

MHCC020045582020



IN THE COURT OF SPECIAL JUDGE,  
CITY CIVIL AND SESSIONS COURT, GR.BOMBAY

BAIL APPLICATION EXH.648  
IN  
NIA SPECIAL CASE NO.414 OF 2020  
(NIA CASE NO.RC 01/2020/NIA/MUM)

**Gautam P. Navlakha**

Age : 69 years,

Add : Flat No.2, R-3 Nehru Enclave

New Delhi – 110 019.

... Applicant/accused no.11

Vs.

**The State of Maharashtra**

(Through, National Investigation  
Agency, Mumbai)

... Prosecution.

**Advocate Ms.Shifa Khan a/w Mr.Wahab Khan for applicant/accused  
no.11.**

**SPP Mr. Prakash Shetty for NIA.**

**CORAM : THE SPECIAL JUDGE,  
SHRI. RAJESH J. KATARIYA, (C.R.NO.25)  
DATED : 6<sup>th</sup> APRIL 2023.**

**(DICTATED AND PRONOUNCED IN OPEN COURT)  
ORAL ORDER**

Present bail application Exh.648 is filed by the applicant/accused no.11 for grant of bail. Previously, on 05.09.2022, this Court after hearing both sides, had rejected this application. The applicant had challenged said order dated 05.09.2022 before Hon'ble

Bombay High Court by preferring Criminal Appeal No.33 of 2023. Hon'ble Bombay High Court pleased to pass order dated 02.03.2023 in Criminal Appeal No.33 of 2023 thereby setting aside the order dated 05.09.2022 passed below Exh.648 by this Court and restored present bail application, directing this Court to hear and decide it afresh within period of four weeks from the date of receipt of order. Accordingly, present bail application is heard and decided afresh.

2. Applicant is presently in house arrest in view of interim order 10.11.2022, passed by Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (Crl.) No.9216/2022 and continued from time to time.

3. On 21.03.2023, learned advocate Mr.Wahab Khan representing applicant/accused no.11 appeared before the Court and submitted that Ms.Shifa Khan would argue present bail application for accused no.11 on his behalf. Learned advocate Mr.Wahab Khan also filed pursis Exh.973 in that regard.

4. Heard learned advocate Ms.Shifa Khan h/f advocate Mr.Wahab Khan for applicant and learned SPP Mr.Prakash Shetty for NIA at length.

5. Learned advocate for the applicant also filed summary of arguments Exh.648-B, rejoinders Exh.648-C & E, apart of oral submissions made by her. Learned SPP also filed written synopsis Exh.648-D on behalf of NIA.

6. As per the prosecution, on 08.01.2018, informant Tushar Ramesh Damgude lodged report under Section 154 of Code of Criminal Procedure at Vishrambaug Police Station. It is alleged that programme under banner Elgar Parishad was organised at Shaniwar Wada, Pune on 31.12.2017. The informant had attended said programme. It is alleged that performances at the programme were provocative in nature and had effect of creating communal disharmony. It is further alleged that provocative speeches were delivered by speakers and pamphlets were distributed. It is further alleged that members of the Kabir Kala Manch spread hatred through their songs, speeches and plays causing enmity between different cast and community. So there were incidence of violence and stone pelting near Bhima Koregaon.

7. On the basis of report under Section 154 of Cr.P.C. lodged by the informant, initially crime was registered for the commission of offence under sections 153-A, 505(1)(b), 117 read with 34 of IPC.

8. During course of investigation, houses of accused were searched and various documents were recovered from Computers, Laptops, Pen drives, Memory cards etc. Seized articles were sent to forensic Laboratories for analysis. As per the prosecution, from the seized material it revealed that accused persons were part of the larger conspiracy. They are the members of the banned terrorist organisation i.e. CPI (Maoist). Said organisation and its members in view of achieving the task, are waging people's war by mobilizing people on a massive scale both military and politically. They are trying to create disharmony between different caste and communities with the object to

over through the democratic elected Government and to seize the political power through arm revolution. During course of investigation, offence under sections 120-B, 115,121,121-A,124-A,201 of IPC and Sections 13, 16, 17, 18, 18A, 18-B, 20, 38, 39 & 40 of UAP Act came to be added in the crime.

9. On 15.11.2018, Investigating Officer filed chargesheet against accused nos.1 to 5 before Sessions Court, Pune. On 21.02.2019, supplementary chargesheet was filed against accused no.6 to 9. Thereafter, as per directions of Ministry of Home Affairs, Government of India, New Delhi, the National Investigating Agency took over the investigation of said crime and case was re-registered bearing number RC-01/2020/NIA/MUMBAI and thereafter, case was transferred to this Court.

10. On 22.10.2020, NIA filed second supplementary charge sheet against present applicant/accused no.11 and co-accused no.10, 12 to 16. The applicant is charge-sheeted for the offence under Sections 120-B, 115, 121, 121-A, 124-A, 505(1)(b) read with 34 of Indian Penal Court (in short "IPC") & Sections 13, 16, 18, 20, 38 and 39 of the Unlawful Activities (Prevention) Act, 1967 (in short "UAP Act").

11. The applicant by filing present bail application has submitted that he is writer, peace and civil right activist and a journalist associated with an economic and political weekly and other well regarded publications. Applicant has no criminal antecedents. He has an unblemished record and has lived a life dedicated to the service of

society. He belongs to the people's union of democratic rights (PUDR). He has been an open critic of left wing extremist violence.

12. Learned advocate for the applicant submitted that there is no material in the charge-sheet to satisfy the ingredients of the alleged offences. There is nothing to suggest that there was any terrorist act as defined under Section 15 of UAP Act. She submitted that unless there is such terrorist act in reality or actual contemplation or planning, no prosecution is possible for any offence under Sections 16-20 of UAPA. The final report does not allege that applicant committed any terrorist act as defined under Section 15 of UAPA or he conspired to commit such act or associated with it. She submitted that when no act of violence is attributed to the applicant offence under Section 121-A or chapter IV of UAPA would not attract against the applicant. She submitted that there are no allegations that applicant ever possesses any arms, ammunition or explosives or committed abated any act of violence. No arms ammunition of explosives has been seized or recovered from the applicant. There is nothing to show that there was mens rea on the part of the applicant regarding said offences. She submitted that even if the charge-sheet is believed to be true there is nothing to show that applicant was involved in any way in any act of violence and at the most, alleged offence would fall under sections 38 and 39 of UAP Act. Punishments prescribed for offence under sections 38 and 39 are not exceeding ten years. She submitted that applicant had already undergone 3 years imprisonment. The trial would take longer time. Applicant is aged about 70 years with no criminal antecedents. The chargesheet is filed. All documents seized are filed with the charge-

sheet. Applicant does not pose any risk of absconding, tampering with evidence or threatening witnesses. She further submitted that applicant is similarly placed to co-accused Anand Teltumbade, who has been granted bail by the Hon'ble Bombay High Court. The ground of parity is applicable to the applicant.

