



**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)
Vs
SYED SALAHUDDIN AND OTHERS**

- | | | | |
|----------|---|----------|--|
| 1 | Name of the Police Station
FIR No.
Year
Date | : | National Investigation Agency,
New Delhi
RC-11/2011/NIA/DLI;
2011
25.10.2011 |
| 2 | Final Report /
Charge Sheet No | : | 03 A /13 |

- 3 Date** : 01.11.2014
- 4 Sections of law** : Sections 120-B read with 121-A of IPC and Sections 18, 38, 39 and 40 of UA (P) 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 / Non-Cognizable / Civil Nature** : No
- 7 If charge sheeted Original / Supplementary** : Supplementary
- 8 Name of the Investigating Officer (s)** : Dr. Ajeet Singh, Superintendent of Police, NIA, New Delhi w.e.f 6.2.2012. Previously by Sh N. N. Dubey, Superintendent of Police, NIA, New Delhi from 25.10.2011 to 05.02.2012
- 9 Name of the Complainant / Informant** : Credible Source Information. SP/ASP, NIA, New Delhi
- 10 Details of the Properties / Articles / Documents recovered / Seized during Investigation and Relied Upon** : As per the list enclosed in Annexure

11. Particulars of the person charge sheeted

a.	Name	Muzaffar Ahmad Dar @ 19, @ Gaznavi, @ Mohd Ali
b.	Father's Name	Abdul Khaliq Dar
c.	Age	Born on 02.12.1969
d.	Sex	Male
e.	Nationality	Indian
f.	Passport Details	NA
g.	Religion	Islam / Muslim
h.	Occupation	HM terrorist since 1990
i.	Address (Present)	Resident of Chichiloor, Post Office and Police Station Magam, District Budgam, Jammu and Kashmir
j.	Address (Permanent)	Resident of Chichiloor, Post Office and Police Station Magam, District Budgam, Jammu and Kashmir
k.	Whether Arrested/ On Bail / Absconding	Arrested on 07.05.2014. Presently on Judicial custody in Tihar Jail.

- 12 Particulars of accused persons : **Nil**
Not charge sheeted
- 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 and 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 under Section 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, Jammu Kashmir Affectees Relief Trust (here-in-after to be referred as JKART)], (4) Masroor Dar (General Secretary, JKART), (5) Masood Sarfaraz (Hizb-e-Islami, a Pak based organization involved in supporting terrorist activities in Jammu and Kashmir), (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 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 Jammu and Kashmir 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 Jammu and Kashmir, 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 Jammu and Kashmir, Delhi and so on to the active terrorists and families of killed HM terrorists.

16.5 The materials collected in the form of oral testimonies, documents during the investigation provided incontrovertible evidence establishing the complicity of the following ten 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. Accordingly the first charge sheet was filed in the Special Court NIA, New Delhi on 30.11.2013 against the following ten accused persons

- A-1:** Mohammad Shafi Shah @ Doctor, @ Dawood, @ Nisar son of Late Abdul Gani Shah resident of Watmohalla, Papchan, Police Station Bandipora, District Bandipora (Jammu and Kashmir). Arrested on 05.06.2013. Presently lodged at Tihar Jail, New Delhi.
- A-2 :** Talib Lali @ Waseem @ Abu Umer son of Khan Zaman resident of Marigul, Bazipora, Ajas, District Bandipora. Arrested on 03.10.2013. Presently lodged at Tihar Jail, New Delhi.
- A-3 :** Mohd. Yusuf Shah @ Syed Salahuddin, Commander in Chief, Hizb-ul-Mujahideen (HM) resident of Soibugh, Police Station Budgam, District Budgam, (Jammu and Kashmir).
- A-4 :** Gulam Nabi Khan @ Amir Khan son of Gulam Rasool Khan resident of Vill. Liver, Police Station Pahalgam, District Anantnag, Jammu and Kashmir.
- A-5 :** Umer Farooq Shera @ Mehboob-ul-Haq son of Gulam Rasool resident of Vill. Gund Kilam (Gund Tankipora), Post office Kelam, Police Station Devsar, District Kulgam (Jammu and Kashmir).

A-6: Manzoor Ahmed Dar @ Masroor Dar resident of Vill. Rafiabad (Ladora), Police Station Sopore, District Sopore (Jammu and Kashmir).

A-7 : Zaffar Hussain Bhat @ Khursheed son of Sonauallah Bhat resident of Vill-Liver, Police Station Pahalgam, District Anantnag (Jammu and Kashmir).

A-8 : Nazir Ahamd Dar @ Shabir Ellahi son of Hazi Gulam Rasool Dar, resident of Harwan, Bommai, Police Station Sopore, District Sopore (Jammu and Kashmir).

A-9 : Abdul Majeed Sofi @ Majeed Bisati @ Shaheen son of Ali Mohd. Sofi resident of Bilal Colony, Police Station Sopore, District Sopore (Jammu and Kashmir).

A-10 : Mubarak Shah son of Gulam Mustafa Shah resident of Pragpora, Police Station Sopore (Jammu and Kashmir).

16.6 Further investigation against the associates of charge sheeted accused persons continued under Section 173 (8) Cr.PC.

