



सत्यमेव जयते

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

CHARGE SHEET
(U/s 173 CrPC)

**IN THE COURT OF SPECIAL JUDGE FOR NIA CASES,
ERNAKULAM, KERALA STATE**

STATE

v/s

RAJESH MADHAVAN AND OTHERS.

1. **Name of the Branch** : National Investigation Agency
(NIA). Kochi
- FIR No.** : RC- 04/2013/NIA/HYD
- Year** : 2013
- Date** : 16.05.2013
2. **Final Report/ Charge Sheet No** : Charge Sheet No. 01/2015
3. **Date** : 22.04.2015
4. **Sections of Law** : U/s 363, 120(B), 124A, IPC
and sections 10, 13, 38 & 39 of
Unlawful Activities (Prevention)
Act 1967.
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
Original/Supplementary
8. **Name of Investigating Officer** : A P Shoukathali
 Addl. Supdt. of Police
 NIA, Kochi, Kerala.
9. **Name of the Complainant/ Informant** : K Y Damian, Addl. SI
 Mavelikara PS
10. **Details of properties/ Articles/Documents recovered/ seized during Investigation and relied upon.** : As per the list enclosed.
11. **PARTICULARS OF ACCUSED PERSON CHARGE SHEETED**

(1) RAJESH MADHAVAN (A-1)

1.	Name	RAJESH MADHAVAN
2.	Whether verified	Yes
3.	Year/date of birth	05.05.1978
4.	Father's name	Madhavan
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Nil
8.	Religion	Hindu
9.	Occupation	Labour
10.	Address (Present)	Rajesh Bhavanam, Karuvelil House, Vettiyarmuri, Vettiyar Village, Kurathikad, Mavelikara, Kerala
11.	Address(Permanent)	Rajesh Bhavanam, Karuvelil House, Vettiyarmuri, Vettiyar Village, Kurathikad, Mavelikara, Kerala
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No.(If known)	Not Applicable
15.	Date of arrest	29.12.2012
16.	Date of release on bail	10.04.2013
17.	Under Act and Sections (of	Sections 363, 120(B), 124A,

	charge sheet)	IPC and sections 10, 13, 38 & 39 of Unlawful Activities (Prevention) Act 1967.
18.	Name(s) of bailer/sureties and address	1) Pradeep Kumar S/o Ponnamma Kunjamma r/o thailath veedu, Kaitha Vadakku, Mavelikara, Chettikulangara, Kunnamangalam, Alappuzha- 690106 2) Kunjupennu w/o Gopalan r/o Sivabhavanam, Karuvelil, Vettiayar Village, Mavelikara, Alappuzha
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	On bail

(2) GOPAL (A-2)

1.	Name	Gopal
2.	Whether verified	Yes
3.	Year/date of birth	21.11.1960
4.	Father's name	T. Sundarajan
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Nil
8.	Religion	Hindu
9.	Occupation	Retired Scientist Indira Gandhi Center for Atomic Research, Kalpakkam, Tamilnadu.
10.	Address (present)	7/3 L.D.N Chari Street, Panchavadi, Gapathypuram, Chrompet, Chennai, Tamil Nadu
11.	Address(Permanent)	Door No. 92, Royal Enclave, Madappakkam Road, No. 6 Sellaiyur, Chennai, Tamil Nadu
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No. (If known)	Not Applicable
15.	Date of arrest	29.12.2012

16.	Date of release on bail	10.04.2013
17.	Under Act and Sections (of charge sheet)	Sections 120(B), 124A, IPC and sections 10, 13, 38 & 39 of Unlawful Activities (Prevention) Act 1967.
18.	Name(s) of bailer/sureties and address	1) Pradeep Kumar S/o Ponnamma Kunjamma r/o thailath veedu, Kaitha Vadakku, Mavelikara, Chettikulangara, Kunnamangalam, Alappuzha- 690106 2) Kunjupennu w/o Gopalan r/o Sivabhavanam, Karuvelil, Vettiyar Village, Mavelikara, Alappuzha
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	On bail

(3) DEVARAJAN (A-3)

1.	Name	Devarajan
2.	Whether verified	Yes
3.	Year/date of birth	54/2015
4.	Father's name	Narayanan
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	No
8.	Religion	Hindu
9.	Occupation	Daily Labour
10.	Address (present)	Kaippuzhavila Veedu, Davalakuzhi Bhagam, Mayyanadu Cheriyl, Mayyanadu Village, Kollam, Kerala
11.	Address(Permanent)	Kaippuzhavila Veedu, Davalakuzhi Bhagam, Mayyanadu, Cheriyl, Mayyanadu Village, Kollam, Kerala
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable

