



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

**FINAL REPORT
(U/S 173 Cr PC)**

**BEFORE THE HONOURABLE SPECIAL COURT
NIA, PATIALA HOUSE COURTS, NEW DELHI**

**STATE (NIA)
V/s
SYED SALAHUDDIN AND OTHERS**

- 1 Name of the Police Station** : National Investigation Agency,
FIR No. New Delhi
Year RC-11/2011/NIA/DLI
Date 2011
25.10.2011
- 2 Final Report /
Charge Sheet No.** : 03/13
- 3 Date** : 30.11.2013
- 4 Sections of law** : Sections 120B read with 121-
A Indian Penal Code and
Sections 17, 18, 18-A, 18-B,

38, 39 and 40 of Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.

- 5 Type of Final Report** : Final Report / Charge Sheet
- 6 If Final Report Un-occurred- False/ Mistake of Facts/ Mistake of Law/ Non-Cognizable/ Civil Nature** : No
- 7 If charge sheeted: Original / Supplementary** : Original
- 8 Name of the Investigation officer** : Dr. Ajeet Singh, Superintendent of Police, NIA, New Delhi w.e.f. 6.2.2012. Previously by Sh. N.N.D. Dubey, Superintendent of Police, NIA, New Delhi from 25.10.2011 to 6.2.2012
- 9 Name of the complainant / Informant** : Credible Source Information
- 10 Details of Properties/ Articles/ Documents recovered/ Seized During investigation and relied upon** : As per list enclosed in Annexure

11. Particulars of accused persons charge sheeted

A-1

a.	Name	Mohammad Shafi Shah, @ Doctor, @ Dawood, @ Nisar
b.	Father's Name	Late Abdul Gani Shah
c.	Age	36 yrs
d.	Sex	Male
e.	Nationality	Indian
f.	Passport Details	NA

g.	Religion	Islam / Muslim
h.	Occupation	HM terrorist since 1994
i.	Address (Present)	r/o Watmohalla, Papchan, P/S Bandipora, District Bandipora, Jammu and Kashmir
j.	Address (Permanent)	r/o Watmohalla, Papchan, P/S Bandipora, District Bandipora, Jammu and Kashmir.
k.	Whether Arrested/ On Bail / Absconding	Arrested on 05.06.2013. Presently on Judicial custody in Tihar Jail.

A-2

a.	Name	Talib Lali @ Talib Hussain Lali @ Waseem @ Abu Umer
b.	Father's Name	Khan Zaman
c.	Age	30 yrs
d.	Sex	Male
e.	Nationality	Indian
f.	Passport Details	NA
g.	Religion	Islam/Muslim
h.	Occupation	HM terrorist
i.	Address(Present)	r/o Marigul, Bazipora, Ajas, District Bandipora.
j.	Address (Permanent)	r/o Marigul, Bazipora, Ajas, District Bandipora.
k.	Whether Arrested/on Bail/Absconding	Arrested on 03.10.2013. Presently on Judicial custody in Tihar Jail.

A-3

a.	Name	Mohd. Yusuf Shah @ Syed Salahuddin
b.	Father's Name	Gulam Rasool Shah
c.	Age	61 yrs. Born in 1952
d.	Sex	Male
e.	Nationality	Indian / Pakistani
f.	Passport Details	NA
g.	Religion	Islam/Muslim
h.	Occupation	Commander in Chief, Hizb-ul-Mujahideen (HM), Chairman, United Jihad Council (UJC)

i.	Address (Present)	(i) G 10/2, Gali Number 10, House Number 453, Islamabad, Pakistan and (ii) Hizb-ul-Mujahideen Office, Near Burma Bridge, Rawalpindi, Pakistan.
j.	Address (Permanent)	r/o Soibugh, P/S Budgam, District Budgam, Jammu and Kashmir.
k.	Whether Arrested/ on Bail/ Absconding	Not Arrested. Declared Proclaimed Offender on 19.11.2013 by the order of Hon'ble Special Court (NIA), Patiala House Courts, New Delhi.

A-4

a.	Name	Gulam Nabi Khan @ Amir Khan
b.	Father's Name	Gulam Rasool Khan
c.	Age	54 Yrs
d.	Sex	Male
e.	Nationality	Indian/Pakistani
f.	Passport Details	NA
g.	Religion	Islam/Muslim
h.	Occupation	HM terrorist since 1989 Dy Commander in Chief, Hizb-ul-Mujahideen (HM)
i.	Address (Present)	(i) G 10/2, Gali Number 10, House Number 453, Islamabad and (ii) Hizb-ul-Mujahideen Office, Near Burma Bridge, Rawalpindi, Pakistan.
j.	Address (Permanent)	Village Liver, P/S Pahalgam, District Anantnag, J&K.
k.	Whether Arrested/ on Bail/ Absconding	Not Arrested. Declared Proclaimed Offender on 19.11.2013 by the order of Hon'ble Special Court (NIA), Patiala House Courts, New Delhi.

A-5

a.	Name	Umer Farooq Shera @ Mehboob-ul-Haq
b.	Father's Name	Gulam Rasool
c.	Age	39 Yrs. 01.06.1974
d.	Sex	Male
e.	Nationality	Indian/Pakistani
f.	Passport Details	NA
g.	Religion	Islam/Muslim
h.	Occupation	HM terrorist; Chairman, JKART, Frontal

		Organization of HM
i.	Address (Present)	House Number 298, Street number 16, Dhoke Kashmirian, Rawalpindi, Pakistan and (ii) Hizb-ul-Mujahideen Office, Near Burma Bridge, Rawalpindi, Pakistan.
j.	Address (Permanent)	Resident of Village Gund Kilam (Gund Tankipora), P/O Kelam, P/S Devsar, District Kulgam, Jammu and Kashmir.
k.	Whether Arrested/on Bail/Absconding	Not Arrested. Declared Proclaimed Offender on 19.11.2013 by the order of Hon'ble Special Court (NIA), Patiala House Courts, New Delhi.

A-6

a.	Name	Manzoor Ahmed Dar @ Masroor Dar
b.	Father's Name	Late Gulam Mohd Dar
c.	Age	45 Yrs. 01.03.1968
d.	Sex	Male
e.	Nationality	Indian/Pakistani
f.	Passport Details	NA
g.	Religion	Islam/Muslim
h.	Occupation	HM terrorist; Secretary, JKART, Frontal Organization of HM
i.	Address (Present)	(i) Madina Town, P/O Khanna Dak, Islamabad and (ii) Hizb-ul-Mujahideen Office, Near Burma Bridge, Rawalpindi, Pakistan.
j.	Address (Permanent)	Resident of Village Rafiabab (Ladora), P/S Sopore, District Sopore, Jammu and Kashmir.
k.	Whether Arrested/on Bail/Absconding	Not Arrested. Declared Proclaimed Offender on 19.11.2013 by the order of Hon'ble Special Court (NIA), Patiala House Courts, New Delhi.

A-7

a.	Name	Zaffar Hussain Bhat @ Khursheed
b.	Father's Name	Sonaullah Bhat
c.	Age	47 Yrs (23.6.1966)
d.	Sex	Male
e.	Nationality	Indian/Pakistani

f.	Passport Details	NA
g.	Religion	Islam/Muslim
h.	Occupation	HM terrorist since
i.	Address (Present)	(i) G10/2, Gali Number 10, House Number 453, Islamabad and (ii) Hizb-ul-Mujahideen Office, Near Burma Bridge, Rawalpindi, Pakistan.
j.	Address (Permanent)	Resident of Village Liver, P/S Pahalgam, District Anantnag, Jammu and Kashmir.
k.	Whether Arrested/on Bail/Absconding	Not Arrested. Declared Proclaimed Offender on 19.11.2013 by the order of Hon'ble Special Court (NIA), Patiala House Courts, New Delhi.

A-8

a.	Name	Nazir Ahamd Dar @ Shabir Ellahi @ Khalid
b.	Father's Name	Gulam Rasool Dar
c.	Age	42Yrs.
d.	Sex	Male
e.	Nationality	Indian/Pakistani
f.	Passport Details	NA
g.	Religion	Islam/Muslim
h.	Occupation	HM terrorist.
i.	Address (Present)	(i) 6 Road, Dok Kashmiriyan, Rawalpindi, Pakistan and (ii) Hizb-ul-Mujahideen Office, Near Burma Bridge, Rawalpindi, Pakistan.
j.	Address (Permanent)	Resident of Harwan, Bommai, P/S Sopore, District Sopore , Jammu and Kashmir.
k.	Whether Arrested/ On Bail/ Absconding	Not Arrested. Declared Proclaimed Offender on 19.11.2013 by the order of Hon'ble Special Court (NIA), Patiala House Courts, New Delhi.

A-9

a.	Name	Abdul Majeed Sofi @ Majeed Bisati @ Shaheen
b.	Father's Name	Ali Mohd. Sofi
c.	Age	38 Years. Born in 1975

d.	Sex	Male
e.	Nationality	Indian
f.	Passport Details	NA
g.	Religion	Islam / Muslim
h.	Occupation	HM terrorist since 1999
i.	Address (Present)	(i) G 10/2, Gali Number 10, House Number 453, Islamabad, Pakistan and (ii) Hizb-ul-Mujahideen Office, Near Burma Bridge, Rawalpindi, Pakistan.
j.	Address (Permanent)	Resident of Bilal Colony, P/S Sopore, District Sopore, Jammu and Kashmir.
k.	Whether Arrested/ on Bail/ Absconding	Not Arrested. Declared Proclaimed Offender on 19.11.2013 by the order of Hon'ble Special Court (NIA), Patiala House Courts, New Delhi.

A-10

a.	Name	Mubarak Shah
b.	Father's Name	Gulam Mustafa Shah
c.	Age	52 yrs
d.	Sex	Male
e.	Nationality	Indian
f.	Passport Details	NA
g.	Religion	Islam / Muslim
h.	Occupation	HM terrorist
i.	Address (Present)	(i) G 10/2, Gali Number 10, House Number 453, Islamabad, Pakistan and (ii) Hizb-ul-Mujahideen Office, Near Burma Bridge, Rawalpindi, Pakistan.
j.	Address (Permanent)	r/o Pragpora, P/S Sopore , Jammu and Kashmir.
k.	Whether Arrested/ on Bail/ Absconding	Not Arrested. Declared Proclaimed Offender on 19.11.2013 by the order of Hon'ble Special Court (NIA), Patiala House Courts, New Delhi.

12 Particulars of accused persons
Not charge sheeted

: Nil

13 (i) Particulars of Witnesses examined

: Separate list attached as Annexure-I

- (ii) List of Document : Separate list attached as **Annexure-II**
- 14 If FIR is false, action taken : N.A
- 15 Result of laboratory analysis : As per **Annexure-II & III**

16. BRIEF OF THE CASE

16.1. The aforesaid case was registered on 25.10.2011 at Police Station NIA, New Delhi as crime no. RC 11/2011/NIA-DLI under Sections 120-B read with 121-A Indian Penal Code and Sections 17, 18, 39 & 40 of Unlawful Activities (Prevention) Act, 1967 (amended in the year 2008) in compliance of the MHA order no. I-11011/43/2011-IS-IV dated 07/09/2011 issued u/s 6 (3) of NIA Act 2008 against (1) **Syed Salahuddin**, (Hizb-ul-Mujahideen or Hizbul), (2) **Ameer** (Hizb-ul-Mujahideen), (3) **Mehboob-ul-Haq** (Chairman, JKART), (4) **Masroor Dar** (General Secretary, JKART), (5) **Masood Sarfaraz** (Hizb-e-Islami, a Pak based organization involved in supporting terrorist activities in J&K), (6) **Ameer** (Hizb-e-Islami), **and others.**

16.2. It is alleged in the FIR that **Hizb-ul-Mujahideen (HM)**, one of the most active terrorist outfits in Jammu and Kashmir, Jammu and Kashmir for carrying out terrorist activities in India has been regularly receiving funds originating from neighbouring country. The said proscribed terrorist organization is led by its self-styled Commander Syed Salahuddin, from Rawalpindi, Pakistan. The funds so collected are given to active terrorists, families of killed terrorists in J&K of HM outfit.

- 16.3.** The said outfit HM is allegedly involved in funding approximately Rs. 80 crores for terrorist activities in the past eight years to India. In pursuance of the said criminal conspiracy, funding continues by **Hizb-ul-Mujahiddeen (HM)** from Pakistan through different mediums to different places including but not limited in J&K, Delhi and so on.
- 16.4.** In the garb of one **Jammu Kashmir Affectees Relief Trust (JKART)**, the said terrorist outfit is actively involved in furthering the terrorist activities in India. The head office of JKART, a frontal organization of HM, is in Rawalpindi and branch offices are in Islamabad and Muzaffrabad. Once the money reaches India it is distributed through various conduits at several places including but not limited to J&K, Delhi and so on to the active terrorists and families of killed HM terrorists.
- 16.5.** It is further alleged that banking channel was extensively used for transfer of funds to various bank accounts for the aforementioned activities.
- 16.6.** During investigation large numbers of witnesses were examined including but not limited to founding members of HM/ JKART, surrendered terrorists of **Hizb-ul-Mujahideen (HM)**, sympathizers, beneficiaries/ recipients of funds, associates and acquaintances of the accused persons, and so on. Identities of the accused persons were established and their criminal records were collected from their respective Police Stations.
- 16.7.** During investigation documents pertaining to Know Your Customer (KYC), deposits and withdrawal slips, cheques and withdrawal statements of more than 20 bank accounts of different banks and their branches, allegedly used to deposit

and receive funds from HM, were analyzed. Statements of bank officials and account holders were recorded.

