



सत्यमेव जयते

**NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA
KOCHI.**

CHARGE SHEET
(U/s 173 CrPC)

**IN THE COURT OF SPECIAL JUDGE FOR TRIAL OF NIA CASES,
ERNAKULAM, KERALASTATE**

UNION OF INDIA

v/s

SUBAHANI HAJA @ ABU JASMINE (A-11) AND OTHERS

1. **Name of Police Station** : National Investigation Agency
(NIA), Kochi
- FIR No.** : RC- 05/2016/NIA/KOC
- Year** : 2016
- Date** : 01.10.2016
2. **Final Report/ Charge Sheet No** : Charge Sheet No.3
3. **Date** : 29.03.2017
4. **Sections of Law** : U/s 120B, 122, 125 of IPC and
sections 20, 38 and 39 of Unlawful
Activities (Prevention) Act, 1967.
5. **Type of Final Report** : Charge Sheet
6. **If Final Report un-occurred-
False/ Mistake of fact/
Mistake of law/
NonCognizable/ Civil Nature.** : Not applicable

7. **If charge sheeted: Original/Supplementary** : Original
8. **Name of Investigating Officer** : A P Shoukathali
Additional Superintendent of Police
NIA, Kochi, Kerala.
9. **Name of the Complainant/ Informant** : Yashpal Singh Thakur,
DySP, NIA, New Delhi
10. **Details of properties/ Articles/Documents recovered/ seized during Investigation and relied upon.** : As per the list enclosed.

11. **PARTICULARS OF ACCUSED PERSON CHARGE SHEETED**

(1) **Subahani Haja @ Abu Jasmine (A-11)**

1.	Name	Subahani Haja @ Abu Jasmine
2.	Whether verified	Yes
3.	Year/date of birth	D.O.B -19.07.1985 (Age 31/2016)
4.	Father's name	HajaMoideen
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	G4216884
8.	Religion	Islam
9.	Occupation	Business/ Salesman in Jewellery
10.	Address (Present)	Maliyekkal House, Near Vyapara Bhavan, Market Road, Thodupuzha and now residing at rental house, Door No.104/132, Taiyaba Manzil, Kader Moideen Pallivasal Street, Kadayanallur, Tirunelveli District, Tamil Nadu

11.	Address(Permanent)	Maliyekkal House, Near Vyapara Bhavan, Market Road, Thodupuzha and now residing at rental house, Door No.104/132, TaiyabaManzil, Kader Moideen Pallivasal Street, Kadayanallur, Tirunelveli District, Tamil Nadu
12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No.(If known)	Not Applicable
15.	Date of arrest	05.10.2016
16.	Date of release on bail	In Judicial Custody
17.	Under Act and Sections (of charge sheet)	U/s 120B, 122, 125 of IPC and sections 20, 38 and 39 of Unlawful Activities (Prevention) Act, 1967
18.	Name(s) of bailer/sureties and address	Not Applicable
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	In Judicial Custody

12.Particulars of the accused persons not charge sheeted.

(1)	Mohamed Kamal @ Abu Jamaludheen (A-12)	
1.	Name	Mohamed Kamal @ Abu Jamaludheen
2.	Whether verified	Yes
3.	Year/date of birth	D.O.B – 18.10.1985 (Age 31/2016)
4.	Father's name	Shaikh Mohamed
5.	Sex	Male
6.	Nationality	Indian
7.	Passport details	H8714242
8.	Religion	Islam
9.	Occupation	Business
10.	Address (present)	Old House No.35, New House No.75, Muthumari Chetty Street, Parry's, Chennai-1
11.	Address(Permanent)	Old House No.35, New House No.75, Muthumari Chetty Street, Parry's, Chennai-1

12.	Whether verified	Yes
13.	Provisional Criminal No	Not Applicable
14.	Regular Criminal No.(If known)	Not Applicable
15.	Date of arrest	Not arrested
16.	Date of release on bail	Not Applicable
17.	Under Act and Sections (of charge sheet)	Not Applicable
18.	Name(s) of bailer/sureties and address	Not Applicable
19.	Previous convictions with case reference	Not Applicable
20.	Status of accused	Not arrested

13. (i) Particulars of witnesses examined : Separate list attached as **Annexure – I**

(ii) List of articles : Separate list attached as **Annexure – II** (List of Documents) and **Annexure – III** (List of MOs)

14. If FIR is false action taken : Not Applicable

15. Result of laboratory analysis :

15.1 Analysis report of the following digital devices/ equipment seized from accused has been submitted by C-DAC Thiruvananthapuram to this Hon'ble Court.

