

SUPPLEMENTARY CHARGE SHEET

(Under Section 173 Cr.P.C)

IN THE COURT OF SPECIAL JUDGE, NIA, GUWAHATI

1	Name of the Investigation Agency	National Investigation Agency (NIA)
	FIR No and date	RC-01/2011/NIA-GUW dt 11.07.2011
2	Final Report/Charge Sheet No.	01/ 2012 (B)
3	Date	31.07.2014
4	Sections of Law	120 B, 121A, of IPC & Sections 18, 18A, 20 & 39 (2) of UA(P) Act 1967 (as amended)
5	Type of Final Report	Charge sheet
6	If Final Report Un-occurred/ false/ Mistake of fact/Mistake of law/Non-Cognizable /Civil Nature	Not Applicable
7	If Charge-sheeted: Original / Supplementary	Supplementary (Second)
8	Name of Investigation Officer	Aseem Srivastava, SP, NIA
9	Name of the Complainant/ Informant	Aseem Srivastava, ASP, NIA
10	Details of Properties /Articles/ Documents recovered/seized during the investigation and relied upon:	As per Annexure "A", "B", enclosed.

(11) (1) Particulars of accused persons charge sheeted:

Name : Amit Bagchi @ Amitabh @ Alok @ Sumit @ Arun
@ Anil @ RK da (A-7)

Whether verified : Yes

Father's Name : Sri Ranjit Kumar Bagchi

Year/Date of Birth : 1958

Sex : Male

Nationality : Indian

Passport No. : NA

Place of issue : NA

Date of issue : NA

Religion : Hindu

Occupation : Member of CPI (Maoist)

Address (Present) : -

Address (Permanent) : 6, Shibdas Bhaduri Street, PS: Shyampukur,
Kolkata, West Bengal

Whether verified : Yes

Provisional Criminal No. : NA

Regular Criminal No. : NA
(if known)

Date of Arrest : Not Arrested

Date of release on bail : NIL

Under Acts & Sections (of charge sheet) : 120B, 121A of IPC & Sections 18, 18A, 20 & 39(2) of UA (P) Act 1967 as amended.

Name(s) of bailer/sureties and address : NA

Previous convictions with case reference : As mentioned in Para 17.15.

Status of the accused : Not Arrested

(2) Particulars of accused persons charge sheeted:

Name : Gurumayum Jiteshwar Sharma @ Gypsy @
Changjou @ Chiteshwar (A-8)

Whether verified : Yes.

Father's Name : (Late) G. Goshain Sharma

Year/Date of Birth : 1965
Sex : Male
Nationality : Indian
Passport No. : NA
Place of issue : NA
Date of issue : NA
Religion : Hindu
Occupation : Member of RPF-PLA
Address (Present) : -
Address (Permanent) : Nagampal Singjubung Leikai, PS: Imphal,
Imphal West, Manipur.
Whether verified : Yes
Provisional Criminal No. : NA
Regular Criminal No. : NA
Date of Arrest : Not Arrested
Date of release on bail : NIL
Under Acts & Sections (of charge sheet) : 120B, 121A of IPC & Sections 18, 18A, 20 & 39(2) of UA (P) Act 1967 as amended.
Name(s) of bailer/sureties and address : NA
Previous convictions with case reference : NA
Status of the accused : Absconding.

(12) Particulars of accused persons - not charge-sheeted: NIL

(13) (i) Particulars of witnesses to be examined : As per the list enclosed as Annexure – ‘A’

(ii) List of documents/emails :As per the list enclosed as Annexure-‘B’ & ‘B-1’

(iii) List/details of articles : NA

(14) If FIR is false, action taken or proposed to be taken u/s 182/211 IPC
: NA

(15) Result of laboratory analysis : NA

(16) Brief facts of the case:

