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29747

SPC. 2847
21706

SANCTION ORDER

MCOG Case No. 21706
Exhibit No. 2847

Home Department (Special),
Mantralaya, Mumbai-400032.
Dated the 21st January, 2009

R
27-6-12
Sheristadar

485
Special Judge
For MCOCA and NIA Cases
Gr. Bombay

City Civil and Sessions Court
No. TER. BOMBAY-2/SPL.1(B)

:- Whereas, it has been reported to Government that Afzal

Code of Criminal Procedure
1973
1974
Unlawful Activities (Prevention) Act-1967
Amendment Act-2004

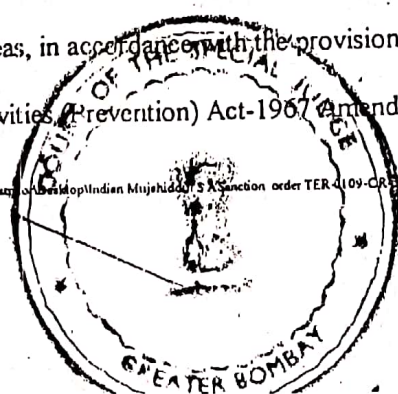
Mutalib Usmani @ Afsar and others (hereinafter referred to as "the said accused person") as specified in column 1 of the Schedule appended hereto (hereinafter referred to as "the said Schedule") committed offence; as specified in column 3 of the schedule;

2. And whereas, it appears to the Government of Maharashtra that on the date and at the place mentioned in the appended schedule, the accused persons have committed offences (hereinafter referred to as "the said offences") punishable under section 295 A, 120(B), 121, 122, of the Indian Penal Code and 13(1)(a)(b), 16, 18, 19, 20 of Unlawful activities (Prevention) Act 1967 (Amendment Act 2004);

3. And whereas, the Government of Maharashtra having fully examined the material placed before it and after considering all facts, is satisfied that there is a prime facie case made out against the accused persons that it is necessary in the interest of justice that the accused persons should be prosecuted in the Court of the competent jurisdiction for the said offences;

4. And whereas, in accordance with the provisions of clause (a) of sub-section (1) of section 196 of the Code of Criminal Procedure, 1973 (2 of 1974) and provisions of sub section (i)&(ii) of section 45 of the unlawful activities (Prevention) Act 1967 (Amendment Act, 2004) it is necessary for the State Government to accord sanction to the prosecution against the accused persons before a Court takes the cognizance of the said offences;

And whereas, in accordance with the provisions of subsection (i)&(ii) of section 45 of the Unlawful Activities (Prevention) Act-1967 (Amendment Act 2004, before any Court takes



खरी प्रस्ताव

वरिष्ठ पोलीस निरीक्षक,
तुळशी गुरुवारस पथक,
मुंबई प्रकटीकरण शाखा.

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cognizance of the any offence under Chapter III and IV, it is necessary for the State Government to accord sanction for the prosecution of the said accused;

6. And whereas, after having fully examined the material placed before me and considering all facts, I am satisfied that there is prima facie case made out against the accused persons and that it is necessary in the interest of justice that the accused persons should be prosecuted in the Court of competent jurisdiction for the said offences;

7. And whereas, in exercise of the powers conferred by section 45 (i) of the said act, the Central Government vide its Notification No. S.O.1004 (E) dated 21.06.2007, has authorized the Secretary of the State Government in charge of Home Department, Government of Maharashtra to exercise powers to accord sanction for taking cognizance of the said offence

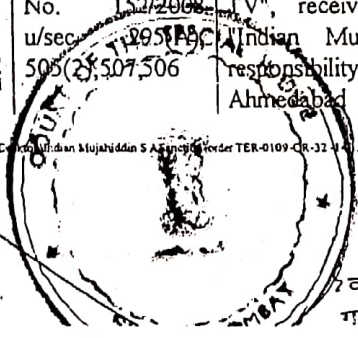
by the court, it is necessary to accord sanction to the prosecution against the accused persons;

8. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 196 of the Criminal Procedure Code 1973 (2 of 1974), sub section (i) and (ii) of section 45 of the unlawful activities (Prevention) Act 1967 (Amendment Act, 2004) the Government of Maharashtra hereby accords sanction to the prosecution against the accused persons for the said offences and for any other offences committed by the accused persons, for taking cognizance of the offence by Court of Competent Jurisdiction.