13. Per Contra vide say filed at Exh.669, learned SPP opposed the application. He submitted that material collected during course of investigation reveals that applicant is member of banned terrorist organization CPI (Maoist). He was found in possession of incriminating documents related to CPI (Maoist) accessible exclusively to the senior members of banned organization, CPI (Maoist). He was deeply involved and closely connected with other co-accused. He was actively involved in the activities of the 'Co-ordination of Democratic Rights Organisation (CDRO). He was member of fact finding missions. The object of the fact finding mission was to mislead public showing that innocent persons are encountered by government machinery, so as tarnish image of the government before the people. He visited Dandkaranya with Swedish Author Jan Myrdal. He was in contact with Syed Gulam Nabi Fai. Syed Gulam Nabi Fai was arrested by FBI in July 2011 for accepting funds from ISI and Pakistan government. Applicant had written a letter to the Hon'ble Judge of the US Court trying case of Ghulam Fai for clemency. He had delivered speeches on issues related to the Kashmir separatist movement and supported it. There is ample material against the applicant being involved in larger conspiracy and commission of crime.

14. Hon'ble Supreme Court in the case of **National Investigation**

**Agency Vs. Zahoor Ahmad Shah Watali [(2019) 5 SCC 1]** had dealt with the powers of the Court for consideration of bail in respect of Section 43-D(5) of the UAP Act]. Hon'ble Supreme Court pleased to held as under:-

*“21. Before we proceed to analyse the rival submissions, it is apposite to restate the settled legal position about matters to be considered for deciding an application for bail, to wit:*

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the charge;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being tampered with; and*
- (viii) danger, of course, of justice being thwarted by grant of bail. (State of U.P. through CBI Vs. Amarmani Tripathi)*

*22. When it comes to offences punishable under special enactments, such as the 1967 Act, something more is required to be kept in mind in view of the special provisions contained in Section 43D of the 1967 Act, inserted by Act 35 of 2008 w.e.f. 31-12-2008. Sub-sections (5), (6) and (7) thereof read thus:*

*“43D. Modified application of certain provisions of the Code.-(1)-(4) \* \* \**

*(5) Notwithstanding anything contained in the Code, no person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, be released on bail or on his own bond*

*unless the Public Prosecutor has been given an opportunity of being heard on the application for such release:*

*Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the report made under section 173 of the Code is of the opinion that there are reasonable grounds for believing that the accusation against such person is prima facie true.*

*(6) The restrictions on granting of bail specified in sub-section (5) is in addition to the restrictions under the Code or any other law for the time being in force on granting of bail. (7) Notwithstanding anything contained in sub-sections (5) and (6), no bail shall be granted to a person accused of an offence punishable under this Act, if he is not an Indian citizen and has entered the country unauthorisedly or illegally except in very exceptional circumstances and for reasons to be recorded in writing.”*

23. *By virtue of the proviso to subsection (5), it is the duty of the Court to be satisfied that there are reasonable grounds for believing that the accusation against the accused is prima facie true or otherwise. Our attention was invited to the decisions of this Court, which has had an occasion to deal with similar special provisions in TADA and MCOCA. The principle underlying those decisions may have some bearing while considering the prayer for bail in relation to offences under the 1967 Act as well. Notably, under the special enactments such as TADA, MCOCA and the Narcotic Drugs and Psychotropic Substances Act, 1985, the Court is required to record its opinion that there are reasonable grounds for believing that the accused is "not guilty" of the alleged offence. There is degree of difference between the satisfaction to be recorded by the Court that there are reasonable grounds for believing*



*that the accused is "not guilty" of such offence and the satisfaction to be recorded for the purposes of the 1967 Act that there are reasonable grounds for believing that the accusation against such person is "prima facie" true. By its very nature, the expression "prima facie true" would mean that the materials/evidence collated by the Investigating Agency in reference to the accusation against the concerned accused in the first information report, must prevail until contradicted and overcome or disproved by other evidence, and on the face of it, shows the complicity of such accused in the commission of the stated offence. It must be good and sufficient on its face to establish a given fact or the chain of facts constituting the stated offence, unless rebutted or contradicted. In one sense, the degree of satisfaction is lighter when the Court has to opine that the accusation is "prima facie true", as compared to the opinion of accused "not guilty" of such offence as required under the other special enactments. In any case, the degree of satisfaction to be recorded by the Court for opining that there are reasonable grounds for believing that the accusation against the accused is prima facie true, is lighter than the degree of satisfaction to be recorded for considering a discharge application or framing of charges in relation to offences under the 1967 Act....."*

*24. A priori, the exercise to be undertaken by the Court at this stage - of giving reasons for grant or non-grant of bail - is markedly different from discussing merits or demerits of the evidence. The elaborate examination or dissection of the evidence is not required to be done at this stage. The Court is merely expected to record a finding on the basis of broad probabilities regarding the involvement of the accused in the commission of the stated offence or otherwise.*

*27. For that, the totality of the material gathered by the Investigating Agency and presented along with the report and including the case diary, is required to be*

*reckoned and not by analysing individual pieces of evidence or circumstance. In any case, the question of discarding the document at this stage, on the ground of being inadmissible in evidence, is not permissible. For, the issue of admissibility of the document/evidence would be a matter for trial. The Court must look at the contents of the document and take such document into account as it is.”*

15. Learned advocate for the applicant had previously filed on record copy of Judgment passed by Hon’ble Bombay High Court in the case **Iqbal Ahmed Kabir Ahmed Vs. The State of Maharashtra** [Criminal Appeal No.355 of 2021; decided on 13<sup>th</sup> August 2021]. In this case Hon’ble Bombay High pleased to grant bail to the applicant therein, in the crime registered for the offences under Sections 120-B and 471 of I.P.C. and sections 13,16,18,18-B,20,38 and 39 of UAP Act and Sections 4,5 and 6 of the Explosives Substances Act, 1908. Hon’ble Bombay High Court, while dealing with this matter discussed the ratios laid down in the case of **National Investigation Agency Vs. Zahoor Ahmad Shah Watali [(2019) 5 SCC 1]**, and ratio laid down in the case of **Dhan Singh Vs. Union of India [Criminal Appeal no.580 of 2016]** and held as under:-

*“23. In the case of **Dhan Singh** (supra), a Division Bench of this court after adverting to the provisions of section 43D(5) of UAPA and the pronouncement of the Supreme Court in **Zahoor Ahmad** (supra) and the judgment of Gauhati High Court in **Redaul Hussain Khan vs. The National Investigation Agency** enunciated the import of the words "prima facie" coupled with the word "true" as they appear in section 43D(5) in the following words:*

*"When the word, 'prima facie', is coupled with the word, 'true', it implies that the court has to undertake an exercise of cross-checking the*

*truthfulness of the allegations, made in the complaint, on the basis of the materials on record. If the court finds, on such analysis, that the accusations made are inherently improbable, or wholly unbelievable, it may be difficult to say that a case, which is prima facie true, has been made out. In doing this exercise, the Court have no liberty to come to a conclusion, which may virtually amount to an acquittal of the accused. Mere formation of opinion by the court on the basis of the materials placed before it is sufficient."*

Hon'ble Bombay High Court further observed as under:-

*"42. The Supreme Court has thus expounded the legal position that the statutory restrictions like section 43-D(5) of the UAPA per se does not operate as an impediment on the powers of the constitutional Court to grant bail, if a case of infringement of the constitutional guarantee of protection of life and personal liberty is made out, and the rigours of such statutory restrictions would melt down in the face of long incarceration of an undertrial prisoner in such a situation, the prayer of entitlement for bail on the count of prolonged delay in conclusion of trial is required to be appreciated in the backdrop of period of incarceration, the prospect of completion of trial in a reasonable time, the gravity of the charge and the attendant circumstances."*

16. While dealing with present bail application, ratio laid down by Hon'ble Supreme Court and Hon'ble Bombay High Court cited Supra are to be kept in mind.