16.7 During further investigation the accused Muzaffar Ahmad Dar @ 19, @ Gaznavi, @ Mohmmad Ali, son of Abdul Khaliq Dar resident of Chechloora, Magam, Budgam, Jammu and Kashmir was arrested in NIA case RC-11/2011/NIA/DLI on 07.05.2014. Presently he is under judicial custody till 01.11.2014.

17. FACTS DISCLOSED DURING INVESTIGATION

17.1 Investigation has revealed that Muzaffar Ahmad Dar son of Abdul Khaliq Dar resident of Chichiloor, Post Office and Police Station Magam, District Budgam, Jammu and Kashmir, India (here-in-after to be referred as A-11), in pursuance of the larger criminal conspiracy of waging war against India, became member of the Hizb-ul-Mujahideen (here-in-after to be referred as HM), a proscribed terrorist organization in 1990.

17.2 Investigation has revealed that in pursuance of the aforesaid criminal conspiracy, A-11 illegally crossed over the Indian borders [also known as Line of Control here-in-after to be

referred as LOC] from Kupwara sector in Jammu and Kashmir and exfiltrated to the territory under the control of Pakistan [also known as Pakistan Occupied Kashmir to be referred in short as POK] / Pakistan, along with other active cadres of HM, underwent terrorist training of handling arms and explosives in training camps, organized, funded, administered and supervised by top HM leadership including A-3, A-4 and other HM cadres.

- 17.3 Investigation has revealed that A-11 along with other HM cadres underwent advanced terrorist training in Afghanistan under Hizb-e-Islami, another terrorist organization. A-11, while in Pakistan, had also learned the use of computer and thereafter worked as computer operator in Kashmir Information Centre, the Media Centre of HM, till he infiltrated back into Indian Territory.
- 17.4 Investigation has revealed that in July-August, 1992, A-11 equipped with arms, ammunition and explosive substances, in pursuance of the aforesaid criminal conspiracy of waging war against the state of India, infiltrated back into Indian territory along with other members of HM. Investigation has revealed that A-11 along with his one associate namely Abdul Khaliq Dar was arrested / apprehended by security forces during an operation at Chichiloor, Magam, Baramulla. Thereafter A-11 remained in custody (preventive detention under Jammu and Kashmir Public Safety Act and judicial custody) from 1992-94 in District Jail Udhampur.
- 17.5 Investigation has revealed that in 1995, upon motivation by Ali Mohammad Dar @ Burhan-uddin Hajaji (since dead in 1998), the then HM Commander of Baramulla area, A-11 re-joined HM, got recycled as militant and ex-filtrated to POK/Pakistan. A-11 remained in different training camps during this period of his stay in POK/Pakistan. In 1999, equipped with arms ammunition and explosives, A-11 again infiltrated back into Indian Territory through LOC. As member of the HM, a proscribed terrorist organization, A-11

scaled up the rank and position in hierarchy of HM from common cadre in 1999-2003, Battalion Commander in 2003-04, District Commander in 2004; Military Operation Chief and advisor to Nisar Ahmad Bhat @ Gazi Misbahuddin, then Chief Operations Commander (2004-07) and finally became the Chief Operations Commander (2007-09) till his arrest in February 2009.

- 17.6 Investigation has revealed that as an active member of HM, in order to conceal his identity, A-11 was using different code names and aliases such as @ Mohammad Ali @19 @ Gaznavi to communicate with his associates in internal communications of the organization and record purposes and had also used fake identity documents obtained / made in the name of his associates.
- 17.7 Investigation has revealed that A-11 became the Chief Operations Commander, HM and succeeded Nisar Ahmad Bhat @ Gazi Misbahuddin, who was arrested in December 2007. During the period between 2004-08, Farooq Ahmad Dar @ Hanief Khan (since killed in February 2008 in an encounter in Awantipora, Pulwama) son of Mohd Akbar Dar, Divisional Commander HM of South Kashmir was also the financial chief HM and handling finances of organization under the command of Nisar Ahmad Bhat @ Gazi Misbahuddin (2004-07) and A-11. After death of Hanief Khan in February 2008, Zahoor Ahmad Waza alias Zeeshan @ Zubair (since killed in an encounter in April 2008) resident of Palhalan, Pattan, Baramulla, J&K succeeded Hanief Khan as financial chief, HM till his death.
- 17.8 Investigation has revealed that acting on the directions of A-11, both Farooq Ahmad Dar @ Hanief Khan and Zahoor Ahmad Waza alias Zeeshan @ Zubair, then financial chief of HM had received huge amount of funds from Pakistan and POK based top leadership of HM and distributed it among the then active Commanders and cadres of HM in

Jammu and Kashmir through their different conduits and couriers.