14.	Regular Criminal No.(If known)	Not Applicable
15.	Date of arrest	29.12.2012
16.	Date of release on bail	10.04.2013
17.	Under Act and Sections (of charge sheet)	Sections 120(B), 124A, IPC and sections 10, 13, 38 & 39 of Unlawful Activities (Prevention) Act 1967.
18.	Name(s) of bailer/sureties and address	1) Pradeep Kumar S/o Ponnamma Kunjamma r/o thailath veedu, Kaitha Vadakku, Mavelikara, Chettikulangara, Kunnamangalam, Alappuzha- 690106 2) Kunjupennu w/o Gopalan r/o Sivabhavanam, Karuvelil, Vettiyyar Village, Mavelikara, Alappuzha
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	On Bail

(4) BAHULEYAN (A-5)

1.	Name	Bahuleyan
2.	Whether verified	Yes
3.	Year/date of birth	52/2015
4.	Father's name	Parameswaran
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	No
8.	Religion	Hindu
9.	Occupation	Daily Labour
10.	Address (present)	Thottasseril Veedu, Chiryinkeezhu Taluk, Thiruvananthapuram, Kerala
11.	Address(Permanent)	Thottasseril Veedu, Chiryinkeezhu Taluk,

		Thiruvananthapuram, Kerala
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No.(If known)	Not Applicable
15.	Date of arrest	29.12.2012
16.	Date of release on bail	10.04.2013
17.	Under Act and Sections (of charge sheet)	Sections 120(B), 124A, IPC and sections 10,13, 38 & 39 of Unlawful Activities (Prevention) Act 1967.
18.	Name(s) of bailer/sureties and address	1) Pradeep Kumar S/o Ponnamma Kunjamma r/o thailath veedu, Kaitha Vadakku, Mavelikara, Chettikulangara, Kunnamangalam, Alappuzha- 690106 2) Kunjupennu w/o Gopalan r/o Sivabhavanam, Karuvelil, Vettiyar Village, Mavelikara, Alappuzha
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	On Bail

(5) AJAYA KUMAR @ AJAYAN @ MANNOOR AJAYAN (A-6)

1.	Name	Ajaya Kumar @ Ajayan @ Mannoor Ajayan
2.	Whether verified	Yes
3.	Year/date of birth	53/2015
4.	Father's name	Balakrishnan Nair
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Nil
8.	Religion	Hindu
9.	Occupation	Nil
10.	Address (present)	Kuriyannur House, Mannadi,

		Keezhillam, Airapuram Village, Muvattupuzha, Kerala
11.	Address(Permanent)	Kuriyannur House, Mannadi, Keezhillam, Airapuram Village, Muvattupuzha, Kerala
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No.(If known)	Not Applicable
15.	Date of arrest	18.02.2013
16.	Date of release on bail	18.04.2013
17.	Under Act and Sections (of charge sheet)	Sections 120(B), 124A, IPC and sections 10,13, 38 & 39 of Unlawful Activities (Prevention) Act 1967.
18.	Name(s) of bailer/sureties and address	1) Prakasan S/o Narayanan r/o Kattuthalakkal, Edappurayil, Vazhuvadi Muri, Thazhakkara Village, Mavelikara, Alappuzha 2) Kunjupennu w/o Gopalan r/o Sivabhavanam, Karuvelil, Vettiyyar Village, Mavelikara, Alappuzha
19.	Previous convictions with case reference	Simple imprisonment for 6 months for the offence u/s 120(B) IPC, simple imprisonment for 6 months for the offence u/s 342 IPC, Simple imprisonment for one year for the offence u/s 353 IPC, simple imprisonment for 3 years and fine of Rs. 2500/-, in default simple imprisonment for 3 months for the offence u/s 452 IPC, simple imprisonment for 3 years for the offence u/s 506(ii) IPC and simple imprisonment for 3 years and fine of Rs. 2500/-

		each, in default simple imprisonment for 3 months for the offence u/s 5 of Explosive Substance Act in SC No. 2/2000 of Addl. Assistant Sessions Court, Palakkad
20.	Status of accused	On Bail

12. Particulars of the accused persons not charge sheeted.

(1)	<u>SHIYAS (A-4)</u>	
1.	Name	SHIYAS
2.	Whether verified	Yes
3.	Year/date of birth	02.07.1989
4.	Father's name	Salim
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	Nil
8.	Religion	Muslim
9.	Occupation	Private Job
10.	Address (present)	Mannan Vilakam Veedu, Korakode, Near Pallipuram CRPF Camp, Andoorkonam Village, Thiruvananthapuram, Kerala
11.	Address(Permanent)	Mannan Vilakam Veedu, Korakode, Near Pallipuram CRPF Camp, Andoorkonam Village, Thiruvananthapuram, Kerala
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No. (If known)	Not Applicable
15.	Date of arrest	29.12.2012
16.	Date of release on bail	10.04.2013
17.	Under Act and Sections (of charge sheet)	Tendered pardon u/s 306 CrPC
18.	Name(s) of bailer/sureties and address	1) Pradeep Kumar S/o Ponnamma Kunjamma r/o thailath veedu, Kaitha Vadakku, Mavelikara, Chettikulangara, Kunnamangalam,

		Alappuzha- 690106 2) Kunjupennu w/o Gopalan r/o Sivabhavanam, Karuvellil, Vettiyyar Village, Mavelikara, Alappuzha
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	On Bail

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 MOs)

14. If FIR is false action taken : Not Applicable

15. Result of laboratory analysis:

15.1 The Analysis report of Mobile Phone, SIM, Memory card etc. seized from A-1 to A-5, obtained from FSL Thiruvananthapuram.

