



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

CHARGE SHEET
(U/s 173(2)Cr.PC)

**IN THE LEARNED COURT OF DISTRICT JUDGE IV & ASJ NEW DELHI/
SPECIAL JUDGE FOR NIA, PATIALA HOUSE COURTS, NEW DELHI**

**STATE (NIA)
V/s
WASIM AKRAM MALIK AND OTHERS**

- | | |
|--------------------------------------|---|
| 1. Name of the Investigation Agency. | National Investigation Agency (NIA), Ministry of Home Affairs, Govt. of India
New Delhi |
| Case No | RC-09/2011/NIA/DLI |
| Year | 2011 |
| Date | 07.09.2011 |
| 2. Final Report/Charge Sheet No. | 01/2012 |
| 3. Date | 13.03.2012 |
| 4. Sections of Law. | Section 120B, 302,307, 323, 325 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16of Unlawful Activities (Prevention) Act 1967 |

5. Type of Final Report. Chargesheet U/s 173(2) CrPC.
6. If Final Report Un-occurred/ false/ Mistake of fact/Mistake of law/Non-Cognizable /Civil Nature. Not Applicable.
7. If Charge-sheeted: Original / Supplementary. Original.
8. Name of Investigation Officer. Shri NitishKumar, IPS
Supdt of Police, NIA
9. Name of the Complainant ShriPawan Kumar, Inspector,
Spl Cell, Delhi Police
10. Details of Properties /Articles/ Documents recovered/seized during the investigation and relied upon: As per Annexure "A", "B" & "C" enclosed.
11. Particulars of accused persons charge sheeted:

A1

Name	:	WasimAkram Malik (A-1)
Whether verified	:	Yes
Father's Name	:	Riaz-Ul-Hasan Malik
Year/Date of Birth	:	05.04.1988
Sex	:	Male
Nationality	:	Indian
Passport No	:	F5502687
Date of issue	:	23.02.2006
Place of issue	:	Passport office, Jammu
Religion	:	Muslim

Occupation	:	Student of MBBS at xxxxx Medical College and Hospital, xxx, Bangladesh
Address (Present)	:	1. BhattindiMorh, Near xxxx, Jammu
	:	2. xxxxx Medical College and Hospital, xxxx, Bangladesh
Address (Permanent)	:	xxxxxx, J&K
Whether verified	:	Yes
Provisional Criminal No.	:	NA
Regular Criminal No. (if known)	:	NA
Date of Arrest	:	06.10.2011
Date of release on bail	:	In Judicial custody
Under Acts & Sections (of charge sheet)	:	Section120B, 121, 121A, 122, 123,302,307,323,325,436, 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20 , 38& 39of Unlawful Activities (Prevention) Act.
Name(s) of bailer/sureties and address	:	NA
Previous convictions with case reference	:	NA
Status of the accused	:	Presently lodged in Judicial custody inTihar Jail, New Delhi.

A2

Name	:	Amir Abbas Dev(A-2)
Whether verified	:	Yes
Father's Name	:	Gulam Abbas Dev
Year/Date of Birth	:	08.05.1992
Sex	:	Male
Nationality	:	Indian
Passport No	:	NA
Date of issue	:	NA
Place of issue	:	NA
Religion	:	Muslim
Occupation	:	Distant learning student of BA-part II at xxxx University, Hyderabad branch at Kishtwar (J&K)
Address (Present)	:	xxxxx, Kishtwar ,J&K
Address(Permanent)	:	xxxxx, Kishtwar ,J&K
Whether verified	:	Yes
Provisional Criminal No.	:	NA
Regular Criminal No. (if known)	:	NA
Date of Arrest	:	20.09.2011
Date of release on bail	:	NA
Under Acts & Sections (of charge sheet)	:	Section 120B, 121, 121A, 122, 123, 302, 307, 323, 325, 436, 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20 , 38 & 39of Unlawful Activities

		(Prevention) Act
Name(s) of bailer/sureties and address	:	In Judicial custody
Previous convictions with case reference	:	NA
Status of the accused	:	Presently lodged in Judicial custody in Tihar jail, New Delhi.

A3

Name	:	XXXXXXXXXX (A-3)
Whether verified	:	Yes
Father's Name	:	Attaullah Bhawani
Year/Date of Birth	:	15.09.1993
Sex	:	Male
Nationality	:	Indian
Passport No	:	NA
Date of issue	:	NA
Place of issue	:	NA
Religion	:	Muslim
Occupation	:	Student of 11th Class at xxxxxx Higher Secondary School, Kishtwar (J&K).
Address (Present)	:	xxxxxx, Kishtwar, J&K
Address (Permanent)	:	xxxxxx, Kishtwar, J&K
Whether verified	:	Yes
Provisional Criminal No.	:	NA
Regular Criminal No. (if known)	:	NA

Date of Arrest	:	20.09.2011
Date of release on bail	:	09.02.2012
Under Acts & Sections (of charge sheet)	:	Section 120B, 121, 121A, 122, 123, 302, 307, 323, 325, 436, 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20 , 38 & 39of Unlawful Activities (Prevention) Act.
Name(s) of bailer/sureties and address	:	1. AttaullahBhawani (father) r/o xxxxxx,J&K 2. Farooq Ahmed, a Govt. employee in the office of Deputy Commissioner, Kishtwar, J&K
Previous convictions with case reference	:	NA
Status of the accused	:	Released on bail on 09.02.2012

A4

Name	:	Amir Ali Kamal @Amir @ Akram(A-4)
Whether verified	:	Yes
Father's Name	:	Ali Mohammed Kamal
Year/Date of Birth	:	04.02.1986
Sex	:	Male
Nationality	:	Indian

Passport No	:	Not known
Date of issue	:	Not known
Place of issue	:	Not known
Religion	:	Muslim
Occupation	:	Student before becoming a cadre of Hizb-ulMujahideen
Address (Present)	:	1. xxxxx, Kishtwar,J&K. 2. Terrorist hideouts in the Upper reaches of Kishtwar
Address(Permanent)	:	xxxxxx, Kishtwar,J&K.
Whether verified	:	Yes
Provisional Criminal No.	:	NA
Regular Criminal No. (if known)	:	NA
Date of Arrest	:	Absconding
Date of release on bail	:	NA
Under Acts & Sections (of charge sheet)	:	Section 120B, 121, 121A, 122, 123, 302, 307, 323, 325, 436, 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20 & 38 of Unlawful Activities (Prevention) Act.
Name(s) of bailer/sureties and address	:	NA
Previous convictions with case reference	:	NA
Status of the accused	:	Absconding

A5

Name	:	JunaidAkram Malik (A-5)
Whether verified	:	Yes
Father's Name	:	Riaz-Ul-Hasan Malik
Year/Date of Birth	:	05.05.1995
Sex	:	Male
Nationality	:	Indian
Passport No	:	Not known
Date of issue	:	Not known
Place of issue	:	Not known
Religion	:	Muslim
Occupation	:	Student before becoming cadre of Hizb-ulMujahideen.
Address (Present)	:	1. BhattindiMorh, Near xxxxx, , Jammu, J&K 2. Terrorist hideouts in the upper reaches of Kishtwar region.
Address(Permanent)	:	xxxxxx, Kishtwar,J&K
Whether verified	:	Yes
Provisional Criminal No.	:	NA
Regular Criminal No. (if known)	:	NA
Date of Arrest	:	Absconding
Date of release on bail	:	NA
Under Acts & Sections (of charge sheet)	:	Section 120B, 121, 121A, 122, 123, 302, 307, 323, 325, 436, 440 of IPC, Section 3, 4 & 5 of Explosive

		Substances Act and Section 16, 18, 20 & 38 of Unlawful Activities (Prevention) Act.
Name(s) of bailer/sureties and address	:	NA
Previous convictions with case reference	:	NA
Status of the accused	:	Absconding.