16.1. The case was registered on the basis of reliable source information that People's Liberation Army (PLA), a proscribed terrorist organization, is involved in a criminal conspiracy to wage war against the country by threatening the unity, integrity, security and sovereignty of India. It was alleged that PLA is systematically organizing terrorist camps, extorting funds, recruiting personnel and imparting training for carrying out terrorist acts. PLA had imparted training to some cadres of Left Wing Extremist organization Communist Party of India (Maoist) in India for waging war against the country. It is also alleged that the Communist Party of India (Maoist) cadres have paid funds to the PLA cadres for acquiring arms, ammunition and other communication devices and for imparting training to be used against the Indian Security Forces. The above mentioned allegations *prima facie* disclosed commission of scheduled offences under NIA Act by the cadres of PLA and Communist Party of India (Maoist). Accordingly this case was registered vide FIR No. RC-01/2011/NIA-GUW dated 11/07/2011 under Sections 120B, 121A of IPC and 17, 18, 18A and 18B of Unlawful Activities (Prevention) Act, 1967 against People's Liberation Army (PLA), a proscribed terrorist organization as per UA (P) Act, 1967 as amended in 2008. The investigation was taken up by NIA in pursuance of Govt of India order No. MHA UO No.1-11034/28/2011-IS-IV dated 8th June 2011.

16.2 During investigation of this case, three accused persons namely N. Dilip Singh @ Wangba (A-1), the SS Chief of External Affairs Department of PLA/RPF, S. Dhiren Singh @ Raghu (A-2), Assistant Chief of EAD of PLA/RPF, and Kh Arnold Singh @ Becon (A-3), Liaison Officer of EAD of PLA/RPF were arrested. In this case, charge-sheet against A-1 to A-3 was filed on 21.05.2012 under Section 120(B), 121(A) of IPC & under Sections 18, 18A, 20 & 39 of UA (P) Act 1967 (as amended in 2008).

16.3 A supplementary chargesheet was filed on 16.11.2012 against three more accused persons who were arrested during further investigation, namely Indranil Chanda @ Raj (A-4) u/s 120B, 121A of IPC & Sections 18, 18A, 20 & 39 of UA (P) Act 1967 as amended; Asem Ibotombi Singh @ Angou (A-5) u/s 120B, 121A, 468 of IPC & Sections 10, 18, & 20 of UA (P) Act, 1967 as amended; Pallab Borbora @ Praful (A-6) u/s 120B, 121A of IPC & Sections 18, 19, & 20 of UA (P) Act 1967 as amended.

16.4 Further Investigation u/s 173(8) Cr. P.C. was carried out after obtaining the permission of the Ld NIA special court, Guwahati with regard to role of co-conspirators namely RPF/PLA cadre Gypsy Sharma, and CPI (Maoist) cadre Amit Bagchi @ Alok who had played major role in this conspiracy.