- (1) Analysis report of SIM of A-1 containing details of contacts, call registers, SMS messages and other data.
- (2) Analysis report of Mobile phone of A-2 containing details of phone contacts, call registers, SMS messages and other data.
- (3) Analysis report of SIM of A-2 containing details of contacts, call registers, SMS messages and other data.
- (4) Analysis report of Mobile phone of A-3 containing details of phone contacts, call registers, SMS messages and other data.

- (5) Analysis report of SIM of A-3 containing details of contacts, call registers, SMS messages and other data.
- (6) Analysis report of Mobile phone of A-4 containing details of phone contacts, call registers, SMS messages and other data.
- (7) Analysis report of SIM of A-4 containing details of contacts, call registers, SMS messages and other data.
- (8) Analysis report of another Mobile phone of A-4 containing details of phone contacts, call registers, SMS messages and other data.
- (9) Analysis report of another SIM of A-4 containing details of contacts, call registers, SMS messages and other data.
- (10) Analysis report of SIM of A-5 containing details of contacts, call registers, SMS messages and other data.
- (11) Analysis report of Mobile phone of A-5 containing details of phone contacts, call registers, SMS messages and other data.
- (12) Analysis report of SIM of A-5 containing details of contacts, call registers, SMS messages and other data.

15.2 The Analysis report of Hard disc and mobile phone seized from A6 and Hard disc seized from Cherry Printers, Mannor obtained from C-DAC Thiruvananthapuram.

15.3. The examination report of comparison of Hand writing of A1 and A6 is awaited from FSL Thiruvananthapuram.

15.4. The examination report of comparison of voice of A-6 is awaited from FSL Thiruvananthapuram.

15.5. The analysis report of examining Mirror images of hard disc, pendrives etc seized from G N Saibaba, Deputy Secretary, RDF obtained from FSL Mumbai is awaited from C-DAC Thiruvananthapuram.

15.6. The analysis report of KENXINDA make Mobile phone with SIM seized from A-1 is awaited from C-DAC Thiruvananthapuram.

15.7. The analysis report of Hard disc of laptop seized from A-1 is awaited from Directorate of Forensic Science, Gujrat.

15.8. Further analysis report of Hard disc seized from A-6 is awaited from C-DAC Thiruvananthapuram.

15.9. Further analysis report of Hard disc seized from Cherry Printers is awaited from C-DAC Thiruvananthapuram.

16. BRIEF OF THE CASE:

16.1. This is a case relating to conspiracy by the members of the proscribed terrorist organization, Communist Party of India (Maoist), for recruiting members, juveniles and followers for unlawful terrorist activities and to promote anti-national activities that adversely affect the integrity, sovereignty and national security of India.

16.2. On 29-12-12 Sri. K.Y. Damien, Additional SI, Mavelikkara along with Police party went to Cherumadam Lodge, Mavelikkara and verified the secret information received by him. He found two minor girls along with some adult males in closed Room No.17 of Cherumadam Lodge at 12:50 HRs under suspicious circumstances. The two girls found in the room were [REDACTED]. The adult males, A-1 to A-5, are the supporters and activists of Revolutionary Democratic Front (RDF), frontal organisation of the proscribed CPI (Maoist) party hailing from different parts of Kerala and one person (A2) from Tamil Nadu. On his preliminary verification, it was revealed that A1 Rajesh Madhavan had brought the juveniles [REDACTED] [REDACTED] from Valappad in Thrissur district without the knowledge or consent of their lawful guardian [REDACTED], in order to form student's wing of the proscribed organization. Addl. SI arrested A-1 to A-5 at 13:05 HRs and seized some pro-Maoist literature including RDF Draft Manifesto from A-1. A laptop, mobile phones etc. were also seized from them. The case was registered as Cr. 1622/12 u/s 143,147,149,361,120(B) of IPC, section 23 of Juvenile Justice Act and sections 3 r/w 10 and 13 of UA (P) Act at 15:15 HRs by Sri. Damien, Additional SI, Mavelikkara, on 29.12.2012 and FIR was submitted before the Hon'ble JFCM Court-I, Mavelikkara. The girls were removed from the place and later produced before the Child Welfare Committee on the same day. They were kept in Rescue Home (Mahila Mandiram) and later handed over to their guardian [REDACTED]. A-1 to A-5 were produced before the Hon'ble JFCM Court-I, Mavelikkara on 30.12.2012 and remanded to judicial custody.