- (i) Analysis report of Blackberry Mobile phone of A-11, seized from witness Sidhique.
- (ii) Analysis report of 32 GB Scandisk Memory Card, Reliance Dongle – “Net Canvas +”, Mobile Phone YU 5010 A with Tata Docomo GSM SIM Card, Dongle Airway and Tab Super touch Model, seized from the house of A-11.
- (iii) Analysis report of Blackberry Mobile phone with Tata Docomo SIM and 16GB Samsung memory card, seized from the house at the instance of A-11.
- (iv) Analysis report of Hard disk of Desktop, seized from work place of A-11.
- (v) Analysis report of Celkon mobile Phone with Samsung 2 GB memory Card of A-11, which was produced by father-in-law of A-11.

15.2 The examination reports of Jackets and Sweaters of A11 has been submitted by the Director, FSL, Thiruvananthapuram to this Hon'ble Court.

16. BRIEF OF THE CASE:

16.1. This is a case relating to criminal conspiracy hatched by the members of the proscribed terrorist organization, Islamic State (IS)/ Islamic State of Iraq and Levant (ISIL) / Islamic State of Iraq and Syria (ISIS)/ *Daesh*, to spread the activities of ISIS, to wage war against the Government of India by collecting explosives and also to wage war against the Government of Iraq, an Asiatic power in alliance with the Government of India. Accused Subahani Haja (A-11) intentionally and knowingly became a member of ISIS in April 2015. To further the activities of ISIS, he proceeded to Iraq during the period between April to September 2015, joined the terrorist organization and waged war against the Government of Iraq, an Asiatic Power in alliance with the Government of India.

16.2. Based on credible information received by the NIA and submitted to the Ministry of Home Affairs, the Central Government vide its order No. F.No.11011/29/2016-IS-IV, dated 01.10.2016 directed the NIA to investigate activities of around 15 persons who had formed an association in support of and owing allegiance to the Islamic State (IS)/Islamic State of Iraq and Syria (ISIS)/ Islamic State of Iraq and Levant (ISIL); a terrorist organization proscribed in India under the Unlawful Activities (Prevention) Act, 1967. The accused persons and their associates were working secretly in southern states of India including Kerala and Tamil Nadu with the intention of committing acts prejudicial to the sovereignty and integrity of India, primarily by conspiring to attack or eliminate certain prominent persons and target places of public importance. Accordingly, on the basis of a complaint given by Sri.Yashpal Singh Takur, Deputy Superintendent of Police (Intelligence & Operations), NIA HQ, New Delhi a case was registered at NIA Police Station, Kochi on 1st October, 2016 as RC No. 05/2016/NIA/KOC u/s 120B, 121, 121A, 122 of IPC besides sections 18, 18B, 20, 38 and 39 of the Unlawful Activities (Prevention) Act against 8 known accused persons and their other unknown associates.

17. FACTS DISCLOSED DURING INVESTIGATION IN SUM

17.1. Active surveillance was mounted on the individuals mentioned in the FIR. Credible information was received that one Subahani Haja Moideen (A-11) is supporting and intending to further the objectives of the ISIS in India. As per authorization given by the CIO, Sh. B.Mukherji, DySP, NIA conducted search at the house of A-11 at Kadayanallur in Tirunelveli district of Tamil Nadu on 03.10.2016. During the search, travel documents and emergency certificate, indicating that A-11 had visited Turkey between April and September, 2015 were recovered. Subsequently, A-11 was lawfully summoned to the NIA Office, Kochi, where he was interviewed at length and many facts regarding his association and membership in ISIS were revealed. Consequently, he was arrested in the case at NIA Office, Kochi on 05.10.2016.

17.2. During the course of investigation, evidence was obtained to the effect that Subahani Haja (A-11) is a member of Islamic State (IS)/ Islamic State of Iraq and Levant (ISIL) / Islamic State of Iraq and Syria (ISIS) / *Daesh* and that he had physically joined the proscribed terrorist organization at Iraq and Syria between April and September, 2015. He was trained by ISIS at Mosul in Iraq on combat and warfare and was deployed by the terrorist organization in the warfront at Iraq to wage war against Asiatic Powers in alliance with the Government of India. Investigation has also established that after returning to India in September, 2015, Subahani Haja (A-11) had attempted to further the activities of IS/ISIL/ISIS in India by preparing to wage war against the Government of India. Towards this end, he had tried to procure explosives and chemicals from Sivakasi in Tamil Nadu through his acquaintances there.

17.3. During custodial interview, A-11 disclosed that he had knowingly and intentionally communicated with co-conspirators in IS / ISIS within and outside India over online social media platforms like Facebook, Telegram etc. to wage war against the Government of Iraq and India. Based on the disclosures of the accused A-11, the contents of his email and social media accounts were extracted in the presence of independent witnesses, during custody. The extraction of social media and email contents of A-11 corroborate his pro-ISIS inclinations, preparations to travel to the Islamic State, presence in Iraq during the relevant period and links with Mohammed Kamal (A-12).

17.4. On the basis of confession made by A-11, a Blackberry mobile phone used by him during his travel and stay with IS/ ISIS was recovered from his house at Kadayanelloor in Tirunelveli district of Tamil Nadu.