SCHEDULE

Particulars of the Accused persons (i.e. name and addresses etc)	Police Station Crime Register No. & Date	Criminal acts of the accused persons leading to criminal misconduct
1.	2.	3.
1) Afzal Muralib Usmani @ Afsar Add : Flat No. 8, Room No. 1, Shivaji	DCB, CID, CR No. 152/2008-295119C-505(2), 507, 506	On 23.08.2008, news channel "India TV", received a threatening e-mail from "Indian Mujahideen" organization, taking responsibility of series of Bomb Blasts at Ahmedabad and planting motor cars

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वरिष्ठ पोलीस निरीक्षक,
गन्हेगारी गुप्तवार्ता पथक,
उदें प्रखेडान थाना

25705 77
27749 66

Nagar, Trombay, Mumbai- 43.

2) Sadique Israr Ahmed Shaikh

Add : C-1/19, Chita Camp, Trombay, Mumbai- 88.

3) Mohd. Arif Badrudin Shaikh @ Arif Badar @ Laddan.

Add : E Wing, Simla Park, Shop No. 6, Azami Munani Store, Mumbra, Thane.

4) Mohd Zakir Abdul Haq Shaikh

Add : Super Tower, 5th floor, Thane Road, Bhiwandi, Waza Mohalla, Thane.

5) Ameer Ahmed Badsha Shaikh

Add: D- Sector, Room No. 10, Opp. IDF High School, Chita Camp, Trombay, Mumbai - 88.

6) Asif Bashir Shaikh

Add : A/303, Kumar Pragati, NIBM Road, Kondhava, Pune.

7) Mohd. Manur Ameer Peerbhoy.

Add : 102/A, Central Park, 16/08, Dr. Babasaheb Road, Camp, Pune- 411 001.

Mubin @ Salman Kar Shaikh.

Add : Flat No. 4/1, Duran.

(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 (P) Act 1967 r/w. 66

Information Technology Act, 2000 r/w.

3(1)(ii), 3(2), 3(4) MCOC Act 1999

Dated-23/09/2008 and DCB, CID,

CR No. 162/08 u/sec. 295(A),

505(2), 507, 506(II), 120(B),

121, 122 IPC Dae-17/10/2008

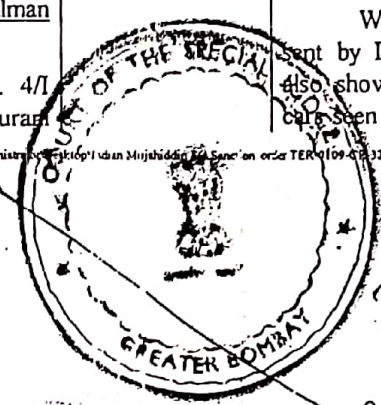
containing live bombs found at Surat. The said organization has given life threats to officers of ATS Mumbai and Gujarat Police, D.G.P etc. who have worked against Muslims and Islam Religion. S

Inquiries made revealed that the e-mail was sent to media by misusing the I. P. Address of Guru Nanak Khalsa College of Arts, Science and Commerce, Matunga, Mumbai. S

The said organization deliberately and intentionally has outraged religious feelings of Hindus and thereby created fear and communal tension between two sects of Hindu - Muslim community and shown disregard to the police force to cause fear in the public and also induced to commit offence against the public tranquility. Accordingly, Shri. Sunil D. Jadhav, PSI attached to ATS, Mumbai, on behalf of the state has lodged a complaint with Matunga Police Station vide CR No. 314/2008 u/s 295(A), 505(ii), 506(ii) & 507 of IPC. The investigation of the said case was taken over by Cyber Cell, DCB, CID and subsequently by C.LU (Ops.), Mumbai on 23.09.2008 as per the order. 5 10 15

On 15.08.2008 an officer & staff of Property Cell, DCB, CID, Mumbai received information from reliable sources that a car thief i.e accused No.1 is in U.P. Suspecting the motor cars used in bomb blast might have been stolen by him, he was picked up from U.P. and was brought to Mumbai. He was interrogated thoroughly. He confessed the motor car thefts in 1) Vile Parle Police Station vide CR No. 293/2008, 2) Nagpada Police Station CR 220/08 and 3) Khar Police Station CR No. 256/2008 u/s. 379 of IPC. He was put under arrest in the above said cases. The investigation of these cases were transferred to DCB vide CR Nos. 142/2008, 146/2008 and 149/2008 respectively. 5 10 15

While interrogating him, the e-mail sent by Indian Mujahideen organization was also shown to him. He identified the motor cars seen in the said e-mail as the same which



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अन्धे प्रकटीकरण शाखा,
गु.प्र. निराकरण विभाग

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27750
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Complex, 1st floor,
Kondhava, Pune.