- 17.9 Investigation has revealed that after the death of Zahoor Ahmad Waza alias Zeeshan @ Zubair, then financial chief of HM, A-11 had supplied funds directly to the Divisional Commanders during this period for furtherance of terrorist activities including but not limited to Mohd Shafi Shah @ Dawood [A-1], then Divisional Commander HM, North Kashmir.
- 17.10 Investigation has revealed that A-11, in pursuance of the larger conspiracy of waging war against India has raised, received, collected, distributed and used funds for furtherance of terrorist activities by the then active cadres of HM operating all over the State of Jammu and Kashmir including A-1. Investigation has revealed that these funds are raised by A-3, A-4, A-7 and others in Pakistan and are then transferred to India through different channels including hawala and trade route, delivered at pre-decided points including houses of HM associates through couriers and distributed among the active cadre of HM including A-1, who had used it for furtherance of terrorist activities. Investigation has revealed that A-11 [code 19] had supplied Rupees Eight Lakhs in July 2008 to A-1 for its further distribution to active cadres of HM. Investigation also established that in April 2009 from Centre HM, A-1 had received Rupees Three Lakhs against credit of A-11 [code 19]. Investigation has revealed that A-11 had also received Remote Controls / Relay Circuits (RCs), an important component of Improvised Explosive Device (IED) from A-1 for its use in carrying out the terrorist acts.
- 17.11 Investigation has revealed that while lodged in Central Jail, Srinagar after his arrest in February 2009, A-11 continued his unlawful activities to receive and distribute funds from inside the aforesaid Jail to the cadre of HM and LeT of India and foreign origin then lodged in Jammu and Central Jail,

Srinagar, Kot Bhalwal, Jammu, sub-Jail, Baramulla, and other Jails in India. Investigation has revealed that A-11 had regularly supplied fund @ Rs 2000 per terrorist / cadre per month including but not limited to Bashir Ahmad Ganie and Shabeer Tilgam resident of Pattan in Hyderabad Jail; Sarfraz Karach, Yunis Sgr, Shaheen and Mishan in Kot Bhalwal, Jammu; Sameemullah, Ali, Khadim, Ahsan Antoo, Gulzar Taper, Gulzar Palhalan, Pattan and Mush in Tihar, New Delhi; Shaheed-ul-Islam and Nisar of Rajouri, Navid resident of Kathua and Ashiq resident of Kupwara in Kathua Jail and in the process had received and distributed funds to the tune of Rupees Ten Lakh Seventy Five Thousand and Rupees Ten Lakh Sixty Five Thousand Six hundred, respectively for period between April to November, 2009.

- 17.12 Investigation has established the telephonic contact of both A-11 and A-1 with Abdul Rehman Bhat @ Ibrahim Chaudhary son of Mohd Shuban Bhat resident of Wanigam Bala, Pattan, Baramulla, Jammu and Kashmir, now in Pakistan, a close associate of Mohd Yusuf Shah @ Syed Salahuddin (A-3). The said Abdul Rehman Bhat @ Ibrahim Chaudhary was the financial Chief of Hizb-ul-Mujahideen (HM) at HM Headquarters in Rawalpindi, Islamabad during the relevant period of his contact with A-1, A-11 and other associates.
- 17.13 Investigation has revealed that A-11 used to send details of the funds received and distributed for furtherance of terrorist activities to aforesaid Abdul Rehman Bhat @ Ibrahim Chaudhary on his email ID ibrahimcute@yahoo.co.in. Investigation has established that email ID ibrahimcute@yahoo.co.in was created on May 11, 2003 with login name ibrahimcute, alternate communication channel **3008555744**, a mobile number of Pakistan by using IP address 210.56.10.254 [Pakistan]. Investigation has established that the user of the aforementioned ISD mobile number [**3008555744**] during the relevant period is Abdul Rehman Bhat @ Ibrahim Chaudhary, who was in contact

with A-1 and A-11. A-1 had saved mobile number 923008555744 against code [IBRAHIM SB M] and satellite phone number 8821621259415 against (19 SB) in his Thuraya SIM 2.

17.14 Investigation has revealed that A-11 was in contact with Shamasuddin Wani @ **Abbas**, a HM militant, now in Pakistan, involved in transferring funds raised in Pakistan through trade route to India for its use in terrorist activities by HM cadres. He is the user of ISD number [Pakistan] 3235470289. This number is also saved as "Abas Pk" by A-11 in his contact list. Investigation has established that during the relevant period Shamasuddin Wani @ Abbas, the user of 92-3235470289 is in contact with A-1 during the relevant period to be precise on 4.11.2010, 28.11.2010 and 19.12.2010. Investigation has revealed that on 5.6.2012, user of mobile number 92-3235470289 had contacted Saudi Arabia number 971503829311 used by the person related to Abdul Majeed Sofi @ Majeed Bisati @ Shaheen [A-9], who exfiltrated from India to Pakistan in 2012.

17.15 Investigation has revealed that in pursuance of the aforesaid criminal conspiracy of waging war against India, A-11 had carried out series of terrorist acts and unlawful activities during the period 1999 to 2012. As a result besides the instant case many other criminal cases including but not limited to the followings were registered, investigated and charge sheeted against A-11 for heinous offences of Ranbir Penal Code (RPC) such as murder, attempt to murder and waging war against India, Indian Arms Act (IAA), Explosive Substances Act (ESA) and Prevention of Suppression of Sabotage (PSS) Act, 1965 and Unlawful Activities (Prevention) Act, 1967.