16.3. Investigation done by Kerala Police had revealed that the accused had assembled in that room as per the directions of Ajaya Kumar @ Ajayan @ Mannoor Ajayan, Revolutionary Democratic Front (RDF) State Secretary and that their aim was to promote terrorist activities that would adversely affect the national security. Hence, during the course of investigation, Circle Inspector of Police, Mavelikkara added Section 109 IPC and sections 18, 18(B), 20 r/w 35 of UA(P) Act on 09.01.2013 and arraigned Ajaya Kumar @ Ajayan @ Mannoor Ajayan; RDF State Secretary and former Secretary of Revolutionary Peoples Front (RPF), as accused (A-6). He was arrested on 18.02.2013 by Shri Baby Charles, DySP, Chengannur.

16.4. Considering the gravity of the offences, the Ministry of Home Affairs, Government of India, IS-I Division, vide its Order F No. 11011/22/2013-IS-IV dated 01/05/2013, directed National Investigation Agency to take over the investigation of the above case. In pursuance of that order, the present case was registered as RC No.04/2013/NIA/HYD at NIA PS, Hyderabad u/s 109, 120(B), 143, 147,149, 361 IPC, Sec 23 of Juvenile Justice Act and sections 3 r/w 10, 13, 18, 18(B), 20 and 35 of UA (P) Act against accused A1 to A6 by Dr. A. Ravi Shankar, IPS, DIG, NIA, Hyderabad.

17. FACTS DISCLOSED DURING INVESTIGATION IN SUM

17.1. The preliminary investigation of this case was conducted by Sri. K Y Damien, Addl. SI, Mavelikkara. The accused A-1 to A-5 were arrested by him from the place of occurrence on 29.12.2012 and were produced before the Hon'ble JFCM-1 court, Mavelikkara on 30.12.2012. He seized the Laptop, RDF draft manifesto, pro-Maoist literature, mobile phone etc. from A-1. He also seized the Room Register of Cherumadom Lodge on 29.12.2012 itself.

17.2. On 31.12.2012, a cotton bag which was found abandoned in Cherumadom Lodge was seized and later identified to have been used by Gopal (A-2). On 04.01.2013, all the accused (A-1 to A-5) were taken into Police custody for 06 days. While so, the then IO committed suicide by hanging himself and a case vide Crime 26/13 dated 07.01.2013 u/s 174 CrPC was registered in Mannar Police Station. The case was finally reported as suicidal hanging due to unbearable job pressure and incurable skin disease.

17.3. The case was taken up by Sri. K.J.Johnson, C.I. of Police, Mavelikkara on 08.01.2013. He prepared the Scene Mahazar of Cherumadom Lodge, questioned witnesses and added sections 18, 18(B) and 20 r/w 35 of UA(P) Act. On 09.01.2013, the accused were remanded

back to judicial custody. Section 109 IPC was added, Ajaya Kumar @ Ajayan @ Mannoor Ajayan (RDF State Secretary) was arraigned as accused (A-6) and reports were filed before the Hon'ble court to that effect on the same day.

17.4. Then the case was entrusted to Dy.SP, Chengannur vide Order No. D-1/1714/2013-A dated 11.01.2013 of District Police Chief, Alappuzha and Sri. Baby Charles, Dy.SP, Chengannur Sub Division, took up the investigation on 24.01.2013. On 18.02.2013, Dy.SP arrested A-6 Ajaya Kumar @ Ajayan @ Mannoor Ajayan at 06:00 hrs from his house. A search was conducted and among the other things some pro-Maoist literature, mobile phone and diary were seized during the search. Seized pro-Maoist literature included RDF draft manifesto, booklet against 'Operation Green Hunt', Telugu posters of RDF, posters of RDF-RSYF etc. He was produced before the Hon'ble Court and remanded to judicial custody. On 22.02.2013, A-6 was taken into Police custody for interrogation for 5 days till 26.02.2013. His statement was recorded by DySP. On 23.02.2013, DySP again searched the house of A-6 as per the warrant obtained from Hon'ble Court and seized the computer hard disc with CPU containing files of pro-CPI (Maoist) literature etc. CDRs of the accused were also collected.

17.5. After that the case was entrusted to Sri. D. Mohan, Dy.SP, Narcotic Cell, Alappuzha (In-charge of Dy.SP, Chengannur) from 25.03.2013. Subsequently, the case was taken up by Sri. B.Prasannan Nair, Dy.SP, Chengannur on 19.04.2013 and investigated till NIA took over.

