6) and Gajarla Ravi @ Uday (A-5) camped behind the hillocks and waited for the right time. Each team was properly briefed and areas of responsibilities were demarcated. Every culprit were armed with sophisticated weapons like AK-47, INSAS rifles, SLR, 0.303 rifles and 12 bore gun.

17.31:- Investigation revealed that scout teams were placed at crucial places on both sides of ambush point to monitor the movement of BSF. Members of scout teams were instructed to communicate, any movements noticed by them, to Dubashi Shankar @ Pedda Mahender (A-6) immediately over walkie-talkie set. The same was also communicated accordingly.

17.32:- Investigation brought out that, on 10.02.2012 at around 1230 hours, when vehicle of Commandant 107 Bn BSF left Tunnel camp, same was observed by Scout. It was also noticed that most of the passengers of Bolero vehicle were carrying AK-47 rifles. As pre decided, the scout conveyed to Dubashi Shankar @ Pedda Mahender (A-6) over wireless set regarding the movement of BSF vehicles and officers/officials.

17.33:- Investigation further disclosed that as soon as the vehicle reached the spot, IED was triggered off by Dubashi Shankar @ Pedda Mahender (A-6) and the vehicle was thrown up. The vehicle was damaged, due to IED explosion of

about 40 Kg. All the occupants of BOLERO vehicle became injured but they came out from the vehicle. Thereafter the assault team and other firing teams of Naxals opened indiscriminate fire on the injured security force personnel. BSF personnel also opened fire from their service weapons. Exchange of fire took place for some time. Since The Naxal were on a dominating height and were behind safe cover of big stones, they did not get any injury but caused causality of four BSF personnel by inflicting gunshot injuries on the spot itself. The driver and PSO of commandant had shifted themselves on the other side of the road and got injuries.

17.34:- Investigation further brought out that, while exchange of fire was going on between BSF and NAXAL, a Mahendra Commander Jeep bearing registration No OR-10A/3412 carrying the officials of Irrigation Department of Odisha entered into the area of Stop Party of Naxals placed on Balimela side. Stop teams fired few rounds upon that vehicle and inflicted bullet injuries to two of its occupants namely Shri Srikant Behra and Govind Chandra Ray. But driver turned back the vehicle back and managed to escape. They reached Balimela safely and taken first aid at Balimela project power house colony hospital. Their medico-legal examination was also conducted there.

17.35:- Investigation has further brought out that stop team, was tasked to take away/ snatch arms and ammunition of the BSF personnel. After killing of 04 BSF personnel they looted two nos. of A.K.47, one 9 mm Pistol, 10 grenades, one base radio set, one camera, two mobile sets and some personnel belongings of the BSF officers.

17.36- Investigation has further revealed that after killing the BSF officers and subsequent loot, culprits escaped from the ambush site via Village Nilapari and Dyke-3 by evening of 10.02.12 and crossed the water body (Balimela) by powerboat arranged by Chanti (A-3).

17.37:- Investigation has further revealed that a review meeting was conducted by Akkiraju Hargopal @ Saket (A-4), Dubashi Shankar @ Pedda Mahender (A-6) and Gajarla Ravi @ Uday (A-5) held two days after the incident in cut-off area to review the whole operation. Culprits as well as other cadres of AOBSZC had attended the meeting. During the review meeting, Saket (A-4) separated the entire cadres into two groups; 1) Those who were the participants in the operation and 2) Those who were non-participants. Each of the team i.e. scout team, cut-off team, main assault, supply team etc had been seated separately and debriefed. The review was addressed by Saket (A-4), Mahendra (A-6), Uday (A-5), Ashok (A-12) etc. After congratulating the members on their success, shortcomings were also highlighted by general reference without specifically pointing out the individuals. At the end Akkiraju Hargopal @ Saket congratulated the cadre for showing commitment in carrying out the action. Accused Akkiraju

Hargopal @ Saket (A-4) further told that this successful operation just ahead of local body elections is highly appreciated and is highly motivating.

