

MCOCC Case No. 21/06 "C"

Exhibit No. 2970

YDS  
S.P.I. Judge  
Shri Ashok Tukaram Duraphe

City Civil and Sessions Court  
Gr. Bombay

No. 44/CP/PA/MCOCC/2009

Office of the,  
Commissioner of Police,  
Brihan Mumbai.

Date: -12/02/2009.

**ORDER**

**Sanction U/sec. 23(2) of Maharashtra Control of Organised Crime Act, 1999.**

**Ref :-** Report of Assistant Commissioner of Police, D-1(South), DCB, CID, Mumbai dated 07/02/09 submitted through Additional Commissioner of Police (Crime), Mumbai and Joint Commissioner of Police (Crime), Mumbai.

**Read :-** Papers of investigation in D.C.B., C.I.D., C.R. No. 152/08 (Matunga Police Station, CR No. 314/2008) u/sec. 295(A), 505(2), 507, 506(II), 120(B), 121, 122 & 286 IPC r/w.3, 25 Arms Act r/w. 6 & 9(B) Explosives Act 1884 r/w, 4 & 5 Explosive Substances Act, 1908 r/w. 13(1)(a)(b), 16, 18, 19, 20 Unlawful Activities (Prevention) Act, 1967 r/w 66 Information Technology Act, 2000 r/w sec. 3(1)(ii), 3(2), 3(4) MCOCC Act, 1999.

WHEREAS, Assistant Commissioner of Police, D-1 (South), D.C.B., C.I.D., Mumbai and the Investigating Officer Shri Ashok Tukaram Duraphe has submitted the report, dated 07.02.2009 along with the papers of investigation in D.C.B., C.I.D., CR No. 152/2008 (Matunga Police Station, CR No. 314/2008) u/sec. 295(A), 505(2), 507, 506(II), 120(B), 121, 122 & 286 IPC r/w. sec. 3, 25 Arms Act r/w. sec. 6 & 9(B) of Explosives Act, 1884 r/w, sec. 4 & 5 of Explosive Substances Act, 1908 r/w. sec. 13(1)(a)(b), 16, 18, 19, 20 Unlawful Activities (Prevention) Act, 1967 r/w sec. 66 Information Technology Act, 2000 r/w sec. 3(1)(ii), 3(2), 3(4) MCOCC Act, 1999, through Additional Commissioner of Police (Crime), Mumbai and Joint Commissioner of Police (Crime), Mumbai for according sanction to prosecute the arrested and wanted accused persons under M.C.O.C.Act, 1999.

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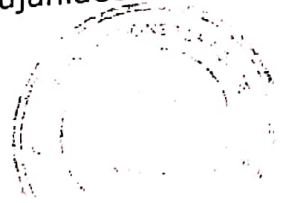
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AND WHEREAS, the prior approval of the Joint Commissioner of Police (Crime), Mumbai vide order No. 849/Jt.C.P.(Crime)/2009, dated 07/10/2008 was obtained for applying the provisions of M.C.O.C. Act, 1999 to D.C.B., C.I.D. C.R.No. 152/2008 (Matunga Police Station C.R.No. 314/2008).

WHEREAS, I, Hasan Gafoor, I.P.S., Commissioner of Police, Brihan Mumbai in the rank of Additional Director General of Police, have gone through the report, perused the statements of the witnesses, panchanamas, confessions, Experts' opinion and other papers of investigation, enclosed with the proposal under reference.