- 16.8.** During investigation call data records (CDRs) of mobile numbers used by accused persons were obtained and analysed. The reverse India hit numbers of international calls made to India from ISD numbers that figured in the CDRs of local mobile numbers used by accused persons and others were obtained and analyzed.
- 16.9.** During investigation calls made to and from the mobile number 9697954268, used by Mohd Shafi Shah @ Dawood @Doctor @ Nisar (A-1) as lawfully intercepted by the Jammu and Kashmir Police were obtained. Transcript of all the relevant calls establishing the criminal conspiracy as investigated in the instant case was prepared and cited as evidence.
- 16.10.** On 05.06.2013, on the strength of a production warrant issued by Learned Special Court NIA, New Delhi, Mohd Shafi Shah @ Dawood @Doctor @ Nisar (A-1) was arrested in the instant case. The accused was earlier in judicial custody, as he was arrested by Jammu and Kashmir Police on 01.12.2011 in case FIR No. 208/2011 of P/S Ram Munshi Bagh, Srinagar. In NIA custody on the disclosure of the accused on 12.06.2013 voluminous documents and three SIM cards were recovered on 14.06.2013 from a house at Bandipora, J&K. All the documents and related items were scrutinized and forensically examined.
- 16.11.** During investigation lawfully recorded sample voice of Mohd Shafi Shah @ Dawood @ Doctor @ Nisar (A-1) was forwarded to CFSL, New Delhi for comparison with his questioned voice in lawfully intercepted calls.

16.12. On 03.10.2013, on the strength of a production warrant issued by the NIA Special Court, New Delhi accused person Talib Lali (A-2) was arrested in the instant case. The said accused was earlier arrested by the Jammu and Kashmir Police on 04.09.2013. He was in Judicial custody in the case FIR No.165/2013 of P/S Sumbal, Bandipora. With the consent of the accused, his voice sample was forwarded to CFSL, New Delhi for its comparison with his questioned voice as recorded during the lawful interception.

16.13. During investigation mobile phones, SIMs, laptop and data cards seized from associates and accused were forwarded to CFSL, New Delhi for forensic analysis.

16.14. During investigation complicity of another eight accused persons (A-3 to A-10), originally resident of Jammu and Kashmir, who had illegally crossed over the Indian borders and presently based in Pakistan, has been brought on record and learned Special NIA Court, New Delhi has declared them as Proclaimed offenders vide its order dated 19.11.2013. Further, for investigation, collection and transfer of evidence in Pakistan a Letter of request under section 166-A Code of Criminal Procedure, 1973 is under process.

17. FACTS DISCLOSED DURING INVESTIGATION

17.1. Investigation conducted so far in the instant case has revealed that different channels operate for the transfer of terror funds from HM/JKART, Pakistan to active HM cadres and other beneficiaries in the state of Jammu and Kashmir to further terrorist activities and wage war against India. The Hawala route, banking channels, human couriers and of late, the cross border trade are identified as some of the mediums for such funding from across the border.

17.2. Investigation has revealed that funds received from HM in Pakistan are distributed to the active terrorists and to the next kin of the killed terrorists in J&K of the said outfit. Funds received by Hizb-ul-Mujahideen (HM) from across the border are transferred through Hawala channel to J&K, Delhi and other places in India in the garb of Jammu Kashmir Affectees Relief Trust (JKART), a frontal organization of Hizb-ul-Mujahideen (HM). The head office of JKART is in Rawalpindi and branch offices are in Islamabad and Muzaffrabad. Once, the money reaches India, it is distributed through various conduits at several places in J&K and Delhi.



Image 1. Letter head of HM used by A-1

17.3. Investigation has further revealed that in pursuance of the criminal conspiracy of waging war against the Republic of India, HM for effective command and control of its cadres, has carved territories named as Divisions, Districts and Tehsils comprising jurisdiction / area which is independent of the existing territorial structure of the State of Jammu and Kashmir Government. Consequently, these areas are headed by different commanders under the nomenclature of “Division Commanders”, “District Commanders” and “Battalion Commanders” respectively.

17.4. Investigation has brought on record that in furtherance of the said criminal conspiracy, HM has established its main office (Headquarters) at G-10/2, Islamabad, Pakistan and unit offices in

Muzaffrabad, territory under the control of Pakistan (here in after to be referred as POK). HM accommodates its trainees and active cadres in Pakistan /POK in different Halqas and camps, each headed by a senior cadre as its in-charge.

17.5. Investigation has revealed that in furtherance of its aforementioned conspiracy, HM, ever since its inception has been carrying out many terrorist acts / attacks through its trained and armed cadres operating in different parts of the country in general and Jammu and Kashmir in particular.

17.6. Investigation done on the basis of tangible evidence brought on record revealed that HM had regularly recruited cadres, imparted training, supplied arms, ammunition, explosives, equipments and other logistics including means of communications to its cadres to facilitate terrorist activities in India.

17.7. Investigation has revealed that in furtherance of aforementioned conspiracy, HM has systematically and regularly raised, collected and received funds (**here-in after to be referred as terror funds**), used by it for carrying out terrorist activities by various means, channels and sources and continues to do so.

17.8. Investigation has revealed that in furtherance of the said criminal conspiracy, Markazi Majlis-e-Shura of HM, a top body of its decision making, in the year 1999 in a meeting chaired by Mohd Yousuf Shah @ Syed Salahuddin, Ameer / Chief of HM (A-3) in connivance with the agencies of Government of Islamic Republic of Pakistan including but not limited to Inter Services Intelligence (here-in-after to be referred as ISI), founded a trust namely Jammu Kashmir Affectees Relief Trust (here-in-after to be referred as JKART), a frontal organization of HM, with the object to systematically receive, collect and raise funds from different sources in Pakistan and

other countries, in the garb of relief for rehabilitation of affected persons (called affectees by HM) in state of Jammu & Kashmir, for furthering terrorist activities in India. Investigation has established that funds so raised by JKART are used by HM to foster terrorist activities by its cadres in Jammu and Kashmir.



Image 2. Letter Head of JKART Produced Beneficiary of JKART/HM

17.9. Investigation has revealed that JKART also received funds from another trust namely Relief Organization for Kashmiri Muslims (here-in-after ROKM) founded for rehabilitation of Migrant Kashmiri Muslims in Pakistan and POK. The JKART and ROKM are primarily funded by the Government of Islamic Republic of Pakistan and its agencies including but not limited to ISI. The funds received by the aforementioned trusts in the garb of relief and rehabilitation of refugees, victims, migrants and affectees of terrorism in Jammu and Kashmir are used by HM to continuously abet and promote terrorism in Jammu and Kashmir.

17.10. Investigation has revealed that JKART is a registered trust and frontal organization of HM which is located at House number D-1005, D-Block, Satellite Town, Rawalpindi. The phone number of the organization is 0092_514581269. It has a branch office at Khanna, Islamabad, Pakistan. Further the phone numbers 0092_512241217 and 0092_512242798, mobile number 0092_3005257402 and one email jkart2003@yahoo.com of the said organization have been

brought on record. This frontal organization is also known as Shaheed trust. It was founded by HM cadres, and has received funds from Relief Organization for Kashmiri Muslims (ROKM), another trust meant for rehabilitation of Kashmiri Muslims in Pakistan. JKART primarily distributes funds raised from various sources to the beneficiaries that include orphans and widows of HM terrorist killed and other affectees. JKART also distributes the aforementioned funds raised by it called “Shaheed funds” to the next of kins (NOKs) of the killed members (terrorists) of the HM.

17.11. Investigation has revealed that HM systematically and regularly provides funds to its members/ active cadres, arrested / detained or injured and also sympathizers and over ground workers actively involved in carrying out and supporting terrorist activities. HM provides financial assistance to families, orphans, widows and other dependents / Next of Kins (NOKs) (here-in-after to be referred as beneficiaries) of the terrorists killed to keep them obliged to the organization and to use them further for its anti-national activities. HM as an organization provides financial and other support to the beneficiaries of killed members of the outfit to boost the morale of the active cadres for furthering its activity.

17.12. Investigation has revealed that in order to sustain, replenish the strength of its cadre, attract and lure potential recruits, HM systematically provides funds to its cadre, sympathizers and over ground workers (OGWs) for terrorist activities.

17.13. Investigation has revealed that financial matters related to funds raised, collected, received and distributed by HM from different sources are currently managed by Ghulam Nabi Khan @ Amir Khan (A-4) assisted by Zaffar Hussain Bhat @ Khursheed (A-7). This job was earlier assigned to Ibrahim Chaudhary, a close associate and personal assistant of Mohd Yousuf Shah @ Syed Salahuddin (A-3).

17.14. Investigation has revealed that Ghulam Nabi Khan @ Amir Khan (A-4), Zaffar Hussain Bhat @ Khursheed (A-7) and Ibrahim Chaudhary and other active HM cadres, responsible for managing finances of HM in Pakistan, were in regular contact with Mohd Shafi Shah @ Doctor @ Dawood (A-1) and other active terrorists of HM and regularly and systematically supplied the funds for terrorist activities.

17.15. Investigation has revealed that Ibrahim Chaudhary had regularly supplied funds to HM cadres for terrorist activities and also procured and provided satellite phones to senior active cadres of Hizb-ul-Mujahiddin in Jammu and Kashmir including Mohd Shafi Shah @ Doctor @ Dawood (A-1).

17.16. Investigation has revealed that accused Ghulam Nabi Khan @ Amir Khan (A-4), Zaffar Hussain Bhat @ Khursheed (A-7) and Ibrahim Chaudhary, all based in Pakistan, in pursuance of the criminal conspiracy used to send funds raised in the name of JKART and HM Maliyat from Pakistan / POK to the active cadres of HM in India for carrying out the terrorist activities. In furtherance of this activity, the aforementioned accused persons used different mediums to send funds to Jammu-Kashmir. Some of these mediums are direct transfer with the help of human couriers, hawala channels, banking channels, cross border trade channels etc.

17.17. Investigation has revealed that senders of the funds (HM functionaries) would give the persons carrying money from Pakistan / POK (carrier) the name (mostly name changed) and contact number of the person to be handed over the consignment (recipient) in India. The recipients of the funds would simultaneously be conveyed through e-mail, STD / PCO, phone and other communication means the list of the person to whom the funds were to be distributed. The mobile phone channel was rampantly used for this. Most of the time

the person carrying the money from Pakistan / POK and recipients in India happened to be unknown to each other. The HM functionalities used to handle it from across the border.

17.18. Investigation has revealed that the active terrorists of HM, who had crossed over Pakistan, in the garb of traders, are involved in trade across the LOC and misuse it for sending money and weapons to Indian side from POK/Pakistan. Some of the truck drivers are involved in this operation.

17.19. Investigation has revealed that HM is exploiting the “**Barter system**” of trade *in vogue* at the trans-border trade to pump funds for terrorist activities. The *modus operandi* is (a) to under invoice the goods sent from across POK / Pakistan, (b) Indian counterparts send equivalent goods as per barter system and (c) the extra money generated in this exchange is collected by HM from the traders in India. This is done with tacit understanding between traders on both sides. Mostly the trade partners are either known to or related to each other.

17.20. Investigation has revealed that terror funds are delivered in various pre-decided points in J&K, India. These funds received by HM cadres known as the “relief takers” in the language of JKART/HM. Based on the tangible evidence, it is established that around 263 individuals based in POK who were assigned the work of “relief takers” in Pakistan/POK, are active terrorists of HM.

17.21. Investigation has revealed that the 263 “relief takers” of HM had obtained Rs 2,09,41,400 from JKART for further distribution among 673 beneficiaries. During investigation, on the basis of evidence collected it is learnt that out of these 263 relief takers, the amount once received by the top ten “relief takers” were 1. Dr. Raina (50: Rs 16,11,000), Ansar Bhai (45:Rs 10,09,800), 3. Khurshid Sb

(38: Rs 12,00,600), 4. Peer Sb (20:Rs 6,42, 600), 5. Malik Sb (17:Rs. 6,98, 400), 6. Ajaz Sb X-Div (15: Rs 6,42,600), 7. Junaid Amergarh (9 : Rs 2,10, 600), 8. Abid Sb. Ex-Div (09: 2,61,000), 9. ZKSb (09:Rs. 1,78,200) and 10. Hyder Bhai (08: Rs 2, 62, 800).

17.22. Investigation has revealed that each active cadre of HM receives monthly funds on regular basis for his association with the said outfit. This monthly remuneration has increased from Rs 2000-3000 P.M in 1990's to 10,000-12,000 P.M in 2011. Investigation has revealed that HM developed an excellent set-up for distribution of funds to sympathizers, runners, over ground workers (OGWs) and underground workers; also a mechanism to systematically and regularly fund to next of kins (NOKs) of its cadres killed / injured terrorists is in place. HM also provides funds to meet judicial expenses for contesting cases of its cadre who are detained under J&K Public Safety Act, arrested in criminal cases and to those who are facing trial in terrorism cases.

17.23. Investigation has revealed that Mohd Shafi Shah @ Doctor @ Dawood @ Nisar son of Late Abdul Gani Shah resident of Watmohalla, Papchan, P/S Bandipora, District Bandipora, Jammu and Kashmir (**A-1**) joined Hizb-ul-Mujahideen in the year 1994. He along with group comprising 90-100 newly recruited HM terrorists belonging to different parts of Jammu and Kashmir led by 10-12 guides (over ground workers) along with few trained HM militants, had illegally crossed over from Kudara Forest, Bandipora and reached Pakistan Occupied Kashmir (hereinafter POK).

17.24. Investigation has revealed that **A-1** along with other newly recruited members of HM took terrorist training at various training camps in Pakistan / POK, organized for newly recruited HM cadre in Pakistan, arranged by A-3. In 1998, after the completion of training (basic and advanced), **A-1** along with other trained HM terrorists

equipped with arms and ammunition, infiltrated to the state of Jammu and Kashmir, India, to carry out terrorist activities in India.