A6

Name	:	ShakirHussainSheikh@Chota Hafiz @ Adil (A-6)
Whether verified	:	Yes
Father's Name	:	Nazir Ahmed
Year/Date of Birth	:	Not available
Sex	:	Male
Nationality	:	Indian
Passport No	:	Not Known
Date of issue	:	Not Known
Place of issue	:	Not Known
Religion	:	Muslim
Occupation	:	NA
Address (Present)	:	1. xxxxx, Kishtwar, J&K 2. Terrorist hideouts in the upper reaches of Kishtwar
Address(Permanent)	:	1. xxxxx, Kishtwar, J&K 2. Terrorist hideouts in the upper reaches of Kishtwar

Whether verified	:	Yes
Provisional Criminal No.	:	NA
Regular Criminal No. (if known)	:	NA
Date of Arrest	:	Absconding
Date of release on bail	:	NA
Under Acts & Sections (of charge sheet)	:	Section 120B, 121, 121A, 122, 123, 302, 307, 323, 325, 436, 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20 & 38 of Unlawful Activities (Prevention) Act.
Name(s) of bailer/sureties and address	:	NA
Previous convictions with case reference	:	NA
Status of the accused	:	Absconding

12. Particulars of accused persons not charge sheeted: Nil

13. (i) Particulars of Witnesses examined : Separate list attached as **Annexure-A**

(ii) List of document : Separate list attached as **Annexure-B**

(iii) List of articles : Separate list attached as **Annexure-C**

14. If FIR is false, action taken :N/A

15. Result of laboratory analysis : As per list enclosed in Annexure (B)

16. Brief of the case:

16.1. The brief facts of the case are that some accused persons entered into a

criminal conspiracy with an intent to threaten the unity, integrity, security and sovereignty of India; and to strike terror in the people of India, committed a terrorist act, by using improvised explosive device (IED), which caused blast near Reception counter, between Gate No. 4 & 5, of Delhi High Court at about 10.14 AM on 07.09.2011. This blast near reception counter of Delhi High Court resulted in the death of 15 and injuries to 79 persons present at/near the reception counter of Delhi High Court. The explosion near the reception counter of Delhi High Court also resulted in the incineration and destruction of reception counter and other electronic equipment installed there, thus causing huge loss to the public property of the Indian Government as well creating a feeling of fear in the minds of general people.

- 16.2. Initially, Delhi Police registered an FIR No. 49/2011 dated 07.09.2011 at Police Station Special Cell (NDR), Delhi Police, Lodhi Colony, New Delhi on the basis of a 'Rukka' sent to the Police Station by ShriPawan Kumar, No. D-1187, Inspector, Special Cell, NDR, Delhi Police LodhiColony, New Delhi stating that unknown accused persons committed terrorist acts by exploding explosives near reception counter, between Gate No. 4 & 5, of Delhi High Court causing death of and severe injuries to a number of persons.
- 16.3. Subsequently in compliance of order No.11-11034/39/2011-IS-IV dated 07.09.2011 of Ministry of Home Affairs, Govt. of India, New Delhi, the National Investigation Agency (NIA) took over the investigation of case FIR no. 49/2011 dated 07-09-2011 of PS Special Cell(NDR), New Delhi. Accordingly, the instant case i.e. NIA Crime No. RC-09/2011/NIA/DLI was re-registered by the Police Station NIA, New Delhi on 07.09.2011 at 2200 hrs.

17. Facts Disclosed During Investigation

- 17.1 During investigation some facts relating to terrorism in J&K have come to the notice and precedent to narrating the facts and circumstances disclosed during investigation, a short introduction of terrorism in Jammu and Kashmir, and Kishtwar, in particular, to which this case has direct linkages, would be in order. The following paragraphs will also delve upon the emerging trend in terrorists' *modi operandi* in today's world.
- 17.2 The militancy in Kashmir has existed in various forms. Thousands of lives have been lost since 1989 due to the intensification of both the militancy and the fight against it. With the emergence of Islamic fundamentalism all over the world, this theo-fascist brand of political philosophy accompanied by hatred, intolerance, and terrorism was pushed into and peddled in the peaceful valley by foreign hands.
- 17.3 Jammu & Kashmir has numerous terrorist organizations operating in the region. These terrorist outfits including Hizb-ul-Mujahideen/Hizb-Ul-MujahideenPirPanjal Regiment,Lashkar-e-Taiba,AlBadr,Harkat-Ul-Jehad-E-Islamiand so on,draw their ideology from the skewed radical interpretation of otherwise peaceful religion, Islam. Hizb-ulMujahideen (HM), among these organizations, is more indigenous and much feared;having a wide network of field cadres and sympathizers.With its headquarters in Pakistan occupied Kashmir, it is operational in Jammu and Kashmir and is one of the most important terrorist outfits in terms of its effectiveness in perpetrating violence across the state as well as outside the state at regular intervals. The Hizb-ulMujahideen (HM) is proscribed under the Unlawful Activities (Prevention) Act, 1967. Of the terrorist outfits currently operating in Jammu and Kashmir (J&K), the Hizb-ulMujahideen (HM) is one of the largest, with a cadre base drawn from both indigenous and foreign sources. The HM has conducted a number of dastardly terrorist attacks in Jammu and Kashmir resulting in death of a large number of civilians and security force personnel. The

group also occasionally strikes at civilian targets outside J&K in India. The Hizbul advocates Kashmir's merger with Pakistan through terrorist means and also campaigns for 'fundamentalist Islamisation of Kashmir.' HM is active in the entire region of J&K including Kupwara, Baramulla, Srinagar, Budgam, Pulwama, Anantnag, Doda, Kishtwar, Rajouri, Poonch, Kathua, Udhampur and Jammu. Most of its cadre members are locals from J&K but a number of non local Pakistani nationals are also active members of this dreaded terrorist outfit.

17.4 The topography of Doda-Kishtwar area is conducive to terrorism. Xxx Kishtwar region is a hilly area encircled by dense forests. Towards north of xxx- Kishtwar is the district of Anantnag and towards the south and south-west, the borders touch Udhampur and Kathua. This very fringe also touches the borders of Himachal Pradesh. The eastern and south-east areas of the district join the borders of Leh district of Ladakh. Given the extremely rugged terrain and its high inaccessibility, the scenic xxxKishtwar region is a heaven for terrorists. Of late, a large number of alien mercenaries have been operating in the district. Militancy has taken deep root in the district due to the hilly terrain which is conducive for 'guerilla warfare.' Hizb-ulMujahideen is the best established cadre based terrorist organization operating in the region alongwith other terrorist organizations.

17.5 The various terrorist outfits – HM, Let, JeM, HUJI, and so on operating in the Jammu & Kashmir, have their own differences at the organizational, operational and ideological level. The interesting trend that has come to fore is that, various terrorist organizations are synergizing their efforts and resources together for undertaking any terrorist attack due to their dwindling cadrestrength, unlike a few years back, when most of the terrorist "tanzeems"(organizations) would operate in the form of platoons,

companies, battalions and divisions. This new strategy lends them more flexibility and operational maneuverability.