17.15.1. FIR No. 3/1999 of P/S Tangmarg u/s 302, 121 and 153 RPC, 7 and 25 IAA,

17.15.2. FIR No. 80/2001 of P/S Magam u/s 302 RPC, 7 and 27 IAA,

17.15.3. FIR No. 17/2002 of P/S Kunzer u/s 7 and 25 IAA,

- 17.15.4. FIR No. 78/2003 of P/S Magam u/s 307, 302 and 427 of RPC, 3 PSS Act, 7 and 27 of IAA
- 17.15.5. FIR No. 165/ 2007 of P/S Pattan u/s 307, 302, 109 and 120B RPC and 7 and 27 of Arms Act
- 17.15.6. FIR No. 384/ 2007 of P/S Sopore u/s 307 RPC and 3 PSS Act,
- 17.15.7. FIR No. 33/2008 of P/S Batmaloo, Srinagar u/s 419 and 420 RPC and 7 and 27 IAA
- 17.15.8. FIR No. 22/2008 of P/S Shaheedgunj, Srinagar u/s 307, 302, 120B RPC, 3 and 5 Explosive Substances Act,
- 17.15.9. FIR No. 9/ 2009 of P/S Nigeen, Srinagar u/s 121, 121-A and 419 RPC, 7 and 25 IAA, 18 ULA (P) Act, 1967
- 17.15.10. FIR No. 14/2010 of P/S CIK u/s 13, 18 and 39 ULA (P) Act 1967 and
- 17.15.11. FIR No. 19/2012 of P/S Shergarhi, Srinagar u/s 13 ULA (P) Act,

17.16 Investigation has revealed that A-11 was apprehended on February 9, 2009 while he was the Chief Operations Commander, HM and case FIR 09/2009 was registered at Police Station Nigeen, Srinagar J&K under Sections 121, 121-A and 419 RPC, 7 and 25 Indian Arms Act and Sections 18 and 20 of ULA (P) Act, 1967. Upon his personal search besides some fake documents, prohibited arms and ammunition recovered from his possession included one Chinese Pistol, one Magazine and 08 rounds of Pistol. Further in pursuant to disclosure made by A-11 during his custody in aforesaid case, one Chinese hand grenade, one receipt book containing 20 leaves relating to fund distribution and some incriminating documents were recovered on his instance.

17.17 Investigation has revealed that A-11, in pursuance of the aforesaid criminal conspiracy and in connivance with his close associate namely Mushtaq Ahmad Bhat, co-accused in case FIR No.19/2012 of Police Station Shergarhi, Srinagar, J&K under Section 13 ULA, 1967, had raised property using terror funds and used it for furtherance of terrorist activities of HM. The said Mushtaq Ahmad Bhat was the most frequent visitor to meet A-11 at the Central Jail,

Srinagar. The property so raised stands attached by the Investigating Officer under Section 25 of UA (P) Act, 1967 as “proceeds of terrorism” and retained by the orders of Divisional Commissioner of Kashmir, the designated authority of Jammu and Kashmir, under the provisions of UA (P) Act, 1967 in the aforesaid FIR No. 19/2012 of Police Station Shergarhi, Srinagar.

- 17.18** Investigation has revealed that while in Central Jail, Srinagar under Judicial custody, A-11, in connivance with his associates, continued his support, association, and remained active in furtherance of unlawful activities of HM and arranged, managed, facilitated and assisted in arranging, managing and facilitating telemeets of members/cadre of HM within and without the Central Jail, Srinagar. Accordingly A-11 was taken in Police custody on 4.5.2012 in case FIR 14/2010 of Police Station Counter Intelligence (CI), Kashmir and his role is being investigated.
- 17.19** Investigation has revealed that A-11 had facilitated the active cadre of HM, lodged in Central jail Srinagar for their involvement in terrorist and unlawful activities to contact their other associates in Kashmir, Pakistan and Saudi Arabia. A-11 had procured, smuggled and used multiple mobile numbers including but not limited to mobile numbers 9796165137 and 7298028942. Both these mobile numbers are subscribed in the name of Imtiyaz Ahmad Rather. A-11 had received these mobiles through his close associate namely Tanveer Ahmad Wani. In furtherance of aforesaid criminal conspiracy, A-11 had arranged, managed and facilitated telemeets/ teleconferences of HM cadres of Indian and Foreign origin, then lodged in Central Jail, Srinagar with underground cadre, overground workers (OGWs) and leadership outside Jail to further the terrorist and unlawful activities of HM.
- 17.20** Investigation has established that on 28.01.2013 Manzoor Ahmad Wani @Yunis son of Assadullah Wani resident of

Natipora, Srinagar, commander of HM, lodged in the Central Jail, Srinagar in case FIR No. 216/2008 u/s 419 and 420 RPC of Police Station Batmaloo and FIR No. 119/2012 under Sections 302, 120-B and 34 RPC and Sections 7 and 25 of Arms Act of P/S Saddar, Srinagar, used mobile number 9796165137, procured and smuggled inside the and A-11 to contact Mohd Yusuf Shah @ Syed Salahuddin (A-3), chief of HM, now in Pakistan, and his close associate Bilal Ahmad Shera son of Ghulam Mohammad Shera, Khanyar, Post Office Rainawari and Police Station Khanyar, Srinagar, presently in Pakistan, through their ISD number 923215518767. The lawfully intercepted conversation of this call reveals that Manzoor Ahmad Wani @Yunis contacted Mohd Yusuf Shah @ Syed Salahuddin (A-3) through Bilal Ahmad Shera, discussed supply and procurement of funds from Pakistan and sought financial assistance to the tune of Rupees 4-5 Lakhs for its use to facilitate the release of some cadres of HM, lodged in the Central Jail, Srinagar.