17.25. Investigation has revealed that A-1, because of his active participation in terrorist activities, was soon elevated to the position of a senior functionary in the HM hierarchy. He became the Group Commander in 2003 after the then Group Commander @ Fayaz, Battalion Commander in 2005 after the then Battalion Commander @ Mumtaz, District Commander in 2006 after the then District Commander @ Jalaluddin, and Divisional Commander of HM, in 2008 after Nazir Ahmad Dar @ Shabir Ellahi (**co-accused A-8**), the then Divisional Commander, as the latter ex-filtrated to POK/Pakistan.

17.26. Investigation has revealed that A-1, after assuming the charge of District Commander, used to receive funds to the tune of Rs 1 Lakh per month from Nazir Ahmad Dar @ Shabir Ellahi (**A-8**), the then Divisional Commander and after himself becoming Divisional Commander of HM North Kashmir, A-1 used to receive funds to the tune of Rs 4-5 Lakh per month from Muzzafar Ahmad Dar, the then Operational Chief of HM. Investigation has revealed that the said Muzzafar Ahmad Dar was then responsible for providing funds to North, Central and South Divisions of HM in Kashmir.

17.27. Investigation has revealed that A-1, in furtherance of the criminal conspiracy of waging war against the State and Government of India had recruited more than 200 youth of Kashmir from the areas of Kangan, Sonawari, Bandipora and Ganderbal areas and ex-filtrated them illegally from Indian borders (LOC) to POK/Pakistan in 4-5 batches for training of terrorist activities.

17.28. Investigation has revealed that A-1, in furtherance of aforementioned criminal conspiracy of waging war against India, had abetted, planned, conspired and participated in several terrorist acts

and unlawful activities targeting the armed security forces, policemen and others in different areas of North Kashmir.

17.29. Investigation has revealed that A-1, in order to conceal his identity of HM terrorist, had used multiple fake identity cards valid for the period ranging from 2008 to 1020 shown as issued in the name of Shabir Ahmad Wani, occupation as business, Shabir Ahmad Dar, occupation as teacher, Business, bearing his photographs with stamp of Police Station Bandipora and Zonal Education Officer, Bandipora. Five such fake cards were recovered on 14.6.2013 on the disclosure of A-1.

17.30. Investigation has revealed that A-1 remained an active terrorist of HM for about 13 years and operated in the areas of Bandipora, Baramulla, Sopore, Kupwara and Srinagar from 1998 to 2011, till his apprehension by Jammu and Kashmir Police on 1.12.2011 in case FIR No. 208/2011 u/s 121, 121-A RPC, 7/25 Arms Act, 18, 20 ULA Act of P/S Ram Munshi Bagh, Srinagar. During the period 1998-2011, A-1 was involved in many terrorist acts including IED blasts and terrorist attacks. The cases registered, investigated and under trial against him are case FIR No. 43/2001 u/s 307 RPC and 7/27 A Act of P/S Bandipora, FIR No.06/2008 against him u/s 2/3 EIMCO and 7/25 Arms Act P/S Bandipora and FIR No. 24/2011 u/s 7/25 A Act P/S Bomai Sopore.

17.31. Investigation has revealed that in furtherance of the conspiracy of waging war against the India, A-1 had received and collected huge quantity of arms, ammunition and explosives sent by the top functionaries of HM in Pakistan through guides and porters accompanying active cadres. The recoveries made on his disclosures after his arrest in case FIR No. 208/2011 of P/S Ram Munshi Bagh includes Pistol (01), Pistol Magazine (01), Pistol Ammunition (07 Rds), Thuraya Satellite Phone (01), Thuraya Satellite Phone SIMs (2), Fake Identity card (01) and a note book "Living Traditions" containing

statement of receipt and expenditure. During investigation of the aforesaid case FIR No. 208/2011 of P/S Ram Munshi Bagh on 26.12.2011 huge quantity of arms, ammunition and articles were recovered on the disclosure of Mohd Shafi Shah (A-1) which include wireless set(02), rocket (01), rocket booster (01), rifle grenade (15), UBGL grenade (11), HE mini missile (01), Anti-tank mines (01), pressure mine small (03) and explosive (01 Kg).

17.32. Investigation has revealed that in furtherance of the said criminal conspiracy, A-1 had raised, collected and distributed funds for promoting and supporting terrorist activities for HM cadres from local sources in Jammu and Kashmir. During investigation A-1 was arrested in the instant case on 05.06.2013 and during his custodial interrogation on 12.06.2013, made disclosure resulting in recovery of voluminous documents and some articles including SIMs of mobile phones. The scrutiny of documents revealed that A-1 had maintained the receipt and expenditure statements of terror funds in his handwriting in different documents including diaries, notebooks and sheets. The questioned documents (Q-1 to Q-183) along with specimen (S-1 to S-62) were sent to Forensic Science Laboratory, Rohini for comparison. Hand writing expert opined that the person who wrote S1 to S62 also wrote Q1 to Q13, Q5/1 to Q15/1, Q15 to Q20, Q17/1 to Q19/1, Q22, Q24, Q25, Q27 to Q42, Q22/1, Q24/1 o Q26/1, Q29/1 to Q39/1, Q42/1, Q45 to Q 51, Q46/1 to Q 54/1, Q 53, Q55, Q57 to Q59, Q 56/1 to Q 58/1 Q 62 to Q 64, Q66 to Q 70, Q 72 to Q 76, Q78 to Q 80, Q 82 to Q 89, Q 91 to Q 112, Q 114 TO Q 141, Q 147, Q151 to Q 156, Q 160 to Q 164, Q 166 to Q 169, Q172 TO Q 177, Q 179, Q 181,Q 182, q 65/1, Q 68/1, Q 69/1, Q 72/1 to Q 74/1, Q 78/1, Q 79/1, Q 82/1, Q 84/1, Q 86/1 to Q 92/1, Q 94/1 to Q 96/1, Q 98/1, Q 100/1, Q 101/1, Q 102/1, Q 104/1 to Q 111/1, Q 113/1, Q 115/1, Q 118/1, Q 121/1 to Q 124/1, Q 126/1 to Q132/1, Q 134/1 to Q 141/1, Q 145/1, Q 146/1, Q150/1 to Q 154/1,Q 156/1, Q160/1 to Q 164/1, Q 166/1, Q 167/1, Q 169/1, Q 172/1, Q 175/1, Q 176/1 and Q 179/1.

17.33. Investigation has revealed that A-1 through his associates A-8 and others of late used Uri-Chakoti Trade route between India and POK / Pakistan at Salamabad, Uri, Baramulla, J&K as terror fund transfer route. This trade route was used by the HM to pump terror funds to India for its further distribution among the active HM terrorists for carrying out and abetting terrorist activities.

17.34. Investigation has revealed that A-1 was the finance chief / Divisional Commander of HM for North Kashmir. He had systematically and regularly received huge amount of funds sent by top leadership of HM in Pakistan or raised funds locally and distributed to active HM cadre, as their regular monthly remuneration and also spent to meet other logistic requirements for carrying out terrorist acts. These funds were received directly either by A-1 in person or through the various couriers and conduits working as Over Ground Workers (OGWs) for HM.

17.35. Investigation has revealed that on 1.12.2011 at the time of arrest of A-1 in case FIR No. 208/2011 of P/S Ram Munshi Bagh a note book "Living Traditions" was seized from his possession. The notebook contained statement of receipt and expenditure similar to pattern of record keeping in the documents recovered on 14.6.2013 in the instant case. During investigation of the instant case certified copy of the aforesaid diary was obtained and translated from Urdu to English and analyzed. Investigation has revealed that during the period after June 2007 till May 2010, A-1 had received money to the tune of Rs Two Crore Ten Lac Sixty Three Thousand only (Rs. 2,10,63,000/-). This amount has been spent to procure material used for terrorist activities and distributed among the active cadre of HM.

17.36. Investigation has revealed that Abdul Majeed Sofi @ Majeed Bisati @ Shaheen (co-accused A-9), now in Pakistan, **then** Deputy Financial Chief of HM for North Kashmir and Shamasuddin @

Abbas, now in Pakistan, had assisted A-1 in receiving, distributing and managing terror funds. These funds were also received and collected by A-1 through his other associates.

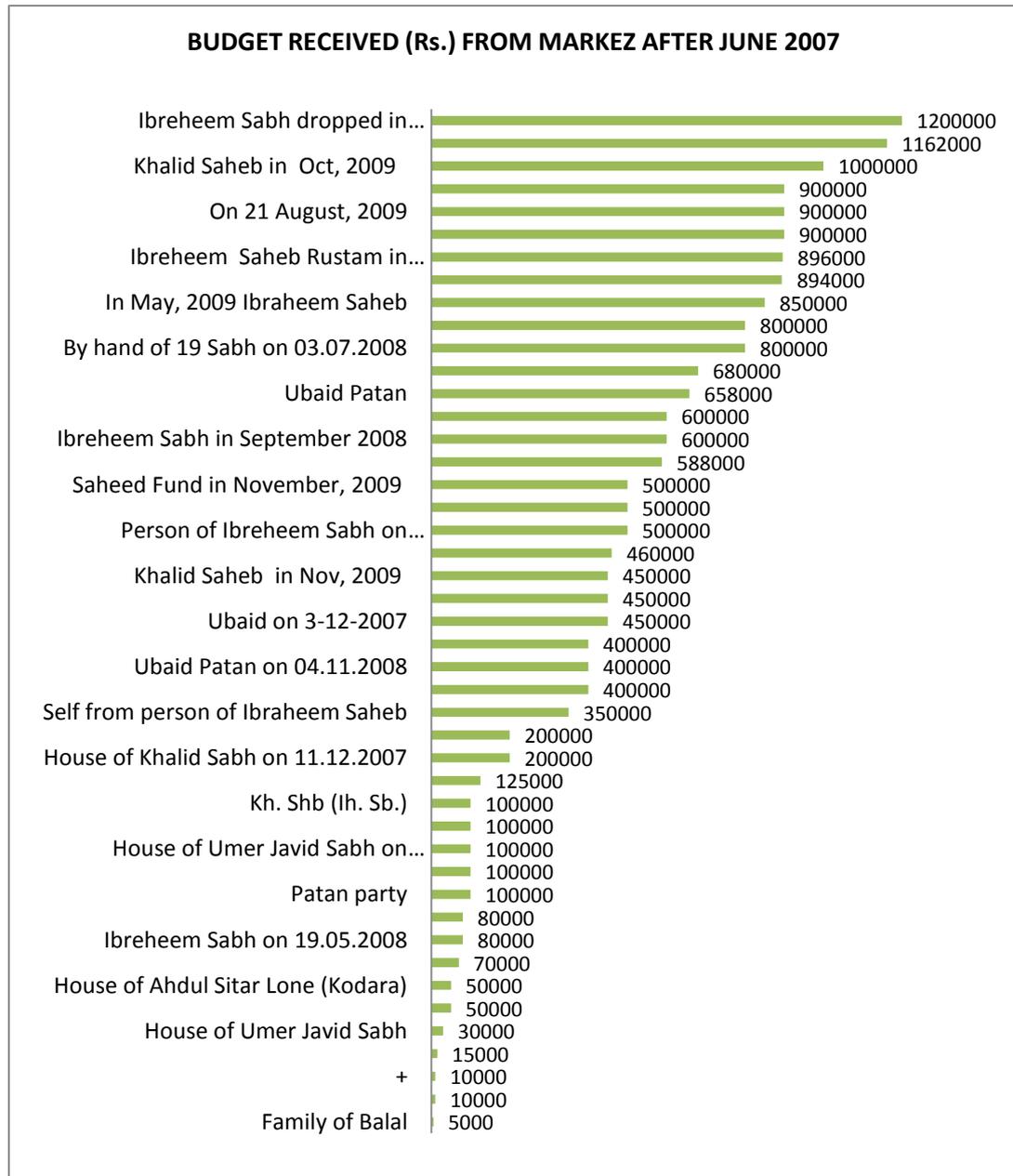


Fig. 1: Budget Received by A-1 From HM Headquarters, Pakistan (Markez) After June 2007 till May 2010

17.37. Investigation has revealed that A-1 had received and disbursed funds to the tune of Rs 11, 26, 16,487/- (Rs Eleven Crores Twenty Six Lacs Sixteen Thousands Four Hundred Eighty Seven). The scrutiny of the documents recovered on the disclosure of the accused account for expenditure Rs 10, 46, 08,872/- (Rupees Ten Crores

Forty Six Lacs Eight Thousands Eight Hundreds Seventy Two Only) which includes Rs 4, 54,02,274/- (Rupees Four Crores Fifty Four Lacs Two Thousands Two Hundred Seventy Four Only) made directly under different 23 heads and Rs 59,206,598/- (Rupees Five Crores Ninty Two Lacs Six Thousand Five Hundred Ninty Eight Only) distributed as budget to different sub units. These funds were received by A-1 from different channels both domestically and from Pakistan and distributed to HM units such as Division, Districts and Tehsils and cadres including active terrorists, families of killed terrorists, sympathizers and over ground workers (here-in-after to be referred as OGWs) of HM. It is further evident from the scrutiny of the documents recovered from A-1 that he used to regularly receive terror funds from different channels, distributed them and spent them on maintenance of cadres, sympathizers, runners and NOKs of the cadres killed in different anti-militancy operations. The various heads of expenditure were as follows;

- maintenance of unmarried, married militants of HM, children/ family members of active and killed militants;
- assistance to underground workers / sympathizer / family members of sympathizer for release of animal, family of detained persons, affected family, militant, HM cadre for marriage / other function;
- expenditure on mobile, medical treatment of sick and injured militants, ration, arms and ammunition / blasting, hideouts, clothing/ equipments for militants, auto+petrol, migrants, base camp/ repair of vehicle/ other establishment, eid gift and miscellaneous expenditure (fare, carriage, runner, marriage, etc.).

