

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

Present: Sri. Anil.K.Bhaskar, Judge for NIA Cases

Thursday the 13th day of July, 2023/ 22nd Ashada, 1945

**SESSIONS CASE No.1/2015 NIA
R.C.No.1/2011/NIA/DLI**

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| <u>Complainant:</u> | Union of India represented by National Investigation Agency, Kochi. |
| | By Smt. Sindhu Ravishankar Public Prosecutor, NIA |
| <u>Accused:</u> | <ol style="list-style-type: none"> 1. Savad (A1), age 38 years, Mundassery House, Ashamannoor vllage, Nooleli Kara, Near Nooleli Mosque (Absconding). 2. Sajil (A2), age 42 years, S/o. Makkar, Thottathikkudy House, Randarkara, Muvattupuzha Village, Ernakulam District, Kerala. 3. M.K Nasar (A3), age 55 years, S/o. Kunhanpillai, House No. 7/276, Marangattu House, Kunhunnikkara Kara, Aluva, Ernakulam District. 4. Shafeeq (A4), age 33 years S/o. Fakrudeen, Thelappuram House, Ekkunnam Bhagam, Odakkali, Ernakulam District, Kerala. 5. Najeeb.K.A (A5), aged 47 years, S/o. Abdul Khader, House No. VII/656, Karimberapady House, Uliyannoor Kara, Kadungallur Village, Aluva, Ernakulam District, Kerala. 6. Azeez Odakkali (A6), age 40 years, S/o. Bava, Kizhakkanayil House, VII/403, Ekkunnam, Pallippady, Asamannoor Village, Kuruppampadi, Ernakulam District, Kerala. 7. Mohammed Rafi @ Rafi (A7), age 42 years, S/o. Beeran, Mattuppadi House, Perickappalam, Thottakattukara ,Aluva, Ernakulam. |

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| | <p>8. Subair T.P @ Subu (A8), age 41 years, S/o. Pareeth Pillai, Karimbanakkal House, Near Ice Plant, Similiya Junction, West Veliyathunad, Aluva, Ernakulam District, Kerala.</p> <p>9. M.K Noushad (A9), age 48 years, S/o. Kunhu Muhammed, Mannarkkad House, Kunhunnikkara, Kadungalloor, Aluva, Ernakulam District, Kerala.</p> <p>10. Mansoor (A10), Age 53 years, S/o. Aliyar, Kanhirathunkal House, Kunnatheri, Choornikkara, Aluva, Ernakulam District, Kerala.</p> <p>11. P.P Moideen Kunhu (A11), age 60 years, S/o. Pareeth Musaliyar, Puliyaath House, Kunhunnikkara, Kadungalloor Village, Aluva, Ernakulam District, Kerala.</p> <p>12. P.M Ayoob @ Ayoob (A12), age 49 years, S/o. Moideen, Panikkaruveetil House, Thaikkattukkara, Aluva West, Ernakulam District, Kerala.</p> |
| | <p>A3 to A12 by Adv. Sri. P.C. Noushad and Sri. P.K. Abdurahiman. A4 by Adv. Sri. Wakarulislam.K.S. A2 by Adv. Sri. Abdul Latheef.M.P.</p> |

Offences charged:- : U/s. 143, 147, 120B, 148, 201, 202, 212, 341, 427, 323, 324, 326, 506(ii), 153A, 307 r/w 149 and 120B of IPC, Sec. 3 and 6 of Explosive Substance Act, 1908 and Sec. 16, 18 & 20 of UA(P) Act, 1967.

Plea of the accused : Not guilty

Finding:- : **A2 is found guilty** of the offence punishable u/s. 15 r/w 16 and Sections 18 and 20 of the UA(P) Act, Sec. 143, 148, 201, 212 of IPC, Sections 341, 427, 323, 324, 326, 506(ii), 307, 153A r/w 149 and 120B of IPC and Section 3

of the Explosive Substance Act r/w Sections 149 and 120B IPC. He is found not guilty u/s. 202 IPC.

A3 is found guilty of the offence punishable u/s. 20 of the UA(P) Act, Sec. 201 of IPC, Sections 341, 427, 323, 324, 326, 506(ii), 307, 153A r/w 120B of IPC and Sec. 3 of the Explosive Substance Act r/w Sec. 120B IPC. He is found not guilty u/s. 15 r/w 16 of UA(P) Act and 143 of IPC.

A5 is found guilty of the offence punishable u/s. 20 of the UA(P) Act, Sec. 212 of IPC, Sections 341, 427, 323, 324, 326, 506(ii), 307, 153A r/w 120B of IPC and Sec. 3 of the Explosive Substance Act r/w Sec. 120B IPC. He is found not guilty u/s. 15 r/w 16 of UA(P) Act and 143 of IPC.

A9, A11, A12 are found guilty of the offence punishable u/s. 202 of IPC and Sec. 212 r/w 120B of IPC. They are acquitted u/Ss. 341, 427, 323, 324, 326, 506(ii), 153A, 201, 307, 120B of IPC, Sec. 3 and 6 of the Explosive Substance Act and Sec. 15 r/w 16, 18 and Sec. 20 of the UA(P) Act.

A4, A6, A7, A8 and A10 are found not guilty of the offence punishable 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 of IPC, Section 3 & 6 of the Explosive Substance Act with the aid of sec.120B, besides Section 15 r/w.16, 18 and sec.20 of the UA(P) Act. In addition to that A7 & A8 are also charged for the offence under Sec.118 IPC.

Sentence or Order:-

- : **A2, A3 and A5** convicted and sentenced to undergo -
 Sec.20 of the UA(P) Act – Imprisonment for life,
 Fine – 50000/- IDRI- 6 months.
 341 r/w 120B (A2- 149 also)- Imprisonment- 1 month RI.
 427 r/w 120B (A2- 149 also)- Imprisonment- 1 year RI.

323 r/w 120B (A2- 149 also)- Imprisonment- 3 months RI.

324 r/w 120B (A2- 149 also)- Imprisonment- 1 year RI.

326 r/w 120B (A2- 149 also)- Imprisonment - 5 year RI,
Fine – 15000/- IDRI- 6 months.

506(ii) r/w 120B (A2- 149 also)- Imprisonment- 2 year RI.

307 r/w 120B (A2- 149 also)- Imprisonment- 10 year RI,
Fine – 50000/- IDRI- 6 months.

153A r/w 120B (A2- 149 also)- Imprisonment- 2 year RI,
Sec. 3 of the ES Act – Imprisonment – 10 years,
Fine – 50000/- IDRI- 6 months.

A2 additional – Sec. 15 r/w 16 - Imprisonment -
10 year RI, Fine – 50000/- IDRI- 6 months.

Sec. 18 - Imprisonment - 10 year RI. Fine – 50000/-,
IDRI- 6 months.

143 IPC - Imprisonment- 3 months RI.

148 IPC - Imprisonment- 2 years RI.

212 IPC - Imprisonment- 3 years RI. Fine – 10000/-,
IDRI- 6 months.

A3 Additional - 201 IPC - Imprisonment- 3 years RI,
Fine – 10000/- IDRI- 6 months.

A5 Additional -212 IPC - Imprisonment- 3 years RI,
Fine – 10000/- IDRI- 6 months.

A9, A11 and A12 convicted and sentenced to undergo -
202 IPC - Imprisonment- 6 months RI,
Fine – 10000/- IDRI- 1 month.

212 r/w 120B IPC - Imprisonment- 3 years RI,
Fine – 10000/- IDRI- 6 months.

Accused entitled to get set off under Section 428 CrPC.

Out of the fine (if realised) Rs. 4,00,000/- to be paid to
PW26 u/s. 357(1) CrPC.

Description of accused

| Sl. No | Name | Fathers Name | Religion | Occupation | Residence | Age |
|--------|------------------------------|--------------|----------|-------------|---|----------|
| 1. | Savad (Absconding) | Meerakutty | Muslim | Nil | Mundassery House, Ashamannoor village, Nooleli Kara, Near Nooleli Mosque. | 38 years |
| 2. | Sajil | Makkar | Muslim | Nil | Thottathikkudy House, Randarkara, Muvattupuzha Village, Ernakulam District, Kerala. | 42 years |
| 3. | M.K Nasar | Kunhanpillai | Muslim | Agriculture | House No. 7/276, Marangattu House, Kunhunikkara Kara, Aluva, Ernakulam District. | 55 years |
| 4. | Shafeeq | Fakrudeen | Muslim | Nil | Thelappuram House, Ekkunnam Bhagam, Odakkali, Ernakulam District, Kerala. | 33 years |
| 5. | Najeeb.K.A | Abdul Khader | Muslim | Nil | House No. VII/656, Karimberapady House, Uliyannoor Kara, Kadungallur Village, Aluva, Ernakulam District, Kerala. | 47 years |
| 6. | Azeez Odakkali | Bava | Muslim | Accountant | Kizhakkanayil House, VII/403, Ekkunnam, Pallippady, Asamannoor Village, Kuruppampadi, Ernakulam District, Kerala. | 40 years |
| 7. | Mohammed Rafi @ Rafi | Beeran | Muslim | Sales man | Mattupadi House, Perickappalam, Thottakattukara, Aluva, Ernakulam District, Kerala. | 42 years |

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| 8. | Subair T.P @ Subu | Pareeth Pillai | Muslim | Electrician | Karimbanakkal House, Near Ice Plant, Similiya Junction, West Veliyathunad, Aluva, Ernakulam District, Kerala.. | 41 years |
| 9. | M.K Noushad | Kunhu Muhammed | Muslim | Painting | Mannarkkad House, Kunhunnikkara, Kadungalloor, Aluva, Ernakulam District, Kerala. | 48 years |
| 10. | Mansoor | Aliyar | Muslim | Painting | Kanhirathunkal House, Kunnatheri, Choornikkara, Aluva, Ernakulam District, Kerala. | 53 years |
| 11. | P.P. Moideen Kunhu | Pareeth Musaliyar | Muslim | Business | Puliyath House, Kunhunnikara, Kadungalloor Village, Aluva, Ernakulam District, Kerala. | 60 years |
| 12. | P.M. Ayoob @ Ayoob | Moideen | Muslim | Business | Panikkaruveettil House, Thaikkattukkara, Aluva West, Ernakulam District, Kerala. | 49 years |

Date of

| Occurrence | Complaint | Apprehension | Release on bail | Commitment/ Date of filing |
|------------|------------|--|--|-------------------------------|
| 04.07.2010 | 04.07.2010 | A2- 03.08.2016 A3- 06.11.2015 A4- 29.06.2019 A5- First arrest on 10.04.2015, Second arrest on 18.12.2019 | A2- 15.09.2017 A3- In Judicial custody A4- 29.04.2022 A5- First release on 23.07.2019, Second release on 01.02.2021 | 13.04.2015 |

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| | | A6- 03.03.2016 A7- 09.10.2018 A8- 05.11.2014 A9- 12.06.2011 A10- 05.08.2017 A11- 28.11.2011 A12-13.07.2015 | A6- 06.06.2018 A7- 31.01.2019 A8- 27.03.2015 A9- 07.12.2011 A10- 11.04.2018 A11- 06.03.2012 A12-29.11.2015 | |
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| Commence ment of trial | Close of trial | Date of Judgment | Sentence / Order | Service of copy of judgment or finding on accused | Explanation for delay. |
|------------------------------|-------------------|---------------------|---------------------|---|---------------------------|
| 23.06.2021 | 15.06.2023 | 12.07.2023 | 13.07.2023 | 13.07.2023 | No delay |

This case having been come up for final hearing before me on 06.07.2023 in the presence of the learned Public Prosecutor and the learned counsel for the accused and the court on 12.07.2023 delivered the following:-

JUDGMENT

1. A nonsensical dialogue a madman contrives between God and himself, the madman playing the role of both parties, was included in a language paper for graduate-level students. The Professor who penned the question named the madman as "Mohammed", and this hurt the feelings of many who believed in the Muslim faith. The state then suomoto registered a criminal case against the Professor for performing an act prejudicial to the maintenance of harmony; however, a group of religious fanatics who were not ready to leave it to the court of law to adjudicate whether the alleged conversation is innocuous, a creative piece of

writing or an act which promotes hatred between different groups on grounds of religion, took the law into their own hands and declared it as an act of blasphemy to Prophet Mohammed and Islam. They then themselves delivered the sentence as per the religious text and executed the sentence by chopping off the right hand of the Professor, the hand by which he had penned the question. This most uncivilized act is the subject matter of this case.

2. Needless to say, faith cannot be used as a dehumanising force, and more importantly, a country governed by the rule of law cannot fathom it.

3. The factual details of this case are as follows:- In 2010, T. J. Joseph was the Associate Professor and the Head of the Malayalam department of Newmans College, Thodupuzha. He set the Malayalam language question paper for the second-semester internal examination for the B.Com first-year students. The examination was held on 23.03.2010. In Question No.11, the students were asked to provide the most suitable punctuations and symbols to a two-piece dialogue a man named 'Mohammed' had with God. Mohammed starts the conversation. It goes on as:

Mohammed: Creator Creator

God: What is it son of a bitch.

Mohammed: A mackerel if one cuts it how many pieces will there be

God: You dog how many times do I have to tell you it is three.

4. This question created embarrassment among certain students. Some felt it most inappropriate. While answering the question, one Muslim student avoided the name of Mohamed and God, and she answered it as a conversation

between two brothers. In the answer sheet, she referred to them as two brothers, one elder and the other younger.

5. After two days, question No. 11 became so controversial. It became a boiling issue resulting in many protests, especially from Muslim organisations. PFI & SDPI were at the forefront of these protests. There were processions, hartal etc. The college authorities received anonymous threatening letters. A Suo moto criminal case got registered against Prof.T.J. Joseph on 26.03.2010 as crime no.327/2010 u/s.153A & 295A IPC. He was arrested on 01.04.2010, remanded to jail, and released on bail only after six days. A series of incidents occurred in which persons, as a group, trespassed into the residence of Prof.T.J. Joseph, creating a sense of fear in the minds of the Professor and his family members. It occurred on 06.05.2010, 17.05.2010 & 28.05.2010.

6. Prof.Joseph is a Christian by birth and by belief. On 04.07.2010 Sunday morning, Prof.Joseph and his sister Stella and mother Elikutty had gone to Nirmala Matha Church in his black Maruthi Wagon-R car bearing registration No.KL 17 E 1795. While returning in the same car after attending the Holly Sunday mass, at about 8.05 am, at Hostelpadi, near Nirmala School, a group of men armed with deadly weapons and explosive substances came in a Maruthi Omni van and intercepted the Wagon-R car, committed mischief causing damages to the car, pulled out Prof. T. J. Joseph from the car and inflicted multiple cut injuries, at the end chopped off his right hand, the one used by the Professor to pen the controversial question, and after that thrown away the severed hand to the nearby compound. When the son and the sister of Prof. T. J. Joseph tried to interfere, they

were also attacked and got injured. After that, the assailants left the place. Within no time, the injured Professor was shifted to the hospital. Fortunately, the thrown-away chopped-out palm was traced out at once from a nearby house compound and taken to the hospital. Timely medical assistance saved the life of Prof. Joseph.

7. Information on the incident was immediately passed over to the police, and the Sub Inspector of Muvattupuzha police station reached the place of occurrence at once, and it was he who carried the chopped hand of the Professor to the hospital. After recording the statement of Salomi the wife of the Professor, he registered this case as crime No. 714/2010 of Muvattupuzha Police Station against unnamed persons at 9.00 am itself. A breakthrough happened within half an hour. The police were able to intercept and take into custody the Omni van involved in the crime from Perumbavoor at 9.25 am, and Jaffer the driver of the vehicle, was arrested.

8. The Kerala Police carried out the first part of the investigation, and thereafter NIA took over the investigation. Investigation revealed the involvement of 54 persons, including Jaffar, and all these 54 persons were arrayed as accused of this crime by the Kerala police.