17. Perusal of FIR filed under Section 154 of Cr.P.C. by the informant it is alleged that on 31.12.2017 there was programme of Elgar Parishad at Shanivar Wada, Pune and he had learnt about through facebook post. He went to attend the said programme. Accused Sagar

Gorkhe, Sudhir Dhavale, Jyoti Jagdap, Ramesh Gaichor and other speakers had participated in said programme. There were performances of dance, play and songs in said programme. Performances were in provocative in nature having effect of creating communal harmony. The speeches delivered were also provocative. Provocative books were kept at that place. Said programme was organised by the Kabir Kala Manch. It is further alleged that banned organization CPI (Maoist) used to misguide the dalit community and they provocative violence among the different communities. It is alleged that due to programme of Elgar Parishad there had been incident of violence and stone pelting in the area of Bhima Koregaon and adjacent area and there was loss of life and property. After registration of FIR it appears that investigation revealed about larger conspiracy.

18. Perusal of 2<sup>nd</sup> Supplementary Chargesheet/report under Section 173 of Code of Criminal Procedure filed against applicant and co-accused, it is alleged that on 08.01.2018 complainant lodged FIR No.04/2018 at Vishrambaug Police Station in regard to incident of programme held at Shaniwar Wada, Pune on 31.12.2017 under the banner Elgar Parishad. The complainant attended that programme. According to the complainant, the performances were provocative in nature and had the effect of creating communal disharmony. Some provocative speeches were delivered by speakers and pamphlets were distributed. The banned terrorist organization CPI (Maoist) had organised said programme to boast ideology of CPI (Maoist) in depressed class to misguide them and turn them towards unconstitutional violent activities. It is contended that Sudhir Dhawale

of Kabir Kala Manch and other activists had performed malice speeches and spread false history, made disputable statement and incited objectionable slogans, sung songs and participated in road dramas. They also performed skit/stage plays at the event 'Elgar Parishad', and due to it there was violence incidents, stone pelting and death of innocent people, near Bhima Koregaon at Pune on 01.01.2018. It is further alleged that accused persons have promoted enmity between caste groups and lead to violence resulting in loss of life and state wide agitation. Investigation revealed the senior leaders of banned terrorist organization CPI(Maoist), were involved in the organization of Elgar Parishad to spread the ideology of Maoism/Naxalism and encourage unlawful activities.

19. It is alleged in para no.17.1 of the said report that, Investigation revealed that, applicant and other co-accused and wanted accused are members of banned organization CPI (Maoist)and they were deeply involved in the furtherance of the agenda of CPI (Maoist) through different means. They believe that the Indian State is being run by collaboration of imperialists, the comprador bourgeoisie and feudal lords. Their eventual objective is to establish Jantana Sarkar i.e. 'people's Government' via revolution supported by a commitment to protracted armed struggle to undermine and to seize power from the State.

20. It is alleged in para no.17.8 of the said report that according to accused persons in taking the national issue they make a distinction between the nationalities of the North East and Kashmir on the one

hand and those in the other states of India on the other, the former never considering themselves as part of India and applicant and co-accused adopt same ideology.

21. It is alleged in para no.17.9 of the said report that documents titled as 'Special Social Sections and Nationalities-Our Tactics', seized from accused reveals that the party use the religious minorities, Women, Dalits, Adivasis for leading the revolution and mobilise them into the revolutionary movement.

22. It is alleged in para no. 17.18 of the said report that frontal organizations of CPI (Maoist) such as Anuradha Ghandy Memorial Committee (AGMC), Kabir Kala Manch (KKM), Persecuted Prisoners Solidarity Committee (PPSC), Committee for release of political prisoners (CRPP), Committee for Protection of Democratic Rights (CPDR), Peoples Union for Democratic Rights (PUDR), Co-ordination of Democratic Rights Organization (CDRO), Democratic Students Union (DSU), Visthapan Virodhi Jan Vikas Aandolan (VVJVA), Revolutionary Writers Association (RWA), Committee for defence and release of G.N. Saibaba (the convicted accused) were used by the members of CPI (Maoist) to further their agenda.

23. It is alleged in para no.17.19 in said report that banned organisation CPI (Maoist) and its members do not believe in peaceful talks and focus on capturing political power through protracted armed struggle based on guerrilla warfare and they have attacked and killed

many government security forces from time to time and looted their weapons, ammunition, walkie-talkie, etc. They also attacked and looted explosives and acquired materials required to prepare the Improvised Explosive Device (IED).

24. It is alleged in para no.17.20 of said report that CPI (Maoist) raises funds for unlawful activities by levying taxes on Tendu leaves, Bambu and road contractors and in order to keep their identity secret they used different alias names.

25. It is alleged in para no 17.21 of said report that The CPI (Maoist) uses weapons & ammunitions looted from government security forces. It's PLGA members procure gelatin from illegal mining contractors, uses Soda-Sulphur combination as explosive, uses Calcium-Ammonium Nitrate (CAN) as an explosive for the preparation of IED. They indulged in the procurement of weapons & ammunitions from Nepal Maoist through the Manipur Maoist channel.

26. It is alleged in para no.17.28 of said report that applicant/accused Gautam Navlakha and co-accused Hany Babu are members of the C.P.I (Maoist) and they were in possession of incriminating documents related to CPI (Maoist), accessible exclusively to party members.

27. It is further alleged in para no.17.39 of said report that investigation revealed that, applicant Gautam Navlakha is an active

member of CPI (Maoist). He has deep links with CPI (Maoist) and he espouses Maoist ideology & anti-government utterances through his various lectures and videos. He was in contact with arrested accused persons Surendra Gadling, Shoma Sen, Rona Wilson, Varavara Rao, Sudha Bharadwaj, Arun Ferriera, Vernon Gonsalves, Anand Teltumbde, Stan Swamy, Hany Babu and wanted accused Sudarshanda @ Katkam Sudarshan, secretary CRB & CCM of CPI (Maoist) party.

28. It is further alleged in para no.17.40 of said report that there are evidences on record, which revealed that, applicant Gautam Navlakha was working in urban areas and was assigned to unite intellectuals against Government forces defeating them both physically and otherwise. He participated in fact finding committee, assigned task for recruitment of the cadres for the guerrilla activities of CPI (Maoist). He visited Dandkaranya (an advancing guerrilla zone of Indian revolution) with Swedish Author Jan Myrdal.

29. It is further alleged in para no.17.41 of said report that investigation revealed applicant was actively involved in the activities of the 'Coordination of Democratic Rights Organisation' (CDRO) and used to receive group emails from said group. He used to fix appointments (APTS) & meetings between active urban cadres and underground leaders of CPI (Maoist), under the garb of Fact Finding missions.

30. It is further alleged in para no.17.42 of said report that investigation revealed applicant had visited the USA thrice, to address



'Kashmiri American Council' (KAC) Conference organized by Ghulam Nabi Fai. He was in touch with Ghulam Nabi Fai via email address gnavlakha@gmail.com and sometimes via phone. Ghulam Nabi Fai was arrested by the FBI in July 2011 for accepting funds from ISI and Pakistan Government. Applicant had written a letter to the Hon'ble Judge of the US Court, trying Ghulam Fai's case for clemency. Applicant was introduced to Pakistani ISI General for his recruitment by Ghulam Nabi Fai on the direction of Inter-Services Intelligence (ISI), showing his nexus and complicity with Ghulam Nabi Fai and Pakistani ISI.