17.38:- Investigation further revealed that the looted arms were also distributed after the review meeting. One AK 47 Rifles was given to one Meena, the Leader of Podia Dalam and another AK 47 was given to Sukhdev (A-11), DCM of Kalimela Dalam. Pistol 9mm was handed over to Gamelli Chinna Rao @ Santu of Koraput Division. Two grenades were given to action teams and rest were given to other team members. After the review meeting all the cadres were directed to return back to their respective areas.

17.39:- It was further disclosed during investigation that Gamelli Chinna Rao (A-1) Madhav@ Ravi (2) Golla ramlu @ Madhav (A-2), Khillo Ranju (A-3), Akkiraju Hargopal (A-4), Gazrala Ravi (A-5), Dubashi Shanker (A-6), Julumuri Srinubabu (A-7), Mettur Joga Rao (A-8), Julumuru Venkateswarlu (A-9), Boddu Kundanal (A-10) Budhara Kawasi (A-11), Rama Kawasi (A-12), Daba Madhi (A-13), Deve Podiyami (A-14), Mangla Podiyami (A-15), Gamilli Sadai (A-16) and Mukka Sodhi (A-17) were the naxals who were actually involved in carrying out this crime.

17.40:- Investigation established the fact that instant crime was planned and carried out by AOBSZC and Malkangiri Joint Division Committee of CPI (Maoist) under the leadership of Central Committee member Akkiraju Hargopal @ RK (A-4), Dubashi Shankar @ Mahendra (A-6) and Gazrala Ravi @ Uday (A-5).

17.41:- Investigation revealed that one Area Committee Member of CPI (Maoist) namely Gameli China Mohan Rao @ Santu @ Khilla @ Bandhu @ Santosh @ Killo Mohan Rao @ Pulleya Meleka, s/o Late Gameli Bhashkar Rao r/o Goudaput, PS - Pedaballu, Distt- Vishakhapattanam Andhra Pradesh was arrested on 07-05-2013 by Rayagada Police and one Browning FNHP 9 mm pistol (bearing butt no. 37, body no. 245Px24364) was recovered from his possession. Local Police had registered a separate case Crime No 76 dated 07-05-2013 u/s 121, 121(a) IPC r/w section 16 (i) (b), 18(b) and 20 of UAP Act, sec 4 & 5 of E.S. Act, sec 25 of Arms Act & 3 of Young Mass (Harmful Publications) Act against Gameli Chinna Rao at Rayagada Police Station. A charge sheet was already filed against him in this case vide charge sheet No 01/2014.

17.42:- Investigation brought out that one surrendered member of CPI (Maoist) namely Ramesh Madkani had met Maoists while they were retreating after the incident. On the day of incident he was returning to cut-off area of Malkangiri. He was examined and his statement was recorded u/s 161 Cr.P.C. as well as 164 Cr.P.C. He also corroborated the fact of the case.

17.43:- Investigation further brought out that one accused of this case namely Khillo Ranju @ Bishantha @ Chanti (A-3) was arrested by Malkangiri Police on

23/07/2013 in connection with Papermetla PS case No 01/2013 dated 30/01/2013 u/s 147, 148, 149, 302, 120B IPC, 25/27 Arms Act and 17 Cr L A Act. Investigation brought out that Khillo Ranju @ Chanti (A-3) the then LOS commander of cut off area) had arranged logistic support and explosive for carrying out this incident and also arranged a motor boat which was used by culprits to cross the Balimela Dam after the incident as mentioned above.

17.44:- Investigation brought out that accused persons of this case are active cadre of CPI (Maoist) and mostly operating in the state of Andhra Pradesh and Odisha. They are dreaded criminals and absconding themselves to evade their arrest. Based on activities of these UG extremist and cases registered against them in Andhra Pradesh, Govt of AP has announced cash reward as mentioned against (A-3) to A-10 and (A-12) in below mentioned chart vide GO Ms No 614, G.A. (SC.A) Department dated 11/12/2012 and the GO has been circulated vide memo No 138/SC.A/A1/2012 dated 11/12/2012.