9. According to the Prosecution the accused who were the then leaders/active members of the Popular Front of India (PFI) and the Social Democratic Party of India (SDPI), motivated with the specific intention of taking revenge on Professor Joseph, hatched a criminal conspiracy by gathering at various places on various dates and through multiple means of communication and thereupon agreed to form a terrorist gang to physically attack and commit the

murder of Prof. Joseph, so as to strike terror in the minds of the people and to promote enmity and hatred between different groups on ground of religion, and also chocked out a detailed plan to the post incident stage for the escape of the assailants, disappearance of evidence, to provide safe hideouts to the assailants and for surrendering another set of persons before the police and thereby to screen the actual assailants, and thereafter in furtherance of the conspiracy entered into, each one of the accused persons performed the specific roles assigned to them and accordingly the incident on 04.07.2010 and the subsequent events happened. The 54 persons arrayed as accused include the assailants, conspirators, persons who aided and assisted the commission of the crime, and persons who harboured the assailants and destroyed the evidence at the post-incident stage.

10. The prosecution put forward its case against the accused as follows:-
 - i) The semester examination with the controversial question paper was held on 23.03.2010.
 - ii) It was known to the public on 25.03.2010 and the PFI/SDPI took a solid exception to the controversial question, issued pamphlets against Prof. Joseph, and initiated various protests thereafter.
 - iii) On 28.03.2010 Ernakulam District convention of PFI was held at Seema's Auditorium Perumbavoor. It became a venue for forming an unlawful assembly by about nine accused persons who participated in the said convention to discuss how to take revenge on Prof. Joseph. They transformed into a separate group, deliberated, conspired and decided to constitute a terrorist gang, to recruit persons into the

terrorist gang, to have different teams for preparation, piloting, harbouring, financing, and to attack Prof. Joseph and had chosen one among them as the gang leader.

- iv) The next conspiracy was at the Inspection Bungalow (IB) of Kerala Water Authority, Muvattupuzha. The IB was booked for convening a leadership meeting of SDPI. It was first scheduled to be held on 21.03.2010, which was later postponed and held from the evening on 03.04.2010 and continued on 04.04.2010. Again, it became a venue for the formation of an unlawful assembly; this time, around 14 accused persons joined the unlawful assembly conspired and carried on further deliberations in this regard.
- v) The next rounds of conspiracy meetings are said to have taken place on 06.04.2010 at Revenue Tower, Kothamangalam from where four accused persons conspired and deliberated, thereafter on 10.04.2010 at the premises of Taluk Head Quarters Kothamangalam from where two accused persons conspired and deliberated, thereafter on 19.04.2010 from the building of Pallikkal Meeran near Substation Padi, Kothamangalam from where ten accused persons conspired and deliberated, thereafter on 06.05.2010 at Perumbavoor Municipal Park from where three accused persons conspired and deliberated, thereafter on 27.05.2010 at Muvattupuzha Municipal Park from where seven accused persons conspired and deliberated about the future course of action.

- vi) On 04.05.2010, yet another criminal conspiracy was hatched at Kothamangalam Municipal Park. In that conspiracy meeting, seven accused persons participated. From there, it was decided to arrange money, weapons, explosives, and vehicles and obtain mobile phones and SIM cards using false IDs to facilitate the commission of the crime.
- vii) Later, on 15.06.2010, the gang leader arranged and handed over ₹1 lakh, the required amount for purchasing a Maruthi Omni van from Thrissur and utilizing the said amount, a white Maruthi Omni van bearing Reg No.KL07 AH 8768 was purchased from Thrissur by two of the accused persons.
- viii) Under instructions, three accused persons got involved in the preparation of a sketch of the route to the house of Prof. Joseph. Further, upon the direction the gang leader gave, the co-accused obtained mobile phones and handed over the same to the gang leader.
- ix) On 01.07.2010, the gang leader convened a meeting of the attacking team members from his house at Kunjunnikkara and deliberated on shaping the future course of action.
- x) Nextly on 03.07.2010 at 5.00 pm, a high-level committee meeting of PFI was held at the house of PW45 Ansari the Ernakulam district Joint Convener of PFI, to discuss the steps to be taken to harbour the accused and the propaganda to be made after the incident. Four accused persons participated in the said meeting.
- xi) On the same day, at 9.00 pm, the leader of the terrorist gang convened

a meeting of the attacking team from his house at Kunjunnikkara. The leader entrusted the weapons and explosives to the attacking team members. The attacking team consist of seven accused persons. After the meeting, two of them left the place and the rest of the attacking team members stayed in the leader's house.

- xii) After the meeting, the leader went out and met other co-accused, handed over three mobile phones with SIM cards to be used by the patrolling team, and gave strict instruction that after the attack on Prof. Joseph, all the team members shall reach Said Masjid at Bank Junction Aluva and return those mobile phones.
- xiii) On 04.07.2010 early hours, the members of the patrolling team left for Muvattupuzha, the place where Prof. Joseph resides. Two of them took position on the Muvattupuzha-Thodupuzha road having a view of the police station to watch the movements of police vehicles. One person took a position at the roadside on the way from Nirmala church to the house of Prof. Joseph to watch his movements. The other person took a position near the Nirmala church again to watch the movements of Prof. Joseph.
- xiv) On the same day, during the early hours, to confirm the arrangements the leader of the gang personally met some of the co-accused, contacted some others over the phone, and arranged ₹25,000/- towards the expenditure of the operation and further needs thereafter he along with a co-accused went to Angamaly and be there in and

around the Angamali Juma Masjid up to 08.50 hrs. From there, the gang's leader monitored the entire operation and gave directions to the pilot team from Mob Ph No.9744528638. This number was used only on 03.07.2010 & 04.07.2010, that too, to contact only the members of the pilot team who were keeping with them the Mobile phones with Nos.9946055745, 9746588290 & 9645631249. There are 20 calls among these numbers between 06.44 & 08.50 hrs, and out of these, 13 calls are with one particular number that too only from 07.26 till 08.50 hrs.

- xv) On the same day, during the early hours, the members of the assailant team proceeded in the Maruthi Omni Van with a number plate exhibiting fake Reg. no.KL7AD 7201 to commit the crime as planned. They transformed into an unlawful assembly, the common object was to execute the crime in furtherance of the conspiracy already entered into. They reached Hostelpady at about 08.05 am. They were carrying deadly weapons like axe, choppers and knives. On spotting the car of Prof.T. J. Joseph, the driver of the Omni van, stopped the van across the Wagon-R car and intercepted it. Except for the driver, all the other six accused persons came out of the Omni van with choppers, axes, knives and explosives, surrounded the Wagon-R car, and wrongfully restrained Prof. T. J. Joseph from moving further. The driver of the Omni van turned around the van and remained in the driver's seat for a quick escape from the scene after the commission of the offence. One

of the accused smashed the car's right front side door glass using the axe he held. Another one smashed the car's front glass using a chopper he held. The next one smashed the left front side door glass of the car using a chopper he held, and as such they caused damage to the car to the tune of ₹8,000/-. Thereafter, four accused persons together pulled Prof. Joseph out of the car. When Sister Stella tried to save Prof. Joseph, another person among the accused pressed down on her neck, manhandled and wrongfully restrained her by pressing her towards the wall on the road's northern side. One among the accused cut the ankle of the left leg of Prof. Joseph twice using the chopper. Another one inflicted serious cut injuries using the axe on the left thigh, left foot, and left leg ankle. Thereafter, the four accused together pulled down Prof. Joseph on the road and dragged him to the back side of the car. They were exhibiting weapons and explosives; and kept away the persons coming out of the church. On seeing Salomi and Mithun, the wife and son of Prof. Joseph, rushing to the spot, the person in possession of the explosive hurled it and threatened them, saying that "Do not approach, otherwise you will be killed" and as such generated fear of death and terrorized the people. Mithun, who was holding a chopper in his hand, tried to save his father, Prof. Joseph. In that attempt, one of the accused sustained injuries on his dorsal side. Immediately, two of the accused persons forcibly caught Mithun and threw him to a low-lying area at the nearby school compound having a

04.10-meter depth. Some of the accused forcibly laid Prof. Joseph on the road, and one among the group cut the left wrist of Prof. Joseph using an Axe, causing the fracture. At that time, one among them said that "You are chopping off the wrong hand; chop off the right hand instead", then one accused pressed the right hand of Prof. Joseph towards the road (on a concrete block), and then the man in possession of axe cut on the right hand of Prof. Joseph several times saying that "you have ridiculed the Islam religion using this hand, you don't write with this hand again" and ultimately he took the chopped off right palm of Prof. Joseph and threw away the same into the nearby compound. The intention was to kill Prof. Joseph by inflicting serious cut injuries and subsequent bleeding.

- xvi) After this incident, the attacking team escaped from the scene in the same Maruthi Omni van. On the way at Varapetty, one assailant alighted from the van and handed over the bag containing weapons to a member of the harbouring team who was waiting there as pre-planned in the conspiracy. He received the weapons bag, left the place, and destroyed the evidence.
- xvii) The Omni van was brought to Irumalapady junction and handed over the same to Jaffer, who was waiting there as re-planned in the conspiracy. He then removed the fake number plate and fitted the real number plate on the Omni van and drove it along the Kalady-Perumbavoor route to hand over to Ashraf who was waiting there as

pre-planned to destroy the vehicle forever. Jaffer threw the fake number plate at the Periyar Valley Canal.

- xviii) Two injured accused persons were rescued in a black Indica car from Irumalapady to Thottakkattukara and shifted to a Lancer car bearing No.KL07 AH 1515. As directed by the leader of the gang, they were taken to the house of Abdul Salam (PFI Area secretary) at Aluva. From there the two injured persons were given medical treatment. Subsequently, the key accused escaped from the place in a Scorpio car bearing number KL.03 J 3883.
- xix) The remaining members of the assault team assembled at Aluva-Companyyady as pre-planned and took shelter in the house bearing number XVIII/617-A of Edathala Grama Panchayath. Mainly two post-incident conspiracy meetings were held on the same day. One at the home having number VIII/533 of Mannam in Chittatukara Grama Panchayath. From there, the leader of the gang made arrangements and procured two mobile phones and SIM cards. A Maruthi Alto car bearing registration No.KL08AB8897 was also arranged for the escape of the accused. The second one was held at the house bearing number VI/1284 of Vengola Panchayath.
- xx) On the same day, evening as pre-planned, one accused person took the initiative and conducted a protest march in Perumbavoor town after gathering around 50 activists of PFI and SDPI demanding the release of two accused persons who were arrested by that time and to

sabotage the police investigation and to bring out the religious feelings of common Muslims against Police and conducted Dharna in front of Perumbavoor police station and all these acts were done as pre-planned.

- xxi) Thereafter the assailants were shifted to Pre- arranged hideouts, including a house at Elookara, a house having no.XVIII/269 of Maradu Grama Panchayath, at a house having no. TC-68/896, at Pachalloor, Thiruvananthapuram; another one a flat by the name Daffodils near Aswini Hospital, Thrissur, another one a house at Valancherry.
- xxii) Further, a set of persons were kept ready in the building having No.XXX/1615 of Cochin Corporation, Ponnurunni, Vytilla, as the dummy accused, to surrender before the police to mislead the police and also to ensure that the law of the land would not punish the real culprits. During this period four accused rendered financial help to those who went absconding and their family members as part of the conspiracy. This is the prosecution case's layout and how the prosecution fixes the liability on the accused.

11. The present proceeding is in fact the second phase trial in the above case. 12 accused persons are involved in this second phase of the trial. I will now make a brief reference to the first phase trial. After the investigation, Kerala Police filed the first final report on 14.01.2011 against 27 accused persons. The names of the remaining 27 accused were included in the final report as persons not charge sheeted for the time being.

12. In the meanwhile, as per order No.1-11011/62/2010-IS-IV dated 09.03.2011 of the Ministry of Home Affairs, the National Investigating Agency took over the investigation and the case was re-registered as RC.01/2011/NIA/DLI on 09.04.2011. NIA filed the first supplementary final report before the court on 18.01.2013 against 9 more accused persons. A second supplementary report was filed by NIA on 12.04.2013 against one accused person.

13. Before this court, All 37 accused persons covered by the above three charge sheets were called upon to face trial in SC No.1/2011(NIA). Out of the 37 accused, six accused absconded and failed to face trial. 31 accused persons faced trial. By its judgment dated 30.04.2015, this court convicted 13 accused persons and acquitted the remaining 18 accused persons.

14. The conviction and acquittal are under challenge before the Hon'ble High Court. The appeal filed by both sides is pending.

15. The case against the six absconding accused was split up and refiled as SC No.1/2015(NIA), which is the present case. Those six accused are the accused No.1 to 6 herein. A1 Savad, who is said to be the person who chopped the right palm of Prof. Joseph, has been absconding from the date of the incident and continues to be so. A2 to A5 surrendered before the court. Among them, A3 is in judicial custody, and others are on bail.

16. On 01.06.2017, NIA filed the third supplementary final report, the last one in the series, against six accused persons. The names of the remaining 11 accused are still shown as persons not charge sheeted for the time being.

17. The case against the six accused persons covered by the third

supplement report dated 01.06.2017 was taken on file as SC.02/2017/NIA. All six accused persons are on bail. Subsequently, vide order dated 27.11.2020 of this court both cases were consolidated into one. SC.02/2017 was clubbed with SC.01/2015/NIA, and the six accused in SC.02/2017 were added as additional accused No.7 to 12. That is how the second phase trial emerged.

18. In the present proceedings, we are only concerned about the above said 12 accused persons. The prosecution put forward its case against these accused as follows; A3 M. K. Nasar is the master conspirator. He had participated in almost all the conspiracy meetings including that on 28.03.2010, 03.04.2010, 06.04.2010, 10.04.2010, 19.04.2010, 04.05.2010, 01.07.2010, 03.07.2010, 04.07.2010, 17.05.2010 etc. and he recruited members to the terrorist gang, assigned specific duties to each one of them, collected funds and handed over ₹1 lakh for purchasing the Omni van, further procured mobile phones and sim cards through the other accused and disbursed the same to the key players, especially the piloting team, and effectively monitored and supervised the whole terrorist activity being in constant touch with the piloting team from the mobile phone with no.9744538638, and at post-incident stage successfully given effect to the plan to harbour the assailants. He himself got absconded, and he came above ground only in the year 2013. According to the prosecution, A3 Nasar as a conspirator, committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 201, 307 IPC, Sec.3 of the Explosive Substances Act, Sec.16, 20 of the UA(P) Act r/w 120B IPC and also u/s.143 IPC.

19. The allegation against A1 Savad, the absconding accused is that he

participated in the post-incident conspiracy meetings held on 03.07.2010, 04.07.2010 etc. and he was one of the seven members of the attacking team and more importantly, he is the person who chopped the right hand of Prof.T.J. Joseph and thrown it away.

20. The allegation against A2 Sajil is that he participated in the post-incident conspiracy meetings held on 03.04.2010, 03.07.2010, 04.07.2010 etc. and he was one among the seven members of the attacking team, carrying a chopper in his hand, who pulled down Prof.T.J.Joseph, dragged him to the backside and held the hand of Prof.Joseph to facilitate the chopping of the hand. He is one among the two persons who had gone to Thrissur under the direction of master conspirator Nasar and purchased the Omni van involved in the crime for ₹1 lakh the amount he received from Nasar. Further, he concealed himself for long periods at various hideouts. According to the prosecution, A2 Sajil as a conspirator with the aid of sec.120B IPC and as a member of the unlawful assembly formed on 04.07.2010 with the aid of sec.149 IPC, had committed the offences punishable u/s 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 IPC, Sec.3 of the Explosive Substances Act, Sec.18 of the UA(P) Act and also individually u/s.143 & 148 IPC besides sec.20 of UA(P) Act.

21. The allegation against A4 Shefeeq is that he participated in the post-incident conspiracy meetings held on 03.04.2010 etc. and was a part of the harbouring team being entrusted to destroy the weapon used for attacking and inflicting injuries on Professor Joseph. It is said that in furtherance of the conspiracy, he took position at Varapetty on 04.07.2010 morning and when the

assailants reached there in the Omni van after committing the offence, accused Shefeeq received the bag containing weapons from one of the assailants and thereafter destroyed the same and did cause evidence of the said offence to disappear. Further, he concealed himself for long periods at various hideouts. According to the prosecution, A4 Shefeeq as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 307 IPC, Sec.3 of the Explosive Substances Act, Sec.16, 20 of the UA(P) Act r/w 120B IPC and individually u/s.201 IPC.