17. Facts Disclosed During Further Investigation.

- 17.1** As mentioned earlier, in the year 2005, senior leadership of Revolutionary People's Front (hereinafter referred to as RPF) / People's Liberation Army (hereinafter referred to as PLA) and the CPI (Maoist) hatched a criminal conspiracy to partner with each other in their continuing war against the Indian state. The leaders of CPI (Maoist) decided to recognise and support the war waged by PLA against Indian state for securing a separate country of Manipur out of India and the senior leadership of PLA decided to support the continuing war of CPI (Maoist) aimed at overthrowing the constitutionally elected Government of India.
- 17.2** The PLA and the Communist Party of India (Maoist), or CPI (Maoist) in short, have been declared as terrorist organisations as per the Schedule of Unlawful Activities (Prevention) Act 1967 as amended. The PLA and its political wing RPF are also notified as 'Unlawful Association' in terms of sub-section (1) of Section 3 of UA (P) Act. The organization refers to its political wing as 'RPF' and the military wing as 'PLA'. Almost all members are initially recruited in the military wing of the organization. Later on they keep functioning in both wings from time to time. For this reason and also to avoid confusion the organization has been referred to as 'RPF/PLA' in general.
- 17.3** Investigation has revealed that the accused Amit Bagchi @ Alok (hereinafter referred to as A-7) joined the armed naxal group CPI (ML) (Party Unity) in 1990 with knowledge of its unlawful purpose. In 1998, the CPI (ML) (Party Unity) merged with CPI (ML) (People's War Group) and the new group came to be known as CPI (ML) (PW). A-7 became Central Committee member of CPI (ML) (PW). The CPI (ML) (PW) has been declared as a terrorist organization by the central government in terms of UA (P) Act. In 2004, with a view to intensify its armed struggle and expand its area of operation, the CPI (ML) (PW) merged with another terrorist organization Maoist Communist Centre of India, to form the CPI (Maoist). The stated aim of this new outfit remained to overthrow the democratically elected government of India by force and violence as speedily as circumstances permit. A-7 continued his work for carrying out aforesaid Maoist agenda and assumed the key position of Central Committee & the Politburo member of the CPI (Maoist).
- 17.4** Investigation has established that in pursuance of the conspiracy, in or around 2004, A-7 visited Assam to set up the base of CPI (Maoist) in north-eastern part of the country. It was also part of conspiracy that while interacting with people in Assam, A-7 hid his true identity and referred to himself by one or more aliases to avoid detection from law enforcement agencies. Gradually, he

influenced many youths from State of Assam and motivated them to join CPI (Maoist). Being aware of unlawful purpose of such recruitment, A-7 organized the membership in very secretive manner and protected it by elaborate precautions, such as strict use of assumed names, designed to prevent disclosure of individual identity. Once recruitment was made, A-7 started making attempts to procure arms and ammunition, from other terrorist organizations active in North-East India, intending to extend the armed struggle of CPI (Maoist) to north-eastern part of the country.

17.5 Investigation has established that in pursuance of the conspiracy, A-7 established links with a Meitei terrorist organization, RPF/PLA. In or around June 2006, he met the then Self-Styled Chief of External Affairs Department (CEAD) of RPF/PLA, Gypsy Sharma (hereinafter referred to as A-8) in Guwahati to discuss, among other things, the modalities of future cooperation between the CPI (Maoist) and the RPF/PLA. As authorized by CPI (Maoist), A-7 requested A-8 for imparting military training to Maoist cadres and supply of arms and ammunition from the RPF/PLA to continue their war against Indian State. Thereafter, in or around August 2006, they again held a conspiratorial meeting in Kolkata and further discussed the matters. After consultation, a plan was finalized and the RPF/PLA agreed to supply communication equipments, arms and ammunitions and imparting military training to the CPI (Maoist) in exchange for money. It was further revealed that during this period RPF/PLA had supplied communication devices to Maoists.

17.6 Investigation has brought on record that in or around October 2008, A-7, upon the invitation from A-8, visited RPF/PLA Headquarters in Myanmar. PLA Member Arnold Singh @ Becon (A-3) had accompanied A-7 from Kolkata to RPF/PLA headquarters in Myanmar. A-7 crossed over international border in Moreh, Manipur illegally to reach RPF/PLA headquarters.

17.7 Investigation has revealed that after reaching RPF/PLA headquarters, on or around 12th October, 2008, A-7 held meeting with topmost functionaries of RPF/PLA viz. Irengbum Bhorot Singh @ Chaoren Self-Styled President, Manoharmayum Prabinkumar Sharma @ Ngouba Self-Styled Chief of Army Staff, Sanasam Phalguni Singh @ Gunen Self-Styled Secretary General and A-8. In the meeting, A-7 requested the RPF/PLA for supply of more weapons and in turn RPF/PLA asked for Ammonium Nitrate (explosive) from the CPI (Maoist). It was also decided in the meeting that both outfits should work together to achieve their objectives.

