

**IN THE HON'BLE SPECIAL COURT CONSTITUTED UNDER  
MCOC ACT 1999 AND NIA ACT 2008  
FOR GREATER BOMBAY AT MUMBAI**

**NIA Spl. Case No. 01 /2015**

State represented by  
National Investigation Agency (NIA), Mumbai ..... Applicant

V/S

Areeb Ejaz Majeed @ Guddu @ Abu Ali Al Hindi ..... Accused  
s/o Dr. Ejaz Badruddin Majeed

**REPORT FOR SUBMITTING ADDITIONAL EVIDENCE UNDER SECTION  
173 (8) OF CR.P.C. IN ADDITION TO ORIGINAL CHARGE-SHEET.**

**MAY IT PLEASE HONOUR**

- 1) That on the basis of credible information that four Indian youth from Kalyan, District Thane, Maharashtra State under the pretext of performing pilgrimage tour in Iraq under Ziyarat Visa had left India on 25.05.2014 and thereafter joined Islamic State of Iraq and Levant (ISIL), a banned international terrorist organisation in Syria and were actively involved in terrorist act in Iraq and Syria , a case was registered as RC 01/2014/NIA/Mumbai at Police Station NIA, Mumbai on 28.11.2014 punishable under sections 16, 18 & 20 of Unlawful Activities (Prevention) Act, 1967 as amended in 2008 and 2013 and section 125 of Indian Penal Code against (1) Areeb Ejaz Majeed (A-1) S/o Dr. Ejaz Badruddin Majeed; (2) Saheem Farooque Tanki (A-2) S/o Farooque Tanki; (3) Fahad Tanweer Shaikh (A-3) S/o Tanweer Shaikh and (4) Aman Nayeem Tandel (A-4) S/o Nayeem Tandel and others, in pursuance of the direction of MHA, Govt. of India, New Delhi vide order no. 11011/51/2014/IS. IV dated 28.11.2014.
- 2) That after the registration of the case, National Investigation Agency (NIA), Mumbai took up the investigation of the said case and arrested one of the FIR named accused, Areeb Ejaz Majeed in the instant case on 29.11.2014.

- 3) That NIA has filed the charge-sheet against the accused, A-1 before this Hon'ble Court on 20<sup>th</sup> May, 2015 punishable u/s 16, 18 & 20 of Unlawful Activities (Prevention) Act, 1967 as amended in 2008 and 2013 and 125 of Indian Penal Code. At the time of filing the charge-sheet, material object seized during investigation were deposited in the Court.
- 4) That in the charge-sheet, it was stated that further investigation is being conducted u/s173 (8) Cr. P.C.
- 5) That material object in the form of (i) "One Yellow Colour Register bearing the remark "Winner A-4 College Book" / "Sundaram – Book for Success" and bearing the name of "██████████" in the Index column and containing hand written notes on the subject "Heat & Mass Transfer" cited at ██████████ charge-sheet in Annexure-C and the document in the form of (i) "One bunch of loose papers containing ██████████ (written on ██████████)" cited at ██████████ in Original charge-sheet in Annexure-B was sent to ██████████. During the course of further investigation, the ██████████ of the ██████████ of the above cited material object and document was received vide forwarding ██████████. The said seized article and document in sealed condition are submitted herewith for depositing in Court. The ██████████ is submitted alongwith this report.
- 6) That, during the course of investigation, request under Mutual Legal Assistance Treaty (MLAT) were sent to Competent Authority of USA on 19.12.2014, Australia on 09.01.2015, Canada on 09.01.2015, Kuwait on 09.01.2015 and Singapore on 01.06.2015 through the Central Authority of India for obtaining documentary evidence pertaining to emails & social networking media used by A-1 and his three associates as well as other associates and pertaining to money transfers received by A-1 as established during investigation. Further, Supplementary request was also sent to Competent Authority of USA on 11.05.2015 and 02.11.2015.
- 7) That in pursuance of the above mentioned MLA request, replies were received from United States Department of Justice (USDOJ) alongwith reports in soft form contained in CDs/DVDs pertaining to the information about the various email accounts and social networking media accounts used by the arrested accused A-1 and