9) Mohd Atik M
@Musab

Add : E/105
Mahatma - Nagar,
Kharalwadi, Pimpri,
Pune.

10) Mohd Akbar
@Smail Chaudhari @
Saeed

Add : Survey No.
49, Flat No. 03,
Manisha Complex,
Mitha Nagar,
Kondhva (Khurd),
Pune.

11) Anik Shafiq
@Khalid

Add : Jaynabha
House, Bhagyodaya
Nagar, Kondhva
(Khurd), Pune.

12) Majid Akhtar
@Shaikh @ Nazim,

Add : 9/ Ambar
Classic, Bhagyodaya
Nagar, Kondhva
(Khurd), Pune.

13) Yasir Anis Sayed
@Hujefa

Add : 896,
Kagadipura, Kasaba
Peeth, Pune-411 011.

14) Farooq Sharfuddin
@Pargas @ Abdulla @
Peter.

Add : Survey No.
52, Neharu Park,
Bhagyodaya Nagar,
Kondhva (Khurd),
Pune.

15) Mohd. Ahmed

Add : Birla
Compound,

were stolen by him from Navi Mumbai and used in Surat and Ahmedabad bomb blasts. As such C.R. No. 314/2008 of Matunga Police Station was transferred to DCB, CID, vide CR No. 152/2008 on 23.09.2008. Accused Afzal Mutalib was arrested in the said case.

Accused No.1 was interrogated thoroughly when he admitted having stolen the motor cars as per instruction of other associates. The accused Nos. 2, 3, 4 and 5 were arrested at his instance on 24/09/2008 from Sewree, Kurla and other area of Mumbai.

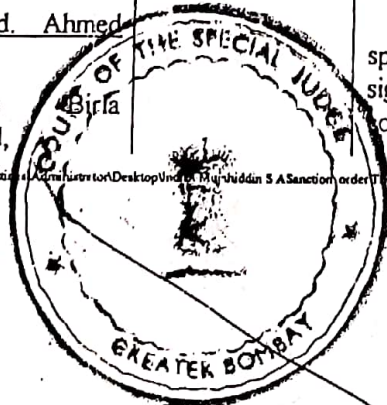
The above accused persons were interrogated tactfully, when they admitted their involvement in the said crime and Bomb Blasts in Gujarat and other States. They have also admitted having received the motor cars from accused No.1 and the same were used in the said bomb blasts. The same motor cars are also the same which are seen in the e-mail, and has identified by accused No.1 as the same which were stolen by him.

Two revolvers, one carbine with two magazines and 38 live cartridges were recovered at the instance of accused No.2 under Memorandum Panchnama from garment factory at Sewree. The said factory belongs to the wanted accused No. 4

The contraband of 10 kg of Gelatin, 15 Detonators, 4 Timers and 8 kg of ball bearings were recovered at the instance of accused No.3 under memorandumpanchnama.

All the accused were interrogated separately. They have also given the information of their other associates, i.e. accused No. 6, 7 and 8. They were also picked up from Pune. They were interrogated thoroughly when they admitted the crime. After confirming their involvement, they were arrested in this case.

Four laptops, wireless routers & cards, spy locators, Wi-Fi location detector, RF signal detectors, Reliance wireless net connector, two hard disc, three CPU, one TV,



वरिष्ठ पोलीस निरीक्षक,
गुन्हेगारी गुप्तकार्यालय,
गुन्हे प्रकटीकरण शाखा,
रु. ४. विक्रम १३९ ५

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Mukkacheri, Tal. Ullal, Dist. Manglore, Karnataka.

16) Javed Mohd. Ali

Add : Birla Compound, Mukkacheri, P.O. Ullal, Tal. Manglore, Dist. Dakshina Kannada.

17) Ahmed Abubakar Bawa

Add : Halleyangadi, Bollur, Near Masque, Tal. Manglore, Dist. Dakshina Kannada

18) Mohd Naushad Mohd Irshad Sayed

Add : Subhash Nagar, Pandeshwar Post. Dist. Dakshina Kannada Tal. Manglore. 575001

19) Dustgir Feroz Muzawar @ Afroz @ Munieeb

Add : Survey No. 5382, Kamgar Nagar, Near Karmyog Scc., Pimpri, Pune- 411 018.

20) Fazal-E-Rehr an Mussadiq Khan Durani @ Sallaudin

Add : 'H' Wing, Minar Bldg., 3rd floor, Flat No. 09, Mitha Nagar, Kondhva (Khurd), Pune.

21) Dr. Anwar Abdulgani Bagwan

Add : Ramgopal Peth, Nallagutta, Nr. Dharm Hospital, Sirandabad.