22. The allegation against A5 Najeeb is that he participated in the post-incident conspiracy meetings held on 28.03.2010, 03.04.2010 etc. and was a part of the harbouring team being entrusted to rescue the assailants to safe hideouts after the commission of the terrorist act. It is said that in furtherance of the said conspiracy A5 Najeeb together with A3 Nasar had gone to Thrissur and identified the Omni Van to be purchased, obtained two sim cards on fake identity and the date of the incident took a position at Irumalapadi and when assailants reached there in the Omni van after committing the offence, he received injured assailants Savad and Shamsudhin and rescued them in a black Indica car to Thottakkattukara and then shifted to another car to reach the pre-arranged hide out with the intention of screening them from legal punishment. Further, he concealed himself for long periods at various hideouts. According to the prosecution, A5 Najeeb as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 307 IPC, Sec.3 of the Explosive Substances Act, Sec.16, 20 of the UA(P) Act r/w 120B IPC and individually u/s.212 IPC.

23. The allegation against A6 Azeez Odakali is that he participated in the post-incident conspiracy meetings held on 26.03.2010, 03.04.2010 etc. and was a part of the harbouring team being entrusted to rescue the assailants to safe hideouts after the commission of the terrorist acts. It is said that in furtherance of the said conspiracy he harboured the assailants Sajil, Shanavas and Pareed and put them in safe hideouts at various places with the intention of screening them from legal punishment. Further, he concealed himself for long periods at various hideouts. According to the prosecution, A6 Azeez Odakali as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 307 IPC, Sec.3 of the Explosive Substances Act, Sec.16, 20 of the UA(P) Act r/w 120B IPC and individually u/s.212 IPC.

24. The allegation against A7 Muhammed Rafi is that he was one of the conspirators and was a part of the pilot team. It is said that in furtherance of the conspiracy entered into, on 04.07.2010, from 06.45 am to 8.50 am near the place of occurrence, he watched the movements of the victim and gave inputs to the assailants, and also to the master conspirator from the mobile phone bearing No.9746855920 and voluntarily concealed the said act with intention to facilitate the commission of the terrorist act and further rescued Savad and Shamsudhin, the injured assailants in a car and clandestinely provided medical facility to them. According to the prosecution, A7 Muhammad Rafi as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 IPC, Sec.3, 6 of the Explosive Substances Act, Sec.16, 18, 20 of the UA(P) Act r/w 120B IPC and individually u/s.118 IPC.

25. The allegation against A8 Subair is that he was a conspirator and part of the pilot team. It is said that in furtherance of the conspiracy entered into, on 04.07.2010, from 06.45 am to 8.50 am near the place of occurrence, he watched the movements of Prof. Joseph and gave inputs to the assailants, and also to the master conspirator from the mobile phone bearing No.9645631249 and voluntarily concealed the said act with intention to facilitate the commission of the terrorist act. According to the prosecution, A8 Subair as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 IPC, Sec.3, 6 of the Explosive Substances Act, Sec.16, 18, 20 of the UA(P) Act r/w 120B IPC and individually u/s.118 IPC.

26. The allegation against A9 M. K. Noushad is that he was one of the conspirators and was a part of the harbouring team entrusted to rescue the assailants and provide safe hideouts. It is said that in furtherance of the conspiracy entered into, on 04.07.2010, M. K. Noushad took a position at Irumalapady and when the assailants reached there in the Omni van after committing the offence, received assailants Savad and Shamsudhin who were injured, and rescued them in a black Indica car belonging to the wife of Anwar Sadik an accused in the crime, to Thottakkattukara and then shifted to another car to reach the hideout with the intention of screening him from legal punishment. According to the prosecution, A9 M. K. Noushad as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 IPC, Sec.3, 6 of the Explosive Substances Act, Sec.16, 18, 20 of the UA(P) Act r/w 120B IPC and individually u/s.212 IPC.

27. The allegation against A10 Mansoor is that he participated in the pre-incident conspiracy meetings held on 28.03.2010, 03.07.2010 etc. and also in the post-incident conspiracy meeting at Perumbavoor held on 04.07.2010 in the house of Anas (VI/1284 of Vengola Grama Panchayath along with others and agreed to harbour the assailants, to cause the disappearance of evidence and to provide financial assistance to the family members of the assailants. It is said that in furtherance of the conspiracy, on 04.07.2010 and subsequent dates, A10 Mansoor harboured assailants Sajil, Shanavas & Pareed by providing hideouts at various places and also helping other accused to escape, with the intention of screening them from legal punishment. According to the prosecution, A10 Mansoor as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 IPC, Sec.3, 6 of the Explosive Substances Act, Sec.16, 18, 20 of the UA(P) Act r/w 120B IPC and individually u/s.212 IPC.

28. The allegation against A11 P. P. Moideen Kunhu is that he participated in the pre-incident conspiracy meetings held on 28.03.2010, 03.07.2010 etc. and also in the post-incident conspiracy meeting at Mannam held on 04.07.2010 night in the house bearing no.VIII/533 of Chittatukara Grama Panchayath and also at Perumbavoor in the house of Anas bearing no.VI/1284 of Vengola Grama Panchayath along with others and agreed to harbour the assailants, to cause the disappearance of evidence and to provide financial assistance to the family members of the assailants, to arrange mobile phones, SIM cards and vehicle to facilitate further movements in secret. It is said that in furtherance of the conspiracy, on 04.07.2010 A11 P. P. Moideen Kunhu along with others arranged mobile phones,

SIM cards and a Maruthi alto car KL08/AB5597 for the escape of the accused and harboured assailants Sajil, Shanavas & Pareed by providing hideouts at various places and also helped other accused to escape, with the intention of screening them from legal punishment. According to the prosecution, A11 P. P. Moideen Kunhu as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 IPC, Sec.3, 6 of the Explosive Substances Act, Sec.16, 18, 20 of the UA(P) Act r/w 120B IPC and individually u/s.212 IPC.

29. The allegation against A12 Ayoob is that he was one of the conspirators and was a part of the harbouring team entrusted to rescue the assailants and provide safe hideouts. It is said that in furtherance of the conspiracy entered into, on the 14.06.2010 evening at Aluva met M. K. Nasar and handed over ₹1 lakh for the purchase of Omni Van and later he was also a party to post conspiracy meetings held on 04.07.2010 night at Perumbavoor in the house of Anas (VI/1284 of Vengola Grama Panchayat) and in furtherance of that conspiracy agreement harboured assailants Sajil, Shanavas & Pareed by providing hideouts at various places and also helped other accused to escape with the intention of screening them from legal punishment and provided financial assistance. According to the prosecution, A12 Ayoob as a conspirator committed the offences punishable 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 IPC, Sec.3, 6 of the Explosive Substances Act, Sec.16, 18, 20 of the UA(P) Act r/w 120B IPC and individually u/s.212 IPC.

30. Except A1 Savad, who is absconding, the remaining 11 accused persons entered appearance before the court. All the 11 accused are represented

by the counsels engaged by themselves.

31. After completing the formalities under S. 207 Cr.PC, the learned prosecutor, opened his case and described the charge brought against the accused and the Evidence proposed to be adduced by the prosecution to prove the accused's guilt.

32. After that, the case was taken up for framing charge. Both the prosecutor and the defence counsels were heard. The prosecution sanction obtained from the competent authorities was also considered. Upon a prima facie satisfaction that there were sufficient grounds for presuming that the accused have committed the offences punishable under Sections 120B, 143, 147, 148, 341, 427, 323, 324, 326, 506(ii), 118, 201, 202, 212, 307 r/w 149 IPC, Section 3 of Explosive Substances Act and Section 15 r/w Sections 16, 18, 18B, 19 and 20 of the Unlawful Activities (Prevention) Act, charge under those sections were framed against the accused 2 to 12 and was read over and explained to them in Malayalam, for which they pleaded not guilty and opted to face trial.

33. The Special Public Prosecutor, NIA, conducted the prosecution. During the trial, the accused were defended by the counsels engaged by them.

34. After framing the charge, the prosecution was called upon to adduce Evidence. At this juncture, the prosecution filed CrI.M.P.74/2021 seeking permission u/s.299(1) Cr.P.C. to adduce Evidence in this proceeding against the absconding accused A1 Savad by examining witnesses in his absence. This court allowed the application but made it clear that the Evidence so adduced cannot be used against A1 Savad except as provided under Subsection (1) of 299 Cr.P.C.

35. On the prosecution's side, PW1 to PW228 were examined and marked Ext.P1 to P767 documents. MOs1 to MO180 objects got identified. Among the witnesses examined nine of them were protected witnesses. They are PW198 to 206. The original documents produced by the prosecution were marked in the parent case SC.01/2013. The documents marked in this proceedings are mostly the certified copies of those documents. While cross-examining the prosecution witnesses, Ext.D1 to D37 documents were marked on the defence side. These are the relevant portions of the 161 statements and that of the deposition in SC.01/2013 of the prosecution witnesses, which are said to be contradictory to what they deposed before the court in this proceedings.

36. Among the exhibits marked, Exts.P7(a), 35, 36,37, 38(a), 39(a), 42, 43, 44, 131, 131(a), 145, 147, 148, 165, 165(a), 187, 237, 285, 287, 288, 291(m), 292(a), 294(a), 348, 480, 482, 484, 486, 471, 473. 476, 478, 531, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 545, 545(a),546 series to 562 series, 575(a), 576(a), 577(a), 559, 586, 588,592, 579, 580, 616, 616(a) to 616(e), 617, 618, 620, 621, 622, 624, 629, 630, 631, 633, 634, 660, 662, 664, 666, 668, 670, 672, 674, 676, 763, 763(a), 764, 764(a), 765 were marked subject to the objection taken up by the defence.

37. I will now address the objections taken up by the defence and decide how far those objections are sustainable. Ext.P187 and P237 are the information submitted by way of written submissions in reply to the notice issued by the Investigating officer u/s.43 f of UA (P) Act. Ext.P187 is the reply given by PW107 Sanooja furnishing the details of the car bearing No KL 09 R 754 she owned.

Ext.P237 is the reply given by the secretary of Thejus Publication, which includes the list of the phone numbers taken in Thejus Publication's name and the details of the persons to whom the SIMs were distributed. The learned defence counsel would submit that the information given through a written reply to the demand made by the investigating officer during the investigation is hit by sec.162 Cr.P.C., hence it is not admissible. If Sec.162 is applicable, definitely, the information given by way of a written reply to the notice issued by the investigating officer during the investigation shall not be used in Evidence other than for the limited purpose as mentioned in Sec.162 Cr.P.C. But here, the situation is different. Sec.43f of UA(P) Act empowers the investigating officer, notwithstanding anything contained in any other law, to demand from any individual or establishment information in his or their possession useful and relevant to the purpose of this Act, and the failure to furnish information is an offence under this Act. This provision is to be read together with Sec. 48 of the UA(P) Act. It says that the provisions of the UA(P) Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act. Therefore, the officer investigating an offence punishable under UA(P) Act is statutorily empowered to call for information from individuals and establishments, and those persons are bound by law to furnish information. Be it so the information furnished can be read in Evidence, and bar u/s.162Cr.P.C will not apply. Therefore the objection raised by the defence is not sustainable. Even otherwise objection is purely technical since the witnesses who gave the information covered by Ext.P187 & P237 re-stated the information while deposing before this court.

38. Ext.P348 is the report prepared by the PW175, the Sub Inspector of Police, Onnukal, upon the request of the Investigating Officer, giving the full particulars of the hospitals in between the place of occurrence at Muvattupuzha and the house of accused Abdul Salam at Aluva including the distance in between the respective hospitals. The learned defence counsel objected to the marking of Ext.P348 stating that it doesn't come under the definition of Evidence. The learned counsel argued that it could only be treated as a statement given during the course of the investigation. Hence it is hit by Sec.162 Cr.P.C. The said contention is sustainable. Here, under the direction of the Chief investigating officer, PW175 prepared a report and submitted it to the investigating officer during the investigation. It is nothing more than a 161 statement recorded during the course of the investigation. It cannot be used for any purpose other than to contradict the witness. As rightly submitted by the defence counsel, it is hit by Sec.162 Cr.P.C. Therefore, this document is to be eschewed from consideration. At the same time, it is to be made clear that the rejection of this document doesn't in any way affect the admissibility of the oral Evidence given by the witness touching these aspects.

39. Regarding the remaining documents, the objections raised are common if separate into separate groups. I will consider the objection to each particular group of documents one by one. The first group of documents consists of merely pointing out mahazars. It is said that the accused had led the investigating officer and shown a particular place which is said to be the place where conspiracy meetings were held. The learned defence counsel would submit that these pointing out mahazars doesn't constitute a legal piece of Evidence, hence not admissible in

Evidence. To substantiate this contention, the learned counsel relied upon the decision of our Hon'ble High Court in **Thadiyantevida Nazeer vs State of Kerala (2022 (1) KLT 685)**.

40. On the other hand, the learned prosecutor relying upon **HP Administration vs Om Prakash (1972 (1) SCC 249)** would submit that pointing out mahazar has its own importance and relevance. Even if it doesn't strictly come under sec.27 of the Evidence Act, it can be relied upon to prove the conduct which is relevant u/s.8 of the Indian Evidence Act. In para 62 of the judgment (supra) rendered by the Kerala High Court, it is stated as follows:- "*Om Prakash (supra) provides a bridge between sec.27 and sec.8 of the Evidence Act. As has been held in Om Prakash (supra), if a person is pointed out as the one from whom the weapon of offence was purchased, then it is not admissible under Section 27 but could be taken as conduct under Section 8, provided the pointing out is proved and the said person confirms the purchase.*" Be it so, pointing out mahazarss are to be admitted in Evidence. Its evidentiary value is an entirely different matter to be left for consideration during the process of evaluation of Evidence. Therefore, the objection taken up regarding the admissibility of pointing out mahazars stands overruled.

41. Yet another objection taken up by the defence is that most of these mahazars contain the extracted portion of the confession statement alleged to be made by the accused, which is not legally admissible. Section 27 of the Indian Evidence Act makes it clear that only so much of the information relating distinctly to the fact thereby discovered can be proved and nothing more. In other words, all

the disclosures recorded which doesn't relate distinctly to the fact thereby discovered are inadmissible u/s.25 & 26, whether it be for sec.27 or sec.8. Therefore, it is to be made clear that the Mahazars marked in this case which contained disclosure statement of the accused or the disclosure statement marked separately are admitted in evidence eschewing those confessions which don't distinctly relate to the fact thereby discovered. Subject to this clarification, those mahazars and disclosure statements can be made admissible in Evidence.

42. A yet another objection in this regard, even though it is not on marking of the document, but regarding the oral testimony of some of the attesting witnesses to the pointing out/sec.27 mahazarss, taken up by the defence, need to be addressed. The defence objected to the Mahazar witnesses deposing that part of the confession statement said to be disclosed by the accused in custody in their presence which led to the discovery of the place. It is submitted that the alleged disclosure statement made by the accused while in custody cannot be spoken through the witnesses, and only the investigating officer can depose. The said objection is not sustainable. The answer is in the **Hon'ble Supreme Court judgment in Ramanand @ Nandlal Bharti v. State of UP (AIR 2022 SC 5273)**. In para 53, it is observed as follows: *"Then the first thing that the investigating office should have done was to call for two independent witnesses at the police station itself. Once the two independent witnesses arrive at the police station, thereafter, in their presence, the accused should be asked to make an appropriate statement as he may desire in regard to pointing out the place where he is said to have hidden the weapon of offence. When the accused, while in custody, makes such a*

statement before the two independent witnesses (panch witnesses), the exact statement or rather the exact words uttered by the accused should be incorporated in the first part of the panchnama that the investigating officer may draw in accordance with the law. This first part of the pachnama, for the purpose of Section 27 of the Evidence Act, is always drawn at the police station in the presence of the independent witnesses so as to lend credence that a particular statement was made by the accused expressing his willingness on his own free will and volition to point out the place where the weapon of offence or any other article used in the commission of the offence had been hidden. Once the first part of the pachnama is completed thereafter, the police party, along with the accused and the two independent witnesses (panch witnesses), would proceed to the particular place as may be led by the accused. If from that particular place, anything like the weapon of offence or blood-stained clothes or any other article is discovered, then that part of the entire process would form the second part of the pachnama. This is how the law expects the investigating officer to draw the discovery panchnama as contemplated under Section 27 of the Evidence Act.”