- 17.6 Emergence of the menace of terrorist sleeper cells in both urban and rural areas has greatly made the response of law enforcement agencies difficult and complex. IEDs (Improvised Explosive Devices) have become the 'weapon of choice' for these terrorists, as these require little skill to set up and allow terrorists to launch devastating attacks with a limited investment. In an IED attack unlike a *fidayeen* (suicidal attack) attack, the terrorist's life is also not endangered.
- 17.7 Marc Sageman, a renowned forensic psychiatrist and former case officer of Central Intelligence Agency (CIA), United States of America in his much acclaimed book *Leaderless Jihad: Terror Networks in the Twenty-First Century* has opined that the new generation terrorists form fluid, informal networks that are self-financed and self-trained. They have no physical headquarters or sanctuary, but the tolerant, virtual environment of the 'Internet' offers them a semblance of unity and purpose. Theirs is "a scattered, decentralized social structure - *a leaderless jihad*." If not entirely, investigation has disclosed, one of the main accused WasimAkram Malik (A-1), an avid internet user, is one of those leaderless jihadis, who got executed this cowardly and inhuman terrorist act by conspiring with the terrorists of the Hizb-ulMujahideen and others.
- 17.8 During the investigation a number of witnesses were examined; statements of some of them were recorded under section 164 CrPC. Help of experts were taken in examining material objects & reports obtained. Considering the security of some witnesses protection under the provision of the NIA Act and UA(P) Act will be sought. In the instant case, investigation has revealed that on 07.9.2011 at about 10:21 hrs, information regarding the bomb blast at reception counter of the Delhi High Court, which is situated between gates no 4 and 5 of the High Court,

was received telephonically by SI Dewan Chand of Spl Cell Control Room of Delhi Police, Lodhi Road, N. Delhi from mobile No XXXXXX. A DD entry No. 9 dated 7.9.11 was made by ASI NirmalaKumari of Spl Cell, NDR, Delhi Police at 10:21 AM and the same was marked to InspPawanKumar who along with Insp Rahul Singh , SI Chandika Prasad and HC Krishnan reached the spot, inspected the Scene of Crime and sent the '*rukka*' for registration of FIR. In the said '*rukka*', InsprPawan Kumar mentioned that he,along with other police officersreached at the receptioncounter of the Delhi High Court situated between gates No 4 and 5 of the Delhi High Court where entry passes for the visitors are made. He found several persons lying injured and were being taken to the hospitals by the local police with the assistance of advocates and others. There was blood lying all over the place. One crater of size 4 by 3 feet with depth of around one and half feet was found created due to the impact of the blast near the gate no 4 of the High Court. The tiles and flooring near the blast spot were also found damaged. The tin shed of the reception counter of that side was also found damaged with perforations through projectiles. There were a lot of broken glass pieces lying all around the reception counter and windows of the reception counter were badly damaged. Personal belongings, mobile phones, files, currency notes etcalongwith human limbs and bones were lying scattered all around the spot. Impact of the blast was so high that several pieces of the partially burnt clothes were found hanging on the trees near the blast site. Accordingly, FIR no. 49/2011 dated 07.09.2011was registered U/s 16 UA(P)Act, 302, 307, 323, 325, and 120B IPC and 3,4,5 Explosive Substances Act with reference to GD No. 6A and 7A between 3 PM to 4:45 PM at PS Special Cell, NDR, Lodhi Road, New Delhi. The Investigation of the case was entrusted to ACP ShriBhisham Singh who inspectedthe Scene of Crime (SOC) alongwithforensic experts of CFSL,

CBI, New Delhi, Bomb Disposal Squad, experts of Finger Print Bureau, NSG etc. Meanwhile, considering the gravity of the crime, Ministry of Home Affairs, Govt. of India, New Delhi transferred the investigation of the case to National Investigation Agency vide order No.11-11034/39/2011-IS-IV dated 07.09.2011. Accordingly, FIR of the instant case was registered as RC-09/2011/NIA/DLI dated 07.09.2011 at Police Station NIA, New Delhi U/s 16 of Unlawful Activities (Prevention) Act, Sections 302/307/323/325/120B IPC and Sections 3/4/5 Explosive Substances Act. The investigation of the case was taken over by NIA and the complete case files, documents and seized articles, which were in the custody of Special Cell, Delhi Police were taken into possession and scrutinized in detail.

17.9 Investigation revealed that the Delhi Police during their investigation inspected the scene of crime, prepared the sketch and seized the material evidence from blast site with the help of forensic experts from CFSL, CBI, New Delhi. Delhi Police during their investigation collected dump mobile phone data of whole of Delhi from all the mobile service providers operating in Delhi as well as the CCTV footages of 07.09.2011 from Khan Market, CGO Complex, Central Secretariat, Patel Chowk, Rajiv Chowk, Indraprasta Metro stations etc. Delhi Police also examined the persons injured during the bomb blast.

17.10 Investigation revealed that the bomb blast near the reception counter of Delhi High Court resulted in the death of 15 and injuries to 79 persons present at/near the reception counter of the Delhi High Court. It also resulted in the incineration and destruction of reception counter and other electronic equipment installed there, thus causing a huge loss to the public property of the Indian Government. During investigation, the injured persons helped in re-constructing the scene of crime at the time of blast. Investigation revealed that the injured persons were present at

/near the reception counter of Delhi High Court on 07.09.2011 in connection with their pending cases in Delhi High Court. Investigation revealed that there was a requirement of visitor passes to enter into the Delhi High Court. At the time of blast, about 100-150 persons were present at the reception counter for obtaining the visitor pass in four queues. There were four counters operational to issue the passes. The blast took place at about 10:15AM near the senior citizens' queue which was the fourth queue from the entrance of the gate of reception counter. The first and third queues from the entrance side of the reception counter were for males whereas the second one was for female. The staff posted at reception counter remained unhurt though the reception counter was badly damaged.

17.11 Investigation conducted by the Delhi Police further revealed that four emails were received by the media houses and Delhi Police purportedly from terrorist outfits, owing the responsibility of bomb blast at Delhi High Court. The four emails were sent at different times - one was sent on 07.09.2011 at 1.14 PM from the email id **xxxxxxx**, second was sent on 07.09.2011 at 4.03 PM from email id **xxxxx**. Third and emails were sent on 08.09.2011 at 12.37 PM and on 09.09.2011 at 06.39PM from the email id **xxxxxxx**.

17.12 During investigation by NIA, the scene of crime was inspected and attempt was made to re-create the scene of crime with the help of eye witnesses and Delhi Police officials. Inspection revealed that due to the impact of the blast, there was a crater of about 4x3 ft with the depth of about 1½ ft. The tiles near the spot and windows of the reception counter were found damaged. Investigation also revealed that reception counter of the Delhi High Court was situated between gates no. 4 and 5 of the Court and was at the outer periphery of the Delhi High Court. It was also found that Gate No.4 of the Court was permanently closed due to the

construction of underground parking zone. The inspection of scene of crime also revealed that there were four counters at the reception to issue the visitor passes, required for entering into the Delhi High Court. Besides, one more facilitation counter with the name of 'Jeevan Portal,' allotted by Delhi Govt. and managed by '3i Infotech Limited', was also situated adjoining the reception counter. The said facilitation counter was closed since 28.06.2011. The inspection also revealed that there was only one entrance of the reception counter which was towards the Gate No.5 of the Delhi High Court. The front portion of the reception counter where visitors make queues for getting passes issued was open from all the sides and was surrounded by a small peripheral wall measuring about 3 feet. The inspection further revealed that reception counter of the Delhi High Court was not covered under the CCTV camera surveillance system.