17.38. Investigation has revealed that major share of expenditure (40%) of the total terror funds received is spent on the maintenance of NOKs of killed terrorists (Figure 2) followed by funds provided to

active terrorists, who are unmarried (19%), assistance to sympathizers / family member of sympathizer (6%), expenditure on making hideouts, (6%) and miscellaneous expenditure (Fare, Carriage, Runner, Marriage etc.) (5%). Percent share of expenditure incurred on other heads is less than 5% which includes procurement of explosives, triggering blasts and so on.

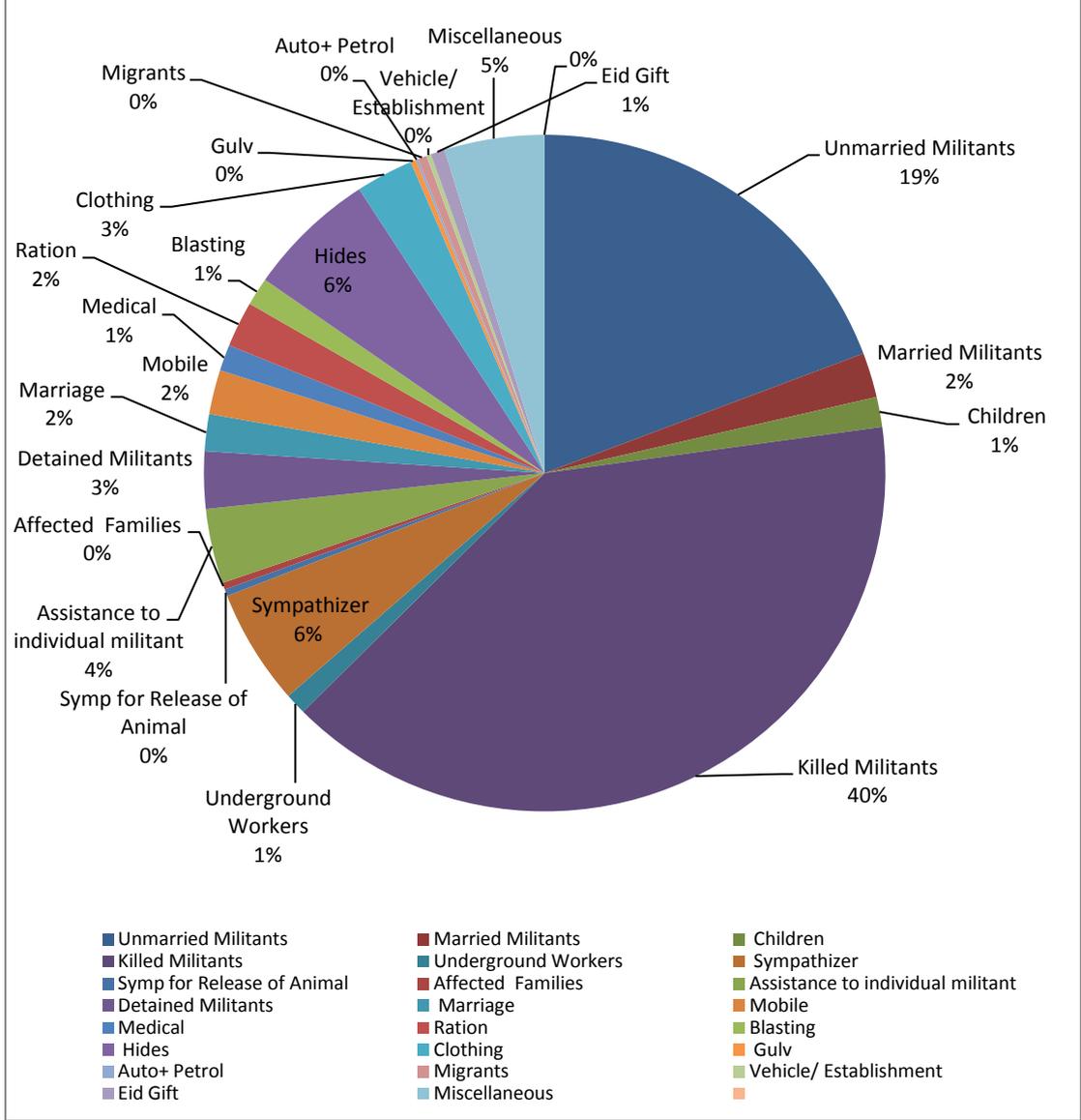


Figure 2. Distribution Pattern of Terror Funds by HM Through A-1

17.39. Investigation has revealed that A-1 used to receive printed lists of codes, names, parentage, Tehsil and District of beneficiaries for distribution of terror funds received from HM/JKART. A-1 used to give different parts of these lists to his associates for further

distribution of terror funds. It is pertinent to mention that parts of lists recovered on the disclosure of A-1 are similar to the list produced by a witness.

17.40. Investigation has revealed that besides details of receipt and expenditure statements of the funds, A-1 was maintaining incriminating records/ documents pertaining to methods of making of IED / explosives, matrix of codes used for communications among the cadres on wireless sets and phones, telephone numbers of the sympathizers, cadre strength of other militant organizations operating in Kashmir, codes of the HM cadres, details of encounters with security forces and end result of those encounters/operations, terrorists acts of HM cadres, telephone / mobile numbers of HM cadre in Pakistan.

17.41. Investigation has revealed that A-1 had used satellite phone, multiple mobile numbers, telephones and STD / PCO to communicate with HM Commanders in Pakistan. Investigation has established the identity of the persons in telephonic contact with A-1 based on the identification of their voice as that of HM cadres in Pakistan including Ghulam Nabi Khan @ Amir Khan(**A-4**), Zaffar Hussain Bhat @ Khursheed (**A-7**), Nazir Ahmad Dar @ Shabir Ellahi (**A-8**), Tajamul, @ Hashim, Mohd Abdulla Malik, Mubarak Shah (**A-10**), Habib ullah @ Tanveer, Shamas uddin @ Abbas, Kamran @ Tariq Jameel and Aijaz Pakistani and also the active cadres of HM operating in Kashmir namely Talib Lali @ Waseem@ Abu Umer (**A-2**), and Abdul Qayoom Najar @ Jan Sahib.

17.42. Investigation has further revealed that A-1 had maintained the record of many ISD / local Indian numbers including but not limited to co-accused persons saved against coded names 0027826559786 (Mohd. Amin), 00448222330, 3005526488 (Dsb), 3005335145 (Msb), 3335069346 (Shb), 3005802310 (Shows), 3335719133 (Ksb) and 3335937710 (IB) that figured in the documents recovered from him.

The local telephone and mobile numbers figured in these documents are including but not limited to 0194242585 (Mehraj-uddin), 30130522632190, 9906519255 (RYS), 9906864304 (Saima), 9019012095, 9419927033, 9419477273, 9419566812 (Altaf-Ajad), *60133946, *17475113, 9906629071, *32065554, *32107475, 9406417753, S.N. 8991550506015382494F, 9906764548, 9906486741 (Gulam Mohd. Khan s/o Ali Khan, Aragon), 99064...(life time, Salima Begum d/o Gulam Qadir Khan r/o Banna Kot), 9419087919, 2464074, 3702515008039 (Maulana Abdul Malik HM).

17.43. Investigation has revealed that A-1 was in contact with users of local mobile telephone numbers saved against some code names including but not limited to 9906575432, 9906755995, 9906717333, 9906797979, 9797262336 (AJa), 9469287182 (Jan), 9858417480 (19d), 9906486744 (K), 9622569684 (P), 9858475197 (SNz), 9858471142 (Sbr), 9797871161 (Shia), 9797964128 (Bar), 2416016 (Kang), 9797760428 (N), 9906583499 (Z), 9419998869 (H), 113488, 9858481458 (R), 9906896732 (IRfn), 9797168184 (R2), 9858388406 (Zia Sb), 9797245776 (Zia Sb), 9858486973 (Hb), 9622552814 (Ram P), 9822592437 (Gq). All these codes find mention in the documents recovered from A-1 as recipient of funds.

17.44. Investigation has revealed that A-1 had used multiple mobile phone numbers including but not limited to 9697954268 to communicate with his associates in Pakistan and other countries. Investigation further revealed that A-1 in connivance with his OGWs had fraudulently obtained / procured the mobile number 9697954268, subscribed in the name of an army official and used this SIM on mobile equipment with IMEI number 910040027871760 to communicate with users of 57 international numbers (ISD) numbers primarily of Pakistan including 923215267290, 923235385331, 923469705343, 923238549894, 923459469846, 923558115925, 923558112360, 9121242601426, 905430327275,

923469572730, 923335069346, 923125571066, 923152211944, 9159165899123, 91923219508919, 923558108365, 923459467821, 9144512614374, 448718050012, 448718700028, 923558100827, 9121240069129, 923343673785, 9188626514375, 916622407188, 91254329226127, 923007508303, 9188626679857, 9175773224658, 9121266249389, 905574045463, 9121263303032, 9140599603322, 9121267088871, 905298208279, 9121346454169, 9185690495570, 91254317075736, 923125222513, 916628334885, 9185616283763, 9121247824466, 907177297245, 9185611628653, 9121263909980, 9188626564618, 923338496523, 9188629609004, 91254314615268, 916625195518, 9185694720761, 916624140788, 92515774029, 9188626879291, 916663616381, 9121247239925, 923335723229 were found. Of the above mentioned 57 numbers, 03 ISD numbers 448718050012, 448718700028 and 9144512614374 are learnt to be cost sharing British Communications numbers belonging to UK based exchange.

17.45. Investigation has revealed that A-1 resorted to the use of cost sharing based communication system of British Communications based in United Kingdom through numbers 448718050012, 448718700028 and 9144512614374 to call his associates in Pakistan to overcome the then lawful restrictions imposed to make calls from Jammu and Kashmir to Pakistan. The analysis of CDR has established it.

17.46. Investigation has further revealed that the actual users of following ISD numbers who were in contact with A-1 are active members / terrorists of HM, originally belonging to Kashmir and now in Pakistan. The identity of the user of ISD number 923215267290, 923235385331, 923469705343, 923238549894, 923459469846, 923558115925, 923558112360, 9121242601426, 905430327275, 923469572730, 923335069346, 923125571066, 923152211944, 9159165899123, 91923219508919, 923558108365 and

923459467821 have been established as HM cadres including accused named in the instant case, now based in Pakistan.

17.47. Investigation has revealed that one Thuraya Hughes 7101 mobile and two Thuraya SIMs were recovered from A-1 at the time of his arrest on 1.12.2011 in case FIR 208/2011 of P/S Ram Munshi Bagh, Srinagar. Forensic analysis report of experts from CFSL, Chandigarh revealed that these SIMs contain ISD numbers of Saudi Arabia and Pakistan, saved against coded names of the users. The Thuraya SIM 1 card bearing ICCID No. 89882052710051399539 contained contacts such as 00923005526488 (DSB), 00923015722940 (G NABI), 00923335937718 (IB SB), 21526019 (KHDM KUP), 00923008550825 (KHRSHD SB 1), **00923008509735 (KHRSHD SB 2)**, 00923459469846 (ALI M), 00923005020010 (KHL D SB 1), **00923235385331** (KHL D SB 2) and 00923355405174 (ZAHID G). The Thuraya SIM 2 card bearing ICCID No. 89882059804051396562 contained contacts such as 966508252415 (ABC), 21129607 (A1), 50267862 (17), 966551145725 (ABC-2), 8821689801076 (..), 8821621259415 (19 SB), 8821621525988 (UBAD), 55583453 (HK), 925881046141 (45), 925881042181 (MZRAAD), 8821621129609 (IBRM SHB), 00923335937718 (IB), 21526015 (UBEADULLAH), 923218511379 (JAFAR), 966562511479 (ABC-3), 50207216 (..), 923008555744 (IBRAHIM SB M), 89851471 (ADIL), 00923005526488 (DAR SB), 00923005526488 (..), 8821655525204 (R), 8821621526012 (U SB), 923008305138 (Amtayaz sb), 8821621524074 (FAZULLAH), 8821621526012 (HANEEF SB), 41112824 (YOUSF BAI), 67882465 (AB ROUF), 8821621525997 (19 AB), 923005188160 (AJZ SB), 8821621502249 (19 ABC R), 21526019 (KAFIL), 923335571390 (RASHID Z), 8821689853491 (..), 920355405174 (ZAHID G), 66612970 (LT LOLAB), 923345461470 (KH SB), 923335769953 (DAR SB 2), 923005020010 (KH SB2), 923335719133 (AMIR SB 2), 8821650207216 (SOUTH), 8821655583456 (SHNZ SB), 8821655521440(..), 923008509735 (AMIR SB).