31. It is further alleged in para no.17.43 of said report that applicant delivered speeches at different forums & programme on many issues related to the Kashmir separatist movement and Maoist Movement and supported it. It is alleged that documents revealed that applicant was in critical secret communications with underground senior leaders of the Party which establishes his deep involvement in the activities of CPI (Maoist) party.

32. It is further alleged in para no.17.45 of said report that evidence collected during search at premises of accused Hany Babu revealing the code/alias name used by CPI (Maoist) cadres for communication like GAUTAM NAVLAKHA as DARBAR/G/G.N., AMIT BHATACHARYA as ANKUSH/KANAHI, HANY BABU as H.B./VENKAT, ARUN as RUPESH/A, SURENDRA as VIJAY/S/S.G. VARAVARA RAO as V.V./CHIEF/MANYAM PITURI, SUDHA as KAVERI/S, RONA as KUPPU/R/RW, SHOMA as AJITA/S/SHOMA, VERNON as SHOOM/ASHOK/V, MALEM as SUNIT, SAIBABA as S, DEGREEE

PRASAD as SUSHIL.

33. It is further alleged in para no.17.64 of said report that a letter titled 'Seminar papers-virasam-2017' is recovered from the digital data of CPI (Maoist) leader Narmadakka, CCM, which are the minutes of conference organised by accused Varavara Rao where other co-accused Varnon Gonsalves and applicant participated and its invitation was given to other co-conspirators. The said fact is corroborated by the CDR.

34. It is further alleged in the para no.17.65 of the said report that investigation revealed a clear link between CPI (Maoist) in India with international maoist community. The International committee to support People's War in India, also gave their greetings from their end and showed their support, solidarity to the revolution and the people's war in India. CPI (Maoist) also published a press note in connection with Bhima Koregaon riots after Elgar Parishad programme at Pune, same is recovered from the searches at the premises of Narmadakka, showing deep rooted involvement and conspiracy of CPI (Maoist) in Bhima Koregaon.

35. It is further alleged in para no.17.68 of the said report that issue related with student front at JNU DSU are highlighted in some of the communication made with maoist. A detailed report in this regard is found in the recoveries made from the digital data of accused Rona Wilson, Varavara Rao (hard copy) and from digital data of Narmadakka, which shows a concrete triangular link between students organization

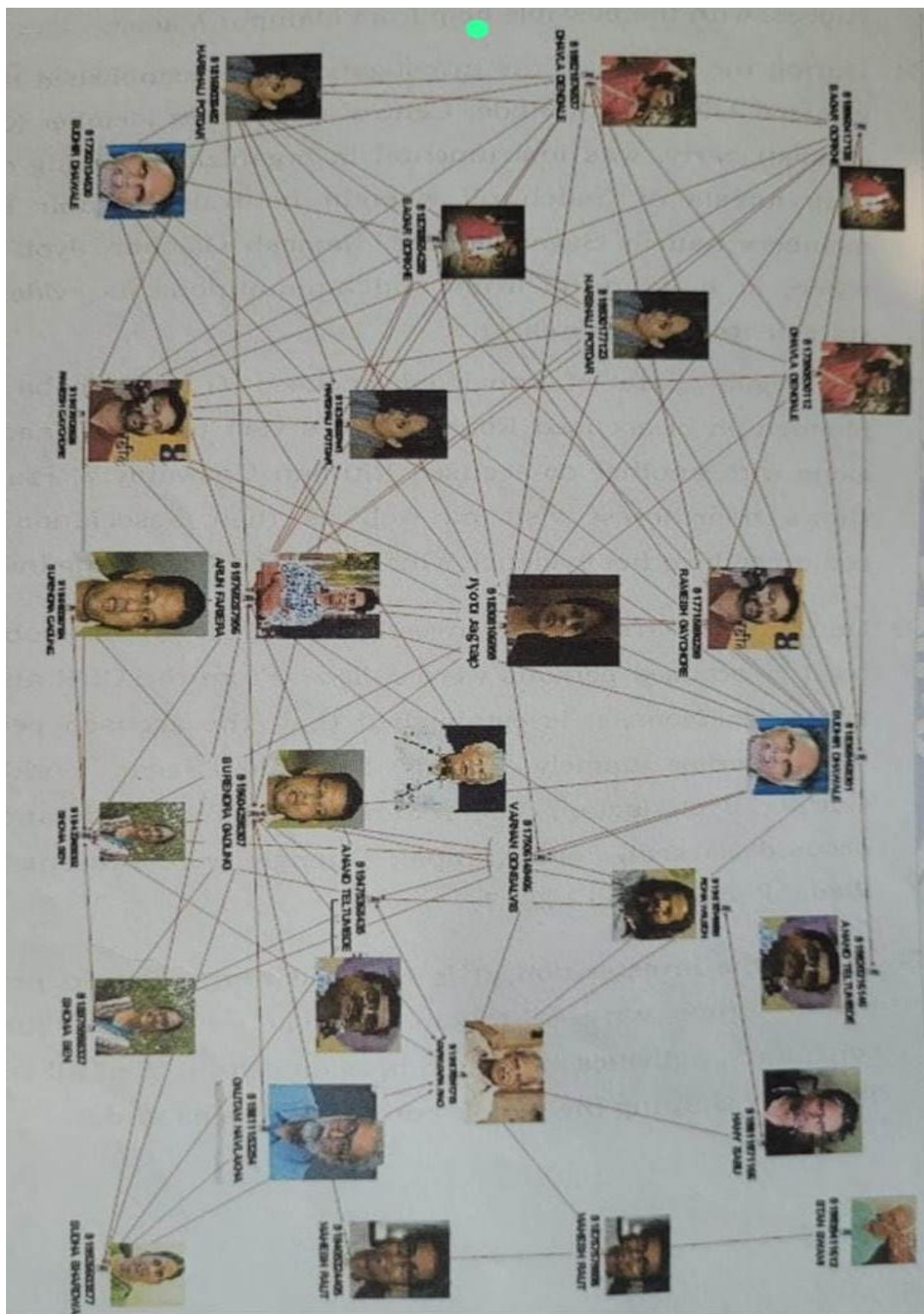
functioning in New Delhi, CPI (Maoist) cadres working in urban areas, who are arrested in this case and the central committee members of CPI (Maoist) operating from the deep forest.

36. It is alleged in para no.17.70 of said report that in the digital analysis of convicted accused G. N. Saibaba a professor from Delhi University, incriminating document found mentioning about Indra Mohan Sigdel popularly known as Comrade Basanta, main leader of the United Communist Party of Maoist Nepal. One of the co-conspirator of the instant crime accused Rona Wilson mentions about Basanta and states that Comrade Varavara Rao is the authority to deal with him for the procurement of arms and ammunition vis. M4's and its 4,00,000 rounds for approximate 8 Crores rupees, with the possible help from Manipur Maoist.