Wanted accused

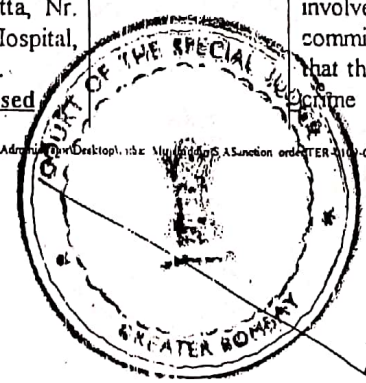
one VCD player, CDs, one pistol with seven live cartridges, folding tent, two sets of walkie-talkies, two knives, jacket, life jackets, three glass suction plates, one toy pistol, mask, wire cutter, glass cutter, stamp pad, sleeping injections, tablets, *Jehadi* religious books, audio cassettes, mobile phones, three pen drives, one cheque and other religious materials were recovered at the instance of accused No. 6 under panchnama from Pune. The accused Nos. 10, 11, 12, 13 and 14 were also found along with the above contraband. They were also arrested in this case.

As per the information gathered from the arrested accused, that wanted accused are based in Mangalore, Pimpri and Parbhani. Accordingly, different police teams were sent to said places which picked up accused Nos. 9, 19 and 20 from Pimpri and Parbhani.

As per voluntary statement made by accused No 9, 31 timers and other controversial books about Jehad, were recovered and accused No. 19 is arrested in this case.

The police team at Mangalore raided at Ullal along with local police and recovered five hand grenades, cash of Rs 11 lacs and incriminating contraband from accused Nos 15, 16, 17 and 18. Ullal Police Station registered an offence vide CR No 242/2008 u/s 10, 11, 13, 18, 19 of Unlawful Activities (Prevention) Act r/w 120 (B), 121(A), 122, 153(A) of IPC r/w 5, 6 of Indian Explosive Substances Act and arrested them in their case. As they are involved in this case, they were taken charge on production warrant by the said team and brought the accused persons to Mumbai and arrested in the said case.

In view of the above recovery of dangerous weapons, explosives, prior sending of e-mail of respective bomb blasts and the involvement of the above said accused in committing such terrorist activities, it is clear that these accused have formed the organized crime syndicate and after conspiring, did aid

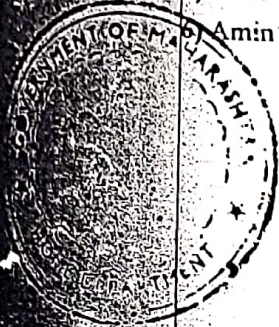


रिपोर्ट
वरिष्ठ पोलीस निरीक्षक,
गुन्हेगारी गुप्तचाली पथक,
गुन्हे प्रकटीकरण शाखा,
प.वा. विभाग, मुंबई.

PR

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- 1) Riyaz Bhatkal @ Roshan Khan,
- 2) Iqbal Bhatkal @ Mohd. Ali,
- 3) Aamir Raza,
- 4) Abu Rashid
- 5) Irfan
- 6) Amin



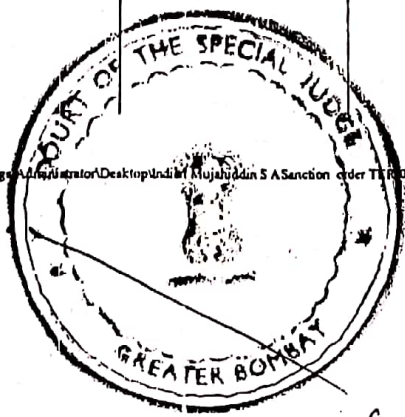
and abet each other knowingly in committing the organized crime. They were found possessing the dangerous weapons, explosives and involved in committing bomb blasts causing death and serious injuries to the public.

Accused No.1 is one of the members of said Organized Crime Syndicate against whom following charge sheets have been submitted within the preceding period of 10 years for offences punishable with imprisonment for 3 yrs or more and the Competent Courts have taken cognizance of the same.

Accused Nos 6, 7 and 8 were put under interrogation who then confessed having sent the particular e-mail as per the instructions of wanted accused No.1, his brother wanted accused No. 2 and accused No.1 by hacking IP address of Khalsa College. They further confessed that they are active members of banned SIMI organization. As such wanted accused No. 1 & 2 and their associates have started their terrorist activities under the name of "IndianMujahideen".

Thus, from the above arrest, recovery, criminal acts and thorough interrogation, it is seen that the above arrested and wanted accused have:

- (1) formed a gang of organized crime syndicate for committing 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 serous 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 Govt. and creating terror and outraging the religious feeling between two sects of Hindu and Muslim.