S/N.	Name and alias name	Address	Cases registered in AP	Reward declared by Govt of AP on their arrest
1.	Akkiraju Haragopal @ Saketh @ Panthulu @ Gopal @ RK @ Ramakrishna S/o Satyanarayana, (A-4)	Vill- Thumrukota , PS-Rentachintala, Dist –Guntur, AP	33	Rs.25 Lakhs vide G.O.Ms.No.614, GA (SC.A) dt.11.12.12 (S/N - 214)
2.	Dubashi Shankar @ Mahendra @ Ramesh @ RM @ Mahesh @ Ravanna S/o VeeraMallaiah, (A-6)	Vill- Chetla Narsampally, Indupriyal gram panchayat, PS-Dowlathabad, Dist-Medak AP	19	Rs.20 Lakh vide G.O.Ms.No.614, GA (SC.A) dt.11.12.12 (S/N-173)
3.	Gajarla Ravi @ Uday @ Ganesh @ Anand S/o Late Mallaiah, (A-5)	Vill.-Velishala, PS-Chityal, Dist: Warangal, AP	90	Rs.20 Lakh vide G.O.Ms.No.614, GA (SC.A) dt.11.12.12 (S/N-72)
4.	BodduKundanalu @ Vanaja @ Nirmala @ Mamatha, d/o Lt BodduSimhadri @Buddayya, (A-10)	w/o Chelluru Narayana Rao, r/o Nallabodduluru, Mandasa (M), District - Srikakulam, A.P	12	Rs.4 Lakh vide G.O.Ms.No.614, GA (SC.A) dt.11.12.12 (S/N-261)

5.	MetturJoga Rao @ Shanker @ Babu @ Siva s/o Kurumayya (A-8)	Bathupuram (V), Vajrapu Kotturu (M). Dist-Srikakulam, AP	02	Rs. 5 Lakh vide G.O.Ms.No.614, GA (SC.A) dt.11.12.12 (S/N-260)
6.	Jalumuri Venkateswaralu @ Chinnaiah @ Anand s/o Somaraju, (A-9)	3rd Street, Dabbapalem (v), Y.Ramavaram (m), District- East Godavari, A.P.	5	Rs. 4 lakh vide G.O.Ms.No.614, GA (SC.A) dt.11.12.12 (S/N-331)
7.	JalumuriSrinuBabu @Raino@ Sunil, S/o Somaiah, H/oPangiJulimi @ Jaya (A-7)	Vill-Dabbapalem, PS-Addatheegala, Y. Ramavaram Mandal, Dist.- East Godavari ,AP	5	Rs. 5 lakhs/- vide G.O.Ms.No.614, GA (SC.A) dt.11.12.12 (S/N-329)
8.	Golla Ramulu (Medam Ramulu)@ JNM Sridhar @ Madhav s/o Medam Pentaiah (A-2)	, Gopalpur, Panagal (m), Mahabubnagar district, AP	01	Rs. 5 lakhs/- vide G.O.Ms.No.614, GA (SC.A) dt. 11.12.12(S/N-187)
9.	Gameli Chinna Rao, @ Santu @ Khillo Mohan Rao S/o- Late K Bhaskar Rao (A-1)	r/o Goudputtu, P.S. Pedabailu, Dist. Vishakhapatnam (AP)		Rs. 4 lakhs/- vide G.O.Ms.No.614, GA (SC.A) dt.11.12.12 (S/N-283)

17.45:- Investigation brought out the identity of 17 accused persons out of which A-2 since dead and one accused person namely Mangla Podiyami @ Pawan has surrendered before local Police. One accused Chanti (A-3) is in Judicial custody and remaining are absconding.