AND WHEREAS, on going through the case papers, reports, statements of the witnesses, panchanamas, confessions, Experts' opinion and other papers of investigation placed before me, I am satisfied that a prima facie case is made out against the accused persons for being tried under the M.C.O.C. Act, 1999 and whereas, I find that the arrested accused persons namely 1) Afzal Mutalib Usmani @ Afsar, 32 yrs., 2) Sadique Israr Ahmed Shaikh, 33 yrs., 3) Mohd. Arif Badruddin Shaikh @ Arif Badar @ Laddan, 38 yrs., 4) Mohd. Jakir Abdul Haq Shaikh, 27 yrs., 5) Ansar Ahmed Badshah Shaikh, 35 yrs., 6) Asif Bashir Shaikh, 22 yrs., 7) Mohd. Mansoor Asgar Peerbhoy, 31 yrs, 8) Mubin @ Salman Kadar Shaikh, 24 yrs., 9) Mohammad Atiq Mohammad Iqbal @ Musab, 25 yrs., 10) Mohamad Akbar Ismail Chaudhari @ Saeed, 26 yrs., 11) Anik Shafiq Sayyad @ Khalid, 27 yrs., 12) Majid Akhtar Shaikh @ Nazim, 26 yrs., 13) Yasir Anis Sayyad @ Hujefa, 20 yrs., 14) Farooq Sharfuddin Tarqas @ Abdulla @ Peter, 25 yrs., 15) Mohammad Ahmed Ali, 44 yrs., 16) Javed Mohammad Ali, 20 yrs., 17) Ahmed Abubakkar Bawa, 33 yrs., 18) Mohammad Naushad Mohammad Irshad Sayyad, 25 yrs., 19) Dustgir Feroz Muzawar @ Afroz @ Mujeeb, 25 yrs., 20) Fazal-E-Rehman Mussadiqkhan Durani @ Sallauddin, 23 yrs. and 21) Anwar Abdulgani Bagwan, 25 yrs. along with wanted accused 1) Riyaz Bhatkal @ Roshan Khan @ Ahmad Ali, 2) Iqbal Bhatkal @ Mohd. Ali, 3) Aamir Raza, 4) Abu Rashid 5) Irfan and 6) Amin being the members of Organised Crime Syndicate under the name of Indian Mujahideen have : 1) formed an organized crime syndicate for committing



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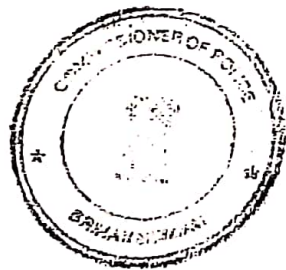
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terrorist activities; 2) aided and abetted each other in continuing their illegal activities of organized crime syndicate by stealing motor cars for bomb blast and causing death and serious injuries to the public at different cities of India since 2005, prior sending of terror and threatening e-mail and possession of weapons and explosives and thereby conspiring to wage war against the Government and creating terror and outraging the religious feeling between two sects of Hindu and Muslim and 3) benefited themselves and their organized crime syndicate by gaining pecuniary benefits or other advantages through their illegal activities and thereby committed offences punishable U/sec.3(1)(ii), 3(2), 3(4) of M.C.O.C. Act, 1999.

AND WHEREAS, I am satisfied that there is sufficient evidence to prove continuous unlawful activities of the said Organized Crime Syndicate. Accused Afzal Mutalib Usmani, member of the Organized Crime Syndicate, against whom the charge sheet of more than one offence, punishable with imprisonment for 3 years or more, within the span of previous ten years, is submitted and cognizance of the same has been taken by the Competent Court.

NOW THEREFORE, I, Hasan Gafoor, Commissioner of Police, Brihan Mumbai in the rank of Additional Director General of Police, in exercise of powers conferred upon me by sub-section 2 of section 23 of M.C.O.C. Act, 1999, do hereby accord sanction for the prosecution of above mentioned 21 arrested accused persons along with 6 wanted accused persons for the offences under sections 3(1)(ii), 3(2), 3(4) of M.C.O.C. Act, 1999, for taking cognizance by the Hon'ble Special Court, Mumbai, constituted for trying such offences under Maharashtra Control of Organized Crime Act, 1999.

Given under my signature and seal on the 17<sup>th</sup> day of February, 2009.



TRUE COPY  
Deputy Registrar  
City Civil & Sessions Court  
Dombay

(Hasan Gafoor)  
Commissioner of Police,  
Brihan Mumbai.