43. The next category of objection is concerning Sec.65 B certification. **Anwar P. V. vs. P. K. Basheer (2014 (10) SCC473)** as clarified in **Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and other (2020 (7) SCC1)** is the law declared by Hon'ble Apex Court on Sec.65B of the Evidence Act. Two subsequent decisions of the Hon'ble Supreme Court **1. Mohd.Arif @ Ashfaq v. State (NCT of Delhi) (SC): Law Finder Doc Id # 2059198, 2. Sundar @ Sundarrajan vs State by Inspector of Police (2023 AIR (crl) 487)** reiterated this position and held that

electronic Evidence in the form of CDR, which was without any appropriate certificate u/s.65-B(4) of the Evidence Act, must be eschewed from Evidence.

44. In the parent case SC.01/2013, the court summoned certain CAFs directly and the original CAFs were produced and marked as court exhibit in C series. The prosecution obtained the certified copies of those CAFs and produced in this case. While marking those documents, the defence raised an objection that those CAFs require Sec.65B certification. The said contention is not sustainable. The reason is that it cannot be taken as an electronic document since the original CAF in its manual form was produced before the court, and what is now produced in this proceedings is the certified copy obtained from the court.

45. With regard to certain CDRs nodal officer had issued a common 65B certification. The defence would say that individual certification is necessary. The law doesn't mandate so. The nodal officer issued common certification with regard to the CDRs extracted and issued by him during the same period. Be it so, a common 65B certification suffice.

46. Yet another objection taken up is that 65B Certifications issued by PW184, the nodal officer of Tata Tele Service, and by PW218 of Bharati Airtel by way of stamping a descriptive seal over the last portion of the CDR, are not in compliance with Sec.65B of the Evidence Act. The statute doesn't prescribe any particular mode of certification but only speaks about the requirements to be incorporated into the certification. Here, the nodal officers, for convenience, had prepared a seal incorporating all required wordings, affixed it on the last page of the CDRs, and then put their signatures. All the statutory requirements are there in the

certification. I don't find any defect in the certification. It satisfies the statutory requirement. That means the objection taken up in this regard is not sustainable. All the CDRs carrying stamped certification are to be admitted in Evidence.

47. Regarding certain CDRs, an evasive contention is taken up that it is improper. All the 65B certifications produced in this case contain all the information under demand by the statute. The defence was not able to pinpoint what required information was missing in those certificates. Therefore, the objection taken up in this regard is not sustainable.

48. The next line of objection taken up is that 65B certification was issued later by the nodal officer without verifying the contents of the CDR. It is submitted that by the time the certification was issued, the Call Data Records were unavailable on the server or in the system for cross-checking and verification. It is pointed out that PW164, the then nodal officer of Aircel, Kerala, a mobile operator presently not in existence, had gone to the extent of issuing sec.65B certification at this point of time affixing a seal of Aircel company, which he claims to be keeping with him even after he parted with the company long back.

49. In Arjun Panditrao's case, Hon'ble Apex Court made it clear that it is not a mandatory requirement that the electronic document shall be accompanied with a certification u/s.65B at the time of its production before the court. In other words, Sec.65B certification can be produced subsequently. Our Hon'ble High Court, in a recent decision in **CBI vs Father Varghese Thekkekkara and others**, clarified that certification u/s.65B is primarily on the maintenance of the system and feeding of the data into the system as part of the ordinary course of activities. He certifies that

the computer system from which such electronic document was generated/prepared was being maintained in compliance with conditions specified in Subsection (2) of section 65B. The court further held that if the person concerned is willing, he can also issue certification relying upon his memory. At the same time, the Hon'ble High Court made it clear that the admission of the document by itself doesn't prove its contents, and evidentiary value is entirely a different aspect for consideration. This being the legal position, the objection taken up by the defence regarding the admissibility of the CDRs, which were not accompanied by 65B certification at the time of its production but produced subsequently, cannot be sustained. Only because the nodal officer affixed the seal of the mobile operator, which is not in existence by itself, doesn't invalidate the 65B certification. Seal is not a mandatory requirement.

50. In this case, upon the request made by the investigating officer through the Superintendent of Police, certain CDRs were sent by the nodal officers via email to the Superintendent of Police. The emails were sent from the official email ID of the nodal officers to the official email ID of the Superintendent of Police, Ernakulam. The Cyber officer attached to the office of the Superintendent of Police, Ernakulam, who is also the designated nodal officer, downloaded the CDRs received via email, took out printouts and handed over the same to the investigating officers along with 65B certification. The officer had also taken out the printout of the emails itself, and its copies were also handed over to the investigating officer, and it is also covered by the 65B certification issued. PW197 is the Nodal officer, Cyber Cell, Police. Ext.P546 to 562 are the printout of the CDRs handed over by

him. Ext.P546 (b) to 562 (b) are the printouts of the email, and Ext.P546(a) to P562 (a) are the 65B certification issued by PW197. This includes CDRs issued by the nodal officers of Tata Tele Service, BSNL, Idea Cellular, Vodafone and Airtel. PW184 is the nodal officer of Tata Tele Service. PW187 is the nodal officer of BSNL. PW196 is the nodal officer of Idea Cellular, PW209 is the nodal officer of Vodafone, and PW218 is the nodal officer of Airtel. The respective nodal officers examined before the court identified these CDRs before the court and deposed that those CDRs were mailed from the nodal officer's email id. The Evidence tendered by the nodal officers proves the following aspects.

- The calls the subscriber makes are automatically stored in the central server as a continuous, regular and automated process.
- That the Nodal officer alone has access to this data and can retrieve the same through the network since his computer is connected directly to the central server.
- That the data is password protected, and the password is known only to the Nodal officer. The server will verify the authenticity of the username and password.
- That data can be retrieved only at the request of the authorised person of the law enforcement agencies.
- As per the request of the law enforcement agency, the nodal officer downloads the data from the central server in a read-only format. Then it is printed, and the certificate is given.

51. The consistent Evidence tendered by the nodal officers convincingly

proves that there is absolutely no chance for manipulation, and the CDRs extracted from the server were immediately sent to the Superintendent of Police from the official email id account of the nodal officers and there is absolutely no chance for any manipulation before it was mailed to the Superintendent of Police. PW197, the nodal officer at the receiving end, would say that individually the SP, Ernakulam, and officially the Cyber cell officer/nodal officer are the only persons who have access to the official email account of SP Ernakulam. It is true that he was not the nodal officer during the period when these emails were received. He joined the office only later. But he clearly deposed that acting upon the request of the investigating officer and with the permission of the SP, Ernakulam, he opened the email account and downloaded the CDRs attached to those emails, took printouts and handed over the same to the investigating officers. Therefore, if he is to be believed, again, there is no space for manipulation. More importantly, he had produced the printout of the email itself. This further assures that the CDRs in question were received via email.

52. The defence opposed the marking of the CDRs, pointing out that PW197 is not competent to issue 65B certification for the CDRs extracted by the nodal officers. It is also contended that without a certification by the nodal officers, the genuineness of the CDR cannot be presumed. The said contention is not sustainable. The reasons are the following; firstly, an attachment received via email is an electronic document. As per sec.65B(4)(c), a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activity is competent to issue the certification. PW197,

the Cyber cell officer/nodal officer attached to the officer of SP, Ernakulam, is competent to issue 65B certification regarding the emails and attachments received in the official email account of SP, Ernakulam. Therefore, the objection taken up by the defence is not sustainable. It is true that the factum of admitting the document by itself doesn't prove its contents. Therefore, if the prosecution wants to rely upon the CDRs received via email, mere production and marking of the emails through the recipient will not suffice. The prosecution has to adduce the required evidence by examining persons- the source from where the email attachments were generated. Here, the prosecution examined the nodal officers of the respective mobile operators the source from where these CDRs were generated. Their evidence will convincingly prove that it is a genuinely extracted document, and until it was mailed, no manipulation occurred. Therefore the Evidence of the nodal officers proves the genuineness of the entries in the respective CDRs. Now the only question is that there is any chance for manipulation. As I stated earlier, PW197 produced copies of the emails itself. This rules out any manipulation during the transmission of this electronic record from the official email id of the nodal officer to the official email id of the SP, Ernakulam. No challenge is seen made in this regard by the defence. PW197's evidence explains what happened next. He clearly deposed before the court that he searched the mail first, then downloaded the attachment directly from the email account and took a printout. It is not a case wherein he took a printout of the attachment, which some other person had already downloaded into the system. Even now, it is possible to open an email account using the official password and user name and verify the emails received and their

attachments. The defence doesn't insist on verification in this manner. For all these reasons, I find that the CDRs received via email and certified by the recipient are admissible documents and their credibility being proved through the nodal officers can safely be relied upon. To wind up the discussion on this point, none of the documents exhibited from the prosecution's side except **Ext.P348** need to be eschewed from Evidence on the ground of admissibility.

53. After closing the prosecution evidence, A2 to A12 were examined u/s.313 Cr.P.C. They denied all the incriminating circumstances brought out in Evidence against them. According to them, they neither participated in the attack on Prof.Joseph nor were party to any conspiracy, and they were falsely implicated in this case.

54. After examination of the accused under 313 Cr. P.C. and on being convinced that this is not a fit case for recording an order of acquittal u/s.232 of Cr.P.C., the accused were called upon to enter on their defence and to adduce evidence, if any, in support of their defence. The accused have not adduced any evidence. Thereafter, the prosecution and the defence were heard in detail. The prosecution submitted written argument notes.

55. From the allegations levelled by the prosecution and the evidence adduced, the following points arise for consideration.

1. Are the prosecution sanction orders obtained against A2 to A12 valid and legal?
2. Was an unlawful assembly formed on 04.07.2010 with the common object of committing criminal offences, and if so, whether accused

Nos.2 Sajil and six others were members of the said unlawful assembly?

3. Did accused No.2 Sajil and other members of the unlawful assembly commit rioting, and if so, was A2 carrying a knife at that time?
4. Did accused No.2 Sajil and other members of the unlawful assembly in prosecution of the common object wrongfully restrain Wagon R car bearing No.KL-17/E 1795 at a place near Hostelpady near Nirmala school, Muvattupuzha as alleged?
5. Did accused No.2 Sajil and other members of the unlawful assembly in prosecution of the common object smash the windscreen and the right and left front side window glass and thereby cause damages to the vehicle to ₹ 8,000/-?
6. During the course of the incident, did one of the members of the unlawful assembly, in the prosecution of the common object, hurl a bomb and cause an explosion of a nature likely to endanger life, striking terror in a section of the people?
7. Did accuse No.2 and other members of the unlawful assembly in prosecution of the common object to cause the death of PW26 Prof. T.J. Joseph, attack him with lethal weapons like axe, choppers and knives and cause grievous injuries to him?
8. Did accused No.2 and other members of the unlawful assembly in prosecution of the common object attempted to cause the death of PW26 as alleged?

9. Did accused No.2 and other members of the unlawful assembly in the course of the transaction cause simple hurt to PW27 and PW1, as alleged?
10. Did the said Act of accused No.2 and his group members intend to strike terror in the people or any section of the people in India?
11. Was it a terrorist act?
12. Was there any criminal conspiracy behind the said attack?
Did they intent to promote enmity and hatred between different groups on the grounds of religion?
13. Were the accused 2 to 12 parties to the said conspiracy?
14. Did the conspirators, including A2 to A12, together constitute a terrorist gang for the purpose of committing the terrorist Act as mentioned above?
15. Did the conspirators, including A2 to A12, constitute separate teams within the terrorist gang for reconnaissance, preparation, piloting, harbouring, attacking, and raising finance?
16. Was A3 Nasar the key conspirator and the leader of the terrorist gang?
17. Did the accused hatch a conspiracy after the incident to harbour the accused and provide finance to their families?
18. Did the accused A6 to A12 parties to the conspiracies hatch at the post-incident stage?
17. Did accuse Nos.2 to 12 commit any prejudicial act to maintain

harmony between different religious groups, which is likely to disturb public tranquillity?

18. Did accused Nos. 2 to 12 harbour any offender with the intention of screening him from legal punishment knowing that such a person is a terrorist?
19. Did the accused intentionally omit to give information to the authorities regarding the commission of the offence, which he is legally bound to provide, as alleged?
20. Did accused No.2, 6, 7, 8, 9, 10, 11 & 12, being a member of the terrorist gang, abetted and facilitated the commission of the terrorist Act?
21. Whether the accused Nos.2 to 12 are members of a terrorist gang involved in a terrorist act as alleged?
22. Did the offences u/s.143, 148, 120B, 341, 427, 323, 324, 326, 506(ii), 153A, 307, 201, 202, 212 IPC, Sec.3 of the Explosive Substance Act, Sec.15 r/w.16, 18, 20 of the UA(P) Act charged against the accused apply to the facts of this case?
23. What, if any, are the offences proved against each of the accused?
24. Order regarding conviction and sentence.
25. Orders regarding sentence.

Sanction for Prosecution

56. **Point No.1**:- Sanction from competent authorities as prescribed under

sec.196 Cr.P.C., Sec.45 of the UA(P) Act, and also u/s.5 of the Explosive Substances Act is a mandatory requirement in this case for a successful prosecution. Hence I will go into this issue first.

57. Sec.196(1) of Cr.P.C. says that no court shall take cognizance of offences punishable under chapter-VI (Sections 121 to 140) or u/s. 153A, 295A, 505(1) of IPC or a criminal conspiracy to commit such offence or any such abetment, as is described in sec.108 of IPC except with previous sanction of the Central government or of the State govt as the case may be. No time limit is prescribed for the issuance of sanction order by the competent authority. In this case Sec.153A and also criminal conspiracy to commit the said offence (Sec.120B) are included in the charge laid against the accused.

58. Sec.45(1) (ii) of UA(P) Act says that no court shall take cognizance of any offences under chapter IV (15 to 23) & Chapter VI (35 to 40) without the previous sanction of the Central Government, or as the case may be the State Government, and where such offence is committed against the Government of a foreign country without the previous sanction of the Central Government. Sub clause (2) of sec.45 requires that the appropriate Government, under sub-section (1), shall give sanction within such time as prescribed, after considering the report of such Authority appointed by the appropriate Government. The Authority so appointed is also required to make an independent review of the evidence gathered in the investigation and make a recommendation within such time as the Central Government prescribes. The Rules of 2008 is brought out specifically to prescribe the time as mandated under sub-section (2) of Sec.45. Rule 3 prescribes the time

for making the report containing the recommendations by the Authority to the appropriate Government. Rule 4 prescribes the time limit for issuance of sanction of prosecution by the appropriate Government. Both these rules prescribe seven working days as the time within which the recommendation is to be made and the sanction is to be issued; commencing respectively from the receipt of evidence gathered by the investigating officer and the receipt of the recommendation of the Authority. In this case, Sections 16, 18 & 20 of the UA(P) Act are included in the charge laid against the accused.

59. Sec.5 of the Explosive Substances Act, though doesn't prescribe any sanction for taking cognizance of the offences under this Act, would say that no court shall proceed to the trial of any person for an offence against this Act, except with the consent of the District Magistrate. No time limit is prescribed for getting the consent of the District Magistrate. In this case sec.3 & 6 of the Explosive Substances Act are included in the charge laid against the accused persons.

60. Our Hon'ble High Court in **Roopesh v. State of Kerala (2002 (2) KLT 907)** held that, the provision for sanction under UA(P) Act is mandatory and the stipulation of time made as per rules is also mandatory and sacrosanct and any violation in this regard vitiates the cognizance taken by the Special Court.

61. The legality of a consolidated sanction order for IPC and UA(P) Act offences, a frequently raised point of objection, has also been resolved in the same decision. The Hon'ble High Court made it clear that merely because the powers under the UA(P) Act alone were invoked; if the order discloses consideration of the materials for the purpose of granting sanction under sec.196 Cr.P.C., definitely the

sanction orders and the cognizance taken are valid especially when the authority to grant such sanction under the UA(P) Act and sec.196 Cr.P.C. is the same authority. That means a combined sanction order covering both secs.196 Cr.P.C and 45(1) of the UA(P) Act is legally permissible and valid.