17.21 Investigation based on CDR analysis of mobile numbers 9796165137 and 7298028942 revealed that A-11 had used multiple mobile sets (29 mobile phone sets/ IMEIs for 9796165137 and 06 for 7298028942) and multiple mobile numbers.

17.21.1. Investigation has established that there are multiple users of mobile number 9796165137 who had contacted many ISD numbers during the period 5.6.2012 to 6.5.2013.

17.21.2. Investigation has established that out of these 29 mobile phone sets/ IMEIs, 18 mobile phone sets/ IMEIs were used for 28 different mobile numbers including 9796165954, 9796101329, 9796518592, 8715086499, 9796968248, 8713914266, 8713957522, 8713978465, 9018272981, 9018544242, 9018021010, 9018997747, 9018854926, 9018214520, 9018818890, 9018428601, 9018695711, 9018809477, 9596416401, 9622700908, 9622906808, 9622943075, 9622642769, 9797945975, 9906413895, 9596397844, 9622788736, and 9797140384.

- 17.21.3. Investigation has established that the IMEIs of the 06 mobile phone sets used during 14.04.2013 to 09.04.2014 for mobile number 7298028942 are 353293057447240, 353293057447250, 354150053522810, 359828048818150, 359829048818150 and 911328301504700. Twenty eight (28) mobile numbers used on the aforesaid six IMEIs are 7298028942, 9697829478, 9697269194, 9018578038, 9086426258, 8803713671, 8803981670, 9018226765, 8803987990, 8803907429, 9018726781, 9622636643, 9469138681, 9797142928, 9797945975, 9622715968, 9622770255, 7298265114, 7298406766, 7298362209, 9596214923, 9469159313, 7298486752, 9622715968, 7298724921, 9018153422, 8803850921 and 9697225781.
- 17.21.4. Investigation has established that A-11 by using mobile number 7298028942 during the period 14.4.2013 to 9.4.2014 had contacted the users of mobile numbers 94296130714, 1400590134, 1400598777, 7298641019, 7298955139, 8803982210, 9018072470, 9018153622, 9018666786, 9419008677, 9419030394, 9419066695, 9622447137, 9697715272, 9796510935, 9796727088, 9796846587, 9796965566, 9797140198, 9797146876, 9858847952, 9906749980, 9906828739 and 9906828954. A-11 had saved some of these mobile numbers are saved in his contact list against code Including 9018666786 as "tanvir 2, 9419030394 'Tanvr' bsnl, 9419008677 'Shbir Shah', 9697715272 'Imt Hyd', 9796727088 'g rasol new', 9797146876 'Pur', 9858847952 'Kd a. c' and 9906749980 'Fayz Plhn'.
- 17.21.5. CDR analysis reports of mobile numbers 7298028942 and 9018153422 reveals that the user of both these numbers had many common "B-party" numbers which include 9018072470, 9018666786, 9697715272, 9796727088 and 9906749980.
- 17.21.6. CDR analysis reports reveals that user of mobile numbers 9906749980 and 9697715272 have many common contacts which include 7298028942, 9018153422, 9596214923 and 9622715968. Further Fayaz Ahmad Sheikh, the user of mobile number 9906749980 had contacted A-11 and others in Central Jail Srinagar on mobile numbers 9018226765, 9622636643, 9622715968, 9596214923, 9697269194, 9018153422, 7298028942 and 9697829478.
- 17.21.7. Investigation has established that the the user of mobile number 7298028942 had contacted following numbers during

the period 14.4.2013 to 9.4.2014 include 494296130714, 911400590134, 911400598777, 7298641019, 7298955139, 8803982210, 9018072470, 9018153622, 9018666786, 9419008677, 9419030394, 9419066695, 9622447137, 9697715272, 9796510935, 9796727088, 9796846587, 9796965566, 9797140198, 9797146876, 9858847952, 9906749980, 9906828739 and 9906828954

- 17.22** Investigation has revealed that A-11 had used multiple mobile numbers including but not limited to mobile numbers 9086426258 (subscribed in the name of Rehmat, 240 Deva Pora, Post Office Awoora, Police Station Shopian, J&K) and 908660588 (subscribed in the name of Mohamad Arif Sheikh, 83 Hamdaniya Bemina, Post Office and Police Station Bemina, Budgam, J&K) of Idea to communicate with spokesperson and other overground workers (OGWs) of HM.
- 17.23** Investigation has revealed that A-11 was in continuous association with Abdul Khalid Dar @Junaid-ul-Islam @ Khalid, spokesman of HM, user of the mobile number 9858847952, subscribed in the name of Abdul Rehman Dar village Khanpora, Hayhama Tehsil and District Baramulla, J&K. A-11 had saved mobile number 9858847952 against code "Kd a.c" in his contact list. Abdul Khalid Dar @ Majid @ Junaid used email and telephone to communicate with local media persons in Kashmir including user of email sheenmeem1@gmail.com with alternate email zulkifla@gmail.com and mobile number 9906604818, knskashmir@gmail.com, editorknsnews@gmail.com with mobile number 9419016622 and others on mobile phones 9797004297 to further activities, propagate ideology and publicity of Hizb-ul-Mujahideen, the proscribed terrorist organization. Lawfully intercepted conversation to and from mobile number 9858847952 revealed that Abdul Khalid Dar @Junaid-ul-Islam @ Khalid is active in furthering the activities of HM.