17.48. Investigation has revealed that the contact list of satellite phone and its SIMs seized from A-1 also included satellite phone numbers saved against some code names such as 8821689801076 (..), 8821621259415 (19 SB), 8821621525988 (UBAD), 8821621526012 (U SB), 8821621525997 (19 AB), 8821621502249 (19 ABC R), 8821689853491 (..), 8821655583456 (SHNZ SB), 8821655521440(..), 8821650207216 (SOUTH), 8821621524074 (FAZULLAH), 8821621526012 (HANEEF SB), 8821621129609 (IBRM SHB) and 8821655525204 (R). The codes used are of commanders of HM as disclosed by the accused person. The contact list also included mobile / phone numbers saved against the coded names of HM terrorists either in India or in Pakistan including Tahir Aijaz (AJZ SB), Ghulam Nabi @ Amir Khan (AMIR SB), Imtiyaz (Amtayaz SB), Dar Masroor (DAR SB), Junaid-UL-Islam (FAZULLAH), Haneef Khan (HANEEF SB, HK), Ibrahim Chaudhary (IB, IBRRAHIM SB M, IBRM SHB), Jafar (JAFAR), Nazir Ahmad Dar @ Shabir Ellahi @ Khalid @ Nisar (KH SB) and Kafil (KAFIL). It also contains the number of Muzzafarbad HM Office (MZRAAD). This contact list also includes the numbers of Waqas, LeT Cadre..... (LT LOLAB), 00923355405174 (ZAHID G), 00923005526488 (DSB), 00923015722940 (G NABI), 00923335937718 (IB SB), 21526019 (KHDM KUP), 00923008550825 (KHRSHD SB 1), **00923008509735 (KHRSHD SB 2)**, 00923005020010 (KHL D SB 1), **00923235385331 (KHL D SB 2)**, 3005335145 (MSB), 3335069346 (SHB), 3005802310 (SHOWB), 00923459469846 (ALI M), 3335719133 (KSB) and 335937710 (IB), 9469287182 (JAN), 9797262336(AJA), 9906940522 (ISF), 9858417480 (19), 9906486744 (K), 9622569684 (P), 9858475197 (SNz), 9858471142 (Sbr), 9797871161 (Saista), 9797964128 (Bar), 2416016 (Kang), 9797760428 (N), 9906583499 (Z), 9419998869 / 113488 (H), 9858481458 (R), 9906896732 (Irfan), 9797168184 (R2), 9858388406(Zia sb), 9797245776 (Zia sb), 9858486973 (Hb), 9622552814 (Ram P) and 9822592437 (Gq)

17.49. Investigation has revealed that A-1 had shared the use of his mobile number 9697954268 with Qayoom Najar, HM terrorist active in Sopore area the then District Commander Sopore of HM and other active terrorists to enable them contact their associates in Pakistan. Identification of voices in conversation in lawfully intercepted calls has established that the actual user of mobile number 9697954268 during the relevant period was A-1. He was in constant touch with HM leadership in Pakistan and POK and OGWs in North Kashmir to further the aforementioned criminal conspiracy.

17.50. Investigation has further revealed that A-1 had remained regularly in touch with the HM functionaries in Pakistan and POK through telephone regarding acts preparatory to terrorist acts, planning and execution of terrorist acts, receipt and distribution of funds and weapons among its active cadres for terrorist activities and also to the families of killed and injured terrorists of HM. Some incriminating parts of the lawful interception establishing the complicity of the accused are reproduced below.

- **Part of the incriminating contents of these transcripts is as under....**

On 30.1.2011, Mohd Safi Shah@ Dawood(A-1) in conversation with Amir Khan had stated that “Asal main wo 3 ladkay thei 1) Hamza 2) Kaleemullah (**Harkatul Mujahideen**) and 3) Obaidullah. Hum ko pehle kuch pata nahi chala. Asal main wo Harkat wala ladka akela reh gaya tha aur phir wo hamaren ladkon se mila aur Obeidullah bhi saheed howa. Lakin hume pata nahi chalta ki **harkat wala ladka kahan chala gaya.**”

Amir Khan (A-4): Sopore main kaisa chal raha hain?

Dr Dawood (A-1): *Yahan par yeh sab sun rahen hai, hum sab chupay huye hai.*

Amir Khan (A-4): *Wahan par Jinab Sehnawaz sahib the, main ne suna hain ki wo organization kay barey may mukhalifat kar raha hai, mujey kisi ne kaha ki wo kaya kaya keh raha hai organization kay khillaf. Hamara ek aadmi the, wo bahut gareeb tha, us ka bhai bhi saheed ho gaya tha, wo aadmi bhi girftar ho gaya hai. Wo sayad under PSA hai. Aur wo banda hamrey sath jail se rabitey main tha, aur phir Sehnawaz ne us ke sim bhi cheen le hai aur kaha hai ke tum un kay sath kyon rabita main ho. Aur phir us aadmi ne bhi kaha ki wo sakhet mukhalifat kar raha hain. Ab mera koi rabita nahi hai wahan par warna main khud us ko kehta ki kya baat hain.*

@ Dr Dawood (A-1) : *Jo aap maliyat chalatein hain us kay zariyen aap us ko letter nahi bhej saktin. Aap un logon ko kuch bhaj rahen hain.*

On 24.7.2011 at 16.50.05 Hours, Dawood in conversation with Khurheed and Amir Khan

Khursheed (A-7): *Tum ne shabir sahib se baat ki hai*

@ Dr Dawood(A-1): *Abhi nahi*

Khursheed (A-7): *Hamari sari channel he break ho gayi hai, wo hamari side ke sare ladkey girftar ho gaye hain, un se pehle paise liye gaye aur baad main girftar bhi ho gaye, wo taqreeban 5-6 ladke hain. Amir sahib se baat karo*

Amir Khan (A-4) :*Aap kab tak yahan rahey the, jo main ne aap ko number diya tha wo wahi hai, magar wo tayar nahi howa, main ne wo sari batein Peer sahib ko batayee, Shabir sahib ke samne, Umar sahib ke samne, aur mujhe laga ki yeh sara plan centre se he aya tha*

@ Dr Dawood (A-1):*Pechlee bar jo huwa tha wo aap ne suna, wo blast jo sopore main howa tha*

Amir Khan (A-4):*Mujhe laga tha ki wo hamara he hai. Main aap ko kuch number doonga tum ko jab bhi kuch hoga tum un par jald call karke batayen.*

@ Dr Dawood (A-1):*Pechle baar wala blast theek howa.*

Amir Khan (A-4):*Zabardast howa.*

.....and so on

The detailed transcripts of other incriminating conversations between A-1 and other accused persons A-2, A-4, A-5, A-8, A-9 and A-10 are cited as evidence.

17.51. Investigation has revealed that the actual user of the mobile phone 9697954268 was A-1 during the relevant period of lawful interception of this number. Investigation has ascertained the voice of A-1 during the use of mobile phone 9697954268 and his conversation with the other HM cadres.

17.52. Investigation has revealed that A-1 and his predecessor A-8 and other HM Commanders had maintained properly documented records of receipt and expenses statements of terror funds received both from JKART /HM in Pakistan / POK through different channels and raised domestically to be used for terrorist activities and subsistence of HM terrorists operating in North Kashmir. The

documents pertaining to expenses and distribution of funds were periodically sent to Headquarters of HM in Pakistan for record purposes.

17.53. Investigation has revealed that A-1 continued terrorist activities even while he was in the judicial custody and lodged at Central Jail, Srinagar. A-1 had used the mobile number 9796165137, (allegedly primarily used by Muzzafar Ahmad Dar, the then launching Commander of HM, arrested in 2009 and lodged in Central Jail Srinagar) and contacted his associates in Pakistan. He also used mobile number 9086826057 to contact his sympathisers, over ground workers and associates in Kashmir from inside the Central Jail Srinagar.

17.54. Investigation has ,thus, established that in pursuance of the criminal conspiracy as investigated in the instant case A-1 in association with the other co-conspirators of HM wilfully joined proscribed terrorist organization HM and as an active member of the said terrorist organization undergone armed training, indulged in heinous terrorist crimes, raised, collected and distributed funds for terrorist activities and recruited or got to be recruited and trained got to be trained cadres for the said outfit, for waging war against India.

17.55. Investigation has revealed that Talib Hussain Lali @ Waseem @ Abu Umer son of Khan Zaman resident of Margugul, Bazipora, Ajas, District Bandipora, Kashmir, Jammu and Kashmir (here in after A-2), joined militant cadre of Tehrik-e-Jihad (here in after TeJ) in 1997 and crossed over LOC from Kupwara border and entered POK.

17.56. Investigation has revealed that A-2 did training of handling arms and ammunition in training camps of TeJ at POK/Pakistan and stayed in TeJ camps till he along with four other cadres of TeJ including Pakistani nationals were launched / infiltrated into

Kashmir in 1999. He was in the possession of one AK-47 Rifle, 04 magazines of AK-47 filled with ammunition, 01 grenade and one wireless set.

17.57. Investigation has revealed that A-2 remained active till 2004 in the said outfit. In 2004 on the persuasion of @ Usman, the then District Commander of HM Bandipora, operating under A-1, A-2 joined HM. It is revealed that A-2 met A-1 in the forest (jungle) of Bandipora during this period.

17.58. Investigation has revealed that A-2 had carried out several terrorist activities along with his associates and his criminal history as provided by the local police including but not limited to case FIR No. 194/2008 dated 26.7.2008 u/s 307, 326 RPC and 7/27 Indian Arms Act, FIR No. 204/2008 dated 7.8.2008 u/s 307 RPC 7/25 Indian Arms Act, FIR No.213/2008 dated 29.8.2008 u/s 307, 429 RPC and 7/27 Indian Arms Act, 91/2009 dated 15.5.2009 u/s 302, 307 RPC 7/27 Indian Arms Act and 165/2013 dated 4.9.20013 u/s 212 RPC and 7/25 Indian Arms Act.

17.59. Investigation has revealed that A-2, after joining HM in 2004 had regularly received terror funds from A-1 for him and other HM cadres of HM in Ajas area till A-1 was arrested in December 2011. A-1 was the then District Commander of Bandipora from 2004-2008 and Divisional Commander North Kashmir from 2008-2011. A-1 used to distribute funds to HM cadre of Tehsil Ajas including A-2.

17.60. Investigation has revealed that A-2 used multiple mobile numbers, provided by his OGWs, to communicate with his associates including A-1 and others. He was in telephonic contact with A-1 and had communicated regarding receipt and distribution of terror funds. He used the services of human couriers and runners to collect the consignments of terror funds sent by A-1. Investigation has revealed

that A-1 used to send terror funds through some veiled (*burqa bearing*) lady to deliver it to A-2. A-1 used to simultaneously pass on this information telephonically A-2 to arrange somebody to collect the consignment from pre-decided point.

17.61. Investigation has revealed that Talib Lali (A-2) was in telephonic contact with A-1. The opinion of the forensic expert on comparison of specimen voice of A-1 and A-2 with their questioned voice in lawfully intercepted calls establishes it. On 09.01.2011, vide intercepted call, A-2 received a call at his mobile number 91-9596513472 from Mohd Shafi Shah @ Dawood (A-1)'s mobile number 91-9697954268 at 15:55:09 hrs. The conversation (excerpts from Transcripts transliterated in Roman) is as follows.

@ Dr @ Dawood (A-1) : *Kaam ho gaya tha, 2-2*

Talib Lali (A-2) : *Jee ho gaya tha.*

@ Dr @ Dawood (A-1) : *Kitney din pehle. Sayad 8-10 din hogayen na? 22 barabar 2 ka tha wo.*

Talib Lali (A-2) : *Jee han.*

@ Dr @ Dawood (A-1) : *10-20 din niklen gai na? February kay end tak karen gai, kuch halaat bhi theek nahi hain.*

Talib Lali (A-2) : *Kuch khat aaya tha,*

@ Dr @ Dawood (A-1) : *Kis hawalen se aaya tha.*

Talib Lali (A-2) : *Kuch karza tha. Mujhe ek banda mila tha.*

@ Dr @ Dawood (A-1) : *Us ka zati karza hain wo.*

Talib Lali (A-2) : *:Jee*

@ Dr @ Dawood (A-1) : *:Kitna?*

Talib Lali (A-2) : *Wo taqreeban 15 tak hain.*

@ Dr @ Dawood (A-1) : 15 tak hain waqi, mutlab aap us bande ko janten hain na? Aap ko lagta hain 15 tak hoga.

Talib Lali (A-2) : Jee bilkul. Wo donu ka hain Tahir ka bhi aur Dosre Pasha ka bhi.

@ Dr @ Dawood (A-1) : Yani jo is kay sath dosra sathi hain. Aap ne pehle nahi bataya ya aap ko bhi baad main pata chala.

Talib Lali (A-2) : Mujhe kuch din pehle he pata chala.

@ Dr @ Dawood (A-1) : Chalo theek hain filhal mujboori to nahi hai na?

Talib Lali (A-2) : Nahi abhi tak nahi hai, phir aap bata dena.

17.62. Investigation has revealed that A-2 along with his associates motivated recruited and trained HM cadre for terrorist activities.

17.63. Investigation has, thus, established that in pursuance of the criminal conspiracy as investigated in the instant case, A-2, in association with the other co-conspirators of HM wilfully joined proscribed terrorist organization HM and as an active member of the said terrorist organization undergone armed training, indulged in heinous terror crimes, received and distributed funds for terrorist activities for waging war against India.

17.64. Investigation has revealed that Mohd Yousuf Shah @ Syed Salaha-uddin son of Ghulam Rasool Shah resident of Bonpora, Soibug, Budgam, Jammu and Kashmir, India (*here in after A-3*) in furtherance of larger conspiracy of waging war against India, as member of Hizb-ul-Mujahideen, illegally crossed over Indian borders

to enter Pakistan via POK in 1993 and subsequently became the self styled Commander-in-Chief of HM. He is presently residing at G/10-2, Islamabad, Pakistan.

17.65. Investigation has further revealed that A-3 in furtherance of the larger conspiracy of waging war against India, has committed several terrorist acts with the help of active terrorists of HM and in connivance with separatists and secessionists. Some of the excerpts of recorded interviews of A-3 establishing his intents and objectives as Chief of the HM are as under.

- On 31 July 2011, A-3 had stated that
“Ramdhan is the month of Jihad. It is month of jihad against oppressors. There is no question of ceasefire in this month. In past we announced unilateral ceasefire 9 August 2000. But the experiment failed as it only benefitted India and harmed our cause”.
- On 18.10.2011, A-3 claimed that
“time had come when there was need for a state wide movement both at political and militant fronts,” to force India to fulfill its promises made with the Kashmiris, and we have to struggle at political and militant fronts”.
- On 24.1.2012, A-3 warned of increased attacks in future and stated that J&K will be freed soon. In 2008, 2009 and 2010 lakhs of Kashmiris came on streets demanding freedom. Our policy is to carry attacks against Indian targets like Army and intelligence.
- On 7.3.2012, he stated that
“In J&K, a coordinated, united political and armed struggle is inevitable. We have said it in past and I say it in now. Ground

situation is in our favour. For complete withdrawal of Indian troops from J&K, there is a need for a state wide armed struggle. He also added that we announced to shift the armed action towards borders only so that army will not fire on civilians in the garb of fighting militants”.