62. A yet another issue which requires clarity is that whether the date of taking the decision to accord sanction and the date of issuance of sanction order can be two different dates and is it permissible for the court to call for the back records to verify and find out the actual date on which the decision was taken to grant sanction. The Hon'ble Kerala High Court in *M. H. Faizal v. State* (Crl.A.No.1575 of 2013) clarified this point and held that the date of taking the decision and the date of issuance of sanction order can be different and what is relevant is the date of the decision taken to grant prosecution sanction and not the date of issuance of formal sanction order. In that case the Hon'ble High Court summoned the records to verify the date on which the decision was taken to grant prosecution sanction.

63. In this legal background, I will consider the validity of the sanction orders exhibited from the side of the prosecution. Ext.P508 is the sanction order issued by PW188 Dr K Jayakumar the then Addl. Chief Secretary, Home and Vigilance, State of Kerala dated 13.01.2011 on behalf of the Governor, u/s.196 of Cr.P.C. against 27 accused persons covered by the first final report, which includes A1 Savad (still absconding) and A2 Sajil in this case, for prosecuting them u/s.153A and 120B IPC. The said sanction order speaks for itself. It contains all the necessary details. PW188 deposed before the court that he had examined and

verified the whole records, applied his mind and ultimately took a decision to issue the sanction order to prosecute these accused for the offences mentioned earlier. Nothing has been brought out in cross examination to discredit PW188. That means Ext.P508 sanction order is perfectly valid in all aspects.

64. On the same day, PW188 issued another sanction order, by order of the Governor of Kerala, u/s.45(1) of UA(P) Act, for prosecuting the very same set of accused for the offences punishable u/s.15 r/w 16, 18, 18B, 19 & 20 of UA(P) Act, 1967. The particular sanction order is marked as Ext.P509. In the said order it is specifically stated that the authority constituted u/s.45(2) of the UA(P) Act 1967, as amended in 2008, examined the matter and recommended the State Government to issue the prosecution sanction and the matter was carefully examined in detail and upon fully satisfied that the above said accused persons have committed the offences mentioned in the order, this sanction order was issued. The relevant dates such as the date on which the review committee received the request, the date on which the review committee took its decision to recommend prosecution sanction and the date on which the said recommendation was received by the Government of Kerala are not mentioned in the sanction order. Usually, the sanction orders doesn't contain these dates. PW188, when examined before the court on 16.11.2022 deposed that at this distant point of time, it is not possible for him to recollect and say all those dates. Still, he is sure that the recommendation of the review committee was received in his office on 11.01.2011 and he issued the sanction order on 13.01.2011 itself complying all the procedural formalities in this regard. There is nothing to discredit the oral evidence tendered by PW188. The

plea advanced during cross examination was that there was no such review committee constituted at that time and no recommendation was made by the review committee. This contention is not sustainable. It is specifically mentioned in the sanction order that a review committee was constituted and the said committee had given its recommendation and only after getting the said recommendation the Government issued the sanction order. PW188 the Addl. Chief Secretary who issued the sanction order deposed before the court in clear terms that all the legal formalities were complied while issuing the sanction order. The presumption that all official acts are done properly and correctly in accordance with the law can be tagged to the statement of PW188. The **Hon'ble Apex court in Sate of Bihar and anr v. P.P.Sharma IAS and anr (AIR 1991 SC 1260)** observed as follows:- "*When the government accorded sanction, Section 114(e) of the Evidence Act raises presumption that the official acts have been regularly performed.*" This dictum squarely applies to Ext.P509. That means the sanction order issued against A1 & A2 in this case u/s.45(1) of UA(P) is perfectly valid in all aspects.

65. Ext.P470 is the sanction order issued by the then District Magistrate Ernakulam dated 11.01.2011 u/s.7 of the Explosive Substances Act, against 27 accused persons covered by the first charge sheet which includes A1 & A2 in this case for prosecuting them for the offence punishable u/s.3 of the Explosive Substances Act, 1908. The District Magistrate who issued the sanctioned order was examined as PW183. She clearly deposed before the court that before issuing the sanction order she verified the records of the crime and one major aspect she relied upon is the remnants of Explosive Substances found at the scene of occurrence.

The contention taken up by the defence is that there is nothing to prove that the alleged explosion carried out is of such magnitude likely to endanger life which is the main ingredient to constitute an offence under Section 3. This is a matter for appreciation of evidence and not a matter to be considered at the time of granting consent to proceed to the trial. Only after trial the court can go into the question where there is evidence to prove that the alleged explosion had the effect to endanger the life. That means, Ext.P470 is a valid consent on all aspects.

66. Ext.P685 is the sanction order issued by the Under Secretary, Ministry of Home Affairs, Government of India dated 16.05.2017 by order and in the name of the President of India u/s.196 of Cr.P.C., against A7 to A12 for prosecuting them u/s.153A IPC. The said sanction order speaks for itself. It contains all the necessary details. PW220 is the Under Secretary who issued the sanction order. He deposed before the court that he issued the sanction order after verifying the records and applying his mind independently and impartially. Nothing has been brought out in cross examination to discredit PW220. That means Ext.P685 sanction order is perfectly valid on all aspects.

67. On 17.04.2017, PW220 issued another sanction order by order and in the name of the President of India, u/s.45(1) of UA(P) Act, for prosecuting the very same seven accused persons for the offences punishable u/s.16(b), 18 & 20 of the UA(P) Act, 1967. The particular sanction order is marked as Ext.P684. In the said order, it is specifically stated that the authority comprising two members namely Justice Dr.Sathish Chandra former High Court Judge, and Dr. Viswanathan, Retd. Law Secretary constituted u/s.45(2) of the UA(P) Act 1967 as amended in 2008,

examined the matter and recommended the Central Government to issue the prosecution sanction, and this recommendation dated 07.04.2017 was received in the Home Ministry on 11.04.2017 and the matter was carefully examined in detail and upon fully satisfied that the above said accused persons have committed the offences mentioned in the order, this sanction order was issued. Nothing was brought out in cross examination to discredit this witness. That means the sanction order issued against A7 to A12 in this case u/s.45(1) of UA(P) Act is perfectly valid on all aspects.

68. Ext.P479 is the sanction order issued by the then District Magistrate Ernakulam dated 15.05.2017, u/s.7 of the Explosive Substances Act, against A7 to A12, for prosecuting them for the offences punishable u/s.3 & 6 of the Explosive Substances Act, 1908. The District Magistrate who issued the sanctioned order was examined as PW185. He clearly deposed before the court that before issuing the sanction order he verified the records of the crime. The contention taken up by the defence is the same contention taken up to challenge Ext.P479 sanction order. It is a matter to be left for consideration at the time of appreciation of evidence. For all these reasons, Ext.P479 is to be taken as valid consent on all aspects.

69. Ext.P686 is a composite order dated 18.12.2012 issued by N. Srivasthava, Under Secretary, Internal Security-1 Division, Ministry of Home Affairs, Government of India, by order and in the name of the President of India, against nine accused persons which includes A3 to A6 in this case u/s.196 of Cr.P.C., for prosecuting them u/s.153A r/w 120B IPC, and further u/s.45(1) of UA(P) Act to prosecute A3 to A6 herein for the offences punishable u/s.16 & 20 of UA(P) Act.

The said sanction order speaks for itself. It contains all the necessary details. Unfortunately the prosecution could not examine the sanction order's signatory. It is informed that the said Mr.Srivasthava had taken VRS and subsequently he got involved in a criminal case and is detained in jail.

70. Ext.P686 was marked through PW220 the successor in office who issued Ext.P64 & 65 sanction orders against A7 to A12 herein. In the last part of Ext.P686 sanction order it is seen stated that "This order supersedes the earlier order issued vide F. No.1-11011/62/2012-IS.IV dated 05.12.2012 in this regard". PW220 was not able to say anything about the sanction order dated 05.12.2012. He was not able to clarify whether Ext.P686 sanction order was issued on the basis of the very same recommendation relied upon to issue the sanction order dated 05.12.2012 or whether any fresh recommendation was obtained. He took the stand that without verifying the records he cannot comment on it. While the final hearing was going on, prosecution filed application to reopen the evidence and to summon the present Under Secretary in charge with a direction to produce the note file kept and maintained in the said office which contain the details regarding the process of issuing Ext.P686 sanction order. The said petition was allowed and the present Under Secretary in charge produced the note file before the court. He was examined as PW229. Since the note file is a running file in use and further it carries lot of confidential materials concerning internal security, on the application filed by the prosecution the note file returned after taking the copies of those documents relevant for our consideration and those copies authenticated by the CMO of this court were exhibited in this case. PW229 had explained the usual procedure for

granting prosecution sanction under UA(P) Act. He deposed that as and when a request for sanction together with all the evidence gathered during investigation was placed before the Ministry, it will be forwarded to the review authority for getting their recommendation as provided u/s.45 of the UA(P)Act. As per the rules, after the receipt of the file the review authority has to make their recommendation within seven working days.

71. In this particular case, on 16.11.2012, MHA made the request to the Review Authority for getting their recommendation. The said request finds place in the note file in pages with Sl. No. 135 to 137 and its copy is marked as Ext.P769. He deposed that the Review authority made their recommendation for prosecution sanction on 22.11.2012, which finds place in the note file at pages with Sl. No. 139 to 155. The covering letter dated 22.11.2012 sent by Justice K. Ramamoorthy (Retd.) the then member of the Review Committee is part of the note file at page with Sl. No.138 and its copy is marked as Ext.P770. PW229 would depose that the said recommendation was received by MHA on 26.11.2012 and this is evident from the date and diary number of MHA mentioned in the top portion of Ext. P770, which is separately marked as Ext.P770(a). PW229 would further say that upon the receipt of the recommendation from the review committee, the file was circulated all through the hierarchy and finally it reached before the Home Secretary the competent authority to take decision on behalf of Govt. of India. As per the note file, the Home Secretary took the decision to accord prosecution sanction on 04.12.2012 and It is seen noted in page No. 26 of the note file. The Home Secretary had put his signature on the page, and the date 04.12.2012 is also

written. PW229 would submit that, the intervening date 28.11.2012 was a Central government holiday being Guru Nanak birthday, and 01.12.2012 and 02.12.2012 being Saturday and Sunday were also non working days for the Central Government. As such both the Review Authority as well as the Sanctioning Authority had acted within the prescribed period as per rules.

72. PW229 would further depose that, after the approval by the Home Secretary, the file reached back to the Under Secretary Mr. N. Srivasthava and he being the authorised person, issued the sanction order on 05.12.2012. The said sanction order is part of the note file (Sl. No.26) and its copy marked as Ext.P768. An inadvertent typographical error had crept in Ext.P768 sanction order. Sec.153A IPC was not there in the order though a decision was taken to grant sanction for the said offence on 04.12.2012 itself, Subsequently NIA brought it to the notice of the MHA. This fact has been specifically noted and recorded in page No. 28 of the note file by the Under Secretary as well as the Director, IS division. Since it was only an inadvertent omission, the under secretary Mr.Srivasthava issued a fresh sanction order on 18.12.2012 rectifying the typographical error by including Sec.153A and Ext.P686 is the said order. Both Ext.P686 & P768 orders were passed on the basis of the decision taken by the Home Secretary dated 04.12.2012.

73. The learned defence counsel was permitted to go through the relevant pages of the note file before cross-examining the witness. He never disputed any of the entries in the note file. His cross examination was specific to the point that nowhere in Ext.P686 sanction order, it is stated that this order was issued on the basis of the decision taken by the Home Secretary on 04.12.2012. On this aspect

PW229 would say that there is no practice of mentioning the date of the decision taken by MHA in the sanction order issued.

74. A close perusal of Ext.P686 & 768 sanction orders will go to show that both these orders are identical except for the fact that Sec.153A is not there in Ext.P686 sanction order. The evidence tendered by PW229 will convincingly prove that Ext.P686 is an order issued in continuation of Ext.P786 order. Both the orders are to be read together. It shall be borne in mind that the prescribed time limit applies only to the sanction order issued under sec.45 of the UA(P) Act and not to the sanction order issued u/s 196 Cr.P.C. Here the addition made is only that of IPC offence. Statute doesn't prescribe any time limit for the same. After all the seven working days prescribed under the rules is to be counted with reference to the date of taking the decision to issue sanction order and not with reference to the date of the issuance of a formal sanction order acting upon the decision taken. The above discussions will clarify that all the legal formalities are complied and Ext.P686 sanction order is valid on all aspects.

75. Ext.P307 is the sanction order issued by the then District Magistrate Ernakulam dated 14.01.2013, u/s.7 of the Explosive Substances Act, against seven accused persons including A3 to A6 in this case, for prosecuting them for the offences punishable u/s.3 of the Explosive Substances Act, 1908. The District Magistrate who issued the sanctioned order was examined as PW170. He clearly deposed before the court that before issuing the sanction order he verified the records of the crime. Nothing has been brought out in cross examination to discredit the testimony of PW170. For all these reasons, Ext.P307 is to be taken as

valid consent for proceeding to the trial.

76. To sum up the discussions it is to be held that prosecution has obtained proper and valid sanction to prosecute all the accused in this case for the offences punishable u/s.153A and 120B IPC, u/s.3 of the Explosive Substances Act, u/s 16 & 20 of UA(P) Act besides sec.6 of the Explosive Substances Act as far as A7 to A12 are concerned, sec.18 of the UA(P) Act as far as A1, A2 & A7 to A12 are concerned and Sections 18B and 19 of the UA(P) Act as far as A1 & A2 are concerned. The above point is answered accordingly.

77. **Points No. 2 to 24** :- I will consider these points together for convenience. The actus reus of this crime is the homicidal attack on Prof. Joseph on his return from Nirmala Matha Church, Muvattupuzha on Sunday, the 04th of July, 2010 at 08.05 am. I will now consider the evidence on this aspect.

Evaluation of evidence – Judicial principles evolved

78. Before we start the evaluation process, It is better to have a clear understanding of the judicial principle evolved on assessing a witness, what factors the Court can rely upon in its journey towards the truth, and the extent of discretion available to the Court in this regard.

79. **In State of Kerala V. Krishnankutty (1990 (1) KLT SN55 (CN No.69))** our Hon'ble High Court while considering a crime committed under horrifying circumstances observed that *"in such cases if ordinary standard of proof is found insufficient, it will be travesty of justice, if that be so such crimes could never come to light and interest of society will suffer. Since the public are generally reluctant to*

come forward to depose before the Court, the prosecution evidence cannot therefore be rejected merely for the want of independent corroboration or on account of falsity stated or embroidery added. If the case is found otherwise true, want of independent corroboration which is impossible should not deter the Court. If there is realm of truth in the main, it should not be rejected. It is necessary to remember that a judge doesn't preside over the trial merely to see that no innocent man is punished. A judge also presides to see that a guilty man doesn't escape. One is as important as the other. Both are public duties which the judge has to perform".

80. It is further observed that “ *in appreciating the evidence, the Court should call to its aid its practical experience in life, ordinary course of human conduct, the probabilities of the case and the naturalness of the versions of witnesses. Consistency and corroboration alone should not be the criteria. The evidence will have to be tested on the touch-stones of human probabilities, ordinary experience in life, reliability and naturalness. The connection of the evidence to other proven facts also will have to be looked into. The circumstances under which the crime was committed, the possibility of better evidence and the competency of the witness also are some of the factors. There must be a practical and realistic approach. Insistence on an impossibility may not be conducive to justice. Law never insists on such a standard of proof. Versions of interested and inimical witnesses should be carefully considered on the touch-stones of reliability and probability, that does not mean that evidence from interested and inimical sources should be rejected on that technical ground alone especially when it is clear from*

the circumstances, as in this case, that independent evidence is impossible. Disinterested neighbours, who could have given useful information, are withdrawing from the scene presumably out of fear".

81. The Hon'ble Apex court in **Shahaja v. State of Maharashtra (2022(11) SCR 196)** observed as follows; “ *The appreciation of ocular evidence is a hard task. There is no fixed or straight-jacket formula for appreciation of the ocular evidence. The judicially evolved principles for appreciation of ocular evidence in a criminal case can be enumerated as under:*

I. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinize the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief.

II. If the Court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate Court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details.

III. When eye-witness is examined at length it is quite possible for him to

make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the Court is justified in jettisoning his evidence.

IV. Minor discrepancies on trivial matters not touching the core of the case, hyper technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole.

V. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.

VI. By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.

VII. Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.

VIII. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another.

IX. By and large people cannot accurately recall a conversation and

reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder.