18. Conclusion:-

18.1 That from the investigation of the case and the aforementioned discussion, it is established that Akkiraju Hargopal @ Saket (A-4), a Central Member of banned organisation CPI (Maoist) entered into a criminal conspiracy along with Dubashi Shankar @ Mahender (A-6), Gazarala Ravi @ Uday (A-5) and other co-conspirators for commission of a terrorist act against Government of India, with the intent to threaten the unity, integrity, security and sovereignty of India and with intent to strike terror in the people in India, by causing death of and injuries to security force personnel and , loss of, damage to and destruction

of government property. Being member of the proscribed terrorist outfit, the accused voluntarily and actively participated in the conspiracy and planning several terrorist acts including but not limited to attack on BSF personnel.

18.2:- In furtherance of criminal conspiracy and with intent to derail a democratic process (local body election) and kill security force personnel, about 40 to 50 armed cadres of CPI (Maoist) laid an ambush on Balimela- Chitrakonda road on 10.02.2012 and targeted the Bolero vehicle carrying Commanding Officer of 107 Bn BSF and 5 other BSF personnel. These Armed cadres affected the IED Blast followed by indiscriminate firing leading to death of 4 BSF officers/officials including Commandant of 107 BN BSF and severe injury to 04 other persons, including 02 civilian Govt servants of Odisha. Accused persons had also looted weapons, communication equipments and personnel belonging of deceased BSF personnel.

18.3:- The investigation established that the accused herein belong to banned terrorist outfit Communist Party of India (Maoist) having common intention and motive against the democratically elected government of India. Perturbed by proactive approach of BSF in anti naxals operation and to derail the local body election, all the accused have conspired among them and decided to attack BSF personnel and to loot the arms and ammunitions. In furtherance of the conspiracy, they decided to carry out the blasts with explosive materials, for which the accused collected explosives, detonators and other material required for execution of their plan. In furtherance to the conspiracy accused (A-1) to (A15) and many other members of banned terrorist outfit CPI (Maoist), having intention to wage war against the state, laid ambush on Balimela- Chitrakonda road and exploded the land mine targeting the Bolero vehicle of BSF. Soon after explosion, they lobbed Grenades and opened indiscriminate firing on occupant of Bolero vehicle. All the six occupant of Bolero vehicle sustained serious injuries and four of them, including Commandant of 107 Bn BSF, succumbed to the injuries. Naxals also looted arms, ammunitions and communication equipment of BSF personnel from the spot and fled away. Culprits also fired on a Mahindra Commander Jeep of Irrigation department of Govt of Odisha and caused bullet injury to two of its occupants. They also damaged government property i.e. one bolero vehicle of BSF and one Mahindra Commander Jeep of irrigation department and looted Arms, ammunitions and communication equipment.

18.4:- It is on record that accused persons, with intent to strike terror in the mind of the people of India, by using bomb, explosive substances and firearms caused death of 04 Security Force personnel and hence committed a terrorist Act. Weapon looted from BSF personnel was recovered from the possession of accused Gameli Chinna Rao @ Santu, who was earlier charge sheeted by NIA in this instant case vide charge sheet No. 01/2014 dated 09.05.2014.

18.5:- It is on record that all the accused persons are members of Proscribed CPI (Maoist) Group. The accused persons (A-4) to (A-15) except (A-13) are absconding. Accused (A-3) is in Malkangiri Jail in Pappermettla P/S case No. 01/2013.

18.6:- It is on record that during meeting of members of Andhra- Odisha Border Special Zonal Committee of CPI (Maoist) held in the month of December 2011, Akkiraju Hargopla @ Saket, Gazarala Ravi @ Uday and Dubashi Shankar @ Pedda Mahender selected about 45-50 active cadre of CPI (Maoist) operating in Malkangiri- Koraput area and planned attack on BSF. This fact has been established by the statement of witnesses.

18.7:- It is also on record that each accused of Maoist group (A-1) to (A-15) played his assigned role in the said ambush carried out by these accused persons on 10.02.2012.