17.13 NIA investigated the origin of the aforementioned 'claim emails' received by the media houses and Delhi police. Investigation revealed that emails sent from email ID: xxxxxxxx and xxxxxxxx were actually pranks played by one xxxx (age 23 years) and one XYZ (15 years) respectively. Since these emails were not sent by the actual perpetrators of the crime therefore they were as such not further pursued. In this regard, the matter was brought into the notice of the respective state police organisations, which have taken action against the pranksters as warranted under law, after registration of cases.

17.14 Investigation has brought out that the email from the email ID: xxxxxxxx to the media houses was actually sent by one of the conspirators of the instant case.

17.15 The email, as the investigation revealed, was sent to the television news channels—Aajtak on their email ID : xxxxxx and a copy of the same was endorsed to NDTV channel on their email ID xxxxxxxx on 07.09.2011 at 01.14PM, by the culprit using the username —xxxxxxx and email ID

xxxxxxx, claiming the responsibility of Delhi High Court bomb blast. The text message of the said email is:

XXXXXXXXXX.....

17.16 Investigation with the email service provider, Gmail (Google) revealed that the said email was sent from IP address xxxxxx. Investigation revealed that the said IP address belongs to Bharat Sanchar Nigam Limited (BSNL), a Government of India owned Telecommunication Company. Investigation with BSNL revealed that the said IP address belongs to a landline number xxxxxxxx subscribed in the name of one Syed ManzoorHussain S/o Syed FazalHussain r/o xxxx, Kishtwar. Investigation further revealed that landline phone number xxxxxxxx was initially installed at the residence of Syed ManzoorHussain and the subscriber took the broadband internet connection on 14.12.2010. However, the subscriber got the telephone number with broadband connection shifted to the xxxxxx, xxxx, Kishtwar, J&K in March 2011. xxxx is a private cyber café (shop) belonging to one xxxxxx, the brother in law of Syed xxxxx.

17.17 For the sake of urgency of investigation and to prevent any other terrorist attack the facts that surfaced during the investigation conducted thus far, were conveyed to the District Police Kishtwar in J&K for immediate field enquiry. Investigation revealed that, xxxxxx had one incoming telephone connection landline number (xxxxxxx) with broadband internet facility which was connected to six computers installed in different cabins. During enquiry, the web history of all the computers, installed in the cyber cafe was checked by the District Police. It was found that the web history of the computer installed in cabin number 3 of café, contained URL which mentioned Google and xxxxxx. Investigation revealed that the email, claiming the responsibility of bomb blast was sent from the computer installed in number 3 cabin of Global Internet Cyber Cafe,

Kishtwar. The District Police Kishtwar registered a FIR No. 238/2011 dated 10.09.2011 u/s 120B, 153A Ranbir Penal Code (RPC), 13 ULA and 66 IT Act at PS Kishtwar (J&K) against unknown persons.

17.18 Investigation revealed that, Kishtwar district police, on verification, short listed some persons namely, XXXX, XXXXX (A-3) and XXXX, all residents of XXXX who were present in the xxxxxx, Kishtwar during the period, when the said claim email was sent to the news channels. Investigation further revealed that one XXXXX had gone to xxxxxx cafe on 07.09.11 at about 1335 hrs along with his friends, XXXXX and XXXX. When XXXX reached the gate of Cafe, one person age about 19-20 years, wearing red colour half sleeve shirt collided with him. The said person who was coming out with another person and was subsequently identified as XXXX. Investigation further revealed that on 07.09.2011 at about 1300 hrs, XXXX along with XXXX (A-3) visited the xxxx, Kishtwar and they were allotted cabin No. 5 & 3 respectively for half an hour. However, XXXX changed his cabin and joined accused XXXX (A-3) in cabin No.3. Both remained in cabin No.3 together for 15 to 20 minutes and left thereafter.

17.19 The Kishtwar Police during the investigation in PS Kishtwar FIR No. 238/2011 arrested XXXX, XXXX (A-3) and Amir Abbas Dev (A-2) for allegedly sending the 'claim email' to Aajtak and NDTV on 07.09.2011 from xxxxxx, Kishtwar (J&K). Detailed investigation conducted, subsequently, however revealed that XXXX had no knowledge about the 'claim email' sent by accused XXXX (A-3) from Global Internet Cyber Cafe, Kishtwar.

17.20 During investigation, NIA procured production warrant against the accused XXXX (A-3) and Amir Abbas Dev (A-2) from the Hon'ble Special Court of NIA, New Delhi. The accused were brought to New

Delhi on 21.09.2011 after formally arresting them at Kishtwar on 20.09.2011.

17.21 The arrested accused XXXX (A-3) and Amir Abbas Dev (A-2) during examination revealed the facts and circumstances of the criminal conspiracy behind the perpetration of this terrorist act pertaining to the IED blast at Delhi High Court on 07.09.2011. Investigation revealed that accused Amir Abbas Dev (A-2) was a student of BA part IInd (Urdu; distance learning), at Moulana Azad Urdu University, Hyderabad branch, Kishtwar (study centre). He used to spend most of his time in XXXX mosque in Kishtwar town and led a radical and fundamentalist Islamic way of life. Investigation revealed that accused XXXX (A-3) was studying at XXXXX in class 11th and he had also been taking computer coaching at a private institute, XXXXX located in Kishtwar. He was acquainted with basic computer applications. XXXX was studying with him. Investigation further revealed that on 17th May 2011, XXXXX (A-3) met Amir Abbas Dev (A-2) for the first time along with his friend XXXX in a *Jammat* at XXXXX, Kishtwar. Accused Amir Abbas Dev (A-2) introduced himself as Amir Hafiz and accused XXXX (A-3) saved the mobile phone number XXXXXXX of "Amir Hafiz" in the mobile phone of XXXX as 'Hafiz Sahib.' Investigation further revealed that Amir Abbas Dev (A-2) impressed XXXX (A-3) through his radical religious lectures and inspired him for performing jihad.

17.22 Investigation further revealed that XXXX (A-3) had sent the email on the motivation and instructions of Amir Abbas Dev (A-2) and JunaidAkram Malik (A-5). Amir Abbas Dev (A-2), it was further brought out, had motivated and instructed XXXXX (A-3) as part of the criminal conspiracy hatched by WasimAkram Malik (A-1), JunaidAkram Malik (A-5) and others.

- 17.23 During investigation, in order to verify the veracity of the statement of Amir Abbas Dev (A-2) and other facts, WasimAkram Malik (A-1) was examined; and then based on his complicity that surfaced during sustained questioning, was arrested on 06.10.2011.
- 17.24 Investigation revealed that accused WasimAkram Malik (A-1) was a student of MBBS at XXXXX, Sylhet, Bangladesh. He joined MBBS in the year 2006. His younger brother namely, JunaidAkramMalik (A-5), is an active cadre of the proscribed terrorist organization Hizb-ulMujahideen since Nov 2010.
- 17.25 Investigation has brought out that while accused WasimAkram Malik (A-1) was studying in Jammu in 2005, he became very close to one SalimWani, a commander of terrorist group Jaish-e-Mohammed (JeM) and his Pakistani terrorist associates. He was caught in the year 2005 by the Police while roaming around with SalimWani. However, he was released by police being a juvenile without any legal action having been taken against him. It was only after this incident that his father arranged for his admission in Bangladesh so that his son mends his ways.
- 17.26 Investigation further revealed that Wasim always had strong feelings against the perceived discrimination against the Muslims. He took to reading Jihadi literature and books on the problems of Pakistan and Afghanistan.
- 17.27 Wasim also read books and texts on internet on the al Qaeda chief Osama Bin Laden (now killed) and Taliban's spiritual leader Omar Mullah Mohammad. Their "immense contribution," he found to be very impressive as they had 'sacrificed their lavish lifestyle for a Muslim cause' and spent the entire life full of hardship and austerity. When Wasim came to learn that Osama bin Laden was killed in Abbottabad, Pakistan on 2.05.2011 by the US Navy Seal Commandos, investigation revealed, he

was literally shocked and he personally grieved over his death in Bangladesh. He alongwith his friends visited a mosque and offered special prayer (*Ghaibana Namaz-e-Janaza*) to mark the “*Shahadat*” of Osama Bin Laden. Investigation further revealed that Wasim had also read a lot about Ayman al-Zawahiri, an Egyptian doctor and current leader of Al-Qaeda. Being a doctor himself, Wasim identifies with him and “eulogizes his contribution towards *Jihad*.” Jihad, he believes, is a means of revolution which if done with dedication shall definitely bring about a change in the lives of Kashmiri population.