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पुणे न्यायालय

धरिष्ठ पालीस निरीक्षक,
गुन्हेगारी गुप्तवाता पथक,
गुन्हे प्रकटीकरण शाखा,

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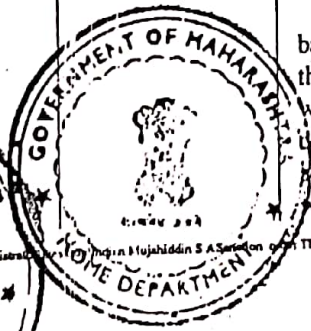
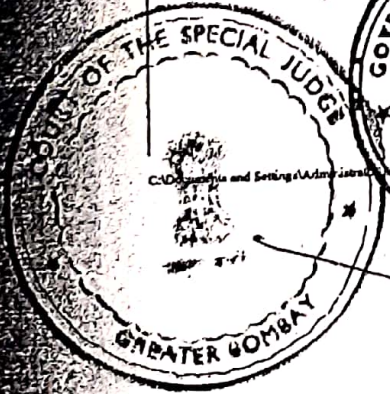
(3) accused No.1, who is a member of 'his Organized Crime Syndicate has been charge sheeted in more than one offence in Mumbai which is punishable with imprisonment for 3 years or more within the span of previous ten years and the Competent Courts have taken cognizance of the same.

(4) benefited themselves and their organized crime syndicate by gaining pecuniary benefits or other advantages through their illegal activities.

Accused No.1 and wanted accused No. 1 & 2 under their leadership have formed a Organized Crime Syndicate in the name of "Indian Mujahideen" of his associates and have continued-unlawful activities of serious crime i.e. bomb blasts at Jaipur, Ahmedabad, Hyderabad, Lucknow, Delhi and Mumbai bomb blasts. They continued the same for gaining pecuniary benefits or other advantages which they have received from wanted accused No. 3, based in Pakistan, and thereby waged the war against the State. They have been creating fear in the minds of Indian citizens by sending terror e-mail of prior intimation about bomb blasts and committed series of bomb blasts causing death and serious injuries to the innocent people and the E-mails in question also emanated from Mumbai Maharashtra by hacking the IP address. 20

Thus, this organized crime syndicate has committed the series of serious offences in all over India i.e. Mumbai, Bangalore, Hyderabad, Jaipur, Ahmedabad, Surat and Delhi since 2005. The above offences committed by the arrested and wanted accused, are punishable under the provisions of MCOC Act.

Though SIMI and LeT have been banned and declared terrorist organization by the Govt. of India all the 21 arrested and wanted accused persons did assembled and conspired together and participate in the activities of this organization with intention to wage war against the Govt. of India by



महाराष्ट्र सरकार
गृह विभाग
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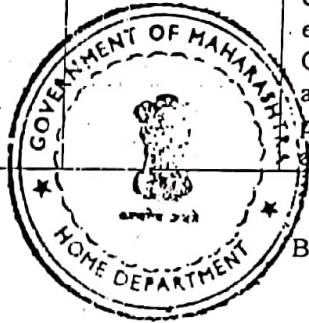
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claiming series of bomb blast in the parts of India by sending e-mail under the name of Indian Mujahideen with a view to overawe the Central as well as State Govt. by means of criminal force and violence. Thus a criminal conspiracy hatched by arrested accused with the connivance of wanted accused shows its intention to wage war against the Govt. of India.

The arrested accused persons actively participated in the offence by means of criminal force and in abetment with the wanted accused persons to overawe the Govt. of India and to create violence in the general public thereby striking directly against the govt. authority. The bomb blast occurred as claimed, in e-mail at different parts of India caused deaths, serious injuries to many people. The e-mail was also aimed to incite communal disharmony with disruption of the economy of India and to defy the Govt., Central as well as State. Thus the dastardly acts of the arrested and wanted accused persons were virtually acts of waging war against the Govt. of India.



By order and in the name of the Governor of Maharashtra

checked by Ujjwala Bhargava/16/12/11

CERTIFIED TO BE A TRUE COPY
Dated this 17th day of DEC 2011

For Registrar
City Sessions Court Mumbai

(Chitkala Zutshi)

Addl. Chief Secretary (Home) and Secretary
In-Charge of Home Department,
Government of Maharashtra, Mumbai.

खरी नकल

स्वच्छ पोलीस निरीक्षक,
जुनेगारी गुप्तवादी पथक
गुन्हे प्रकटीकरण प्रशाखा,
गु.अ. विभाग, मुंबई