others. The information pertaining to the email accounts and social networking media accounts alongwith certificates were received by the USDOJ from the Service Providers having their servers in the United States. Prominent amongst them were information received from (1) Google Inc., (2) Yahoo Inc., (3) Facebook Inc., (4) Twitter Inc., (5) Tango Me Inc., (6) Whatsapp. The response from the Competent Authority of USA received in the form of soft copies in DVDs/CDs is submitted alongwith this report. Printout of these evidence were taken out which are also submitted with this report. It is pertinent to mention here that clarification has been sought from USDOJ in respect of information received pertaining to some of the accounts. The response from the competent authority of USA is awaited. The replies from Competent Authority of other countries like Australia, Canada and Kuwait in response to the MLA request are awaited. *In the meantime, in response to the MLA request dated 01.06.2015, the Central Authority of Singapore vide mail dated 22.12.2015 has informed that the We Chat server (one such social media used by the accused, Areeb Majeed while in Syria/Iraq) was hosted in Shenzhen China and has accordingly returned the Indian MLA request. In this connection, NIA is in the process of making formal request to China for obtaining further documentary evidence pertaining to We Chat account of accused, Areeb Majeed.*

- 8) That, for the purpose of investigation, working copies of the DVDs/CDs received under MLA request from USDOJ were got prepared from FSL, Kalina, Mumbai and Technical Wing of NIA, Mumbai.
- 9) Investigation has established the involvement of accused A-1 in the instant case. The cyber evidence collected during the course of further investigation under MLA request from USA corroborates the facts established that A-1 in pursuance to the conspiracy, had used his various social networking platforms for communicating with the members/ propagators/ associates and other likeminded people for exchanging his thought process to wage jihad by violent means against non-believers of Islam to attract the attention of likeminded muslims and motivate vulnerable youngsters towards jihad by violent means. The cyber contents provided by the Service Providers also clearly establish that some of the social networking accounts of A-1 were created by the accused while he was in Iraq/Syria. The cyber contents provided by the Service Providers thus corroborates with the evidence forwarded under the original charge-sheet on 20.05.2015. Hence, the cyber contents received

through USDOJ during further investigation are submitted as additional evidence to be made part of the original charge-sheet.

- 10) That, the evidence collected during further investigation is submitted as additional evidence as detailed in **Annexure – A** (list of witnesses), **Annexure-B** (list of documents) and **Annexure-C** (list of material objects/articles).
- 11) During the course of further investigation conducted, efforts were made to collect the cyber evidence pertaining to the additional social networking sites which was revealed during the course of further investigation. Accordingly, supplementary MLA request was sent to the Central Authority of USA through the Central Authority of India for obtaining further documentary evidence pertaining to additional social networking sites of A-1 and other associates as established during further investigation. The response from the Competent Authority is awaited.
- 12) That, during the course of further investigation, a Letters Rogatory/ International Letter of Request have been sent to (i) The Republic of Iraq; (ii) The Republic of Turkey; (iii) The Islamic Republic of Afghanistan; (iv) The Kingdom of Saudi Arabia and (v) The Grand Duchy of Luxembourg through this Hon'ble Court on 04.11.2015 on the request of NIA for obtaining documentary and oral evidences pertaining to the role of the accused, A-1 and other associates while they were in Iraq/Syria. The response from the Competent Authority of these countries are awaited.
- 13) That, during the course of further investigation, efforts were made to trace the FIR named wanted/absconding accused viz. Saheem Farooque Tanki (A-2); Fahad Tanweer Shaikh (A-3) and Aman Nayeem Tandel (A-4). In this connection, Look Out Circular (LOC) notices have been got issued through the concerned authorities against the three wanted accused. The efforts are still on to trace wanted accused.
- 14) That, further investigation is still in progress.

## PRAYER

It is, therefore, prayed that

- (i) The additional evidence submitted may be accepted and kept with the original charge-sheet bearing no. NIA Spl Case No. 01 of 2015.
- (ii) It is further requested that NIA may be allowed to continue the investigation as per the provisions of section 173 (8) Cr.P.C..

Date : 08.02.2016

Submitted by :

( [REDACTED] )  
PP, NIA, Mumbai

( [REDACTED] )  
Dy. S.P./ CIO  
NIA, Mumbai