17.28 Investigation further brought out that Wasim’s academic performance in MBBS was below average. He had failed in many subjects and his prospect of passing out of the college successfully was rather bleak. Even if he could manage to get a MBBS degree, Wasim knew it very well, that he just could not have qualified the Medical Council of India (MCI) exam – a mandatory exam which students from a foreign medical college need to qualify before being eligible to practice in India. At times, Wasim thought of returning back to Kishtwar, but it was due to his parental pressure that he continued his studies in Bangladesh.

17.29 Investigation has further revealed that, he had good relations with most of the students from J&K. Apart from his college friends, Wasim had some friends from MAG xxxxx Medical College, xxxx which is also situated in xxxx. Being a follower of *Tableegh Jamaat*, Wasim attended the *Jamaats* at xxxxxxxx etc., in Bangladesh.

17.30 Wasim also had some local Bangladeshi friends who are members of xxxxxx, a religious students’ organization based in Bangladesh. Wasim was particularly close to local Sibir’s leader XXXX who is also pursuing his MBBS in xxxx and is senior to him. In most of the Sibir meetings, Wasim and his colleagues discussed about alleged atrocities against Muslims worldwide. Investigation revealed that during free time Wasim and his

friends used to sit together in medical college's hostel rooms and for hours discussed about the Islamic rule throughout the world like Jamaat Islamic Rule prevalent in Saudi Arabian countries, Egypt etc.

17.31 Investigation has brought out that, 'secession of Kashmir' was their yet another favourite topic of discussion in college esp. amongst the students from J&K. They discussed that since both Pakistan and India are nuclear powers they will never go for a full fledged war; however a 'sustained low intensity proxy war' was the only solution to destabilize 'soft Indian state'. Wasim always nursed an idea of attacking the Indian establishments and disintegrating this country.

17.32 Investigation has further revealed that Wasim was very much inspired by the Afzal Guru, who is a convict in the case pertaining to the terrorist attack on the Parliament of India. Since the court has awarded Afzal Guru with capital punishment, therefore Wasim, investigation revealed, wanted to undertake some sensational terrorist attack so that his hanging could be averted, for which he chose Delhi High Court as the target to cause maximum harm to the 'lawyers' community' and to threaten the Indian Judiciary by giving the act a wide publicity. He held the lawyers' community and Indian judiciary responsible for Afzal's capital punishment. Wasim, investigation revealed that, idolized Afzal Guru, and his conviction towards the Kashmiri cause remained his source of inspiration. He also had read a lot on Afzal Guru who wanted to solve the J&K problem through terrorist means. Since Afzal Guru was also a medical doctor like him and he had very strong feelings against his 'death sentence.' He was highly impressed by Afzal Guru's idea to attack the Indian Parliament.

17.33 Sometime in the year 2011, when he heard about the debate on Afzal Guru's death sentence (hanging) on TV news channels, he was both disturbed and concerned. Wasim Akram Malik (A-1) took upon himself to

launch some sensational terrorist attack, so that his hanging could be averted and his death sentence was repealed. Wasim was convinced that once judiciary is threatened, death sentence of his hero Afzal Guru would be repealed. It is with this motive that he had arranged to get the threatening email sent through Amir and xxxx with the text, “XXXXXXXXXXXXXXXXXXXXX.....”

17.34 Investigation has further revealed that Wasim had intentions to target other major High Courts and ‘THE SUPREME COURT OF INDIA’, if his demands were not fulfilled. In the email, the Supreme Court has been mentioned specially in capital letters to emphasize upon his ‘next target.’

17.35 Investigation revealed that accused WasimAkram Malik (A-1) entered India on 28.06.2011 through Haridaspur border check post (Benapole) and reached Kolkata. In Kolkata, he boarded the Rajdhani Express train and reached New Delhi on 29.06.2011. After arriving at New Delhi Railway station, he went to the Old Delhi Railway Station and deposited his luggage in the OldDelhi railway station Cloak Room. Then he visitedJama Masjid area and took food at a restaurant. Wasim(A-1) also booked his bus ticket in Delhi - Jammu night service bus. Investigation further revealed that, accused WasimAkram Malik (A-1)took an auto rickshaw and went to the Delhi High Court and did a close recce (reconnaissance) of the area. He chose gate no. 5 as his target as there was no parking area around it and IED attack could cause maximum fatal casualties. After the recce of the High Court, Wasim (A-1)went to the Old Delhi Railway station, collected his belongings from the cloak room and boarded the bus to Jammu at around 08:00 p.m. and reached home in Jammu on 30.06.2011. Investigation further revealed that in order to keep his movement in Delhi discreet and inconspicuous, he deliberately deposited his luggage at the Old Delhi Railway station cloak room while as,he had actually arrived at the New Delhi railway Station by train

(SealdahRajdhani) on 29.06.2011 morning.

17.36 Investigation revealed that accused WasimAkram Malik (A-1)reached Kishtwar on 02.07.2011 and contacted Amir Kamal (A-4), Hizb-ulMujahideen Area commander in Kishtwar through one PW-X-10,known to Amir Kamal (A-4). Investigation further revealed that accused WasimAkram Malik (A-1)was a school mate and good friend of Amir Kamal (A-4) at XXXX Higher Secondary School (Boys), Kishtwar. Accused WasimAkram Malik (A-1)gave his number to PW-X-10 and requested him to arrange a telephone conversation with Amir Kamal(A-4). PW-X-10conveyed his number to Amir Kamal's group. Amir Kamal (A-4) contacted him on 05.07.2011 from mobile number XXXXXOn the mobile number XXXXX which was with WasimAkram Malik(A-1). Wasim(A-1) remained in regular touch with Amir Kamal(A-4), JunaidAkram Malik (A-5) andShakirHussain Sheikh @ Chota Hafiz (A-6)on phone during this period. During mobile phone conversations,Wasim (A-1) informed about his plan to avert the death sentence of Afzal Guru. He exhorted and instigated them to think 'big' and 'beyond Kishtwar and J&K'. It took some days for Wasim(A-1) to make Amir Kamal comprehend on phone the seriousness and gravity of Wasim's plan. When Amir Kamal (A-4) and Shakir (A-6) got fully convinced about Wasim's (A-1) commitment towards Jihad, they, on WasimAkram Malik's insistence, agreed to meet him somewhere in the outskirts of the Kishtwar town.