17.5. Bank account details of A-11 were procured and the same revealed that the accused had performed ATM transactions in Turkey during April, 2015 while on his way to ISIS-controlled territory and during September, 2015 while returning from ISIS-controlled territory.

17.6. Subahani Haja (A-11) was subjected to forensic medical examination at Alappuzha Medical College on 21st October, 2016 and forensic medical experts have opined that the accused has radio-opaque material embedded on his leg, which could have been acquired from the war zone. Experts have also opined that A-11 has sustained injuries on his leg, as disclosed by him during the NIA custody, while training with and fighting for ISIS in Iraq between April and September, 2015.

17.7. Incriminating material objects like jackets and sweaters of Turkish origin used by A-11 during his stint with ISIS were recovered, at the instance of the accused, from his room at his ancestral house in Thodupuzha. Forensic examination at FSL, Thiruvananthapuram has detected explosive residues; potassium nitrate and potassium chlorate in the leather jacket besides Potassium nitrate from one cotton jacket and two sweaters, thus indicating that A-11 was in the war zone at Iraq and Syria. Experts have also opined that fibre disturbances detected from sweaters may be due to carrying of hard surfaced objects like fire arms.

17.8. Documents provided by the Travel agency at Ernakulam, besides those seized from the house of A-11 prove his travel to Turkey in April, 2015 and his return to India over an emergency certificate issued by the Indian Embassy, Isthambul in September, 2015.

17.9. Subsequent investigation revealed that on instructions from his associates in ISIS, Subahani Haja (A-11) had attempted to collect explosives and precursor chemicals from Sivakasi, in Tamil Nadu with the intention of furthering the objectives of IS/ISIL/ISIS in India by committing terrorist acts as part of waging war against the Government of India.

17.10. It has also been revealed during investigation that Mohamed Kamal (A-12) knowingly and intentionally aided and assisted members,

18.3 That, the accused person Subahani Haja (A-11) and others being the members of IS/ISIL/ISIS had knowingly and intentionally conspired during the period from 2015 in India and at other places abroad for waging war against Government of Iraq, an Asiatic Power in alliance with the Government of India. In pursuance of the conspiracy, Subahani Haja (A-11) unlawfully travelled to Iraq and joined the terroroist organization ISIS / IS in territory held by the proscribed organization in Iraq / Syria.

18.4 That, the accused person Subahani Haja (A-11) knowingly and intentionally being a member of IS/ISIL/ISIS, got trained by IS/ISIS in warfare and during the period from April to September, 2015 participated in the war being waged by IS / ISIS against Iraq, an Asiatic Power in alliance with the Government of India.

18.5. That, the accused person Subahani Haja (A-11) knowingly and intentionally being a member of IS/ISIL/ISIS, returned to India in September, 2015 and attempted to procure explosives or precursor chemicals from Sivakasi in Tamil Nadu while preparing to wage war against the Government of India since May-June, 2016.

18.6. That, Subahani Haja (A-11) had knowingly and intentionally posted comments in his social media accounts on Facebook up to December 2014 regarding his association with IS / ISIS besides his intention join and to further the objectives of the terrorist organization without and within India.


18.7. Therefore, Subahani Haja (A-11) committed offences punishable under sections 120B, 122 and 125 of IPC besides sections 20, 38 and 39 of Unlawful Activities (Prevention) Act, 1967 as amended from time to time.

18.8. The sanction for prosecution u/s 188 and 196 of CrPC besides under section 45 of the Unlawful Activities (Prevention) Act, 1967 for prosecuting A-11 Subahani Haja u/s 120B, 122 and 125 of IPC besides sections 20, 38 and 39 of Unlawful Activities (Prevention) Act, 1967 has been accorded by the Ministry of Home Affairs, Government of India vide order No.11011/29/2016-S-IV, dated 21st March, 2017.

18.9. The forensic analysis reports from CDAC, Thiruvananthapuram of digital devices / equipments seized from Subahani Haja (A-11) and Mohammed Kamal (A-12) have been submitted before the Hon'ble Court.

18.10. It is therefore, humbly prayed that the Hon'ble Court may be pleased to take cognizance, issue appropriate process in respect of the accused person mentioned in Para No. 11 and try the accused person as per law.

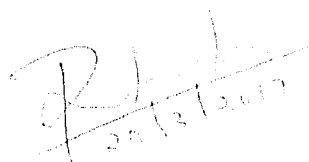
19. **Dispatched on** : 29.03.2017
20. **No. of enclosures** : Four
21. **List of enclosures** : 1. Annexure-I (List of witnesses)
2. Annexure-II (List of Documents)
3. Annexure-III (List of Material Objects)
4. Prosecution Sanction



(A. P. Shoukkathali)

Addl. Superintendent of Police/
Chief Investigating Officer (CIO),
National Investigation Agency,
Kochi, Kerala.

Forwarded by



(Rahul.S. IPS)

Superintendent of Police
National Investigation Agency
Kochi, Kerala