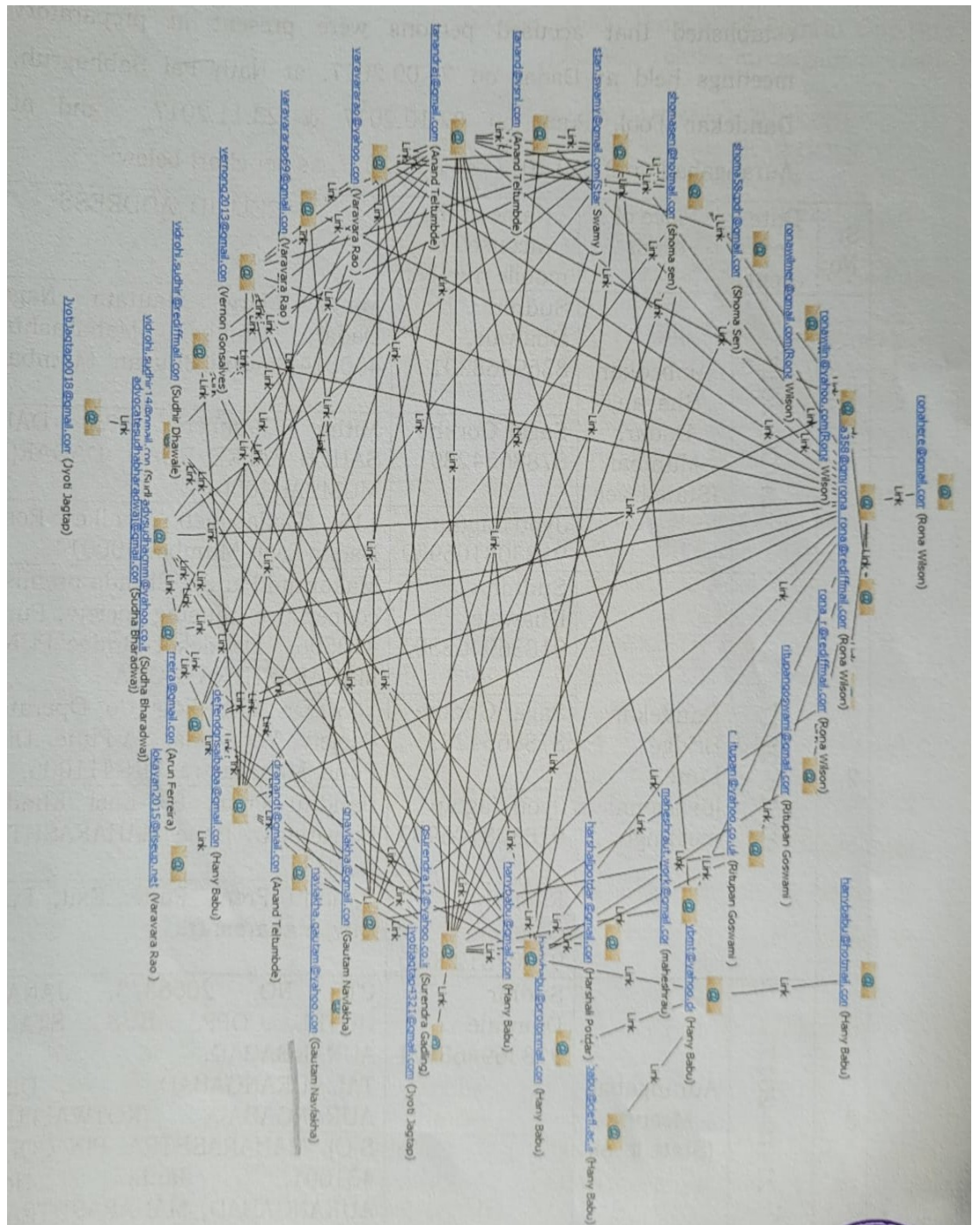
37. It is alleged in para no.17.71 of said report that investigation revealed that wanted accused Milind Teltumbde, Central Committee member (CCM) as CPI (Maoist) party, was instrumental in organising training camp in the deep forest of Gadchiroli wherein he trained Kabir Kala Manch members namely Sagar Gorkhe, Ramesh Gaichor, Jyoti Jagtap and others in handling of arms and ammunitions as evident from the statement of witnesses.

38. It is alleged in para no.17.74 of said report that during course of investigation, it revealed that the accused persons in the instant crime were in touch with each other for furtherance of conspiracy, activities, etc which is evident from the call data records.

The prosecution had filed mobile connectivity chart with the report as under:-



39. It is alleged in para no.17.75 of said report that during course of investigation, it is established that accused persons were using email for communication amongst themselves and they were in constant touch with each other during relevant period. The prosecution filed email connectivity chart with the report which is as under:-



40. It is contended by the prosecution in para no.19 of the report that sanction for prosecution against the applicant and co-accused under Section 45(1) of UAPA and under Section 196 Cr.P.C. have been obtained from the competent authority. The prosecution had produced copy of order dated 08.10.2020 granted by Under Secretary to the Government of India under Section 45(1) of UAPA against the applicant and co-accused.

41. Learned advocate for the applicant filed photocopies of some documents extracted from the chargesheet with the bail application. Learned SPP also filed one compilation of the copies extracted from the chargesheet. Both parties placed reliance on the compilation filed by the prosecution for purpose of present bail application.

42. Learned advocate for applicant invited my attention to the document "A report on Gautam Navlakha(GN)" (page no.2 to 10 of the compilation filed by the prosecution extracted from Pune Police Chargesheet 13.7, Volume-I, page nos.774 to 778). She submitted that aforesaid document filed by the prosecution in fact show that the applicant was against the ideology of the said organization and he was criticizing the same and Maoist party had a deep hostility to the applicant for his strong criticism of violence perpetrated by them and party was deeply suspicious of him and considered him to be an agent of Indian Government. She also relied page nos.1184,1188-1190,1393,1430 of list of documents, Annexure B-2, Volume-III, filed with the 2<sup>nd</sup> Supplementary chargesheet by the NIA in support of her submission. This document is titled as "Draft Commission Paper: Maoist



Challenge and Problems of Tribal People/Women.”

43. A document titled Report on Gautam Navlakha (GN) is alleged to be recovered from accused no 3 Surendra Gadling. Perusal of this document though, author stated about the deviation by the applicant on some aspect with organization, it also reflect that applicant helped to form and was associated with Coalition of Civil Society. It further say that applicant also collaborating with Angana Chatterjee who run intercontinental NGO funded by the imperialist forces in international tribunal on Kashmir. In 2009, when the mass movement in Kashmir was in peak, applicant and Chatterjee tried to create rifts among the leadership of the movement by using members of Coalition of Civil Society. It says that applicant and Chatterjee went to Srinagar and met with Masrat Alam where he was in hiding to evade arrests and was guiding the mass movement from there. It further say that Masrat Alam was the leader who organized massive youth protests erupting with stone pelting with millions of young people.

44. The document titled as “Draft Commission Paper: Maoist Challenge and Problems of Tribal People/Women” says about emergence of Maoism. It is stated that on failure of the state to address the grievances of Adivasi people inhabited them to enable the Maoist. It also says about the purchase of weapons from Transnational Arms Racket and raising of money through taxing of illegal mining.

45. She further submitted that in the year 2011, when the Maoist had kidnapped some policemen, the applicant was nominated by the

Government to act as an intermediary along with other imminent citizen and he was able to secure the release of the policemen. She pointed from page no.9 of the applicant's compilation which is news dated 12.02.2011, online posted by the Indian Express.