18.8:- It is also on record that these accused persons looted 02 AK-47 Rifles, 01 Pistol, 10 Grenades and communication equipment during the said Ambush. It is worth mentioning that one 9 MM Pistol belonging the deceased Commandant Late J R Kaswaan was recovered from one accused Ghameli Chinna Rao and the said accused was charge sheeted in the Ld. court of Spl. Judge/NIA Bhubneshwar vide Charge sheet No. 01/2014 on 09.05.2014.

18.9:- It is also on record that accused persons of this case are members of banned terrorist outfit CPI (Maoist). Further cash rewards for apprehending them have also been declared in respect of some of accused persons.

18.10:- It is also on record that on 10.02.2012 these accused persons had also fired on a government vehicle and caused bullet injuries to civilians, who were travelling in the said vehicle.

18.11:- During investigation of the instant case, oral evidence in the form of statements of witnesses, documentary evidence and material evidence, mentioned in Annexure 'A', 'B' & 'C' provide incontrovertible evidence to substantiate the allegations investigated into and the fresh allegations found during the investigation.

18.12:- The investigation Prima facia establishes a prosecutable case against the accused persons and they are therefore liable for punishment for offences as mentioned in the table given below:

Name of Accused	Sections of law under which prosecution have been recommended
Khillo Ranju @ Chanti @ Bishant @ Bingshanta (A-3)	Under section 121/ 121A/ 122 / 147/ 148 /149 326/ 307/ 302/ of IPC, section 25/27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Akkiraju Haragopal @ Panthulu @ Srinivas Rao @ Saket @ Ramakrishna @ Gopal @ R.K. @ S.V. @ Santosh (A-4)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302/ of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Gajarla Ravi @ Ganesh @ Anand @ Uday @ Gajarla Ravinder(A-5)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302/ of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Dubashi Shankar @ Ankam Babu Rao @ Pedda Mahendra @ Mahesh @ Ramesh @ Sreenu	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Jalumuri Srinu Babu @ Sunil @ Rhino (A-7)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Metturu Joga Rao @ Babu @ Shankar @ Shiva @ Tech Shankar (A-8)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Jalumuri Venkateswarlu @ Chinnayya @ Anand, s/o Jalmuri Somaiah (A-9)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Boddu Kundanalu @ Vanaja @ Nirmala @ Mamatha (A-10)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Budhara Kowasi @ Sukhdev @ Ajit (A-11)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.

Rama Kawasi @ Ashok (A-12)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Daba Madhi @ Arjun @ Gangal @ Mukesh (A-13)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Deve Podiyami @ Navatha @ Sandhya (A-14)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Mangla Podiyami @ Pavan @ Arjun (A-15)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Gamilli Sadai @ Devi @ Sadhana (A-16)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.
Muka Sodhi @ Anil (A-17)	Under section 121 / 121A / 122 / 147/ 148 /149 326/ 307/ 302 of IPC, section 25 and 27 of Arms Act, Section 3 of Explosive Substances Act and sec 16/ 18/ 18-A/ 20 &38 of UA(P) Act.

18.13:- The sanction for prosecution for the aforementioned accused persons u/s 196 of Criminal Procedure Code , 1973 and section 45 (1) of Unlawful Activities (Prevention) Act. 1967 has been obtained from Government of India vide letter no. 11011/28/2012-IS.IV, dated 16.07.2015 and the same is enclosed as Annexure-D

18.14:- It is, therefore, most humbly prayed that based on the material facts filed along with this Police report, cognizance may please be taken and processes may please be issued against accused persons.

19 Dispatched on:
20 No. of Enclosures
21 List of enclosures

/8/2015
04
(1) Annexure A- List of witnesses
(2) Annexure B- List of Documents
(3) Annexure C- List of Articles
(4) Annexure D- Sanction order of M.H.A, New Delhi & Sanction
of DM, Malkangiri

- sd/- 6/8/15
(S K Malviya)
DY. SP/NIA/Lucknow