X. In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess work on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person.

XI. Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.

XII. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross examination by counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The sub-conscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him.

XIII. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Unless the former statement has the potency to discredit the later statement, even if the later statement is at variance with the former to some extent it would not be helpful to contradict that witness."

82. The Hon'ble Apex Court made its conclusive remarks as : *“To put it simply, in assessing the value of the evidence of the eye- witnesses, two principal considerations are whether, in the circumstances of the case, it is possible to believe their presence at the scene of occurrence or in such situations as would make it possible for them to witness the facts deposed to by them and secondly, whether there is anything inherently improbable or unreliable in their evidence. In respect of both these considerations, the circumstances either elicited from those witnesses themselves or established by other evidence tending to improbabilise their presence or to discredit the veracity of their statements, will have a bearing upon the value which a Court would attach to their evidence. Although in cases where the plea of the accused is a mere denial, yet the evidence of the prosecution witnesses has to be examined on its own merits, where the accused raise a definite plea or puts forward a positive case which is inconsistent with that of the prosecution, the nature of such plea or case and the probabilities in respect of it will also have to be taken into account while assessing the value of the prosecution evidence”.*

83. In yet another decision in **Rajesh Yadav and anr. etc v. State of UP (2022 Livelaw (SC) 137)**, Hon'ble Apex Court had a detail discussion on the principles of evaluation of evidence. The Paras 13 to 18 in the judgment is relevant on this aspect. It is extracted hereunder.

13. The definition of the word "proved" though gives an impression of a mere interpretation, in effect, is the heart and soul of the entire Act. This clause, consciously speaks of proving a fact by considering the "matters

before it". The importance is to the degree of probability in proving a fact through the consideration of the matters before the Court. What is required for a court to decipher is the existence of a fact and its proof by a degree of probability, through a logical inference.

14. Matters are necessary, concomitant material factors to prove a fact. All evidence would be "matters" but not vice versa. In other words, matters could be termed as a genus of which evidence would be a species. Matters also add strength to the evidence giving adequate ammunition in the Court's sojourn in deciphering the truth. Thus, the definition of "matters" is exhaustive, and therefore, much wider than that of "evidence". However, there is a caveat, as the Court is not supposed to consider a matter which acquires the form of an evidence when it is barred in law. Matters are required for a court to believe in the existence of a fact.

15. Matters do give more discretion and flexibility to the Court in deciding the existence of a fact. They also include all the classification of evidence such as circumstantial evidence, corroborative evidence, derivative evidence, direct evidence, documentary evidence, hearsay evidence, indirect evidence, oral evidence, original evidence, presumptive evidence, primary evidence, real evidence, secondary evidence, substantive evidence, testimonial evidence, etc.

16. In addition, they supplement the evidence in proving the existence of a fact by enhancing the degree of probability. As an exhaustive interpretation has to be given to the word "matter", and for that purpose, the

definition of the expression of the words "means and includes", meant to be applied for evidence, has to be imported to that of a "matter" as well. Thus, a matter might include such of those which do not fall within the definition of Section 3, in the absence of any express bar.

17. What is important for the Court is the conclusion on the basis of existence of a fact by analysing the matters before it on the degree of probability. The entire enactment is meant to facilitate the Court to come to an appropriate conclusion in proving a fact. There are two methods by which the Court is expected to come to such a decision. The Court can come to a conclusion on the existence of a fact by merely considering the matters before it, in forming an opinion that it does exist. This belief of the Court is based upon the assessment of the matters before it. Alternatively, the Court can consider the said existence as probable from the perspective of a prudent man who might act on the supposition that it exists. The question as to the choice of the options is best left to the Court to decide. The said decision might impinge upon the quality of the matters before it.

18. The word "prudent" has not been defined under the Act. When the Court wants to consider the second part of the definition clause instead of believing the existence of a fact by itself, it is expected to take the role of a prudent man. Such a prudent man has to be understood from the point of view of a common man. Therefore, a judge has to transform into a prudent man and assess the existence of a fact after considering the matters through that lens instead of a judge. It is only after undertaking the said exercise can

he resume his role as a judge to proceed further in the case.”

84. On “**Appreciation of evidence**”, the Hon'ble Apex Court made the following statement. *“Evidence can be divided into three categories broadly namely, (i) wholly reliable, (ii) wholly unreliable and (iii) neither wholly reliable nor wholly unreliable. If evidence, along with matters surrounding it, makes the Court believe it is wholly reliable qua an issue, it can decide its existence on a degree of probability. Similar is the case where evidence is not believable. When evidence produced is neither wholly reliable nor wholly unreliable, it might require corroboration, and in such a case, Court can also take note of the contradictions available in other matters.”*

85. Coming to “**Hostile witnesses**” the Hon'ble Apex Court held that *“the evidence of a hostile witness cannot be discarded as a whole, and relevant parts thereof which are admissible in law, can be used by the prosecution or the defence.”*

86. Coming to “**Contradictions and omissions**” the Hon'ble High Court reiterated the settled proposition of law that *“even if there are some omissions, contradictions and discrepancies, the entire evidence cannot be disregarded. After exercising care and caution and sifting through the evidence to separate truth from untruth, exaggeration and improvements, the Court comes to a conclusion as to whether the residuary evidence is sufficient to convict the accused. Thus, an undue importance should not be attached to omissions, contradictions and discrepancies which do not go to the heart of the matter and shake the basic version of the prosecution's witness. As the mental abilities of a human being cannot be expected*

to be attuned to absorb all the details of the incident, minor discrepancies are bound to occur in the statements of witnesses.”

87. Coming to “**Chance witness**” Hon'ble Apex Court stated, *"A chance witness is the one who happens to be at the place of occurrence of an offence by chance, and therefore, not as a matter of course. In other words, he is not expected to be in the said place. A person walking on a street witnessing the commission of an offence can be a chance witness. Merely because a witness happens to see an occurrence by chance, his testimony cannot be eschewed though a little more scrutiny may be required at times. This again is an aspect which is to be looked into in a given case by the Court."*

88. Coming to “**Related and interested witnesses**” the Hon'ble High Court would say that *"A related witness cannot be termed as an interested witness per se. One has to see the place of occurrence along with other circumstances. A related witness can also be a natural witness. If an offence is committed within the precincts of the deceased, the presence of his family members cannot be ruled out, as they assume the position of natural witnesses. When their evidence is clear, cogent and withstood the rigor of cross examination, it becomes sterling, not requiring further corroboration. A related witness would become an interested witness, only when he is desirous of implicating the accused in rendering a conviction, on purpose."*

89. In this regard as a word of caution, the Hon'ble Apex court quoted the observation made in its earlier decision in **Darya Singh v. State of Punjab (AIR 1965 SC 328)**. A portion of the same is extracted hereunder. *"There is no dispute*

about the fact that the interest of the witness must affect his testimony is a universal truth. Moreover, under the influence of bias, a man may not be in a position to judge correctly, even if they earnestly desire to do so. Similarly, he may not be in a position to provide evidence in an impartial manner, when it involves his interest. Under such inferences, man will, even though not consciously, suppress some facts, soften or modify others, and provide favourable colour. These are most controlling considerations in respect to the credibility of human testimony, and should never be overlooked in applying the rules of evidence and determining its weight in the scale of truth under the facts and circumstances of each case.”

90. On the question “**Non-examination of witness**” Hon'ble Apex Court stated that “ *A mere non-examination of the witness per se will not vitiate the case of the prosecution. It depends upon the quality and not the quantity of the witnesses and its importance. If the Court is satisfied with the explanation given by the prosecution along with the adequacy of the materials sufficient enough to proceed with the trial and convict the accused, there cannot be any prejudice. Similarly, if the Court is of the view that the evidence is not screened and could well be produced by the other side in support of its case, no adverse inference can be drawn. Onus is on the part of the party who alleges that a witness has not been produced deliberately to prove it.”*

Hand chopping incident occurred on 04.07.2010

91. Back to the facts; Professor Joseph the victim of the homicidal attack was examined as PW26. He deposed as follows; He is residing just half a kilometer away from Nirmala Matha church. He is a parish member of that church.

04.07.2010 was a Sunday. On that day at about 6.15 a.m., he went to the Nirmala Matha church in his Wagon-R car bearing No.KL-17/E 1795 along with his sister Sr.Marie Stella and mother Elikutty. They attended the Sunday Mass. It ended at about 7.55 a.m. They left the church at around 8.00 a.m. Sr.Marie Stella was sitting in the front seat of the car and their mother was sitting on the back seat. PW26 was driving the car. They proceeded through the road to the North of Nirmala public school. As they neared the junction to turn to their house, a white maruthi omni van came from the opposite direction the Companypady side, in high speed, stopped in front of his car and blocked him. He honked the horn continuously. All of a sudden, six persons got down from the van. Seventh person the driver never came out. Five among the six assailants were carrying weapons. One was armed with an axe, two with knife and two with choppers. The remaining person was carrying a plastic kit. Thereafter, two assailants came to his side and three others moved to the the side of Sr.Marie Stella. The person with axe tried to open the door on the driver's side but was not able to do it since all the doors were locked. Then the assailants smashed and broken the front side window panes on either side. They also made an attempt to smash the windscreen of the car. Thereafter, the man with axe started inflicting injuries on PW26. PW26 deposed that he sustained injuries on the outer aspect of the left hand, on the left wrist near the elbow and on the right wrist. The said man put his hand inside the car and opened the door. PW26 was not able to resist. By that time, two men came from the sister's side to his side. All the four together dragged him out of the car. They grabbed him by his legs and hands and took him to the back of the car and dropped him at a distance of about 2 meters. At

that time the man with a chopper inflicted two injuries on the left heel and the man with axe inflicted further injuries on the buttock above the left thigh and also on the ankle of the left foot. PW26 was again dragged to a distance of 2-3 meters and laid him on the road. At the same time, one of the assailants carrying a knife with him caught hold on the neck of Sr. Marie Stella and pressed her to a nearby wall at knife point. He held the knife in his other hand close to the sister's chest. By that time, the remaining gang members forcibly laid PW26 down on the road and then the man with axe inflicted heavy cuts on the left hand of PW26 near to the knuckle almost chopping the tip of three fingers using the axe. While the man with axe was continuing to inflict injuries on the left hand, PW26 heard one assailant saying "Savad not this hand the other hand is to be chopped". In the meanwhile, he heard the sound of an explosion. PW26 then spotted PW1 Mithun, his son coming to the scene through the smoke generated out of the explosion. While so, three persons forcibly held his hands and pressed it to the road. They caught on his right elbow and pressed it to the road. Then the man with axe chopped off the right hand of PW26 near to the wrist saying that "isn't with this hand you wrote the question ridiculing Islam and you hereafter shall not write with this hand". PW26 would say that he and his sister and mother were screaming loudly throughout and pleaded with the assailants not to kill him. While this incident was going on, people from the neighbourhood and those coming from the church were found standing nearby. The assailants never allowed any of them to come to the front. The man with an axe who chopped the hand took the severed hand and walked towards the omni van. The others followed him. All of them got into the omni van which was kept ready to

move to the Company direction and accordingly they left the place. PW26 would say that all the assailants were wearing pants and shirts and two of them had black caps on their head and four of them wearing cloth similar to lungi on their heads.

92. PW26 would further say that due to profuse bleeding he felt darkness entered his eyes. Immediately, he was shifted from the place of occurrence in his own Maruthi Wagon-R car to Nirmala Hospital, Muvattupuzha and then to Specialists' Hospital, Ernakulam, from where his severed hand was replanted. On 07.08.2010, he was discharged from the hospital. He stated that this incident turned him to a disabled man.

93. During cross examination four contradictions in his 161 statements given on different occasions were marked as Ext.D12 to D15. Ext.D12 statement given to the police is to the effect that after the chopping of his hand he felt darkness enter his eyes, later when his son called him he woke up and immediately he was shifted to the car, thereafter, he doesn't remember what happened. He gained consciousness only at the time when he was shifted to the ambulance from Nirmala Hospital. Before the Court he deposed that though he felt darkness entered his eyes he never lost his consciousness. This contradiction brought out doesn't appear to be material since nothing eventful happened in between the period, which demands any statement from the injured. The statement to the Court appears to be correct. PW123 the doctor who examined PW26 from Nirmala Hospital deposed that PW26 was conscious at the time when he examined PW26. In the wound certificate, it is recorded that the injured himself narrated the incident.

This statement by the doctor is not under challenge. Ext.D13 is a contradiction with regard to a conversation he had with one Fr. Raju Jacob on an enquiry made by a newspaper journalist regarding the controversial question paper. This is not a fact in issue in this case and has no relevance. Ext.D14 is a statement said to be given by PW26 to the Investigation Officer, NIA on 02.05.2011. It was recorded by PW223 who doesn't know Malayalam, who is hailing from Andhra Pradesh. There it is seen recorded that PW26 heard the sound of explosion while he was inside the car. This goes against the version appearing in his earlier 161 statement. PW26 stuck on to his first 161 statement and denied the version recorded in the second 161 statement. The consistent case spoken by PW26 & PW27 the material witnesses is that, at first professor was pulled out from the car, then dragged to the back side and attacked, and at that moment there occurred an explosion. Ext.D13 cannot be treated as a contradiction because the statement given by PW26 before the Court is not contradictory to his earlier 161 statement. This can only be taken as a mistake on the part of the Investigating Officer of the NIA who was not conversant with Malayalam.

94. PW68 was the then Jt. RTO of Muvattupuzha RTO Office. He produced the RT particulars of the Wagon-R car. It is marked as Ext.P124. Records reveal that this car is owned by Prof. Joseph. It supports the prosecution case. To summarise, there is absolutely nothing to doubt the truthfulness of the deposition given by PW26. All the events took place on that unfortunate Sunday is seen imprinted in his memory. His evidence is credible, reliable and trustworthy.

95. PW27 Sr. Marie Stella fully supported the version of PW26. She is the

elder sister of PW26. She is a member of 'Sisters of Saint Joseph of Cluny'. While she was serving as a nun at New Zealand she entered on leave and came to India on 28.04.2010. Due to illness, she stayed with PW26 and his family members at Muvattupuzha.

96. She deposed that on 04.07.2010 she along with PW26 and their mother Elikutty went to the church in the Wagon-R car of PW26 for attending the Sunday Mass. On their way back, a white Maruthi omni van came from Companypady side and stopped in front of their Wagon-R car by blocking their movement. PW26 was driving the car. She was sitting on the front seat and mother on the back seat. Immediately, six persons came out from the omni van. One among them had a axe in his arms and two of them were holding choppers. Two others were carrying knives. The remaining one was carrying a plastic cover something inside it. The driver of the Omni van never came out. Out of the six persons, two of them were having black caps and others had tied cloth like lungi on their heads. All of them were wearing pants and shirts. The man with axe and one person with knife went to the side of PW26 and three men came to her side. Two of them were carrying choppers and one a knife. The man with the plastic kit took position in between the two vehicles. The assailants smashed and broke the front side window glasses. They also attempted to break the windscreen. The man with axe started to inflict injuries on PW26. He sustained injuries on both his hands. He was not able to resist the blows. PW27 tried to come out of the car in order to rescue PW26. When she was about to alight from the car, a man with knife dragged her out and grasped her. By that time two persons standing near to her

had gone to the side of PW26. PW26 was also pulled out of the car. PW27 screamed loudly. Immediately, the person who was holding her caught on her neck and took her to the back side of the Wagon-R car and pressed her to a compound wall on that side. He was holding a knife in his other hand. From that place she was able to see what was happening there. Four of the assailants dragged PW26 to the back side of the Wagon-R car. At that time PW26 tried to wriggle out from these people. Immediately, a man with chopper inflicted cut injuries on the legs of PW26. Then it was the turn of the man with axe. He gave a blow on the buttocks just above the left thigh and also on the heel portion. PW27 continued to scream loudly. Mother was also crying. PW26 was then dragged further to the back side. PW26 was forced to lie on the back side of car. Two persons took position on either side and held the hands of PW26. Thereafter the man with axe, by standing on the right side and holding at the elbow point of the left hand of PW26, started to inflict repeated fatal blows on the lower part of the left hand. While so, one of the miscreants started saying that it is not the left hand to be chopped, but the other one. At this moment, there occurred an explosion. High sound and thick smoke emanated. It gained her attention to that area. At that moment, she spotted Salomi and Aami the wife and daughter of PW26. She again focused on the assailants. Then she saw the man with axe inflicting fatal blows on the right hand of PW26 saying that hereinafter he shall not write anything using this hand which he used to ridicule Islam. While it was going on, she spotted PW1 Mithun the son of Prof. Joseph rushing to the scene with a chopper in his hand and giving a blow on the upper back side of the man with axe. On seeing this, the person who was

holding PW27 left her and went to Mithun. The person who was earlier found with a plastic kit had also assisted the other one. They together pushed Mithun to a nearby school compound to a depth of 10-15 feet. By that time lot of people had reached there. Two among the miscreants were seen waving choppers and menacing them. When PW27 tried to reach out to PW26, the very same person who caught hold on her earlier, came back and restrained her from moving further. By that time, the assailants were able to chop off the right hand of PW26. The man with axe who chopped the hand, took the severed hand with him and all of them moved to the Omni Van which was kept ready to move out and all of them left the place in the said Omni Van. Immediately, Mithun reached there. Thereafter, the injured PW26 was removed to Nirmala Hospital Muvattupuzha in the Wagon-R car itself. She and Mithun accompanied PW26 to the Nirmala Hospital. While PW26 was being given first aid from the hospital, police men brought the chopped hand kept in a plastic cover with ice cubes and handed it over to her. PW26 was immediately shifted to Ernakulam Specialists' Hospital for expert management and specialist treatment. She accompanied PW26 to the hospital from where the chopped right hand got replanted. The dress of PW26 was soaked in blood. Her dress was also covered with blood. All these dress items were later handed over to police. In fact, she had also sustained simple injuries on her right hand elbow and right knee of her leg for which she had consulted doctor on 17.07.2010.