17.6. NIA re-registered the case on 16.05.2013 and initially Sri. V.K. Abdul Kader, Dy.SP, NIA, Kochi was appointed as the Investigating Officer. All documents and material objects of the case were transferred from Hon'ble JFCM-I Court, Mavelikkara to the Hon'ble Special Court for NIA Cases, Ernakulam and investigation was continued. Then, the undersigned was appointed as the Chief Investigating Officer on 12.3.2014.

17.7. The properties seized were produced before the Hon'ble Court and received in TR No.02/2013, 06/2013, 07/2013, 53/2013 and 96/2013. The mobile phones seized from A-1 to A-5, Laptop seized from A1 and CPU and Mobile Phone seized from A6 were sent to the State Forensic Science Laboratory, Thiruvananthapuram and analysis report was obtained. Result of the examination in respect of the Hard Disc of A-6 was received from C-DAC, Thiruvananthapuram. Fresh request was submitted through the court for further analysis of the hard disc. Regarding the laptop seized from A-1, it was reported by FSL that they could not retrieve any data from the laptop and mobile phone of A-1. Further, the mobile phone

with one SIM and the hard disc of laptop of A-1 were sent to C-DAC, Thiruvananthapuram for examination, but they also could not retrieve any data from Hard disc. Hence, the hard disc of the laptop was sent to Directorate of Forensic Science Laboratory, Gandhi Nagar, Gujarat for retrieving the data, analysis and report as FSL Gujarat has the facility to recover data from the damaged hard disc and the examination is in progress. Report will be submitted before the Hon'ble Court in due course.

17.8. Age certificate dated 15.07.2013 and copy of SSLC certificate of [REDACTED] who was studying in +2 Computer Science during the academic year [REDACTED] district were obtained from the Principal. Her date of birth is [REDACTED] and the age was 17 years as on date of occurrence. Age certificate of [REDACTED] who was studying in 6th standard during the academic year [REDACTED] district was also obtained from the Head Mistress. Her date of birth is [REDACTED] and the age was 10 years as on date of occurrence.

17.9. Investigation was conducted about the address "Janakeeyapatha Prasadheekarana Kendram, [REDACTED], Cochin University-PO, Kochi-22" found in the RPF/RDF publication 'Janakeeyapatha' which was seized from house of A6. It was revealed that the said house address was owned by Smt. Nafeesa (Mother of Shyna) and that Roopesh and Shyna were staying in that house till they went underground. It was also revealed that 'Janakeeyapatha' was initially published by Roopesh and Shyna from their house and that Ajayan (A-6) and Kunjumon (who was shown as the Printer and Publisher) had assisted them in publishing the same. Later, this was published by A-6 after the couple went underground in the year 2008 following the arrest of CPI (Maoist) Central Committee Member Malla Raja Reddy from Angamaly, Ernakulam, Kerala. They had arranged shelter for the CPI (Maoist) leader and a case was registered against them at PS Perumbavoor vide Crime No. 127/08, in this regard. A notice u/s 43(F) of Unlawful Activities (Prevention) Act was served to Kunjumon (CW-14) who furnished information in this regard.

17.10. Ownership certificate of the above said house was obtained from the Secretary, Kalamassery Municipality which showed that the owner was [REDACTED] (CW-15) who had sold the land and house (with house number [REDACTED] from 1997 to 2000) to [REDACTED] (CW-16) on 21.10.1998. Certified copy of the Registration Deed (Document [REDACTED]) was obtained from the Sub Registrar, Edappally. As per this document, 4 Cents of land and the house in Survey [REDACTED]

██████████ was purchased by ██████████ from ██████████ for Rs. 36,000/-.

17.11. Observation Mahazar of the above house in building No. ██████████ was prepared on 27.05.2014 by Sri Sajimon, Inspector as per the direction of the CIO. It was observed that building ██████████ ██████████ were also assigned previously to the house. In this regard, a certificate was obtained from the Secretary, Kalamassery Municipality.

17.12. Registration details of CEPZ workers union (CWU) were collected from the District Labour Officer, Ernakulam and the Labour Commissioner, Thiruvananthapuram. As per the documents this union was registered on 24.06.1999 at the address ██████████, Ethappilly road, Kochi 22 with Roopesh as the founder General Secretary.

17.13. Five cases have been registered in the state against Roopesh S/o Ramachandran R/o Thekkinedathu House, Thrithaloor kara, Vadanappilli, Thrissur district, Kerala and some other identified CPI(Maoist) cadres for waging war and inciting disaffection against Government of India, threatening police and people with deadly weapons, armed movements through tribal colonies etc. Certified copies of FIRs in Crime No. 127/08 of Perumbavoor PS, Crime No. 28/2014, 38/2014, 43/2014, 140/2014, 142/2014 and 384/2014 of Vellamunda PS were obtained. Roopesh was reported as seen with prohibited arms in these Vellamunda PS crimes.