46. She submitted that the NIA case itself suggest that nexalites used code names and they refer each other only with those code names and not by real names. She pointed page no.17 of NIA compilation which is extracted from NIA 2<sup>nd</sup> Supplementary charge-sheet, annexure B-3, volume-I, page nos.636-637. She relied on document by title "Party Constitution" filed in annexure B-2, Volume-I, page no.351 in her written summary argument Exh.648-B in support of her submission. It is submitted that page no.559-562 of volume II of Chargesheet 13.2 shows that there is Central Committee Member whose alias name is also Gautam. So, it is not necessary that name Gautam refers only to the applicant. She also placed reliance on the document at page no.44 of Volume-I of Annexure B-3. This document is from file Secrecy handbook. It show how to set up a secrete network, rules of secrecy how to overcome surveillance, technical methods of secret writing, hiding places and how to behave under interrogation while questioning enemy. It refers to the network being given code names. Its hows that whenever comrade is arrested those whose identities will reveal must immediately go into hiding and incriminating material must be destroyed.

47. Perusal of document titled "Party Constitution" it shows aim and objectives of the party is to accomplish the peoples democratic revolution in India by overthrowing feudalism, imperialism and



comprador bureaucratic, capitalism and establish people democratic dictatorship. It further says about fight for establishment of socialism by continuing revolution under leadership of proletariat and ultimate aim of the party is to bring amount communism.

48. She further submitted that applicant is Writer and Scholar and well known for his work on Maoism. She pointed letter at page no.1306 of Annexure B-2, Volume III. This letter is sent by graduate students of Oxford University seeking guidance to the applicant through mail, on her topic relating to women in Maoist movement. She also invited my attention to the document titled as “Days and Nights in the Heartland of Rebellion”, and submitted that applicant made deep study of Maoism and written books and articles about it, and as part of research he visited Maoist hinterland and spent time interviewing and interacting with the Maoist leaders which then he used material for his book Days and Nights in the Heartlands of Rebellion. It is submitted that applicant is falsely implicated in the crime.

49. Document titled “Days and Nights in the Heartland of Rebellion” is alleged to be recovered from accused no.2 Rona Wilson. Perusal of document it also says about the Guerilla Zone where Maoist run their own Government Jantanam Sarkar (JS). It speaks about the people living there and about author interviewed them about killings. It also says about how that movement took root and party expanded beyond Dandkaranya (DK), issue of land, etc.

50. It is submitted that the panchanamas produced by the prosecution regarding seizure of electronic devices, and panchanamas pertaining alleged seizure of You Tube videos and document of Syed Gulam Fai from open source are false and incorrect. There was no hash value provided at the time of seizure of electronic articles while alleged house search panchanama dated 28.02.2018 (NIA Second supplementary chargesheet, Annexure B, Volume-I, page nos.13-19), open source panchanama of You Tube video of the applicant (NIA Second Supplementary chargesheet annexure B, Volume I, page nos.249 to 264) and open source panchanama of documents related to Syed Gulam Nabi Fai dated 19.07.2020 (NIA Second Supplementary Chargesheet, Annexure B, Volume I, page nos.286-300).

51. She further submitted the applicant was writer and scholar, doing work on Maoism, therefore if any document about it is found with applicant does not imply that he was involved in any crime. She submitted that applicant is innocent and falsely implicated in the crime prayed for grant of bail to applicant.

52. Learned SPP placed reliance on the Letter dated 30.07.2017, at page no.1 of prosecution compilation (Pune Police Chargesheet 13.6 Vol.II page 616 and NIA Suppl. CS B-2 Vol.I page no.439). It is alleged that this letter is recovered from applicant and accused no.2. Perusal of letter it appears to be sent by Sudarshan to applicant. It say about paying tribute to martyrs of the revolutionary people's war and celebration of martyrs week with great enthusiasm. It say about taking opportunity to again double efforts against mission 2017. It further say

about constituting a team to expose the mass murders committed by the state and paramilitary forces.

53. Letter in Hindi, page no.11 to 12 of prosecution compilation (Pune Police Chargesheet 13.7, Vol. I page 75) shows it was from Anantwa to Mainibai. This letter is alleged to be seized from accused no.3 Surendra Gadling. It says about celebration of 50<sup>th</sup> anniversary of historic nexalite arm movement and war on people at Mumbai. It also say that as per directions of party, fact finding committee is formed for Jammu Kashmir and Batsar, applicant and Varunda are appointed for it.

54. Letter at page no.13 of prosecution compilation (Pune Police Chargesheet 13.7, Vol. I page 122) shows it was sent from S/S to Comrade R. This letter is alleged to be seized from accused Surendra Gadling. This letter say that CC to delegate more revolutionary members from the struggling areas. There is reference of applicant, Com. Surendra and Com. Rona to convey the message of the author of letter to CC and other Senior Party Members for jail survey in Jharkhad cases. Ld. SPP submitted that CC refers to the central committee of CPI(Maoist). The letter reflects about close relations of the applicant with senior members of banned organization. The letter also say that applicant is participating in the meeting organized on 9<sup>th</sup> September at Hyderabad.

55. Letter in Hindi, page no.14 to 16 of prosecution compilation (Pune Police Chargesheet 13.7, Vol. II page 850 to 852) appears to be

from Com. Sudha to Com. Prakash. This letter is alleged to be recovered from accused Surendra Gadling. It speaks that to stop the fear in urban cadre arose due to conviction of Prof. Saibaba, package similar to those given by Kashmir Separatist are to be given to the Comrades at urban and interior, so that they should be devoted to the organization. The letter also say that Com. Ankit and applicant are in contact with Kashmir Separatist. It further say that on 23/04/2017 programme under banner "Udta Loktantra" is organized at ISI, near Jawaharlal Nehru Stadium, Delhi against UAPA Act and Com. Arun Fereira and applicant would do major participation, and it would sharpen the operation of organization meeting with the comrades from interior regions.

56. List of code names at page no.17 of prosecution compilation, (NIA Suppl. Charge Sheet Annexure B-3, Vol. II page no. 636 to 637) alleged to be seized from accused Hany Babu. It gives code names of Prominent Comrades, as under-

|                  |                          |
|------------------|--------------------------|
| GAUTAM NAVLAKHA  | DARBAR/G/G.N.            |
| AMIT BHATACHARYA | ANKUSH/KANAHI            |
| HANY BABU        | H.B./VENKAT              |
| ARUN             | RUPESH/A.                |
| SURENDRA         | VIJAY/S/S.G.             |
| VARAVARA RAO     | V.V./CHIEF/MANYAM PITURI |
| SUDHA            | KAVERI/S                 |
| RONA             | KUPPU/R/RW               |
| SHOMA            | AJITA/S/SHOMA            |
| VERNON           | SHOOM/ASHOK/V            |

|                |        |
|----------------|--------|
|                |        |
| MALEM          | SUNIT  |
| SAIBABA        | S      |
| DEGREEE PRASAD | SUSHIL |

57. House search panchanama dated 28.08.2018 of applicant is at page no.19 to 25 of prosecution compilation (NIA Suppl. Chargesheet Annexure-B, Volume-I, page 13 to 19). This house search panchanama shows that during house search of applicant, articles such as one portable Hard Disk-Sea Gate, Sony Memory Card, Transcend USB Portable Hard Disk, Transcend USB Pen-drive-2, PNY Pendrive, San-Disk Pendrive, Sony USB Pen-drive, I-Phone with Vodafone Sim card, I-Pad Mark Book Part I and charger, Sony Floppy Disc, and Imation Floppy Disc-2 are seized. It also shows that applicant provided his e-mail ID and password. Prosecution had also produced copies of various documents seized from applicant in 3 compilation, annexure B-2 (Volume I to III)

58. Open Source panchnama of You Tube Videos of applicant, page nos.26 to 39 of prosecution compilation (NIA Supplementary Chargesheet Annexure B, Volume-I, page no 249 to 264), shows that about 14 YouTube videos of applicant's speeches are downloaded through internate. Panchanama further shows that most of the speeches are on the Indian war on people and Kashmir issues. There is one video stated to be dangers of UAPA. The hash value certificate and certificate under Section 65-B of Indian Evidence Act are filed with the said panchanama.