97. During cross examination many number of contradictions in her earlier 161 statements as well as in her earlier deposition before this Court in SC.01/2013 were brought out. Her first statement was recorded on 05.07.2010. In that

statement she would say that the registration number found exhibited on the omni van was 'KL7 AD 7201'. While giving the approximate number of persons involved in the attack she put it as eight. In the 161 statement she would say that Mithun reached there only after the assailants left the place. Further she doesn't speak about the earlier entry of Mithun and the pushing down of Mithun to the school compound. As per the 161 statement, only while proceeding to the hospital she came to know that the miscreants exploded bomb to threaten Mithun and Salomi and that some one had pushed down Mithun to the nearby school ground. Further, she also stated to the police that she had taken VRS in April, 2010. These contradictions doesn't prove that PW27 was not present at the time of the incident and had no occasion to witness the incident. The contradiction pointed out with regard to the registration number of the Omni van is just namesake. She had given the number as KL 07 AD 7201 but the officer recorded it as KL7 AD 7201. In the 161 statement as well as in evidence she clearly stated that she was taken to the backside and the assailant pressed her to the compound wall. It is to be noted that PW26 was attacked from the back side and definitely she would have witnessed the whole incident. She was through out along with PW26. She accompanied him to the church and was with him sitting in the front seat of the car while returning from the church. Her dress items were fully soaked with blood. The dress items were produced and marked as MO17 to MO19. She had vividly narrated the whole incident in full particulars. The defence counsel was even constrained to make a suggestion in cross that she is so talented in presenting matters effectively and convincingly.

98. Coming to the next set of contradictions, she told the officer that out of the six persons get down from the Omni van, four person went near to Prof. Joseph, broke open the window glasses, and dragged Prof. Joseph out of the car. In evidence she would say that only two persons had gone to Prof. Joseph and three persons came near to her. In evidence she explained that at the first instance three persons came to her and subsequently two persons went near to Prof. Joseph. This statement goes along with the statement given by PW26. That means there is no contradiction as such. Now coming to the contradiction appearing in the deposition recorded in the earlier case, she deposed that she had taken VRS but now she would say that she had not taken VRS but she took only medical leave. This contradiction has nothing to do with this case. May be she wanted to take VRS but not taken so far. All these contradictions no way affect the credibility of PW27 who, in spite of all adversities stood along with PW26 to fight for the cause. There is nothing to disbelieve her.

99. Mithun the son of the professor was examined as PW1. His evidence fully support the version of PW26 and PW27. According to him, on 04.07.2010 at about 06.15 a.m. his father along with his sister and mother had gone to the church to attend the Sunday mass in their Wagon-R car. He and his sister Aami and mother Salomi were in the house. At around 8.00 a.m., while being in the house, they heard a long horn of the car from the road near to the School ground, followed by the sound of smashing glass and a screaming sound. Immediately, he along with his mother and sister rushed to that place. When he reached there he found a white Maruthi omni van halted with its engine on, facing Companypady side with all

the doors opened. One person was found sitting in the driver's seat. The he saw four persons dragging PW26 from the car and while so one person was found inflicting injury on the left leg of his father by using a chopper. He also saw one person pressing PW27 Stella to the nearby compound wall holding on her neck. He also spotted one assailant standing there with bomb in his hands. When they tried to move further, this man threatened to explode the bomb. He at once rushed to his house, got a chopper and returned to the spot. When he was rushing to the place with chopper in his hands, the person with the bomb exploded it in front of him which created high sound. PW1 took the risk and gone near to the assailants. At that moment, he saw four of the assailants had laid his father to the ground and the persons carrying chopper and axe were found inflicting injuries on him. While so the man with axe was saying that hereinafter he shall not write anything with his hand used to ridicule Islam. The said man chopped the right hand of the father. On seeing this he waved the chopper in his hand to the person with axe. It caused some injuries on his body. Immediately, PW1 was caught hold on by two of the assailants. They snatched away the chopper in his hand and thereafter pushed him down to the nearby school compound. He sustained injuries on his back. Still he got up and came near to his father. By that time the assailants had left the place. Immediately, PW26 was shifted to Nirmala hospital, Muvattupuzha. The chopped hand was brought to the hospital by the police. As advised by the doctor, father was taken to Specialists' Hospital, Ernakulam for expert management. PW27 Stella accompanied father. He had not gone to Ernakulam, since his dress was soaked in blood. Later on 17.07.2010, he got examined by the doctor and taken treatment for

the simple injuries sustained by him.

100. During cross examination two contradictions in his earlier deposition before this Court in SC.01/2013 were marked as Ext.D1 and D1(a). During his earlier examination he deposed that he had not seen the severing of the hand of his father and that he had never heard any conversation in between his father and the accused and also in between the accused. This doesn't really contradict the version now given by PW1. The consistent case put forward by PW1 is that when he returned to the place of occurrence with a chopper, he saw the man with axe inflicting injuries on the hand of PW26, immediately he attacked him with chopper and at once he was caught by two other assailants and thrown him to the nearby compound. That means, he had seen the assailants inflicting injuries on the hand of PW26, but not specifically seen the severing of the hand and taking it away and throwing it by the assailants. In the same way, PW1 was not able to overhear any conversation in between the accused or in between his father and the accused. That doesn't mean that he heard nothing. No specific conversation or statement made by the accused during the course of incident was put to PW1 and got his reaction.

101. In addition to that, Ext.D2 series and D3 series contradictions in the 161 statements given to the police and to the NIA were proved. Ext.D3 series are the contradictions in the statement given to the police on 02.05.2011. As per the 161 statement, he had seen the assailants dragging PW26 from the car, further only at the time of his revisit to the scene after his fall to the school compound, he realised that his father had lost his right hand. These are not material

contradictions as projected by the defence. He had seen his father being dragged by four persons. The only thing is that before he reached there, his father was pulled out from the car. He had seen the subsequent dragging of PW26 to the back side of the car. Ext.D2 series contradictions are those appearing in the 161 statement recorded by PW223, the NIA officer from Andhra Pradesh, who doesn't know Malayalam. It was recorded only in the year 2011. At that time, PW1 narrated the entire event right from the beginning to the end, which includes not only what he witnessed directly but also what he gathered from his parents. This aspect has been satisfactorily explained by PW1 in evidence. There is nothing inherently improbable or unreliable in his evidence.

102. PW2 P. J. Thomas is the neighbour of Prof. Joseph. He is a retired Head Master. On 04.07.2010, he along with his wife had gone in his car to attend the early morning Sunday mass at Nirmala Matha Church. At about 8.00 a.m. they returned from the church. When they reached near the small gate of Nirmala Public school, they spotted a black car stopped at about 150 feet away. Immediately, there occurred a bomb explosion near the black car. It generated high sound and thick smoke. He got scared and stopped his car. By sitting in the car, he was able to see what was happening outside. One lady was found restrained by one person. From the particular type of the sari worn by the lady he identified her as a nun. 2 - 3 persons were found pushing and dragging a person to the side of a compound wall. He was able to notice the movement of the hands of two persons holding weapons up and down repeatedly. One person was found pushed down to the school ground portion lying about 10 feet depth. By that time George Varghese

reached there in car and stopped behind his car. Thereafter both of them get out from the car and proceeded to the place where the incident was going on. By that time, miscreants left the place in a white Maruthi Omni van. Prof. Joseph was found lying on the road side in a pool of blood. His right hand was found chopped off and the severed hand was missing. The sister and son of Prof. Joseph were there on his side. Mother was found inside the black car. He along with George Varghese, Mithun and Sr. Marie Stella lifted Prof. Joseph from the ground. Professor was immediately shifted to hospital in his black car. Nibin a boy from the neighbourhood drove the car to the hospital. Mithun and Sr. Marie Stella accompanied Prof. Joseph. On the scene of occurrence broken window glass pieces of the black car, many number of chappals, two caps and one chopper found lying. Subsequently, M.C. Joseph spotted the severed hand from the courtyard of Plakkil Joy. He put it in a plastic cover with ice cubes. It was handed over to the police who took the severed hand to the hospital.

103. During cross examination two contradictions in his 161 statement were marked as Ext.D4 & D4(a). To the police he never stated that the lady spotted by him was wearing a sari usually worn by nuns, and secondly, that he had not seen the miscreants escaping from the place in the Maruthi Omni van and he came to know about it from others. The so called contradictions are only trivial in nature. Three more contradictions were marked as Ext.D5 series. These contradictions are with regard to the exact spot where the assailants restrained the nun, whether thing exploded was a bomb or a cracker, whether on the next day of the incident he had gone outside or not. Again these are all minor contradictions which is quite normal

to appear when a person is giving evidence after long lapse of time. It will never discredit the witness nor create doubt on the truthfulness of the statement given by him. His evidence is trustworthy.

104. PW3 Nibin was the person who drove the Wagon-R car to Nirmala hospital with the injured Prof. Joseph. He is also a person from the neighbourhood. His evidence is that on 04.07.2010, after attending the mass, he was back in his house with his parents by 7.45-8.00 a.m itself. While he was standing in the courtyard after parking the car, he found a white Maruthi omni van proceeding towards hostel junction in high speed. After a while, he heard a sound of collision, followed by screaming sound of people. The sound came from the Nirmala school area. He rushed to the place and then spotted the very same omni van stopped on the road facing Companypady side. He saw few persons behind the omni van with weapons in their hands. One of the weapon was a chopper. He realized that it was an attack. He got scared, so he returned to his house to get his phone and call his friends. But he did not get anyone on line. By that time he heard the sound of explosion. He rushed back to the place and found the omni van speeding towards Companypady. Prof. Joseph was found lying behind the car with his right hand chopped. His Wagon-R car was also found there. Its windscreen and window panes were seen broken. Prof. Joseph's son Mithun, sister Marie Stella, mother Elikutty, PW2 Thomas, George (PW5) etc. were present there. They together lifted Prof. Joseph to the back seat of the Wagon-R car. PW5 asked him to take the car. He drove the car to Nirmala hospital. Mithun and Sr. Marie Stella accompanied them to the hospital. On the way to the hospital, he saw the wife of Punnad Thomas. He

asked her to search for the severed hand of Prof. Joseph and bring it to the hospital. After a few minutes the Muvattupuzha Sub Inspector brought the severed hand to the hospital in a kit. Later, he took the car to Muvattupuzha police station and thereafter he left to his house. Nothing has been brought out to discredit this witness.

105. PW4 was then a teacher in Nirmala Public School, Muvattupuzha in connection with SSA project. She used to go to Nirmala Matha church on every Sunday. Prof. Joseph and his family members are known to her. As usual on 04.07.2010 also she had gone to Nirmala Matha church to attend the morning Sunday Mass. By 8.00 a.m., it was over. On her way back, when she reached the gate of Nirmala Sadan, she saw a white Maruthi Omni Van coming from Companypady side and proceeding to the direction of Nirmala Public School in high speed, driven rashly. She spotted 5-6 persons in the van. To her safety she moved to the side of the gate. Thereafter she proceeded further. After some time she heard an alarming sound from the side of the school. Firstly she heard screaming sound and then the sound of breaking glasses. She turned around and proceeded back towards Nirmala Public School. When she reached near Thottumayikkal House, at a 100 meter distance she spotted the very same white Maruthi Omni van stopped across the road, the front side facing the companypady direction. Then she heard the sound of bursting crackers, near from the side of the Omni van. She spotted 5-6 persons standing near to the van. They were carrying weapons. She got scared. Due to this she was not able to move further. Later on she saw the persons getting inside to the van. The van came through the same road and

proceeded to the Companypady direction. As and when the van left the place, people gathered there started rushing to the spot. She had also gone there. Then she saw M.C. Joseph, Poonattil Thomas, George as well as the wife and daughter of Prof. Joseph. The remnants of the exploded items were found lying there. There were paper pieces, broken glass pieces, chappals etc. That spot was full of blood. One chopper was found lying there. Immediately, Prof. Joseph was shifted to hospital. She came to know that PW26 lost his right hand. At once the people started searching for the severed hand of the professor. Immediately, it was traced out by M.C. Joseph. By that time police reached there and they took the severed hand to the hospital.

106. During cross examination certain omissions were brought out in the evidence of PW4. She had not stated to the police the name of the persons she had seen at the place of occurrence and also about the material objects which were lying at the scene of occurrence. These omissions have no relevance at all. The scene mahazar prepared in this case gives the full particulars of the material objects found lying at the place of occurrence and those details fully support the version of PW4.

107. PW5 is George Varghese. He is the other man who accompanied PW2 to the place of occurrence. On 04.07.2010, he also attended the early morning Mass at Nirmala Matha Church. From the church he had seen Prof. Joseph, his sister and mother. He deposed that, from the parking area of the church Prof. Joseph moved out first in his car. After some time PW2 Thomas left and lastly PW5 moved out. When PW5 reached near to the small gate of the school, he

found the car of PW2 halted on the roadside. On seeing this he also stopped his car behind the car of Thomas. When he get down from the car a nun who was passing through the road told him that something is going on there, it is better not to go to that place. Anyway he along with PW2 went there. They were shocked to see Prof. Joseph lying in a pool of blood without his right hand. Prof. Joseph's son Mithun and Sr. Marie Stella were there on the side of Prof. Joseph. Many number of chappals, two caps and one chopper were found lying on the ground. Remnants of crackers were also seen there. Prof. Joseph was immediately shifted to the hospital. Thereafter, they made a thorough search to find out the severed hand of Prof. Joseph. He got it from the courtyard of Plakkil Joy, which was handed over to the police. The police took it to the hospital.

108. During cross examination one contradiction in his earlier deposition before this Court in SC.01/2013 was marked as Ext.D6. During his earlier examination he deposed that he doesn't remember in which direction the car of Prof. Joseph was found facing. This is absolutely trivial in nature. The truthfulness of the statement given by PW5 cannot be tested on the basis of this minor contradiction. His evidence is creditworthy.

109. PW6 Moly George is the wife of PW5 George. On 04.07.2010, she had also attended the early morning Sunday Mass. After the Mass she proceeded to her house without waiting for her husband who had a meeting in the church. When she reached near Nirmala Sadan she saw a white omni van carrying people proceeding towards the school from Companypady side in high speed, moving in zig zag manner. To their safety she and her companions moved to the side of the

road. After a while, she heard a big sound from the back side. She thought that the vehicle would have dashed somewhere. She also heard screaming sound. Then she turned around. At a 50 meter distance, she saw the very same Omni van on the road, turned around, halted facing to the company side. It was seen stopped slightly across the road. She spotted some persons standing near to the omni van with weapons in their hands. She got scared and withdrawn, and stood near the house of PW3 Nibin. At that time she heard the sound of an explosion. She also noticed smoke spreading near from the omni van. After a while, the men carrying weapons got into the Omni van. They left the place in the Omni van towards Company direction. After that she rushed to the place of occurrence. PW26 Prof. Joseph was found lying on the road in a pool of blood. Near to him she saw Prof. Joseph's son, sister, mother and wife. Prof. Joseph had lost his right hand. Immediately, Prof. Joseph was shifted to hospital. PW3 Nibin drove the car. The severed hand of Prof. Joseph was traced out from the courtyard of PW10 Plakkil Joy. The police took it to the hospital. There is absolutely nothing to disbelieve this witness, whose presence at that time on the road is quite natural.