- On 19.7.2012, he stated that...

“as per pace of movements on political and public front, the armed struggle will automatically decide its peace and intensity”.

- On 20.1.2013, A-3 stated that

“the armed struggle is going through an important phase. Kashmiris at the moment might be feeling tired and disappointed but they will never be ready to leave the mission half way”. Adding further that the movement has already transferred itself to the generation next “movements don’t vanish by temporary disappointments”.

- On 18.2.2013, he stated that

“a statewide armed struggle was imperative to force India to vacate Kashmir”.

- On 7.4.2013, he admitted that

“Hizb operative had played vital role in Bemina Fidayeen attack”.

- On 1.6.2013, he claimed that

“Shaheed Tajammul Islam was a valuable asset of the organization. He further said that killing of Sajjad Ahmad just five days after the killing of engineer Saif-ullah showed that the mujahidin had maintained a magnanimous sprit in battle field”.

17.66. Investigation has revealed that A-3 as the Chief / Supreme Commander of HM has the overall command and control over planning and execution of the terrorist activities by HM cadre and JKART, frontal organization of HM. Investigation has revealed that A-3 through communications in person or through his associates in Pakistan, had frequently used ISD number of Pakistan 00925614581269, official number of JKART office in Pakistan to communicate with media at National level in India and State level in Jammu and Kashmir through fax and voice calls to deliver press notes of Hizb-ul-Mujahiddin. A-3 had used this number of JKART to communicate with separatists and secessionist in Jammu and Kashmir. Some of the Indian numbers found in contact with ISD number of Pakistan 00925614581269 used by A-1 and his associates include 194-2312257, 194-2485207, 0194-2459488, 0194-24565425, 0194-2455435, 0194-2474339, 0194-2458201, 194-2439774 and 9873297834.

17.67. Investigation has further revealed that HM headed by A-3 has its media cell by the name hizb media with email accounts including but not limited to hizbmedia10@gmail.com, m.amin11@gmail.com, and tehsin21@yahoo.com, used by A-1 and HM spokespersons (*Tarjuman*) namely Salim Hashmi @ Mohd Amin Sheikh and Baleeguddin to propagate its ideologies, actions and activities to local media of Jammu and Kashmir on the email ids such as editorkashmirnews@gmail.com, editorknsnews@gmail.com, fayazkaloo@gmail.com, cnskashmir@gmail.com, editor@greaterkashmir.com, editor@risingkashmir.com, dailyroshni@yahoo.com, kmr.medianetwork@gmail.com, editoruzma@gmail.com, nisarthakur@gmail.com and bbcmzdk@gmail.com. The communications were for taking responsibilities of terrorist actions carried out by HM cadres in Jammu and Kashmir.

17.68. Investigation has revealed that A-3 had planned, abetted and conspired several terrorist acts carried out by the HM cadres. He is the mastermind of subversive and terrorist activities carried out by

HM cadres in J&K. The cases registered and investigated against A-3 pertain to the offences of criminal conspiracy, kidnapping, murder, attempt to murder, contraventions of Indian Arms Act and Explosive Substances Act. Some of them are 1) RC-5/3/90/4/s-91-CBI TADA Case, 2) 1/S/92-CBI-SGR-D (New Delhi)-CBI TADA Case, 3) 255/2002 u/s 302, 307, 109 RPC, 7/27 I.A Act of P/S Budgam, 4) 165/07 u/s 302 RPC 7/25 I.A Act of P/S Pattan, 5) 36/07 u/s 302, 307, 427, 120-B RPC of P/S Pulwama, 6) 185/05 u/s 307, 302, 201 RPC, 7/25 I.A Act of P/S Rajpora, 7) 03/06 u/s 302, 364, 120-B RPC, 7/27 I. A Act P/S Rajpora, 8) 13/06 u/s 307, 120-B RPC, 7/27 I.A Act P/S Rajpora, 9) 35/06 u/s 302, 364, 120-B RPC 7/27 I. A Act P/S Rajpora, 10) 60/06 u/s 302, 364 RPC 7/27 I.A Act PS Rajpora, 11) 69/06 u/s 302, 20-B, 121-A RPC, 7/27 I.A Act P/S Rajpora, 12) 144/06 u/s 302, 364, 120 RPC P/S Rajpora, 13) 176/06 u/s 302, 364, 120 RPC PS Rajpora and 14) 22/07 u/s 307, 120-B RPC, 7/27 I.A Act P/S Rajpora.

17.69. Investigation has revealed that as the Chief of the HM, a proscribed terrorist organization, A-3 is involved in receiving, raising, collecting funds from different sources in Pakistan and other countries and funding the terrorist activities of HM. He is assisted by his associates includes Ghulam Nabi Khan @ Amir Khan resident of Anantnag, J&K, Ibrahim Chaudhary resident of Pattan, Zaffar Hussain Bhat @ Khursheed resident of Anantnag, J&K, @ Sonallah resident of Soibugh, District Budgam, J&K, Gh. Mohammed Dar resident of Soibugh, Distt Budgam, J&K in managing the finance of HM in Pakistan.

17.70. Investigation has revealed that in furtherance of aforementioned conspiracy, A-3 as *Ameer* of HM has recruited and got recruited thousands of youth from different parts of Jammu and Kashmir, India and other countries including Pakistan and imparted them arms training including handling prohibited arms,

ammunitions and explosive substances at different training camps run, administered and managed by HM in the Islamic Republic of Pakistan and Indian territories under the control of Pakistan.

17.71. Investigation has revealed that A-3 with the assistance of his associates is administering, supervising and running training camps at Jangal Mangal camp, Oghi camp, Illeqa Gair and others in Pakistan and territory occupied by Pakistan. These training camps are used by HM to impart training to its newly recruited / inducted cadre and also for advanced specialized training of trained cadre. Investigation has further revealed that senior and trained cadres of HM and retired and in service personnel of Pakistan Army and ISI, impart training to HM recruits. Investigation has revealed that A-3 with his associates, in connivance with Inter-Services Intelligence (ISI), an agency of Islamic Republic of Pakistan hatched a criminal conspiracy to wage war against the Republic of India and with this intent joined and took the control of HM and became its self styled Chief / Supreme Commander.

17.72. In furtherance of the aforementioned conspiracy, of waging war against India, A-3 and his associates motivated and persuaded youth of Jammu and Kashmir to join HM, as a result, many groups comprising different numbers of youth recruited as cadre of HM in different parts of Jammu and Kashmir, led by the guides, sympathizers and trained militants, illegally ex-filtrated from India for training by different routes and points at Line of Control on side of the territory of Republic of India into the Pakistan or territory under the control of Pakistan. Investigation has revealed that A-3 and other top commanders of HM including but limited to A-4, regularly visited training camps of HM established in Islamic Republic of Pakistan / POK to supervise the ongoing training and motivate its trainee cadres and through his speeches transmit the ideologies and objectives of HM to actively wage war against the Republic of India in general and

Jammu and Kashmir in particular to liberate Kashmir from Republic of India.

17.73. Investigation has thus established that A-3 as the head of proscribed terrorist organization HM, based in Pakistan is recruiting and running terrorist camps in POK. In furtherance of the said criminal conspiracy A-3 along with the other co-conspirators knowingly raising funds, clandestinely sending it to India for distribution amongst the HM cadres for carrying out terrorist activities amounting to waging war against India.

17.74. Investigation has revealed that Gulam Nabi Khan @ Amir Khan son of Gulam Rasool Khan, resident of village Liver, P/S Pahalgam, District Anantnag, Jammu and Kashmir (here-in-after A-4), Deputy Chief, HM presently in Pakistan, joined HM in 1989 and remained active Commander of HM, South Kashmir till 2000. He illegally crossed over the Indian border and ex-filtrated to Pakistan on the directions of A-3 to assist him in managing the activities of Hizb-ul-Mujahideen.

17.75. Investigation has revealed that A-4 is a member of *Markazi Majlis-e-Shura* of HM, its central body and participates in its meetings chaired by A-3 to discuss and decide its plans and activities. It is revealed that A-4 is in charge finance and operations HM in Pakistan and is assisted by Zaffar Hussain Bhat @ Khursheed.

17.76. Investigation has revealed that A-4 is the user of e-mail accounts mazaffarkhan08@yahoo.com, khadeksing@yahoo.com, gazi.saifullah@yahoo.com and z_bhat_trehgam@yahoo.com. Of these e-mail accounts khadeksing@yahoo.com is also used by Zaffar Hussain Bhat @ Khurshid (A-5), Personal Secretary @ Amir Khan (A-6).

17.77. Investigation has revealed that A-4 had used multiple ISD numbers of Pakistan including but not limited to 905483111548, 907000026172, 907000716231, 907027900973, 905594678781, 923235107439, 923558108365, 923558102719, 21266741399, 21240661400, 21267629339, 21261241605, 254344815275, 254371355596, **966503718039**, 40355545612 and 38582830951 to contact mobile number 9469264817 used by his wife and other family members residing at Anantnag. Investigation has revealed that A-4 was in contact with active HM terrorists and used ISD number 923558108365 to contact A-1 on his mobile number 9697954268 for carrying out terrorist activities through HM cadres. The excerpts of the conversations between A-1 and A-4 in lawfully intercepted calls of date 04.09.2013 at **17:57:23 hours from his 923558108365** are as follows...

@ Dr @ Dawood (A-1) : Asalamu alikum

@ Amir Khan (A-4) : Walikum asalam

@ Dr @ Dawood (A-1) : Eid Mubarak aap theek ho?

@ Amir Khan (A-4) :: Aap ko bhi eid Mubarak aap ko bhi, aap kahi bazaar main hain.

@ Dr @ Dawood (A-1) : Nikal rahe hai din, chupa chupe ka khel khail rahen hain.

@ Amir Khan (A-4) : Bazaar main hona to achi baat hai. Hum ne eid bhi theek tarah se ke, allah aap logon ke hifazat Karen. Acha ek baat bataw us bande se kuch nikla tha. Us ke pass bahut hai.

@ Dr @ Dawood (A-1) : 18 wala, abhi poori tarah se pata nahi chala, lekin pata kar raha hoon aur bahut jaldi sab pata chal jayega.

@ Amir Khan (A-4) : Aap log bahut muskilon main hai yeh pata hai lakin in jaise logon ko saza milni he chahiye, yeh gaddar hein.

@ Dr @ Dawood (A-1) : Yahan par sabar karna hota hai, kuch jald bazi karne ke zaroorat nahi hai.

@ Amir Khan (A-4) : Wo phansi ke kabil hai magar pehle paise nikalne chaheye. Aur to nahi hai kuch.

@ Dr Dawood: Main ne socha tha sayed aap se kuch to nahi hai?

@ Amir Khan (A-4) : Khursheed Sahib ko kuch kehna hai?

@ Dr @ Dawood (A-1) : Nahi un ko bolna tha ki wo Shabir sahib ko bolen ki wo call Karen aur kuch nahi.

@ Amir Khan (A-4) : Acha duwa karte rehna, mere pass Mubarak sahib bathein hai wo bhi aap ko salam keh rahen hai, app un ko achi tarah jante hai.

@ Dr @ Dawood (A-1) : Aap ne kaha tha ki aap un kuch cheezon ka baray main, kuch howa ki nahi.

@ Amir Khan (A-4) : Han howa, tayari hai. Baqi aap theek hai, hum logon ke liye eid nahi hai, hum to musafir hein.

@ Dr @ Dawood (A-1) : Hum log gulam kahan hai, hum ne to gulami tarak ki hai.

@ Amir Khan (A-4) : Khuda aap logon ke hifazat Karen, lo Khursheed se baat karo.

.....and so on.

17.78. Investigation has revealed that A-4 was in telephonic contact with HM cadre who have surrendered before the state authorities and persuading them by providing them terror funds to revive the

terrorist activities in Jammu and Kashmir. The content of the letter send by A-4 to one HM cadre, who had returned to India via Nepal in 2012 are as follow.

MuhattramSahib,

“ Chunke aap se haemin bahut see umyeedein babsta hein hum ne aap se bahut bar rabita karne ki koshish ki magar koi umeed na bhar aayee iss liye hum aap se ishtda karte hein ke aap je phone filhaal agle akqmaat taq har roj din ke 3:00 (teen) baje se 5:00 baje tak khula rakhein. Majeed guft ba shaneed phon par hee hogi”

Khair andheesh

Saifullakhalid

17.79. Investigation has thus established that A-4 as an active member of proscribed terrorist organization HM, knowingly conspired with the other co-conspirators by raising and distributing funds for carrying out terrorist activities in India amounting to waging war against India.

17.80. Investigation has revealed that Umer Farooq Shera @ Mehboob-ul-Haq son of Gulam Rasool resident of village Gund Kilam (Gund Tankipora), P/O Kelam, P/S Devsar, District Kulgam, Jammu and Kashmir (*hereinafter* referred as A-5) joined HM in 1990 and is presently the Chairperson of JKART, frontal organization of HM in Pakistan/POK, involved in raising, collecting and transferring terror funds for terrorist activities of HM cadres.

17.81. Investigation has revealed that **A-5** is an active terrorist of Hizb-ul-Mujahiddin and at present resides at Dok Kashmirian, POK. He illegally crossed over the Indian borders and entered Pakistan/POK for obtaining arms training at HM training camps in

Pakistan. Investigation revealed that **A-5** used ISD numbers 0321950667 and 03215344565 of Pakistan to communicate with his father Ghulam Rasool Shera.

17.82. Investigation has established that as a member of banned terrorist organisation HM, the said accused remained part of the criminal conspiracy of raising and distribution of funds to HM cadres for carrying out terrorist activities India amounting to waging war against the country.