17.14. During the course of investigation, some printed posters of CPI (Maoist) party appeared at Mavelikkara area. Two of such posters were seized by Sri. Sajimon, Inspector on 05.09.2013 as per the direction of the CIO. Again some hand written posters appeared near Mavelikkara and one was seized by Sri Sajimon, Inspector on 21.02.2014. On 31.10.2014, a poster was found on a stationery shop at Vallikunnam in Alappuzha district. This poster was found approximately 15 KMs from Chunakkara and Vazhuvadi where CPI (Maoist) posters were found earlier. In this regard, a case was registered at Vallikunnam PS vide Crime No. 1084/14 dated 31.10.2014 u/s 124A IPC and sections 10 & 39 (1) (a) (i) of UA (P) Act.

17.15. On 13.11.2014, three posters of RDF supporting CPI (Maoist) appeared on the boundary walls of District Veterinary Centre, Kasaragod, Regional Artificial Insemination Centre, Kasaragod and Society for prevention of Cruelty to Animals (SPCA) Kasaragod. The posters were seized by NIA and produced before the Hon'ble NIA Special court.

17.16. On 11.12.2013, a 160 GB Hard Disc containing documents such as RDF Draft Manifesto, Chorus (Special Bulletin of RDF State Committee), RDF notice, RDF posters and pamphlet, RPF posters and notice, RPF State Committee donation receipt etc. was seized from Cherry Printers, Manoor as the same was produced by the proprietor ([REDACTED]) of the press. Poly Master sheets prepared for printing RDF draft manifesto and Chorus special bulletin in Malayalam were also seized from the press. [REDACTED]
[REDACTED]
[REDACTED]

17.17. Professor G.N. Saibaba, All India Deputy Secretary, RDF was arrested on 9th May, 2014 by Maharashtra Police in connection with Crime No. 3017/2013 u/s 13, 18, 20, 38 & 39 of UA (P) Act of Aheri PS (Maharashtra). Earlier his residence (at New Delhi) was searched by Maharashtra Police in connection with this case. Some incriminating materials including Laptop, Computer Hard Disc Drives, Pen Drives etc. were seized from his house by Sri. Suhas Bawache, SDPO, Aheri on 12.09.2013 and examined at Forensic Science Laboratory, Mumbai. The case was charge sheeted in which G N Saibaba has been arraigned as A-6. The documents recovered forensically from seized digital media revealed that Ajaya Kumar @ Ajayan @ Mannoor Ajayan (A-6) had attended the 1st RDF National conference held in Hyderabad on April 22 & 23 in 2012. Certified copies of the FIR, Charge sheet and FSL report of the above case were obtained from the Hon'ble Principal District and Sessions Court, Gadchiroli. On the request of CIO, the Hon'ble Principal District and Sessions Court, Gadchiroli issued orders for taking the mirror images of the digital media seized from G N Saibaba. Accordingly, FSL, Mumbai submitted the mirror images before this Hon'ble Court. Further, the mirror images were forwarded to C-DAC Thiruvananthapuram for analysis. A copy of said mirror images was obtained from C-DAC for investigation purpose. It revealed that G.N. Saibaba is a CPI (Maoist) activist and that RDF is a frontal organisation of CPI (Maoist) party. All activities of RDF are directed towards furthering the objectives and intentions of CPI (Maoist) party.

17.18. The draft RDF manifesto contained highly seditious material and it instigates cession/secession of the territory of India from Indian union and it also instigates people for secession of parts of territory of India. The RDF draft manifesto retrieved from the hard disc of G.N. Saibaba, the RDF draft manifesto seized from A-6 Ajayan's residence, the RDF draft manifesto seized from Cherry Printers (where A-6 had printed the

copies) and also from A-1's Laptop bag (seized from the place of occurrence) are similar.

17.19. During the investigation the copy of the order in Criminal Application (BA) No. 485/2014 of the High Court of Bombay, Nagpur Bench was obtained. While dismissing the bail plea of G.N. Saibaba, the Hon'ble Court specifically remarked in the order that, at that stage, prima-facie, it showed that this organization (RDF) was nothing but a front organization of the banned organization (CPI Maoist).

17.20. Specimen hand writings and signature of Ajaya Kumar @ Ajayan @ Manoor Ajayan (A-6) were collected through the Hon'ble NIA Special Court with a view to compare with his manuscript and notes in the diary seized from his house during his arrest and search on 18.02.2013. Specimen hand writings and signature of Rajesh Madhavan (A-1) were also collected with a view to compare it with his hand writing and signature on the Room Register of Cherumadom Lodge and also with the hand writing in the note book (the proceedings of the meeting) seized from the scene on 29.12.2012. The questioned documents and the specimen writings collected were forwarded for comparison to State Forensic Science Laboratory, Thiruvananthapuram and the results are awaited.