17.8 Investigation has established that pursuant to the aforesaid meeting, a two-day meeting was held between A-7 and the RPF/PLA functionaries at the Council

Headquarters of the RPF/PLA in Myanmar on 21st-22nd October 2008. In this meeting, both outfits had unanimously condemned the Indian government and had conspired to consolidate their mutual understanding and friendship; furthermore, conspired to stand hand in hand to overthrow democratically elected Indian government and to gain political goals of the two terrorist organizations. A Joint Declaration between CPI (Maoist) and RPF/PLA was signed by A-7 on behalf of CPI (Maoist) and Self-Styled Secretary General of PLA S. Gunen. The proscribed organizations unanimously agreed on the following:

- That, both sides will honour and support the Sovereignty of the two countries - the Sovereignty of (Maoist controlled) India and the Sovereignty of Manipur.
- That, both sides will extend full moral and political support to each other in the liberation struggles to overthrow democratically elected Indian government.
- That, both sides deem to recognize and honour the historically endorsed territorial integrity of the two countries viz, Manipur and India {controlled by CPI (Maoist)}.

17.9 Investigation has also revealed that on or around 18th October 2008, A-7 addressed the recruits of PLA at PLA Camp in Myanmar during their basic military training and motivated them to fight against Indian army. He also evidently expressed his support for the war waged by RPF/PLA against Government of India.

17.10 Investigation has brought on record that upon concerted efforts of A-7 and A-8 with regard to imparting of military training to Maoist cadres by PLA instructors, in or around May 2009, the RPF/PLA dispatched a team of its four cadres to visit CPI (Maoist) camps in Dandkaranya and Saranda jungle area to understand the ground conditions to design a good training module for training of Maoist cadres. The team, facilitated by A-7 & Indranil Chanda @ Raj (A-4), visited the CPI (Maoist) camps in May/June 2009; and based on its study, a training camp was subsequently organized by the RPF/PLA in August-November, 2010 in Saranda jungle to impart military training to CPI (Maoist) cadres.

17.11 In pursuance of aforesaid conspiracy, on or around 28th June, 2009, A-7 along with A-4 met with A-1 and A-3 in Guwahati and requested them to provide Rocket Propelled Grenade-launchers at the earliest as he had planned to carry out attack on Indian Security Forces Camp. A-7 also demanded some more TH-K2AT wireless sets to be used for communication purpose during such operations.

17.12 Investigation has established that on or around 18th August, 2009, A-7 along with A-4, met A-3 at latter's rented room in Kolkata and requested to

deliver fire arms with ammunition and walkie-talkies before 15th September as the CPI (Maoist) had planned to attack a Camp of Indian Security Force.

- 17.13** Investigation has established that upon getting assurance from RPF/PLA to supply communication devices, arms and ammunition, A-7 procured a truck and a Tata Sumo vehicle for purpose of transportation of these items. He provided party funds to one of his associates in Assam for purchase of these vehicles.
- 17.14** During further investigation, a handwritten letter was recovered by authorities of Central Jail, Guwahati from the possession of accused A-4 Indranil Chanda @ Raj. The letter, written by accused Indranil Chanda and addressed to the General Secretary of RPF/PLA, further corroborates the existence of conspiracy and linkage of A-7 with other accused persons.
- 17.15** Investigation has revealed that the accused Amit Bagchi @ Alok (A-7) was arrested by Jharkhand Police on 24.08.2009 from Ranchi Railway Station along with his associate Tauheed Mulla @ Kartik. A Case Crime No. 166/09 u/s 121 IPC, 10/13(1)(a)(b) UA(P) Act, 17 Criminal Law Amendment Act, was registered against him in PS Chutia of Ranchi District. After investigation, chargesheet No. 206/09 was filed in the court against both accused. He was convicted for life imprisonment in that case. Presently, A-7 is lodged in Vishakhapatnam Jail in connection with (a) Case Crime No. 19/2008 of PS GK Veedhi u/s 147,148, 307, 396 r/w 149 of IPC, 3 & 5 of Explosive Substances Act, 25 & 27 of Arms Act, and (b) Case Crime No. 20/2008 of PS Chintapally u/s 147,148, 307, 396 r/w 149 of IPC, 3 & 5 of Explosive Substances Act, 25 & 27 of Arms Act, in which he is facing trial.
- 17.16** [REDACTED]. This Hon'ble Court has issued Warrant to produce A-7 for the purpose of this case on 22.08.2013 but the Superintendent Jail, Vishakhapatnam, could not comply with the order as the concerned court i.e. Court of Metropolitan Session's Judge refused to hand over A-7 for production before NIA court because of ongoing trial of aforementioned cases (being SC no. 208/2011, SC no. 207/2011 and SC 144/2002) in which A-7 is facing trial along with other accused persons in the same court.
- 17.17** It has already been brought on record that on or about the later part of 2005, a criminal conspiracy was hatched by the RPF/PLA members to work together with CPI (Maoist) in their objective of waging war against the sovereignty, integrity and unity of India.
- 17.18** In pursuance of the conspiracy, the hierarchy of RPF/PLA nominated Gurumayum Jiteshwar Sharma @ Gypsy @ Changjou (A-8) as the Self-Styled Chief of External Affairs Department on 25th September 2005 and authorized him