17.37 Investigation has revealed that a meeting between accused WasimAkram Malik (A-1)and accused persons Amir Kamal(A-4), JunaidAkram Malik (A-5) andShakirHussain Sheikh @ Chota Hafiz (A-6)took place at one of the hills at Hullar in the outskirts of Kishtwar town inthe second week of July 2011. In this meeting,Wasim(A-1) ridiculed them for doing "*Chillar Jihad*" (Petty Jihad) in Kishtwar and instigated to undertake any big

terrorist action outside J&K. Wasim(A-1) proposed his plan of a terror strike at the Delhi High Court, by causing a powerful remote controlled IED blast. Wasim discussed about the death penalty of his idol Afzal Guru, a terrorist involved in the Indian Parliament attack in 2001. Wasim insisted on highlighting the action in national and international arena. By doing this, the judiciary would get threatened and the death sentence of Afzal Guru might get repealed. Wasim(A-1) also explained the need for deploying non-kashmiri looking boys for executing this task in Delhi, as Wasim told them, police in Delhi looks at people with Kashmiri looks with suspicion. Amir Kamal(A-4) and Shakir(A-6) seconded the proposal, and took upon themselves the responsibility of arranging non-kashmiri 'boys' and getting an IED made. It was also decided that after the blast, an email would be sent to the media to give the action a wide publicity. Wasim (A-1) assumed the responsibility of sending the email to media houses claiming the responsibility of causing the bomb blast.

17.38 Investigation revealed that accused Junaid Akram Malik(A-5) had also studied in XXXX School, Kishtwar where accused Amir Abbas Dev (A-2) had studied, and they knew each other very well.

17.39 Investigation has further revealed that in the first week of July 2011, accused Amir Abbas Dev (A-2) met Wasim Akram Malik (A-1) near XXXXX, Kishtwar. Wasim Akram Malik (A-1) was earlier known to him, as he was a classmate of his elder brother XXXXXX. Wasim Akram Malik (A-1) motivated and indoctrinated Amir (A-2) towards *jihad*. Wasim(A-1) briefed him on various issues ranging from, oppression and atrocities against Muslims all over the world to the need for fighting against this perceived insult through jihad and so on. Investigation further revealed that in the third week of July 2011, Wasim Akram Malik (A-1) directed accused Amir Abbas Dev (A-2) to look for a confident person with good knowledge of computer and internet and motivate him.

Accused WasimAkram Malik (A-1)told that services of such a person would be required for undertaking an important '*Jehadi*' project.

17.40 Investigation further revealed that Wasim could not execute this plan in this trip; as his father coerced him to go back to Bangladesh, when he received a letter from his college in Bangladesh, regarding his shortage of attendance in class. Wasim (A-1) again contacted Amir Kamal (A-4) and told him that he would again come back from Bangladesh during Eid holidays in August 2011. Amir Kamal (A-4) assured him that he and his associates would keep everything arranged for the terrorist action by the time Wasim(A-1) visited Kishtwar next. They decided to meet at Dashnwajan play ground in Kishtwar on the first Friday after Eid after '*magribnimaz*.' Wasim(A-1) left Jammu for Bangladesh via Delhi on 29.07.2011.

17.41 Investigation further revealed that XXXX, a close friend of XXXXX (A-3) had some personal health problem and the treatment of which required Rs.12,000/-. Accused XXXXX (A-3) discussed the said problem with Amir Abbas Dev (A-2) when he met him a day after the Eid i.e. on 01.09.2011 and requested for money for the treatment of his friend XXXXX. Investigation further revealed that, Amir Abbas Dev (A-2) planned to motivate XXXXX (A-3) for sending the email as told to him by Wasim (A-1) and therefore he agreed to give money for the treatment of XXXXX. Amir (A-2) told XXXX (A-3) that in return, he would be required to send an email, the details of which he would provide later. Investigation further revealed that accused Amir Abbas Dev (A-2) also told him to arrange some secluded place at a suitable location for discussing some '*sensitive matter*.'

17.42 Investigation further revealed that on 02.09.2011, accused XXXXX (A-3) met Amir Abbas Dev (A-2) at XXXX in Kishtwar town and informed him about the house of one XXXXX, which was lying vacant and the key of

which was with XXXX(A-3). Investigation revealed that XXXX was a colleague of the father of XXXX (A-3) and was out of town during Eid holidays. He had left the key of his house with the father of XXX (A-3).

17.43 Investigation further revealed that accused WasimAkram Malik (A-1) took a flight from Dhaka to Kolkata and Kolkata to Jammu via Delhi on 27.08.2011. He stayed at his house in Jammu till 31.08.2011 and celebrated Eid with his family. Accused WasimAkram Malik (A-1) reached Kishtwar on 01.09.2011 by road. After reaching Kishtwar, as premeditated, he had a meeting on 02.09.2011 at about 07:00 PM with Amir Kamal (A-4), Junaid (A-5), Chota Hafiz (A-6) and two other persons in the playground at Dashnwajan, Kishtwar where the preparations for carrying out the Delhi Blast were discussed. Amir Kamal(A-4) introduced the other two persons as militants from Pakistan having aliases, Abu Saifulla and Abu Bilal who were quite experienced and were active in the xxxxx – Kishtwar area for past few months. Investigation revealed that Abu Saifulla and Abu Bilal were arranged by Amir Kamal (A-4) for carrying out the bomb blast at Delhi High Court and these two persons had already conducted recce of the Delhi High Court in August 2011. Investigation revealed that the day for the blast was fixed on 07.09.2011 at Gate No.5 of Delhi High Court between 1000 to 1300 hrs. 07.09.2011 falls on Wednesday. Wednesdays are the PIL (Public Interest Litigation) days in Delhi High Court and there is relatively more rush on this day.

17.44 Investigation further revealed that, Junaid(A-5), WasimAkram Malik (A-1) and the two non-Kashmiri terrorists decided to meet Amir Abbas Dev (A-2) on 03.09.2011 at XXXX at Kishtwar to enquire about the preparation for sending the email. Junaid(A-5) also wanted to personally meet the boy, tasked for sending the email, as giving vast publicity to the terrorist action was of utmost importance.

17.45 Investigation revealed that on 03.09.2011 accused WasimAkram Malik (A-1)alongwithJunaidAkram Malik (A-5) and two Urdu speaking militants who were introduced to Wasim as Pakistani nationals, met accused Amir Abbas Dev (A-2) at XXXXX at 11:00 AM. Junaid (A-5) was carrying a brief case containing the IED.Investigation revealed that accused WasimAkram Malik (A-1)deliberately introduced the said Pakistani militants to Amir Abbas Dev (A-2) as Bangladeshi nationals, in order to keep their identities secret. Amir (A-2) informed that he had arranged one XXXXX (A-3) for sending the email. The plan for execution of bomb blast at Delhi High Court was discussed. Investigation revealed that the Wasim (A-1) and Junaid (A-5) discussed about giving money to the two urdu speaking militants, only to further mislead Amir (A-2). JunaidAkram Malik (A-5) told the Urdu speaking militants (Abu Bilal and Abu Saifullah) to leave Kishtwar in the early morning of 04.09.2011 and meet him near Kud, where the brief case containing IED would be given to them by Junaid (A-5). It was also decided that Junaid (A-5) would move ahead to Kud with the bomb and Wasim (A-1) would see off the said two militants on 04.09.2011 morning at Kishtwar bus stand. WasimAkram Malik (A-1)also asked Amir Abbas Dev (A-2) to accompany him while seeing off the two militants on 04.09.2011 morning. After the meeting, Junaid (A-5) and Amir Abbas Dev (A-2) went together. Investigation revealed that Junaid (A-5) desired to meet the person selected for sending the email to media claiming the responsibility of the blast.

17.46 Investigation revealed that initially accused Amir Abbas Dev (A-2) met XXXXX (A-3) at XXXXX's house on 03.09.2011 and motivated him towards jihad. He also gave instructions to send an important email from a cyber café, for the purpose of jihad clandestinely.