17.83. Investigation has disclosed that Manzoor Ahmad Dar @ Dar Masroor son of Gulam Mohd Dar resident of village Ladoora, Rafiaband, Baramula, Jammu and Kashmir (*here-in-after* A-6) is a trained HM militant who had illegally crossed over the Indian borders /LOC to enter Pakistan and POK and accused in case FIR No. 28/2008 u/s 120-B RPC 2, 3 EIMCO, 7/25 Arms Act stands registered against Manzoor Ahmed Dar at P/S Sopore.

17.84. Investigation has disclosed that A-6 is presently Secretary of JKART (Jammu and Kashmir Affectees Relief Trust), frontal organization of HM in Pakistan / POK, involved in raising, collecting and transferring terror funds for terrorist activities by HM cadres. He is member of HM and attends the meetings of Hizb-ul-Mujahideen and closely associated with A-1, A-3, A-4, A-5, A-6, A-7, A-8, A-9 and A-10 and other commanders of HM.

17.85. Investigation has established that as a member of banned terrorist organisation HM, the said accused remained part of the criminal conspiracy of raising and distribution of funds to HM cadres for carrying out terrorist activities India amounting to waging war against the country.

17.86. Investigation has revealed that Zaffar Hussain Bhatt @ Khursheed, son of Sonaullah, resident of village Liver, P/S Pahalgam, District Anantnag, J&K (*herein after A-7*), is a close associate of A-4, now in Pakistan / POK and assist A-4 in managing finance of HM in Pakistan.

17.87. Investigation has revealed that A-7 used multiple mobile numbers to contact A-1 and other active terrorists of HM in Kashmir regarding receipt and distribution of funds and other finance related matters. The excerpts from his conversation with A-1 are as follows

@ Amir Khan (A-4) : Khuda aap logon ke hifazat Karen, lo Khursheed se baat karo.

Khursheed (A-7) : Asalamu alikum.

@ Doctor @ Dawood (A-1) : Walikum salam, Shabir sahib ko bolna ki wo call Karein, main ne call ki the magar baat theek tarah se nahi ho paye.

Khursheed (A-7) : Yahan par ijtimah tha wo wahan par bhi nahi the, sayad upar gai hein.

@ Doctor @ Dawood (A-1) : :Tanveer sahib wapas agaye kya? Wo kahen par night duty ke liye gaye thei na, aaye ki nahi?

Khursheed (A-7) : Nahi abhi wahan par he hain.

@ Doctor @ Dawood (A-1) : Un ka mobile nahi chal raha hoga.

Khursheed (A-7) : Nahi.

@ Doctor @ Dawood (A-1) : Acha Mubarak sahib se baat karni hai.

Mubarak Shah (A-10) : Asalamu alikum, aap theek ho.

@ Doctor @ Dawood (A-1) : Aap ne kabi baat nahi ke, kya aap theek ho.

Mubarak Shah (A-10) : Jee haan. Aaj kal security dekh kar baat karni padti hai, aur main upar bhi rehta hoon iss liye nahi kar pata hoon.

@ Doctor @ Dawood (A-1) : : Aap se baat karne thi.

Mubarak Shah (A-10) : Baat kal Karein ge.

@ Doctor @ Dawood (A-1) : Agar mumkin howa to kal he baat Karen gai. Khursheed sahib ko do ek minute.

Khursheed (A-7) : Shabir sahib, Tanveer sahib ke pass gaye hai.

@ Doctor @ Dawood (A-1) : Theek hai.

17.88. Investigation has revealed that A-7 used e-mail account khadeksing@yahoo.com to communicate with receiver, couriers, carriers and distributors of terror funds transferred by HM from Pakistan to India in general and Jammu and Kashmir in Particular. These receivers, couriers, carriers and distributors of funds include 1) Firdous Ahmad Dar @ Rahi user of e mail accounts darfirdousdar@yahoo.com, darusman51@yahoo.com, firdosrahi@yahoo.com, firdosrahi@yahoo.in and hsnane10muhrum@yahoo.com, 2. Mustaq Ahmad Lone @ Mustaq Aalam user of e mail account mustaq.aalam@yahoo.com and mushtaq.alam@ovi.com 3) Naseer Ahmad Khan s/o Ghulam Nabi Khan @Amir Khan son of Ghulam Rasool Khan r/o Liver Pahalgam, J&K user of e mail account hazimnaseer@yahoo.com, 4) Mehraj Ahmad Mir @ Rizwan son of Mohd Shaban Mir resident of Radbugh, District Budgam user of email account mehraj84@yahoo.com and 5) Mohd Shawar Khan, advocate in Delhi, resident of House No. 33 behind Kali Masjid Basti mskhan187@facebook.com and 6) Mohd Syed Bhat s/o Mohd Abdulla Bhat r/o Dirhama, Srigufwara, District Anantnag, Jammu and Kashmir (presently in central jail Srinagar), user of e-mail account sairafil1@yahoo.com.

17.89. Investigation has disclosed that Naseer Ahmad Khan s/o Ghulam Nabi Khan @Amir Khan son of Ghulam Rasool Khan r/o Liver Pahalgam, J&K, user of email account hazimnaseer@yahoo.com is in communication with A-4 at saifullakhalid09@yahoo.com and A-7 at khadeksing@yahoo.com

17.90. Investigation has disclosed that A-7 has criminal cases registered against him including case. FIR No. 70/99 u/s 7/25 Arms Act of P/S Ganderbal. It is further revealed that A-7 is a Pakistan trained militant of HM outfit and was publicity Chief of HM in 1999. During investigation of 70/99 u/s 7/25 Arms Act of P/S Ganderbal, huge quantity of arms/ammunitions which included rocket launcher, rocket booster, land mine and some video cassettes were recovered by the local police from the jungles of Pahalgam on the disclosure of A-7.

17.91. Investigation has disclosed that A-7 remained under detention u/s 9 of the J&K PSA, 1978 vide order No. DMS/PSA/37 dated 18.06/1999 issued by District Magistrate, Srinagar. He was lodged in District Jail, Udhampur for a period of eight months.

17.92. Investigation further revealed that A-7 has abetted terrorist activities by distribution of funds among the active cadres of HM and beneficiaries. Investigation has also revealed that A-7 had used Mushtaq Ahmad Lone @ Mushtaq Alam s/o Abdul Hamid Lone r/o Kanalwan Bijhehara, District Anantnag as courier of HM who in turn had received collected and distributed funds send by HM through A-7 from Pakistan through different channels. A-7 used to send the list of beneficiaries and other recipients in India and details of courier and carrier of funds from Pakistan to the said Mustaq on his mobile phones through calls, texts, massages and e-mail. Mustaq, after receiving funds from different persons at different points used to communicate the same to A-5 on phone or Yahoo messenger.

17.93. Investigation has also revealed that Mushtaq Ahmad Lone @ Mushtaq Alam had deposited approximately an amount of rupees five lac in different bank accounts on the directions of @ Khursheed through emails mushtaq.alam@yahoo.com and mushtaq.alam@ovi.com to khadeksing@yahoo.com and jagesingh09@gmail.com and through phones.

17.94. Investigation has, thus, established that A-5 as member of banned terrorist organization HM, remained active in several terrorist incidents in J&K and in pursuance of the said criminal conspiracy as the associate of A-4 in particular and other co-conspirators in general raised, distributed and collected funds for carrying out terrorist activities in India amounting to waging war against India.

17.95. Investigation has revealed that Nazir Ahmad Dar @ Shabir Ellahi son of Gulam Rasool Dar resident of Harwan, Bommai, P/S Sopore, District Sopore, Jammu and Kashmir (*here in after A-8*), an Ex-Divisional Commander of HM North Kashmir till 2008, now residing along with his family in Pakistan. Investigation has further revealed that his wife and children hold Indian Passports wherein Nazir Ahmad Dar @ Shabir Ellahi is shown to be a national of Pakistan. He is an accused in case FIR No. 28/2008 u/s 120-B RPC 2, 3 EIMCO, 7/25 Arms Act of P/S Sopore.

17.96. Investigation has revealed that A-8 joined HM in the year 1990 and illegally crossed over the LOC (ex-filtrated India) and entered POK / Pakistan for obtaining arms training in HM training camps and after obtaining the training, he infiltrated back to Kashmir with prohibited arms and ammunition. He remained active militant of HM in Zainageer, Sopore area till 1997. He was once arrested by the Army (15 Punjab) along with arms and ammunition and was later released. He joined militancy again in 1997 as HM cadre and ex-filtrated to Pakistan. In 2000, he infiltrated to Kashmir with prohibited arms and ammunition and remained the Divisional Commander of North Kashmir till 2008.

17.97. Investigation has further revealed that A-8 on the direction of Mohd Yusuf Shah @ Syed Salahuddin (A-3) handed over the

command and charge of North Division of HM to A-1, the then District Commander HM and ex-filtrated to Pakistan in 2008. While he was Divisional Commander HM North Kashmir, he used to regularly receive funds from Muzzafar Ahmad Dar, then Operational Chief HM and distributed it amongst the active HM Cadre and other beneficiaries. Investigation has further revealed that A-1, the then District Commander, HM, Bandipora was maintaining the record of receipt and distribution of Bandipora District for himself and North Division on behalf of A-8. Investigation has also revealed that A-8 was assisted by Shamasuddin @ Abbas and Abdul Majid Basati @ Shaheen (A-9) in receipt and distribution of terror funds of North Division.

17.98. Investigation has revealed that A-8 was in contact with A-1 on his mobile number **919697954268**. The excerpts of his conversation on 9.1.2013 at **17:07:30 hours from his Pakistan number (ISD) 923235385331** with A-1 on his mobile number **919697954268** are as follow.

@ Doctor @Dawood (A-1) : : *Aap theek hain, sehat theek hain.*

@ Shabir Ellahi (A-8) : *Sab theek hain, wahan par sab theek hain.*

@ Doctor @ Dawood (A-1) : : *Jee hain aj sab bathein hain kya?*

@ Shabir Ellahi (A-8) : *Jee hain, phir ek aur kaam hua tha.*

@ Doctor @ Dawood (A-1) : : *Jee mujhe pata hain, jo aap ne kaha tha wo bada, wo sara ruk gaya.*

@ Shabir Ellahi (A-8) : *Jee han.*

@ Doctor @ Dawood (A-1) : *Aap ke apne pass hain na? Theek hain agar mumkin hua to theek hain.*

@ Shabir Ellahi (A-8) : *Ho jaye ga. Shaheen ne bhi us admi ko nahi kaha tha sayad?*

@ Doctor @ Dawood (A-1) : : *Wo cheez to hum ne receive kiya tha. Saheen ko bataya hai wo khud karey ga. Hosakta hain late huwa hoga, magar wo khud karey ga. Phir bhi agar aap us se khud hisab karte, phir ho sakta hai us ko late ho jaye. Jo us ne kiya tha us main ezafa bhi ho sakta hain na?*

@ Shabir Ellahi (A-8) : *Jee han. Us ne kuch kiya hai?*

@ Doctor @ Dawood (A-1) : *Jee hain us ne sayad 5 kiya hai.*

@ Shabir Ellahi (A-8) : *Us key 5 ya aap kay 5?*

@ Doctor @ Dawood (A-1) : *Hamarey 5.*

@ Shabir Ellahi (A-8) : *Hum khud us se baqi Ka karten hai.*

@ Doctor @ Dawood (A-1) : *Theek hain aap us se baqi ka khud karna.*

@ Shabir Ellahi (A-8) : *Jo bhi aap logon ko zaroorat hoga wo aap wahan se khud batana.*

@ Doctor @ Dawood (A-1) : *Theek hain.*

@ Shabir Ellahi (A-8) : *Saheen phone nahi karta hai.*

@ Doctor @ Dawood (A-1) : *Wo zyda phone nahi karta.*

@ Shabir Ellahi (A-8) : *Milta hain ki nahi?*

@ Doctor @ Dawood (A-1) : *Han milta hai.*

17.99. Investigation has further revealed that A-8 was the Launching Commander HM to facilitate ex-filtration and infiltration of HM militants for many years. A case FIR no. 28/2008 u/s 120-B RPC, 2,3 EIMCO, 7/25 I Arms Act stands registered against him at P/S Sopore, District Baramulla.

17.100. Investigation has further revealed that A-8 had used and is still the user of ISD number 923235385331 of Pakistan to contact active militants, sympathizers, couriers of terror funds, traders and his family members in Jammu and Kashmir.

17.101. Investigation has revealed that A-8 is involved in receiving terror funds from JKART and HM in Pakistan and sending it to India through trade route by hawala channel for its further distribution to active militants and other beneficiaries belonging to the area of Zaingeer region of Kashmir. In furtherance of the aforementioned criminal conspiracy A-8, an active member of HM, on the direction of A-3, started trading Company by the name MN Traders, as cover up, of business with Indian Traders of Jammu and Kashmir to pump in illegal terror funds through the channel of Hawala and Money Laundering. Other such trading companies of Pakistan / POK, run by HM cadres, in business with Indian Traders are 1. Reshi Traders, Rawalpindi of Javed Iqbal Reshi @ Ansar r/o Sopore, Distt Baramulla, 2. Sultan Trading Company of Mohd Sultan Mir @ Dilawar Khan, HM Militant and 3. Faizan Traders, Muzzafarbad of Farooq Ahmad, HM militant.

17.102. Investigation has revealed that in furtherance of the aforementioned criminal conspiracy, active HM cadres used to receive equal amount of funds in Jammu and Kashmir from the balance of goods traded in the barter system prevalent along the LOC between India and Pakistan. The modus operandi followed was that the Pakistani counterpart trader associated with HM supplied goods in excess of what he was required to send in lieu of the goods received by him from Indian trader. The excess amount to be paid by the trader in India was supplied to the active terrorists operating in Jammu and Kashmir.

17.103. Investigation has thus established that A-8 an active HM cadre, in pursuance of the said criminal conspiracy in association with the other co-conspirators, willfully got arms training in Pakistan, remained involve in several terror incidents and raised, funded funds in the garb of cross border trade to A-1 for carrying out terrorist activities amounting to waging war against India.