17.21. Meanwhile the Legal interception of A-6's mobile number was also done. Some conversations revealing the links between RDF and CPI (Maoist) were recorded. The digital voice logs were seized by the scientific expert CFSL Hyderabad from the server of Technical Cell, NIA, Hyderabad. Voice sample of A-6 was recorded at All India Radio, Kochi with permission of the Hon'ble court. The voice sample and intercepted voice logs seized were forwarded through the court to State FSL, Thiruvananthapuram for comparison. The report is awaited.

17.22. During the course of investigation, the statement of protected witness was recorded. He stated that RDF is a cover organization of CPI (Maoist) and that the Central Committee of proscribed CPI (Maoist) party is directly looking after all the affairs of Mass Organizations like RDF.

17.23. Meanwhile, accused Shiyas (A-4) who was arrested on 29.12.12 expressed his willingness to disclose all the facts known to him relating to this crime before the Hon'ble Court. His statement u/s 164 CrPC was recorded. He stated that he had attended the meeting at Cherumadom lodge Mavelikara on 29.12.2012 in which A1, A2, A3, A5 and two juveniles had participated and that the meeting was intended to form a student's organization under RDF. Shiyas was tendered pardon by Hon'ble NIA

Special court on 18-03-2015 u/s 306 CrPC in CMP 72/2015 and is cited as witness (CW-54) in this case.

17.24. Gazette notifications regarding the ban on Revolutionary Democratic Front (RDF) in the states of Odisha and Andhra Pradesh/Telangana were obtained. The notifications revealed that RDF has been banned for sub-serving the interests of CPI (Maoist) and that it is a frontal organization of the proscribed party.

17.25. There is sufficient oral and documentary evidence to prove that RDF is a frontal organization of proscribed CPI (Maoist) party. Accused A-1, A-2, A-3, A-5 and A-6 are activists and leaders of RDF. Shiyas is a friend of A-1 and knew about the purpose of the meeting at Cherumadom Lodge on 29.12.2012. The meeting was secret in nature.

17.26. A-1 had brought the draft manifesto to the place of occurrence in furtherance of the conspiracy of the accused for propagating the ideology of the proscribed CPI (Maoist) party by forming a student's constituent organization of RDF. The Manifesto itself promotes and incites disaffection towards the lawfully established governments in India and challenges the sovereignty and territorial integrity of India. It excites disaffection towards the government established by law in India. A-1, A-2, A-3, Shiyas(CW-54) and A-5 conducted a meeting on 29.12.2012 at Cherumadom Lodge, Mavelikkara intending to promote unlawful activities. Accused reached the place of occurrence from distant places in furtherance of their conspiracy and common object. Accused intended to form a student's constituent organization of RDF knowing that it will be the frontal organization of CPI (Maoist) to further activities of the proscribed party. RDF is one among the Revolutionary Mass Organizations of CPI (Maoist) party. Documents seized in connection with Aheri PS Crime No. 3017/13, besides documents seized from Ajaya Kumar's (A6) residence, documents seized from Cherry Printers and the statement of Shiyas recorded u/s 164 CrPC prove this fact.

17.27. A-1, A-2, A-3, A-5 & A-6 conspired to conduct a secret meeting at Cherumadom Lodge, Mavelikkara on 29.12.2012 in order to form a student's constituent organization of Revolutionary Democratic Front, a frontal organization of proscribed CPI(Maoist) party. In furtherance of their conspiracy, A-1, A-2, A-3, along with Shiyas and A-5 formed part of an unlawful association at Room No.17 of Cherumadom Lodge, Mavelikkara. Two juvenile girls [REDACTED] also attended the meeting intended to further the activities of CPI (Maoist) party and thereby disrupt the sovereignty and territorial integrity of India. The meeting was also intended to excite disaffection towards the Government established by law in India.

17.28. A-1 Rajesh Madhavan enticed the two minor girls ██████████ ██████████ to move from ██████████ ██████████ to Mavelikkara and to attend the meeting without the knowledge or consent of their lawful guardian.

17.29. CPI (Maoist) and all its frontal organisations are declared as terrorist organisations as per the 1st schedule to the Unlawful Activities (Prevention) Act, 1967.

18. CHARGE

18.1 That A1 Rajesh Madhavan, A2 Gopal, A3 Devarajan, A5 Bahuleyan and A6 Ajayakumar @ Ajayan @ Mannoor Ajayan were parties to criminal conspiracy hatched by them during 2012 in Mavelikkara and other places in Kerala to form a student's constituent organization of Revolutionary Democratic Front (for short RDF), a terrorist organization being a front organization of Communist Party of India (Maoist) which was declared as Terrorist organization for its anti-national activities by the Government of India and added in the schedule to the Unlawful Activities (Prevention) Act 1967, with intent to threaten the sovereignty and integrity of India and to advance the anti-national ideologies/objectives of the Communist Party of India (Maoist).