17.47 Investigation has further revealed that on 03.09.2011 JunaidAkram Malik (A-5) also visited XXXX's house and he was introduced by Amir (A-2) to XXXXX (A-3). The issue of sending the email after a bomb blast in Delhi was discussed and Junaid (A-5) assured him for giving the money after sending the email. Junaid (A-5) also asked Amir Abbas Dev (A-2) to look after the work of sending the email and he (A-5) would look after the work of blast on 07.09.2011 at Gate No.5 of Delhi High Court.

17.48 Investigation further revealed that after the meeting on 03.09.2011 at XXXXX, WasimAkram Malik (A-1)purchased some food for the two militants. The said two militants namely (aliases) Abu Bilal and Abu Saifullah were dropped at his house at Dugga by Amir Kamal(A-4) himself in the late evening, and they stayed during the night at his house. Investigation revealed that in the morning of 04.09.2011,WasimAkram Malik (A-1)alongwith two militants came to bus stand Kishtwar, where Amir Abbas Dev (A-2) was already waiting. The said two militants boarded the bus for Kud. Later in the day,accused Amir Abbas Dev (A-2) met xxxxxx (A-3) at xxxxx's house on 04.09.2011 and continued to inspire him towards jihad as well as instructed precautions to be taken while sending the email. He asked xxxxxx (A-3) to again meet him on 05.09.2011 at xxxxxxxx's house, so that he could explain him about sending the email.

17.49 Investigation further revealed that on 05.09.2011, accused WasimAkram Malik (A-1)prepared the contents of the email message which was to be sent to the media after the blast on a blank piece of paper. He also wrote the steps for creating the Gmail account which was to be createdwith email ID: xxxxxxxxx. Investigation revealed that WasimAkram Malik (A-1)met accused Amir Abbas Dev (A-2) on 05.09.2011 at about 1130 AM in xxxxxxxxx and handed him over the email message prepared by him at his house. Wasim (A-1) instructed Amir Abbas Dev (A-2) to tell

xxx (A-3) to keep watching TV news channel on 07.09.2011, and to send the email from xxxxxxxx, a few hours after hearing the news about the bomb blast at Delhi High Court. He also directed Amir Abbas Dev (A-2) to destroy the piece of paper containing the contents of the email.

17.50 Investigation revealed that on 05.09.2011 at about 04:30 PM, Amir (A-2) met xxxxxxxx (A-3) at xxxxxxx's house and gave him the piece of paper containing the text of the email as well as steps for creating the email ID and the Email addresses of the media houses, to which the email was to be sent after the blast. He also gave instructions to xxxxxx (A-3) to send the email after a few hours of the blast which would take place at Gate No.5 of the Delhi High Court on 07.09.2011. Amir (A-2) told xxxxx(A-3) to read out the said paper and directed him to revise the instructions written on it. Amir (A-2) also told him, as directed by Junaid(A-5) and Wasim(A-1),to name one xxxxxxx, if caught by Police. xxxxxxx, it is noteworthy to mention here, is a respectable religious preacher in Kishtwar. xxxxx(A-3) was suggested to take his name in case of getting caught, to divert the investigation in wrong direction and to incite public furore against any police action.

17.51 Investigation revealed that WasimAkram Malik (A-1)leftKishtwar for Jammu on 06.09.2011.

17.52 Investigation further revealed that on hearing the news of the bomb blast on 07.09.2011 on TV channels, accused xxxxxxxx (A-3) went to Global Internet Cyber café, Kishtwaralongwith his friend xxxxxx at 01:00 PM. He was allotted cabin No.3, whereas xxxxxwas allotted cabin No.5. xxxxx after some time shifted to cabin No.3. Accused xxxxxx (A-3), with the help of the paper given by Amir Abbas Dev (A-2) opened the email account xxxxxxxxxxxxxxxxxx and after typing the text written in the piece of paper sent the email to TV news channel, Aajtak and NDTV, before the arrival of xxxxx to his cabin from cabin No.5. Investigation revealed

that accused xxxxxxxx (A-3) destroyed the piece of paper given by accused Amir Abbas Dev (A-2), by chewing the same and then spitting it in the drain outside the cyber cafe.

17.53 Wasim came to know about the bomb blast at Delhi High Court on 07.09.2011 from TV news channels in Jammu. As premeditated, Wasim and other conspirators desisted from discussing anything about this incident on phone. Accused WasimAkram Malik (A-1) left for Bangladesh via Kolkata by flight and reached Bangladesh on 10.09.2011 from Kolkata by road via Haridaspur border.

17.54 Investigation revealed that six computers were installed atxxxxx, Kishtwar from where the email claiming the responsibility of Delhi High Court bomb blast was sent on 07.09.2011. The said email was sent from the computer installed in xxxx. During investigation, one CPU and one BSNL modem which were installed in xxx of the xxxx café were seized. The hard disk of the said CPU has been sent to the Computer Forensics Lab of Federal Bureau of Investigation (FBI) through Legal Attaché, USA Embassy, New Delhi for its analysis. The report is still awaited.

17.55 During investigation, requisitions have been sent to Central Authority of the USA under Indo-US Mutual Legal Assistance Treaty, 2005 through Ministry of Home Affairs on 25.10.2011 and 29.11.2011 for obtaining the details of email ID: xxxxxxxxxx, facebook account of Wasim Malik (A-1) with the login email ID xxxxxxxxxx and email ID xxxxxx. The reports are still awaited.

17.56 During investigation, various material / exhibits including one brief case handle, seven Plastic parts of a briefcase, two broken frames of briefcase, one broken lock of briefcase, one broken frame's part of briefcase, one briefcase (open & close) Clip, two torn Rexene pieces brown & black, one plastic piece of helmet, one red & green coloured electric wire, one switch type case block, etc., which were seized from the blast site were

sent to CFSL, CBI, New Delhi for analysis and expert opinion. The CFSL has opined that, *“in the Improvised Explosive Device, the Charge containing PETN, Ammonium Nitrate & Fuel Oil had been used in the explosion in question.”* The report further opined that *“the Iron nails could have been used as ‘missiles’ in the IED.”*

17.57 During investigation, all the places situated in Kishtwar i.e. Playground at Dashanwajan, xxxxxxxx, Dazzel Restaurant, Hullar, Dugga etc., where accused Wasim Akram Malik (A-1) had conspired and held meeting with co-accused for preparation and execution of bomb blast at Delhi High Court were pointed out by the accused Wasim (A-1) in presence of two independent witnesses. His disclosure statements were duly recorded. Accused Wasim Akram Malik (A-1) also pointed out and identified the places in Delhi where he had deposited his luggage while conducting the recce of the Delhi High Court. The disclosure statement of accused regarding preparation the text of email on 05.09.2011 which was to be sent to the two news channels i.e. Aajtak and NDTV after the bomb blast on 07.09.2011 was also recorded.

17.58 During investigation accused xxxxxxxx (A-3) disclosed in presence of two independent witnesses about creation of email account viz. xxxxxx and sending the email to Aajtak and NDTV channels on 07.09.2011 from xxxx at Kishtwar (J&K) as per the text provided to him by accused Amir Abbas Dev (A-2). He also got the text of the email sent to the news channel recovered from the ‘sent mail’ folder after opening the email account xxxxxxxxxx created by him. Disclosure and recovery memos in this regard were also prepared in the presence of independent witnesses.

17.59 During investigation accused Wasim Akram Malik (A-1) identified the photographs of Amir Kamal @ Akram (A-4) and Chota Hafiz (A-6) out of the 12 Nos. of photographs shown to him in presence of independent witnesses.