- 17.24 Investigation has revealed that A-11 was in close association with Ali Mohammad Sheikh and Saimullah Sheikh, both sons of Late Ghulam Muhiuddin Sheikh, resident of Palhalan, Pattan, Baramulla, J&K, convicted cadre of LeT in case FIR 01/2007 of Special Cell, Delhi Police, recipients of funds sent by the A-11 while lodged in Tihar Jail, Delhi. The custody of above two convicts was later shifted to Central Jail, Srinagar. While in Central Jail Srinagar, A-11 shared with them the use of mobile numbers 9086426258 and 9086560588 for internet use. Investigation has revealed that primary and actual user of mobile numbers 9086426258 and 9086560588 were Ali Mohammad Sheikh and Saimullah Sheikh, respectively and A-11 shared the use of these numbers mainly for internet purpose.
- 17.25 Investigation has revealed that A-11 while in Central Jail, Srinagar in pursuance of the criminal conspiracy had rampantly used internet over mobile numbers 9086426258 and 908660588 with 3G and 2G facility, respectively using dynamic IP addresses of Idea to use his facebook and e-mail IDs including but not limited to gulkakh555@yahoo.co.in to communicate with his associates including active cadre of HM in furtherance of activities of HM. The aforementioned email ID was found saved as "Own Ac gulkakh555@yahoo.co.in" by A-11 in the contact list of his facebook account with user name Aseodh Sade Koshur. The contact and friends list [code names and mobile numbers] and IP addresses recovered / retrieved from the facebook account of A-11 has revealed that A-11 had contact with many active cadres, sympathisers and over ground workers of HM.
- 17.26 Investigation has revealed that A-11 and others had used 10 mobile phone sets each for mobile phone numbers 9086426258 and 9086560588.

17.26.1. Investigation based on CDR analysis of IMEIs of 9086426258 has revealed that 10 mobile phone sets / IMEIs used during

01.07.2013 to 5.8.2014 for the period as shown against each are 911307205666340 / 9113072056663400 (27.07.2014 to 5.8.2014), 911307205816340 (27.07.2014 to 4.8.2014), 357391047621530 (15.07.14 to 19.07.14), 359533018396120 (11.5.2014 to 15.07.2014), 359829048818150/ 3598290488181501 (4.3.2014 to 22.05.2014), 359828048818150/ 3598280488181501 (27.01.2014 to 18.05.2014), 358951053400950 (29.12.2013 to 20.01.2014) and 353293057447250 (01.10.2013 to 10.10.2013).

17.26.2. Investigation has revealed that the user of mobile number 9086426258 has used 07 mobile numbers of Reliance on different IMEIs including 9018153422, 9018226765 and 9018578038 [**353293057447250**], 7669715098, 8307855604 and 9018544242 [**357391047621530**], 9018153422 and 9018226765 [**358951053400950**], 9103099746 [**359533018396120**], 9018153422 [**359828048818150**], 9018153422 [**359829048818150**] and 9018226765 [**911307205666340**], 13 of Aircel 9086426258 are 7298142591 [**357391047621530**], 8803635152 and 8803914069 [**358951053400950**], 9697829478, 7298913749 and 9697269194 [**359533018396120**], 7298212327, 9697829478, 9697269194 and 7298724921 [**359828048818150**], 7298212327, 9697829478 and 7298929563 [**359829048818150**], 9697362331, **9796557220** and 9086971064 [**911307205666340**] and 9697362331 and 9697363573 [**911307205816340**].

17.26.3. The IMEIs of the 10 mobile phone sets used during 19.11.2013 to 26.09.2014 for mobile number 9086560588 are 359578051262390, 911335451112780, 911323052605840, 910549500925070, 910549501025070, 353274053463920, 356649050719290, 357146051156530/ 3571460511565301, 3571470511565301/ 357147051156530 and 9105495009250778.

17.26.4. Investigation has revealed that the user of mobile number 9086560588 has used 05 mobile numbers of Reliance including 9018153422 and 9103050169 [**357146051156530 / 357147051156530**], 9018502447 [**910549500925070/ 910549501025070**] and 9018170002 and 9018729995 [**911335451112780**], 06 of Aircel 9086560588 including 919858641470, 919858277167 and 919858725080 [**353274053463920**], 917298031715 and 919697363573 [**356649050719290**], 7298031715

[357146051156530/357147051156530], 7298031715, 9697362331 and 9697363573 [910549500925070], 9697362331 and 9697363573 [910549501025070], 7298204225 [911323052605840] and 7298031715 and 8803697140 [911335451112780 (08/05/2014 to 18/06/2014)], 07 of Idea 9086560588 are 9086560588 and 9086814903 [353274053463920], 9086560588 [356649050719290], 9086966399, 9086560588 and 9086533449 [3571460511565301], 9086966399 and 9086560588 [3571470511565301], 9086560588 [359578051262390], 9086971064, 9086560588 and 9086449439 [910549500925070], 9086560588 and 9086449439 [910549501025070], 9086560588 [911323052605840] and 9086560588 and 9086865455 [911335451112780].