17.104. Investigation has revealed that Abdul Majeed Sofi @ Majid Bisati @ Shaheen (*here in after A-9*) is an active member of HM and close associate of A-7 and A-8. He remained an active HM terrorist in North Kashmir Division of HM comprising Sopore, Baramulla and Kupwara till he illegally crossed over to Pakistan in January 2012, on the direction of A-1 and A-2. He had used ISD number 92305003639 in Pakistan.

17.105. Investigation has revealed that A-9 remained active with other HM terrorists operating in this area namely Fayaz Ahmad Dar @ Shabir @ Salim Khan, then District Commander HM Sopore, Showkat Ahmad Garoo @ Showkat, then Battalion Commander HM, and Anwar Dabloo @ Nazar Islam, Tanvir Ahmad Zargar @ Tunkhan @ Reyas, Khalid Bhat @ Tuffail and Muzzfar Ahmad Dar @ Mehmood Gajnabi.

17.106. Investigation has further revealed that in furtherance of the conspiracy of HM of waging war against India, A-9, an active HM cadre, along with his associates had attacked Police Station Sopore on 6.7.2011 by lobbing grenades and IED blast resulting in the death of one Police constable and serious injuries to other police personnel. A case FIR No. 182/ 2011 dated 6.7.2011 u/s 307 RPC, 4/5 Explosive Substances Act, was registered against him and others. A-9 was also involved in an IED blast using scooter to explode army vehicles "Rakshak" at Fruit Mandi, Sopore causing loss to the vehicle and injury to army personnel. A case FIR No. 384 /2007 dated 15.12.2007 u/s RPC and 3 PSS Act was registered against him and others.

17.107. Investigation has revealed that A-9 and Shamasuddin @ Abbas had assisted both A-8 and A-7 in receipt and distribution of terror funds of North Division of HM. A-9 was Deputy Financial Chief and District Commander, HM, Sopore. It is further revealed that A-9

in connivance with A-7 and A-8 got the vehicle of Zahoor Ahmad Shah, courier of terror funds from POK/Pakistan to India through trade route, repaired and paid for it Rs 1.5 Lac. This vehicle was used by HM in transport of terror funds.

17.108. Investigation has revealed that A-9 had identified the house of Mohd Rustum Bhat @ Rustum resident of Sopore as the point of delivery of terror funds received by courier through different channel sent from HM main Office Khanna, Pakistan through Ibrahim Chaudhary, the then in charge HM Maliyat (finance). Investigation has revealed that A-9 had collected consignments of terror funds from Ishfaq Moulvi handed over to him by Zahoor Ahmad Shah, truck driver operating on LOC trade route, who had brought the same from A-8 from POK/Pakistan.

17.109. Investigation has thus established that A-9 an active HM cadre, involved in several terrorist incidents in J&K, now based in Pakistan along with the other co-conspirators actively participated in the said criminal conspiracy.

17.110. Investigation has revealed that Mubarak Shah son of Ghulam Mustafa Shah resident of Tregpora (Pragpora), Sopore, Jammu and Kashmir (*here-in-after* A-10), joined HM and illegally crossed over the LOC and entered POK / Pakistan for undergoing training of arms and ammunition. He underwent training in HM camps in POK / Pakistan and infiltrated in Kashmir. He was detained under JK Public Safety Act for the period 1989-1991 and during this period was lodged at jails in Srinagar, Jodhpur and Rajasthan.

17.111. Investigation has revealed that A-10, after his release from jail joined militancy again and remained active cadre of HM in the areas of Rafiabad, Sopore, District Baramulla for the period 1991-1997.

17.112. Investigation has revealed that A-10 was Camp Commander, HM Oghi training camp, Muzzafarbad and had trained militants of HM including A-1 and his associates. Further A-10 as Launching commander in 1998 illegally infiltrated A-1 along with his three associates and provided arms and ammunitions for the group. It is further revealed that large quantity of arms and ammunition and terror funds have been sent to Indian Territory through porters accompanying the HM cadres launched by A-10.

17.113. Investigation has revealed that A-10 was in contact with A-1. The excerpts of his conversation with A-1 are as follow.

@ Doctor @ Dawood (A-1) : Acha Mubarak sahib se baat karni hai.

Mubarak Shah (A-10) : Asalamu alikum, aap theek ho.

@ Doctor @ Dawood (A-1) : Aap ne kabi baat nahi ke, kya aap theek ho.

Mubarak Shah (A-10) (A-10) : Jee haan. Aaj kal security dekh kar baat karni padti hai, aur main upar bhi rehta hoon iss liye nahi kar pata hoon.

@ Doctor @ Dawood (A-1) : Aap se baat karne thi.

Mubarak Shah (A-10) : Baat kal Karein ge.

@ Doctor @ Dawood (A-1) : Agar mumkin howa to kal he baat Karen gai. Khursheed sahib ko do ek minute.

Khursheed (A- : Shabir sahib, Tanveer sahib ke pass gaye hai.

@ Doctor @ Dawood (A-1) : Theek hai.

17.114. Investigation has revealed that A-10 is an important member of HM and has been assigned the task of procurement of arms and ammunition to provide the trained cadres of HM at the time of their infiltration into Indian Territory after obtaining training in POK/ Pakistan, thus amounting to waging war against India.

17.115. The materials collected in the form of oral testimonies, documents during the investigation provide incontrovertible evidence establishing the complicity of the accused persons under Sections 120 B read with 121A IPC and Section 17, 18, 18-A, 18-B, 38, 39 and 40 UA (P) Act, 1967 as amended in the year 2008 (A-1, A-2, A-3 and A-4), Sections 120 B r/w 121A IPC and Section 17, 18, 38, 39 and 40 UA (P) Act, 1967 as amended in the year 2008 (A-5, A-6, A-7 A-8 and A-9) and Section 120 B r/w 121A IPC and Sections 17, 18, 18-A,38, 39 and 40 UA (P) Act, 1967 as amended in the year 2008 (A-10) in the crime.

18. CHARGES

18.1. The investigation has disclosed that in furtherance of criminal conspiracy, the accused persons namely Mohammad Shafi Shah @ Doctor, @ Dawood, @ Nisar (A-1), Talib Lali @ Waseem @ Abu Umer (A-2), Mohd. Yusuf Shah @ Syed Salahuddin (A-3), Gulam Nabi Khan @ Amir Khan (A-4), Umer Farooq Shera @ Mehboob-ul-Haq (A-5), Manzoor Ahmed Dar @ Masroor Dar (A-6), Zaffar Hussain Bhatt @ Khursheed (A-7), Nazir Ahamd Dar @ Shabir Ellahi (A-8), Abdul Majeed Sofi @ Majeed Bisati @ Shaheen (A-9) and Mubarak Shah (A-10) as members and commanders of Hizb-ul-Mujahideen (HM), a proscribed terrorist organization, recruited and trained persons for terrorist acts, organized terrorist training camps and trained cadres of the organization, supplied arms, ammunition, explosives and means of communications. In furtherance of the aforementioned criminal conspiracy, they also raised, collected and transferred funds from Pakistan to India through different medium for its expenditure and distribution to active cadres, purchase of material used for explosives and terrorist acts and abetment of terrorist acts thereby having committed offences under Sections of law as mentioned against each of them as under:-

S.No.	Particulars of the Accused Persons	Offence (s)
A-1	Mohammad Shafi Shah @ Doctor, @ Dawood, @ Nisar son of Late Abdul Gani Shah resident Watmohalla, Papchan, P/S Bandipora, District Bandipora, Jammu and Kashmir	Section 120 B read with 121A Indian Penal Code and Section 17, 18, 18-A, 18-B, 20 38, 39 and 40 of Unlawful Activities (Prevention) Act, 1967 and as amended in the year 2008.
A-2	Talib Lali @ Waseem @ Abu Umer son of Khan Zaman resident of Marigul, Bazipora, Ajas, District Bandipora, Jammu and Kashmir	Section 120 B read with 121A Indian Penal Code and Section 17, 18, 18-A, 18-B, 20 38, 39 and 40 of Unlawful Activities (Prevention) Act, 1967 and as amended in the year 2008.
A-3	Mohd. Yusuf Shah @ Syed Salahuddin, Commander in Chief, Hizb-ul-Mujahideen (HM) son of Gulam Rasool Shah resident of Soibugh, P/S Budgam, District Budgam, Jammu and Kashmir.	Section 120 B read with 121A Indian Penal Code and Section 17, 18, 18-A, 18-B, 38, 39 and 40 Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.
A-4	Gulam Nabi Khan @ Amir Khan son of Gulam Rasool Khan resident of Village Liver, P/S Pahalgam, District Anantnag, Jammu and Kashmir	Section 120 B read with 121A Indian Penal Code and Section 17, 18, 18A, 18B, 38, 39 and 40 UA (P) Act, 1967 as amended in the year 2008.
A-5	Umer Farooq Shera @ Mehboob-ul-Haq s/o Gulam Rasool r/o Vill. Gund Kilam (Gund Tankipora), P/O Kelam, P/S Devsar, District Kulgam, Jammu and Kashmir. Presently at House number 298	Section 120 B read with 121A Indian Penal Code and Section 17, 18, 38, 39 and 40 Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.

	Street number 16 Dhoke Kashmirian Rawalpindi.	
A-6	Manzoor Ahmed Dar @ Masroor Dar r/o Vill. Rafiabad (Ladora), P/S Sopore, District Sopore, Jammu and Kashmir. Presently at Madina Town, P/O Khanna Dak, Islamabad.	Section 120 B read with 121A Indian Penal Code and Section 17, 18, 38, 39 and 40 Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.
A-7	Zaffar Hussain Bhatt @ Khursheed son of Sonallah resident of Village Liver, P/S Pahalgam, District Anantnag, Jammu and Kashmir.	Section 120 B read with 121A Indian Penal Code and Sections 17, 18, 38, 39 and 40 Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.
A-8	Nazir Ahamd Dar @ Shabir Ellahi son of Hazi Gulam Rasool Dar, resident of Harwan, Bommai, P/S Sopore, District Sopore, Jammu and Kashmir.	Sections 120 B read with 121A Indian Penal Code and Sections 17, 18, 38, 39 and 40 Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.
A-9	Abdul Majeed Sofi @ Majeed Bisati @ Shaheen son of Ali Mohd. Sofi resident of Bilal, P/S Sopore, District Sopore, Jammu and Kashmir	Sections 120 B read with 121A Indian Penal Code and Sections 17, 18, 38, 39 and 40 Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.
A-10	Mubarak Shah son of Gulam Mustafa Shah resident of Pragpora (Tregpora), P/S Sopore, Jammu and Kashmir.	Section 120 B read with 121A Indian Penal Code and Sections 17, 18, 18-A, 38, 39 and 40 Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.

18.2. Involvement of Ibrahim Chaudhary, Shamasuddin Wani @Abbas, Mohd Amin @ Jahangir, Parvez Ahmed, Riaz Ahmad Naik,

Mohd Abbas Mir, Firdous Ahmad@ Rahi, Mustaq Ahmad Lone and Gulam Mohd Raina and other associates of accused persons being charge sheeted in this charge sheet has figured during the investigation. Further investigation is continuing under Section 173(8) Cr PC.

18.3. During investigation, the specimen handwriting of A-1 and questioned documents containing procedure and method of making explosives/IEDs; sample specimen signatures / thumb impressions of the recipients of funds and signatures / thumb impressions in questioned documents; sample voice of A-1 and A-2 were recorded and two compact CDs marked as CD-I, CD-II containing questioned voice in conversations in lawfully intercepted calls; one dual SIM mobile phone make 'Lava' and four SIMs recovered and seized on disclosure of A-1; one laptop make Compaq and one Aircel SIM were sent to CFSL, New Delhi for comparison and forensic examination. The examination reports are awaited. The same will be filed in the learned Court as and when received.

18.4. The sanction of prosecution u/s 45 (1) of Unlawful Activities (Prevention) Act, 1967 [as amended in 2008] and Sections 188 and 196 Cr.PC issued vide order No.I-11011/43/2011-IS-IV dated 28 November, 2013, Government of India, Ministry of Home Affairs, New Delhi is enclosed as **Annexure IV**.

18.5. Accused Mohammad Shafi Shah @ Doctor, @ Dawood, @ Nisar (A-1), and Talib Lali @ Waseem @ Abu Umer (A-2) were arrested in this case on 5.6.2013 and 3.10.2013 respectively and are lodged in Central Jail, Tihar Jail, Delhi under the order of this Learned Court.

18.6. Therefore, it is respectfully prayed that this Hon'ble Court may be pleased to take cognizance of this charge sheet filed under Section 173 (2) Cr.P.C read with Section 43-D Clause 2 of the Unlawful Activities (Prevention) Act 1967, and issue due processes against the

accused persons Mohammad Shafi Shah @ Doctor, @ Dawood, @ Nisar (A-1), Talib Lali @ Waseem @ Abu Umer (A-2), Mohd. Yusuf Shah @ Syed Salahuddin (A-3), Gulam Nabi Khan @ Amir Khan (A-4), Umer Farooq Shera @ Mehboob-ul-Haq (A-5), Manzoor Ahmed Dar @ Masroor Dar (A-6), Zaffar Hussain Bhatt @ Khursheed (A-7), Nazir Ahamd Dar @ Shabir Ellahi (A-8), Abdul Majeed Sofi @ Majeed Bisati @ Shaheen (A-9) and Mubarak Shah (A-10) in accordance with law, to face trial.

- 19.** Dispatched on : 30.11.2013
- 20.** No. of enclosures : 04
- 21.** List of enclosures : Annexure – I (List of Witness)
Annexure-II (List of Documents)
Annexure-III (List of Material Objects)
Annexure-IV (Sanction Order by MHA)

Ajeet Singh
Superintendent of Police
National Investigation Agency,
New Delhi

Forwarded by

Swayam Parkash Pani IPS

Superintendent of Police
National Investigation Agency,
New Delhi