to communicate with CPI (Maoist) leaders for advancement of conspiracy and to devise the means to execute it effectively.

17.19 In or around 16th June 2006, as instructed by RPF/PLA hierarchy, A-8 met the co-accused Amit Bagchi @ Alok (A-7) in Guwahati and put forward PLA's intent of mutual cooperation with CPI (Maoist) in their common purpose of waging war against the Government of India. A-7 welcomed this proposal and assured of full cooperation from his organization towards achieving the aforementioned common objective. Thereafter, A-8 again held meetings with A-7 on 19th & 20th August, 2006 at Kolkata to design a plot to strengthen both the organizations in view of aforesaid purpose.

17.20 Investigation has established that after these meetings, a series of conspiratorial meetings were held between these two organizations during 2006-2007. Other Politburo Members of CPI (Maoist) like the General Secretary Mupalla Laxman Rao @ Ganpathy, Eastern Regional Bureau Secretary Prashant Bose @ Kishanda, Northern Regional Bureau Secretary Janardan, Central Military Commander Prakash, *all of whom then operating underground to avoid clutches of law*, also participated in conspiratorial meetings with A-8, at least once or twice, to show their seriousness towards the growing relationship between these two terrorist organizations. It was also a part of conspiracy that A-8 used to report regularly the progress of these conspiratorial meetings as well as the acts committed in its furtherance, to RPF/PLA hierarchy through email and other secretive means. A-8 also sought, and received, assistance and guidance from RPF/PLA hierarchy from time to time, to effect the objectives of conspiracy successfully.

17.21 Investigation has disclosed that in pursuance of the said criminal conspiracy, and as the one of the outcomes of aforesaid conspiratorial meetings, A-8 and his co-conspirators of RPF/PLA agreed to operate liaison offices, to impart military training to CPI (Maoist) cadres, and to supply communication devices, arms and ammunitions to strengthen the Guerilla Army of CPI (Maoist) so that they can make planned proliferation of attacks on Indian Security Forces to cause death and damage to security personnel.

17.22 Investigation has established that in pursuance of said conspiracy, in or around December 2006, A-8 had set up a liaison office for ease of communication with CPI (Maoist) in Kolkata. Around this time, A-8 deputed co-accused Arnold Singh @ Becon (A-3) as Liaison Officer for CPI (Maoist) in Kolkata and started day-to-day communication with CPI (Maoist) through A-3.

17.23 Investigation has also brought on record that in 2006, a liaison office was also opened in Delhi by A-8. In Delhi, A-8 deputed another PLA cadre [REDACTED]

from law enforcement agencies, A-8 used aliases such as Gypsy, Changjou and Chandra while carrying out unlawful acts as a member of RPF/PLA.