18.2 That in pursuance of the said criminal conspiracy A6 Ajayakumar on 29.12.2012 organized a secret meeting of the RDF in Room No. 17 of the Cherumadam Lodge in Mavelikkara which was presided over by Rajesh Madhavan (A1). With this intention A1 had brought the RDF draft Manifesto which was got printed by A6 Ajaya Kumar to the meeting attended by A2 Gopal, A3 Devarajan, A5 Bahuleyan, Shiyas (CW-54), ██████████ ██████████ to form a constituent student organization of RDF in Kerala with the object of questioning and disrupting the sovereignty and territorial integrity of India and to cause disaffection towards Government of India.

18.3 In pursuance of the criminal conspiracy, accused A1 Rajesh Madhavan, A2 Gopal, A3 Devarajan, A5 Bahuleyan and A6 Ajaya Kumar @ Ajayan @ Mannoor Ajayan mentioned in Para No.11 and Shiyas mentioned in Para No.12 intentionally and willfully formed part of an unlawful association, intending to form a student's constituent organisation of Revolutionary Democratic Front (RDF) a frontal organisation of proscribed

terrorist organisation CPI (Maoist) to further its unlawful activities. A1 Rajesh Madhavan, A2 Gopal, A3 Devarajan, [REDACTED] and A5 Bahuleyan conducted a secret meeting at room No.17 of Cherumadom Lodge, Mavelikara on 29.12.2012 along with two juveniles [REDACTED], with an intention to associate, profess to associate and support the activities of proscribed terrorist organisation CPI (Maoist), there by threatening the sovereignty and territorial integrity of India. They also intended to excite disaffection towards the Government established by law in India.

18.4. A1 intentionally enticed two minor girls [REDACTED] [REDACTED] to attend the secret meeting and brought them to room No.17 of Cherumadom Lodge, Mavelikara on 29.12.2012 to form a student's constituent organisation of Revolutionary Democratic Front (RDF) a frontal organisation of proscribed terrorist organization CPI (Maoist) without the consent of their lawful guardian.

18.5. Therefore, A1 Rajesh Madhavan, committed offences punishable u/s 363, 120B and 124A of Indian Penal Code and sections 10,13,38 & 39 of Unlawful Activities (Prevention) Act, 1967 (Amendment Act 2008).

18.6. Whereas, A-2 Gopal committed offences punishable u/s 120B and 124A of Indian Penal Code and sections 10,13, 38 & 39 of Unlawful Activities (Prevention) Act, 1967 (Amendment Act 2008).

18.7. Whereas, A-3 Devarajan committed offences punishable u/s 120B and 124A of Indian Penal Code and sections 10,13, 38 & 39 of Unlawful Activities (Prevention) Act, 1967(Amendment Act 2008).

18.8. Whereas, A-5 Bahuleyan committed offences punishable u/s 120B and 124A of Indian Penal Code and sections 10,13, 38 & 39 of Unlawful Activities (Prevention) Act, 1967 (Amendment Act 2008).

18.9. Whereas, A-6 Ajaya Kumar @ Ajayan @ Mannoor Ajayan committed offences punishable u/s 120B and 124A of Indian Penal Code and sections 10,13, 38 & 39 of Unlawful Activities (Prevention) Act, 1967 (Amendment Act 2008).

18.10. The sanction for prosecution u/s 196 CrPC and Section 45 of the Unlawful Activities (Prevention) Act,1967 (as amended in 2008) for prosecuting A1 Rajesh Madhavan, A2 Gopal, A3 Devarajan, A5 Bahuleyan and A6 Ajaya Kumar @ Ajayan @ Mannoor Ajayan u/s 120B and 124A of IPC and Sections 10, 13, 38 & 39 of Unlawful Activities (Prevention) Act 1967 has been accorded by the Ministry of Home Affairs, Govt. of India vide order No.11011/22/2013-IS.IV dated 6th April, 2015.

18.11. Shiyas mentioned in para No.12 voluntarily disclosed true facts of the case and the Hon'ble Court tendered him pardon U/s 306 CrPC. He may be treated as witness in the case.

18.12. The documents regarding analysis reports from FSL Thiruvananthapuram, C-DAC Thiruvananthapuram and FSL Gujarat will be submitted before the Hon'ble Court in due course.

18.13. It is therefore, humbly prayed that the Hon'ble Court may be pleased to take cognizance, issue appropriate process in respect of all the accused persons mentioned in Para No. 11 and try the accused persons as per law.

19. Dispatched on : 22.04.2015

20. No. of enclosures : Four

21. List of enclosures :1.Annexure-I (List of witnesses)
2.Annexure-II (List of Documents)
3.Annexure-III (List of Material Objects)
4.Prosecution Sanction

(A.P Shoukkathali)

Addl. Superintendent of Police
National Investigation Agency
Kochi, Kerala

Forwarded by

(Rahul.S. IPS)

Superintendent of Police
National Investigation Agency
Kochi, Kerala