59. Open source panchanama of document related to case of Syed Gulam Nabi Fai in Hon'ble US Court of Eastern District of Virginia, Alexandria Division, page no.40 to 52 of prosecution compilation, (NIA Suppl. Charge Sheet Annexure B, Volume-I, page nos.249 to 264) shows that on the basis of disclosure given by applicant, document "SUPPLEMENTAL POSITION OF THE UNITED STATES WITH RESPECT TO SENTENCING FACTORS' pertaining to case **United States of America Vs. Syed Ghulam Nabi Fai** is downloaded in presence of panchas. Perusal of panchanama and document downloaded there is reference of sending of letters to US Court by applicant and he was introduced to an ISI general for recruitment by Fai at the ISI direction.

60. Document at page nos.103 to 106 of prosecution compilation, (Pune Police Charge Sheet 13.7, Volume-II, page nos.709 to 712) is alleged to be recovered from accused Surendra Gadling. It refers to the programme in coordination with the organization and intellectuals conducted in Delhi against the fake encounter of Kishenji. It shows that name of applicant was finalised as a speaker. It further says that about condemning of fake encounters and there was initial oppose for name of applicant as main speaker.

61. Letter from Com. Darsu to Com. Surendra, page no.107 of the prosecution compilation, (Pune Police charge-sheet 13.7, Volume-II, page 638) is alleged to be recovered from accused no.3 Surendra Gadling. It speaks about meeting scheduled on 2<sup>nd</sup> and 3<sup>rd</sup> September at Sundariya Hall, Hyderabad and inviting young comrades. It is stated

that comrade Sony, Bela, applicant, Anand, Hargopal and other comrades are going to participate and comrade Varavara had given permission for the same. It is stated that the young comrades be encouraged to work fulltime for the organization.

62. Document titled “Will the US Meet Its Waterloo in Afghanistan and Iraq?”, page nos.108 to 109 of the prosecution compilation (Pune Police charge-sheet 13.5, page 153 to 154), is alleged to be seized from accused Shoma Sen. The document refers to the 2<sup>nd</sup> Anuradha Gandhi Memorial Lecture by speaker Jan Myrdal held on Saturday 6<sup>th</sup> February 2010 at Mumbai.

63. Document titled ‘Agenda’, page no.110 to 115 of the prosecution compilation (Pune Police charge-sheet 13.7, Volume-I, page 10), is alleged to be seized from accused Rona Wilson. In this document under the heading ‘decision2’, there is reference about political intervention into the UPA Government and revolutionary movement. Name of applicant is mentioned in the reception committee members.

64. Document titled ‘Agenda-1’, page nos.116 to 120 of the prosecution compilation (Pune Police charge-sheet 13.6, Volume-II, page nos.704 to 708) shows there is reference of resolution 1 as focus for the next 2 years. It is stated in the resolution about initiation of propaganda campaign on the revolutionary movement primarily for next two years and for dispel various misconceptions on the revolutionary movement and the advancing class struggle in DK, Jharkhand, Bihar, Orrisa, etc. It further refers about intervening in the

burning issues-existing struggles spontaneously breaking struggles and incidents.

65. Letter dated 18.04.2017 sent by R to comrade Prakash, filed at page no.121 of prosecution compilation (Pune Police Chargesheet 13.6, Volume-I, page no.455) is alleged to be seized from accused Rona Wilson. This letter speaks about meeting of Vishnu with comrade Basanta to facilitate the deal and comrade Kisan was unable to meet directly. It further says that details of meeting and requirement of 8 Cr for annual supply of M4's with 4,00,000 rounds is conveyed. It further says about defeating Hindu fascist as core agenda as major concern of the party. It says that Hindu fascist regime its bulldozing its way into the lives of indigenous Advasis. The Com. Kisan and few other Senior Comrades have proposed concrete steps to end it and thinking along the lines of another Rajiv Gandhi type incident, which sounds suicidal. Learned SPP submitted that this letter refers about the deals of arms and ammunition and regarding larger conspiracy regarding incident on the lines of another Rajiv Gandhi type incident.

66. Letter dated 02.01.2018, sent by comrade M to comrade Rona at page no.122 of prosecution compilation (Pune Police Chargesheet 13.6, Volume-II, page no.460-461) is alleged to be seized from accused Rona Wilson. It speaks about consolidating many dalit struggles across the country within few years. It says that higher committee has provided 2 rounds of funds to com Sudhir for this task, com Shoma and Surendra are authorised to provide funds for future programme. It says that Bhima Koregon agitation has been very



effective, the unfortunate death of youth must be exploited to prepare future agitation and propaganda material. It says to explore the possibility of new fact finding to further highlight the incident. It says about sentiments of the castes and that it should be converted into larger scale mobilization and chaos and keeping the pressure through simultaneous protest programme across many states. This letter also says about the suggestion to set up new secure mail account and PGP password for 2018.

67. Learned SPP placing reliance on the letter (Page nos.925-926 of the Annexure B-3, Volume-II), submitted that the accused persons had planned larger conspiracy. This letter is alleged to be sent by Varvara to the Comrades. It is stated in the letter that all the issues arose in the meeting dated 26<sup>th</sup> September held at New Delhi are already informed . It is further stated in letter that the decision is taken to implement on the issues discussed secretly between Com. Rona, Com. Sudhir, Com. Raja, Com. Malme and Vernon. Some big targets are required to be achieved for regaining of confidence among comrades. There is possibility that top leaders who are in government would pay visits due to legislative election in Uttar Pradesh and Punjab, so big blast be done similar to the blasts done previously in the rally at Gandhi Maidan, Patna, during Bihar legislative election. It is further stated in the letter that the location of public meetings of the big leaders be verified and it is implemented with the option of instrument “Booby Trap.” The letter disclosed about the planning and larger conspiracy to commit terrorist act of blast in public meetings of big leaders.

68. Learned SPP invited my attention to the letter dated 26.12.2017 sent by R to comrade Prakash (Pune Police Chargesheet 13.6, Volume-II, page no.477). This letter is alleged to be seized from accused Varavara Rao. Learned SPP submitted that this letter reveals about the negotiation and deals of purchase of arms and ammunition by them through Nepal. The letter say that the author is in touch with the supplier through designated contact from Nepal. It says that Comrades from Manipur may also assist, V.V. has the authority to communicate with them and it would benefit to fast track the process and get equipment ready on ground. It further says that they are losing dozens of comrades in encounter (Bijapur/Malkangiri/Gadchiroli). Surendra and V.V. both feel pressing need to inflict damage on the enemy force. It also says that Vishnu is negotiating the required quantity/amount and most equipment can be transported via two separate routes through Nepal through Kolkata(Panihati). The photographs and descriptions of the weapons are attached with the said letter. Letter reflects about deal of purchase of arms ammunition by accused persons.