17.27 Investigation has revealed that Saimulla Sheikh was the primary user of mobile number 9086426258 and had shared its use with A-11 for internet. The mobile phone set with IMEI 357391047621530 was used for this mobile number 9086426258 till 19.7.2014 at Central Jail, Srinagar. On 19.7.2014, the date of release of Saimulla Sheikh from Central Jail, Srinagar, the location of the user of phone also shifts from Central Jail Srinagar to Palhalan, Pattan Baramulla, the native place of Saimulla Sheikh.

17.28 Investigation has revealed that Ali Mohammad Sheikh was the primary user of mobile number 9086560588 and had shared its use with A-11 for internet. Investigation based on the cell tower location of CDR of aforesaid mobile revealed that location of the mobile was Central Jail, Srinagar same as that of mobile numbers 9086426258 and 7298028942 till the release of Ali Mohammad Sheikh from Central Jail, Srinagar on 10.4.2014. Investigation has revealed that user the mobile number 9086560588 came to Palhalan, Pattan, Baramulla from Central Jail, Srinagar establishing thereby that the primary user of the number was Ali Mohammad Sheikh.

- 17.29** Investigation has revealed that A-11 had used mobile phone with IMEI 359828048818150 /3598280488181501 for mobile numbers 9086426258 and 7298028942.
- 17.30** Investigation based on CDR analysis of relevant mobile numbers has revealed that the common contacts of users of mobile number 7298028942, 9086426258 and 9086560588 are 8491842186, 8713815906, 9086449439, 9086524830, 9596300874, 9697261926, 9796557220, 9796557439, 9906744561, 9906749980 and 9906789126. The common contacts of mobile numbers 9086426258 and 9086560588 are 8491842186, 8713815906, 9086449439, 9086524830, 9596300874, 9697261926, 9796557220, 9796557439, 9906744561, 9906749980 and 9906789126; and that of 9086426258 and 7298028942 are 9858847952, 9697715272, 9419030394, 9018666786, 9796727088 and 9796965566. Investigation has established that the common contact of users of mobile numbers 9086426258, 9086560588 and 7298028942 is Fayaz Ahmad Sheikh son of Ghulam Muhiuddin Sheikh and brother of Mohammad Sheikh and Saimullah Sheikh, the user of mobile number 9906749980. Investigation has revealed that mobile number 9086560588, subscribed in the name of Mohammed Arif Sheikh son of Mohamad Akbar Sheikh, 83, Hadaniya Bemina, Budgam, J&K who gave this mobile to his cousin Ali Mohd Sheikh son of Late Ghulam Muhiuddin, convicted LeT terrorist, then lodged in Central Jail, Srinagar.
- 17.31** Investigation has established that mobile numbers 9796165137, 7298028942, 9086426258 and 9086560588 during the relevant period were used by A-11 and others from inside the Central Jail, Srinagar.
- 17.32** Investigation has revealed that while in Central Jail, Srinagar, A-11, was in contact with users of various email IDs. The contents of communications made between A-11 and users of active and relevant email IDs have been sought from the internet service provider [ISPs] through request under Mutual Legal Assistance Treaty [MLAT].

- 17.33 Investigation has revealed that email ID ibrahimcute@yahoo.co.in created on 11.5.2003 using IP address 210.56.10.254 and alternate communication channels 91-3008555744, from Pakistan and is still active.
- 17.34 Investigation has revealed that A-11, while in Central Jail, Srinagar remains in contact with his associates abroad through his email found in contact with A-11 during relevant period is spread over many countries which includes azaadkashmir.redvalley@gmail.com (United States), bhathameed69@gmail.com (Pakistan), ershad.mahmud@gmail.com (Pakistan, United States and Netherlands), haniefdar@gmail.com (Pakistan), marsmills@gmail.com (Pakistan, Germany, Indonesia, United States), naat.network@gmail.com (Pakistan), naseer.lodhi2008@gmail.com (United States), saiqa.anjum79@gmail.com (United State), zahidsani610@gmail.com (Ireland, Pakistan, United States), and zygumumer@gmail.com (Pakistan). The user of email ID marsmills@gmail.com uses alternate email shahidfar@gmail.com and mobile with registred mobile number 923315409770 (Pakistan) for receiving SMS.
- 17.35 Investigation has revealed that A-11, while in Central Jail, Srinagar remains in contact with users of various email IDs in India.
- 17.36 Investigation has revealed that A-11, while in Central Jail, Srinagar remains in contact with users of many mobile numbers saved against code name of user.
- 17.37 Investigation has revealed that A-11 was in contact with users of mobile numbers saved against code name.
- 17.38 Investigation has revealed that A-11 was in contact with active cadre of HM including but not limited to Dar Masroor and Mubarak Shah, co-accused persons of instant case;

Mujahid Babar, Hizbul Mujahideen, Bilal Shera and Javaid Ansar, HM cadres actively involved in terror financing through LOC trade and hawala channels; M Maqbool Pandit, accused charge sheeted in terror financing case (RC-06/2011/NIA/DLI), separatists, advocates, media persons /journalist and others.