17.60 During investigation, searches were conducted at the residence of accused WasimAkram Malik (A-1) situated at Jammu and Dugga, Kishtwar. During the house search at Kishtwar, two blank white papers having indentation marks alongwith other incriminating documents were seized. These blank papers carrying indentation marks and cloak room receipt book containing the requisition slip regarding the depositing of one baggage at Old Delhi Railway Station on 29.06.2011 by the accused WasimAkram Malik (A-1) while travelling from Kolkata to Jammu en-route Delhi, were sent to Forensic Science Laboratory alongwith the specimen handwriting of accused WasimAkram Malik (A-1). The experts deciphered the indented handwriting available on the blank papers recovered from the house of search of accused WasimAkram Malik (A-1). The deciphered handwriting contains the text of the email which was prepared and handed over by the accused WasimAkram Malik (A-1) to accused Amir Abbas Dev (A-2) for giving to accused xxxxx (A-3) on 05.09.2011. The same text was emailed by accused xxxx (A-3) on 07.09.2011 after the blast from the xxxx, Kishtwar claiming the responsibility of the Delhi High Court bomb blast. The expert also opined that specimen handwritings of accused WasimAkram Malik (A-1) match with the deciphered handwriting as well as the handwriting available on the requisition slip of the cloak room of Old Delhi Railway Station.

17.61 During investigation, the Hon'ble Special Court of NIA, New Delhi was requested seeking permission to conduct Forensic Assessment Interview, Screening by Suspect Detection System, Polygraph examination (Lie Detector Test) & Brain Electrical Oscillations Signature Test (BEOS) of accused WasimAkram Malik (A-1). However, the accused WasimAkram Malik (A-1) who was in judicial custody, refused to undergo the aforesaid tests and as such the Hon'ble Court did not grant permission for conducting the test upon the accused WasimAkram Malik (A-1).

- 17.62 Investigation disclosed that accused WasimAkram Malik (A-1) was carrying mobile number xxxxxxxx at the time of his visit to India from Bangladesh during the period July 2011 to 10 Sep 2011. During investigation, the CDR and CAF of this number were procured from the concerned service provider and scrutinised which revealed that the SIM card bearing mobile number xxxxxxxx was obtained by accused WasimAkram Malik (A-1) in his own name. It also revealed that accused WasimAkram Malik (A-1) was in regular touch with the mobile number xxxxxxxx, which was with Hizb-ulMujahideen terrorists in the month of July 2011. The investigation revealed that mobile number xxxxxxxx was taken by PW-X-9 under threat and intimidation by the terrorists, which was subsequently handed over to the Hizb-ulMujahideen cadre. During investigation, the CDR in respect of mobile number xxxxxxxx was collected from the service provider and analysed. The analysis revealed that during July 2011, the IMEI number xxxxxxxx was reflected in the said CDR in all the calls except for two calls made on 12.7.11 at 20:38:56 (duration 5 seconds) and 12.07.2011 at 20:44:26 (duration 256 seconds). In these two calls, which were made on 12.07.2011, the IMEI number as shown in the CDR was xxxxxxxxxx. It reflected that for making two calls, the handset was changed. Investigation in this regard revealed that, on 12.07.2011, Hizb-ul-Mujahideen terrorist namely Amir Kamal @ Akram (A-4), JunaidAkram Malik (A-5) and Chota Hafiz (A-6) visited a *dhok (hutment)* in Dachhan Palmar area of Kishtwar and snatched the mobile handset of PW-X-2. These terrorists inserted their SIM card in the phone and made the aforesaid two calls by using the mobile handset of PW-X-2.
- 17.63 Investigation has revealed that Amir Ali Kamal (A-4), JunaidAkram Malik (A-5) and ShakirHussain Sheikh @ Chota Hafiz (A-6) are all members of the proscribed terrorist organisation Hizb-ul-Mujahideen and are wanted in a number of terrorism related cases in Jammu and Kashmir.

17.64 During investigation efforts were made to arrest the absconding accused Amir Kamal (A-4), JunaidAkram Malik (A-5) and ShakirHussain Sheikh @Chota Hafiz (A-6). A reward of Rs.10,00,000/-was announced to any person providing information leading to the arrest of each of these absconding accused. The Hon'ble Special Court of NIA has issued non - bailablearrest warrants against these persons and attempts are being made to execute the same. J&K Police and the sister intelligence& security agencies have been requisitioned by NIA to assist in the apprehension of the absconders. The Hon'ble Court has been requested to initiate the proceedings against these accused to declare them as proclaimed offenders.

17.65 Thus investigation prima facie establishes a prosecutable case against the accused persons mentioned underneath and they are therefore liable for punishment for the offences mentioned in column no. 03 of the table given under.

Accused	Name of accused	Section of Law
A-1	WasimAkram Malik	Section 120B, 121, 121A, 122, 123 302,307,323,325, 436 and 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20, 38and 39 of Unlawful Activities (Prevention) Act.

A-2	Amir Abbas Dev	Section 120B, 121, 121A, 122, 123 302,307,323,325, 436 and 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20, 38and 39of Unlawful Activities (Prevention) Act.
A-3	XXXXXXXXXXXXXXXXXX	Section 120B, 121, 121A, 122, 123, 302,307, 323,325, 436 and 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20, 38and 39 of Unlawful Activities (Prevention) Act.
A-4	Amir Kamal	Section 120B, 121, 121A, 122, 123, 302,307,323,325, 436 and 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20and 38 of Unlawful Activities (Prevention) Act.
A-5	JunaidAkram Malik	Section 120B, 121, 121A, 122, 123, 302,307,323,325, 436 and 440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20 and38 of Unlawful Activities (Prevention) Act.
A-6	ShakirHussain Sheikh @ Chota Hafiz	Section 120B, 121, 121A, 122, 123, 302,307,323,325, 436 and

		440 of IPC, Section 3, 4 & 5 of Explosive Substances Act and Section 16, 18, 20 and 38 of Unlawful Activities (Prevention) Act.
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The investigation in respect of Abu Bilal and Abu Saifullah, the two terrorists who reportedly planted the bomb at Delhi High Court could not be completed as their identities are yet to be established. Systematic efforts on this front are being made by the NIA and after completion of investigation pertaining with these two terrorists, a supplementary chargesheet will be filed subsequently.

17.66 The sanction for prosecution of the aforementioned accused persons under Section 196 of Criminal Procedure Code, 1973, u/s 7 of Explosive Substances Act, 1908 and Section 45(1) of Unlawful Activities (Prevention) Act, 1967 has been obtained from the Government of India and the same is enclosed herewith.

17.67 All these offences have been committed within the jurisdiction of this Hon'ble Court. Hence this Hon'ble Court has got jurisdiction to try the above offences.

17.68 It is, therefore, prayed that in the light of the averments herein, documents and other materials filed with this Police report u/s 173(2) Cr.P.C this Hon'ble court may kindly take cognizance of the offences, and issue process to the accused persons. The order to transfer the chargesheet in respect of accused xxxxxxxxx (A-3), a juvenile delinquent, to Juvenile Justice Board New Delhi may kindly also be issued.

18 Charge : NA

19 Dispatched on : 13.03.2012

20 No. of enclosures : Four

21 List of enclosures

:Annexure A (List of witnesses)
Annexure B (List of documents)
Annexure C (List of material objects)
Annexure-IV (Sanction Order by MHA)

Nitish Kumar, IPS
Superintendent of Police
National Investigation Agency
New Delhi
(INVESTIGATING OFFICER)

Forwarded by,

Mukesh Singh, IPS
DIG NIA/New Delhi.