69. Learned SPP pointed letter sent by Com. Prakash to Com. Rona (Pune Police Chargesheet 13.6, Volume-II, page no.789). This letter speaks about giving of information to Com. Surendra and Com. Sudha by the Senior Comrades of the party about IPL of other states. It is asked to inform when FF would be sent to Gadchiroli Surajgad, after consulting with Com. Surendra.

70. Learned SPP also relied another letter (page no.45). This letter in Hindi is sent by Com. Surendra to Com. Prakash. It say about

providing of funds by Hawala. It further say that about 12 to 20 members are encountered due to which other members may discourage, so the fact finding committee be formed and it be propagated that innocent local Adivasi are encountered so that the image of enemies be tarnished. This letter also shows that accused Surendra congratulate on the party comrades for killing 25 persons of enemy i.e. Police persons. Ld. SPP submitted that enemies addressed in letter to the government. Learned SPP submitted that FF is code word for fact finding committee which is used to show that Government security forces encounter innocent people and it tarnishes the image of Government.

71. Learned SPP relied Statement of witness KW-4 (page no.87 of list of witnesses Annexure A). It is stated in the said statement that applicant, Urban naxal members Smt. Manju w/o late Vijay @ Vishnu, Arun Ferreira, Angella w/o Milind Teltumbde, members of Kabir Kala Mach namely Ramesh Gaychor @ Yogesh, Sagar Gorkhe @ Aakash, Jyoti Jagtap @ Vaishali, Sheetal Sathe @ Janki, Sachin Mali, Rupali Jadhav @ Priya, Harshali Potdar, Surendra Gadling, Jagdish Meshram, Vernon Gonsalvis, Varavara Rao, Prof. Shoma Sen, Rona Wilson, Prof. Sai Baba, Sudha Bhardwaj, Vira Satidar, Sudhir Dhawale, Mahesh Raut etc. when came to meet Milind Teltumbde about urban work of CPI(Maoist), in jungle they underwent weapon and explosive training and awareness programme.

72. Considering totality of material discussed above, it is alleged in FIR that accused persons under banner of Elgar Parishad propogated the ideology of banned terrorist organization CPI (Maoist). Perusal of

report/Supplementary charge-sheet filed against applicant, it shows that said organization have engaged in arms struggle based on Guerrilla warfare. They have attacked and killed many Government security forces from time to time. They looted arms and weapons and acquired materials required to prepare explosives. There are specific allegations regarding killing of arm personnel. They hatch serious conspiracy to create unrest in the entire country and to overpower the government, politically and by using muscle power. Letter dated 18.04.2017 alleged to be sent by co-accused Rona Wilson to comrade Prakash (Pune Police Chargesheet 13.6, Volume-I, page no.455), speaks about deal of supply of arms and Senior Comrades have proposed on the lines of another Rajiv Gandhi type incident. It prima facie shows there was big conspiracy.

73. The supplementary charge-sheet and documents relied by the prosecution prima facie shows that applicant is active member of said banned terrorist organization and he carries out activities in furtherance of object of said organization. Various documents are seized from applicant during his house search through electronic gazettes. The documents produced with charge-sheet shows active involvement of applicant in crime and participation in conspiracy. CDR and Email chart produced with charge-sheet and emails seized from email ID of applicant reveals about connection of applicant with other co-accused. Applicant is alleged to have acted member of fact finding committee for organization. It also shows that he underwent weapon training with other accused.

74. It is alleged in chargesheet that applicant had visited the USA thrice, to address 'Kashmiri American Council' (KAC) Conference organized by Ghulam Nabi Fai. He was in touch with Ghulam Nabi Fai via email address gnavlakha@gmail.com and sometimes via phone. Ghulam Nabi Fai was arrested by the FBI in July 2011 for accepting funds from ISI and Pakistan Government. Applicant had written a letter to the Hon'ble Judge of the US Court, trying Ghulam Fai's case for clemency. Applicant was introduced to Pakistani ISI General for his recruitment by Ghulam Nabi Fai on the direction of Inter-Services Intelligence (ISI), showing his nexus and complicity with Ghulam Nabi Fai and Pakistani ISI. Prosecution had produced copy of document titled "SUPPLEMENTAL POSITION OF THE UNITED STATES WITH RESPECT TO SENTENCING FACTORS' pertaining to case United States of America Vs. Syed Ghulam Nabi Fai downloaded vide open source panchanama on the basis of disclosure given by applicant. It prima facie shows nexus between applicant and Syed Gulam Nabi Fai. Though, there appears to be some deviating conduct on part of the applicant as pointed by learned advocate for applicant from report on Gautam Navlakha(GN) and other documents discussed above, same cannot grant any benefit to applicant for bail.

75. Considering totality of material, role of applicant cannot be segregated from role of the co-accused and there are reasonable grounds for believing that the accusation against the applicant are prima facie true. Material/evidence collated by the Investigating Agency in reference to accusation against applicant prevailed over the material and grounds putforth on behalf of the applicant. I have gone through

order placed on record by learned advocate for applicant passed by Hon'ble Bombay High Court in case of **Iqbal Ahmed Kabir Ahmed** cited **Supra**. With great respect to the ratio laid down therein, same is not helpful to the applicant for grant of bail. I have also gone through order dated 18.11.2022 passed by Hon'ble Bombai High Court in Criminal Appeal no.676 of 2021, granting bail to co-accused Anand Teltumbde. The role of the applicant is much different than role of the co-accused Anand Teltumbde. In view of my humble view ground of parity is not applicable to the applicant. In view of express bar imposed under Section 43-D of UAPA Act applicant is not entitled for grant of bail. It is submitted on behalf of applicant that he is of old age person suffering from ailments and he is in jail since last 3 years. In view of seriousness of allegations made against applicant, collective interest of community would overweigh in the case and the grounds putforth would not go in favour of applicant. Applicant failed to make out grounds for grant of bail. Hence, I proceed to pass following order:-

**ORDER**

**Bail Application Exh.648 is rejected and disposed off.**

**(Rajesh J. Katariya)**  
**Special Judge,**  
**City Civil & Sessions Court,**  
**Gr. Bombay**

**Date : 06.04.2023**

Dictated on : 06.04.2023

Typed on : 06.04.2023

Signed on :

| <b>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”</b> |                |   |
|--|----------------|---|
| <b>UPLOAD DATE</b>   | <b>TIME</b>    | <b>NAME OF STENOGRAPHER</b>                 |
| <b>11.04.2023</b>  | <b>7.06 pm</b> | <b>Umesh G. Jadhav (Grade I)</b>            |
| Name of the Judge  |                | <b>HHJ Shri R.J.KATARIYA<br/>(CR No.25)</b> |
| Date of Pronouncement of Judgment/Order.   |                | <b>06.04.2023</b>                           |
| Judgment/order signed by P.O on  |                | <b>06.04.2023</b>                           |
| Judgment/order uploaded on   |                | <b>11.04.2023</b>                           |