- 17.39 Investigation has revealed that A-11 while in Central Jail, Srinagar was in continuous contact with his associates including but not limited to cadres, overground workers and sympathisers of Hizb-ul-Mujahideen. Investigation has revealed that A-11 was in continuous contact with organization, individuals and front of HM, terrorist organization including but not limited to Muhammad Ahsan Dar, founder of HM, Leave Kashmir Save India, Shaheed Mujahideen Kashmir, etc and had later removed them from friend list of his facebook account.
- 17.40 Investigation has revealed that A-11 was in contact with Riaz Ahmad Naik resident of Patta Dhar, the user of mobile number 9906316807, saved as 'Adv riaz dod' in his face book contact list. Investigation has revealed that Riaz Ahmad Naik operated bank account 6164000100005096 of PNB Doda branch subscribed in the name of his wife Mrs Gazala Parveen. The said Riaz Ahmad Naik has received funds from Pakistan through different channels including banking channels, deposited in the account of his wife, withdrawn and distributed by him including but not limited to Ghulam Nabi Sheikh @ Javaid Qureshi, Ex-Divisional Commander of HM Doda area and Qurban Ali, a Pakistani national and terrorist of HM, lodged in Kot Bhalwal Jail, Jammu and families of the killed militants of HM. Investigation has revealed that the said Riaz Ahmad Naik and A-11 during the relevant period were in contact with Mohd Shahwar Khan, an advocate in Delhi. Investigation has established that A-11 used to supply funds for terrorist activities to Ghulam Nabi Sheikh @ Javaid Qureshi, Ex-Divisional Commander of HM Doda area.

17.41 Investigation has, thus, established that in pursuance of the criminal conspiracy as investigated in the instant case, A-11 in association with other co-conspirators willfully joined the 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 furtherance of terrorist activities for waging war against India. In pursuance of the said criminal conspiracy A-11, procured, smuggled and used multiple mobile phones inside the Central Jail, Srinagar thereby supported and facilitating cadres of HM and other terrorist outfits lodged in the Jail to have telemeets and teleconferences with active cadres and leadership of organization.

18. CHARGES

18.1 The investigation has disclosed that in furtherance of criminal conspiracy and conspiracy of waging war against India, the accused person namely Muzaffar Ahmad Dar [@ 19, @ Gaznavi, @ Mohammad Ali] son of Abdul Khaliq Dar resident of Chichiloor, Magam, Budgam, Jammu and Kashmir (A-11), as member and commander of Hizb-ul-Mujahideen (HM), a proscribed terrorist organization, in connivance with co-conspirators and associates, carried out several terrorist acts, raised, collected and received funds from Pakistan through different medium for its expenditure and distribution to active cadres of HM and other terrorist outfits, purchase of material used for explosives and terrorist acts and abetment of terrorist acts by procuring, smuggling and using multiple mobile phones for arranging, managing and facilitating telemeets and teleconferences of cadres of HM and other terrorist outfits lodged in the Jail with active cadres, associates and leadership of organization thereby having committed offences under Sections as mentioned against him as under :-

Accused No.	Particulars of the Accused Persons	Offence (s)
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A-11	Muzaffar Ahmad Dar @ 19, @ Gaznavi, @ Mohmmad Ali, son of Abdul Khaliq Dar resident of Chichiloor, Magam, Budgam, Jammu and Kashmir	Section 120-B read with 121-A Indian Penal Code and Sections 18, 38, 39 and 40 of Unlawful Activities (Prevention) Act, 1967 as amended in the year 2008.
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18.2 Involvement of some more associates of accused persons charge sheeted on 30.11.2013 and A-11 has figured during the investigation. Further investigation against such associates is continuing under Section 173(8) Cr PC.

18.3 During investigation, exhibits including SIMs and cell phones seized from associates of A-11 were forwarded for forensic examination. The examination reports are still awaited. During investigation certified copies of CDR, CAF, SDR, ILD-CDR and IMEI-CDR of relevant mobile numbers were sought from different mobile service providers (MSPs). The contents of emails, facebook and other internet services were sought from different Internet Service Providers (ISPs) through request under Mutual Legal Assistance Treaty (MLAT). The same are still awaited. The reply to the letters written to different authorities and offices and applications filed in the court to obtain relevant documents, articles and informations in respect of accused Muzaffar Ahmad Dar is also awaited. The same will be filed, if to be relied upon, 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 196 Cr.PC issued vide order No.I-11011/43/2011-IS-IV dated 30.10.2014, Government of India, Ministry of Home Affairs, New Delhi is enclosed as **Annexure IV**.

18.5 Accused Muzaffar Ahmad Dar [@ 19, @ Gaznavi, @ Mohmmad Ali] son of Abdul Khaliq Dar resident of Chichiloor, Magam, Budgam, Jammu and Kashmir (A-11) was arrested in

this case on 7.5.2014 and is presently lodged in Central Jial, 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 Muzaffar Ahmad Dar [@ 19, @ Gaznavi, @ Mohmmad Ali] son of Abdul Khaliq Dar resident of Chichiloor, Magam, Budgam, Jammu and Kashmir (A-11) in accordance with law, to face trial.

- 19.** Dispatched on : 01.11.2014
- 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)