17.29 Investigation has further revealed that in or around 2006, A-8 recruited four persons into RPF/PLA fold as People's Militia or over-ground members to form a so called 'Study-Group'. He further instructed these newly recruited PM members to write papers/articles on given topics, which indirectly suggested and advocated secession of Manipur from Union of India. Objective behind forming this 'Study Group' was to propagate the objective of RPF/PLA to make Manipur a separate country and also to mobilize, unify, and motivate people of Manipur through academic platform and make them understand their need for separation from India.

17.30 Investigation has brought on record that in [REDACTED]
[REDACTED]
[REDACTED]. In this connection [REDACTED]
[REDACTED].
During investigation of instant case, [REDACTED]
[REDACTED].

17.31 The investigation conducted has established the involvement of accused Amit Bagchi @ Alok (A-7) in the instant case. A-7, as a member of the proscribed terrorist organisation CPI (Maoist), entered into a criminal conspiracy of waging war against India. In pursuance of the said conspiracy, A-7, in association with the known co-conspirators and other associates, committed several overt acts including traveling, holding meetings, and receiving and transmitting information. Further, A-7, in association with the co-conspirators including but not limited to A-1, A-3, A-4, A-6 and A-8, illegally procured items such as arms, ammunition and communication devices for the proscribed terrorist organisation CPI (Maoist) for committing terrorist acts and waging war against Government of India. He was closely involved in organization of a terrorist camp for Maoist cadres and paid huge amount of money to co-accused A-8 for procuring sophisticated communication devices, arms & ammunition. A-7, thus, has committed offences of Criminal Conspiracy to wage war against India, Conspiracy for committing terrorist acts, organizing terrorist camp, being the member of a terrorist organization CPI (Maoist) and supporting another terrorist organization, the PLA.

17.32 The investigation conducted has also established complicity of accused Gurumayum Jiteshwar Sharma @ Gypsy (A-8) in the instant case. A-8, as a member of the proscribed terrorist organisation PLA, entered into a criminal conspiracy of waging war against Government of India. In pursuance of the said conspiracy, A-8, in association of the co-conspirators including but not limited to

A-2, A-3 and A-7 travelled to different places within and outside India, stayed in different cities of India especially in Dimapur, Guwahati & Kolkata in false names so as to avoid detection by the law enforcement authorities, deputed person at Kolkata and Delhi to liaise regularly with CPI (Maoist) for furtherance of unlawful activities of the RPF/PLA; met the co-conspirators physically, and made telephone contacts & email communication so as to pursue the said criminal conspiracy. Furthermore, in association of the co-conspirators A-2, A-3 and A-7, he facilitated the supply of various items including arms, ammunition and communication devices to the proscribed terrorist organization CPI (Maoist), and he was closely involved in the organization of a terrorist camp for Maoist cadres. He is, thus, liable for committing offences of criminal conspiracy to wage war against India, conspiracy for terrorist activities, organizing of terrorist camp, being the member of a terrorist organization PLA and supporting another terrorist organization the CPI (Maoist).

18. CHARGE

1. Amit Bagchi @ Alok u/s 120B, 121A of IPC & Sections 18, 18A, 20 & 39 (2) of UA (P) Act, 1967, as amended.

2. Gurumayum Jiteswar Sharma @ Gypsy @ Changjou, u/s 120B, 121A, of IPC & Sections 18,18A, 20 & 39 (2) of UA (P) Act, 1967, as amended.

19. The sanction for prosecution under Section 196 of the Code of Criminal Procedure, 1973 and Section 45(1) of Unlawful Activities (Prevention) Act, 1967 has been obtained from the competent authority and enclosed.

20. It is, therefore, prayed that this Hon'ble court may be pleased to take cognizance of the offences as mentioned above and issue process to the accused persons to stand trial in accordance with law.

21. Despatched on :

22. No. of enclosures : 2

23. List of enclosures : Annexure A (List of Witnesses)
Annexure B (List of Documents)

Submitted,

Name: Aseem Srivastava
Superintendent of Police,
Chief Investigating Officer,
NIA, New Delhi