110. PW7 M.C. Joseph is the retired principle of Nirmala College. He is the immediate neighbour of Prof. Joseph. He also attended the early morning Mass at Nirmala Matha church on 04.07.2010. After attending the Sunday Mass he prayed at the cemetery and returned to his house. On the way to his house he found a black car moving in high speed towards hostel junction. Some ladies were moving in front of him. One among them was Chinnama the wife of PW2 Thomas. She told him that somebody had attacked and chopped off the hand of PW26 Prof. Joseph

and the severed hand so far not traced out. When he proceeded further he found a gathering. PW2 & 5 were standing there. He felt the smell of exploded crackers. He immediately joined the others in search of the severed hand. He found the severed hand in the courtyard of Plakkil Joy. He got a plastic kit and some ice cubes from Plakkil Joy and put the severed hand and the ice cubes in that kit. He handed over the kit containing the severed hand to PW5. By that time police party came there in a jeep. PW5 gave that kit to the Sub Inspector, who took it to the hospital. There is nothing in the cross examination to discredit his testimony.

111. PW10 Plakkil Joy's house situates near to the place of occurrence. He deposed that 04.07.2010 after attending the Holy Mass, he reached his house at around 8 am. While changing dress, he heard the sound of a long horn and the sound of breaking glasses, followed by screaming sound. After a while he heard the sound of explosion. After sometime he heard the sound of moving vehicles. He wanted to come out to see what is happening there but his wife prevented him from going out. When he came out, he saw a gathering in the nearby road. M.C. Joseph informed that some miscreants had attacked Prof. Joseph and chopped his hand and Prof. Joseph had already shifted to the hospital. All of them were searching for the severed hand of Prof. Joseph. He also joined them. From his courtyard, M. C. Joseph traced out the severed hand. As requested by M.C. Joseph he handed over one plastic cover and ice cubes. M.C. Joseph put the severed hand along with ice cubes in the plastic cover. He handed it over to PW5 George. Immediately, police reached there and they took the severed hand to the hospital. At the place of occurrence there were blood stains. Slippers, chopper, caps and

broken glass pieces were found lying scattered. His statement appears to be credible and truthful.

112. PW11 Freddy is also a person from the neighbourhood. He deposed that on 04.07.2010, at about 8.00 a.m. he woke up from the bed on hearing the sound of an explosion followed by a cry. He immediately rushed towards Nirmala Public School, from where he heard the sound. When he reached near the way turning towards Nirmala Public School, he saw Prof. Joseph's black car lying on the roadside. He found smoke at that place. He found Salomi wife of Prof. Joseph, standing near the gate of Nedungad Thomas. She was scared. Salomi told him that a group of miscreants attacked her husband and asked him to inform the police. Then he went to the house of Roy, contacted the police control room over phone and gave intimation that PW26 was attacked by a group of persons and sought the help of the police. Then he returned to the place of incident. By that time PW26 was taken to the hospital. A lot of people were seen gathered there. He found blood stains, chappals, broken glass pieces and caps at the place of occurrence. He learned that the assailants chopped Prof. Joseph's hand and threw it to the house compound of Plakkil Joy. There is nothing to disbelieve this witness.

113. PW17 was the then vicar of the Nirmala Matha Church, Muvattupuzha. He presided the Sunday mass on 04.07.2010. He deposed that the prayer meeting started at 6.30 a.m. and ended by 7.45 a.m. and in the said mass, Prof. Joseph, his sister and mother participated. During cross examination, one contradiction in his earlier deposition before this Court in SC.01/2013 is marked as Ext.D11(a). The defence pointed out that, in the earlier occasion, his case was that he saw only

PW27 Sr.Marie Stella along with Prof.Joseph in the church. This contradiction, again is of no use, especially since the mother is not examined before the Court. Moreover, the presence of mother in the car at the time of incident is spoken by many other witnesses. This part of the statement appears to be credible.

114. PW24 Mini Paul is the resident of Companypady, Muvattupuzha. On 04.07.2010, she also attended the early morning Mass at Nirmala Matha church. On her return, upon reaching the gate of Nirmala Public school she heard a big sound and smoke coming out from that area. She had seen two cars halted on the roadside. Immediately after that she saw a black car passing through the road at high speed. She came to know that somebody had chopped the hand of Prof.Joseph. Nothing has been brought out in cross examination to discredit this witness.

115. PW54 Jessy Thressia was the then Head Mistress of Nirmala Matha Primary School. She also attended the Sunday morning mass on 04.07.2010 at Nirmala Matha Church. She deposed that after the holly mass she met Prof.Joseph, who offered a lift to her in his car. At that time the sister and mother of Prof.Joseph were in the car. She opted to go on walk. Later, when she reached the school ground, she found a gathering there. She came to know that somebody had chopped the hand of Prof.Joseph. This part of her evidence appears to be credible.

116. PW219 was the then Sub Inspector of Police, Muvattupuzha. He is the police officer who reached the spot first. According to him, on 04.07.2010 at about 8.10 a.m. while he was attending his duty at the police station, he got an

information over phone that some miscreants attacked PW26. Immediately, he rushed to the place along with police party. When he reached the spot he found broken glass pieces and blood stains on the road. There was smell of an explosion. He found two black caps, slippers and a chopper at the place of incident. A few people was there. On enquiry, he came to know that PW26 was attacked by some persons who came in a Maruthi omni van and they chopped his right hand and further they also attacked the son and sister of PW26 Professor and PW26 was taken to the hospital. At that time a person brought the severed hand in a plastic kit with ice cubes and handed over the same to him. Then he deputed two police men to guard the place of incident and rushed to the hospital with the severed hand. As per the directions of the Doctor he handed over the plastic kit to PW27. At that time, Prof. Joseph was not in a position to speak. After informing higher officials, he proceeded to the house of Prof. Joseph and recorded the first information statement given by Professor's wife Salomi. Then he returned to the police station and registered the case as Crime No.704/2010 under Sections 143, 147, 148, 427, 341, 323, 324, 326, 506 (ii), 307, 120 B r/w 149 of IPC and Section 3 of the Explosive Substances Act and forwarded the same to the concerned Court. His testimony is corroborated by the evidence tendered by the independent witnesses I have discussed above.

117. PW221 was the then Circle Inspector of Police, Muvattupuzha. He took over the investigation in the above crime. He deposed that immediately he proceeded to the scene of crime and at about 11.00 a.m., inspected the scene with the assistance of Scientific Assistant and prepared Ext.P107 scene mahazar. Many

chappals, a spectacle, two black caps, broken glass pieces, one chopper and the remnants of explosive substance like burnt papers and jute twain were found lying on the scene. All these items were seized as per Ext.P107 scene Mahazar. The material objects seized from the place of occurrence are exhibited in this case as MOs 1 to 9. As per his instructions, Scientific Assistant collected samples from the scene. On that day itself, he took possession of Wagon-R car bearing No.KL-17/E.1795 in which PW26 Prof.Joseph was travelling at the time of the incident and also the omni van the vehicle used by the assailants. The Scientific Assistant collected samples from both these vehicles and all the samples collected and the material objects seized from the scene of occurrence were sent through Court for forensic examination. The defence could not point out any infirmities or latches on the investigating officer's part in examining the crime scene and collecting the material objects and samples.

118. PW57 is the brother in law of Prof.Joseph. He was present at the time of inspection of the scene of occurrence by PW221 and is a witness to the Ext.P107 scene mahazar. He identified MOs1 to 9 as the items found lying at the place of occurrence. These items are the blood stained soil, broken glasses, chappals, caps etc.

119. PW65 was the then Muvattupuzha Village Officer. Upon the requisition given by the Investigating Officer, he prepared the site plan of the place of occurrence, which is marked as Ext.P106. The only defect pointed out by the defence is that exact place from where the remnants of the exploded bomb were not marked in the site plan. It is not a fatal omission. The description of the said

spot is available in the scene mahazar. The site plan gives a clear understanding of the lie and nature of the place of occurrence.

120. PW131 and 132 are the Telecommunication unit SI and wireless operator of Police Department. Their evidence will prove that, immediately after this incident SP, Rural, Ernakulam had given wireless message to all the officers under him regarding this incident and to trace out the Omni van involved in it. It is stated that Prof. Joseph was attacked by men who came in an Omni van.

121. MOs 1 to 9 are the material objects recovered from the place of occurrence. MO1 is the chopper used by PW1, MO2 and MO3 are the chappals and spectacle of PW1, MO4 the chappal of PW26, MO5 the chappal of PW26's wife Salomi, MO6 & MO8 - broken glass pieces small & big, MO7 series-two caps, two black caps, MO9 charred jute twin and paper pieces. Material witnesses clearly identified these objects. PW1, PW26 & PW27 separately identified the personal belongings marked as MO1 to MO5. There is no serious challenge in this regard.

122. The attack on PW26 is not disputed or denied by the defence. They would contend that the prosecution failed to place the true state of facts before the Court. The real assailants were wearing face masks and they committed the crime concealing their identity and very well managed to escape from the place at once. This is clear from the earliest information passed over by the Ernakulam Rural SP at 08.37 a.m., to his subordinates through Zatta message. In fact, this was the first information received by the police and was sufficient on all aspects to register a crime. Subsequently, the police officers, realised the fact that if such a statement appeared in the FIR, it will be difficult to prove the identity of the assailants. After

due deliberations, they decided to get over it by obtaining a statement from Salomi in accordance with their requirements and accordingly a statement got prepared on the next day and registered an FIR anti dated which caused delay in its production before the Magistrate. On records, the FIR is seen registered on 04.07.2010 at 09.45 a.m., and it reached the Magistrate Court situated nearby only at 11.00 a.m. on 05.07.2010. Prosecution was not able to satisfactorily explain the delay caused. They cannot get over the same by just pointing out that the FIR was registered on a Sunday. Further, the prosecution failed to produce the log book wherein the transcript of the Zatta message in question was recorded. This log book kept and maintained in the police telecommunication unit, Aluva was officially seized by the police but returned at once stating that it is a register kept in daily use. During the trial in SC.01/2013, prosecution suppressed this document. Then the defence filed application for its cause production but it was not produced stating that it is not available. The learned defence counsel would submit the non production of the log book is prejudicial to the defence. Being a material document, adverse inference can be drawn against the prosecution for its non production. To support his contention learned counsel relied upon the decision of Hon'ble Apex Court in **S.Gopal Reddy V. State of Andra Pradesh (1996 (4) SCC546)** wherein it is stated that adverse inference to be drawn from the non production of vital document by the prosecution. According to the learned defence counsel, in this given set of facts, it will not be safe to rely upon the testimony of PW26 the victim without any corroboration from independent and reliable source. If we go by the version of the prosecution this incident occurred while people were returning from the church after

Sunday mass. If that be so, definitely many number of persons would have seen the incident. Still, prosecution failed to produce atleast one independent witness who had seen the real incident. Coming to PW1 & PW27, the materials available on record are not sufficient to prove that they were present at the place of incident when this incident took place. Therefore, it is not safe to rely upon their evidence also. Moreover, being interested witnesses rule of prudence demands corroboration, but it is not at all available in this case. All these inherent improbabilities and weakness per se makes the prosecution case unreliable, and no conclusive finding can be drawn on its basis.

123. I will now go into these contentions. PW130, 131 & 132 are the police officers attached to the Police telecommunication, Aluva office. PW130 was the Assistant Sub Inspector, PW131 the Sub Inspector and PW132 was the wireless operator. PW166 was the then SI of Police, Perumbavoor and PW167 the then CI of Police Perumbavoor. All of them had given evidence regarding Zatta message. Their evidence will make it clear that Zatta is a daily process in which normally at about 08.00 a.m., the Superintendent of Police used to have discussions with his subordinates including all SHOs under his jurisdiction, over wireless regarding the prevailing current issues. It is open to all police officers. During the course of discussion, if any important message is given, it would be recorded by the wireless operator in the running log book maintained in the telecommunication unit. In urgent situations, what is received will be passed over immediately without any further verification and therefore it need not always be correct information. If any part of the information passed over is found incorrect, corrected and modified

messages will be sent if the situation demands. It is reiterated that recording all the wireless messages is unnecessary.

124. A particular message given by the Ernakulam Rural SP at 08.37 a.m. was recorded in the log book to the effect that "two assailants wearing face masks came in a white Maruthi omni KL7 AD 7201 vehicle, attacked and inflicted injuries on the Professor of the Newman College, Thodupuzha, who prepared the controversial question paper and the assailants got escaped. All the police officers were directed to carry out vehicle search. It was also informed that five persons were there in the vehicle".

125. On 07.07.2010, at about 11.00 a.m., PW219 the SI of Muvattupuzha Police Station, upon the direction given by the investigating officer went to the Police telecommunication unit, Aluva, and seized the log book by preparing Ext.P222 mahazar. Since, it was a running log book in use, PW219 after extracting the relevant portion in Ext.P222 mahazar returned the log book to PW131 the SI of telecommunication unit. The said mahazar is attested by PW130 the ASI of the said unit. If we go by the extracted proceedings available in Ext.P222, on 04.07.2010 Zatta discussions started at 08.15 a.m. and completed at 08.35 a.m. At 08.37 a.m., SP gave this particular message which I already referred to. This is not the last message in this regard. At 09.13, and 09.46 two messages were seen recorded. The SP had given direction to check all white maruthi omni vans irrespective of the number mentioned above since there is a possibility that the number displayed was not the correct number.

126. In view of the wireless message received, PW166 & PW167 started

vehicle checking at various places in and around Perumbavoor. While so, at 09.25 a.m. PW166 intercepted the omni van and took it into custody. Ext.P298 is the mahazar prepared in this regard. The evidence tendered by PW166 & 167 will disclose that even before the message received at 08.37 a.m., they started vehicle checking. According to them from 08.15 a.m. onwards they were on the road checking the vehicles. This time is mentioned in the mahazar itself. Therefore the message at 08.37 a.m. cannot be said to be earliest information received by the police officers. It is to be noted that PW219 the local sub Inspector received information about the attack on Prof. Joseph at 08.10 a.m. and reached the place of occurrence at 08.15 a.m. and gathered information from the local people. Nobody had given any information that there were only two assailants and both of them were wearing face masks. PW1, PW26 & PW27 had given evidence in detail about the incident from its beginning till its end. Here, the assailants smashed and broken the window panes of the maruthi omni van. Multiple injuries were inflicted on PW26. He was dragged to the back side of the car. During this time, one person was holding PW27 on her neck pushing her to a wall. The assailants had exhibited a show of violence to terrorize the onlookers. They hurled explosive substances. Police were able to collect remnants of the explosive from the place of occurrence. They had thrown away PW1 who attacked one of the assailants with a chopper. This whole thing cannot be managed by two persons wearing face masks. At this juncture, it is to be taken note that, apart from PW26 and his family members independent persons examined as PW2, 3, 4 & 6 had also seen the assailants who came to the place of occurrence in the Maruthi omni van. They deposed these facts

before the Court. Except to A6, not even a suggestion was put in cross that the assailants were wearing face masks. This itself will go to show that even the defence had not taken it so seriously.

127. If we go by the version given by the victim and eye witnesses, two assailants were wearing caps and remaining four had covered their head with cloth similar to that of lungi. Two caps were recovered from the place of occurrence itself. This also negative the case that the assailants were wearing face masks while committing the offence. The direct evidence tendered by the victim and the ocular witnesses, if believed will prove beyond doubt that there were altogether seven assailants and six out of them came out and attacked Prof. Joseph and were not wearing face masks.

128. The victim is the most competent person to spoke about the attack on him. PW26 had spoken on each and every overt acts on the side of the assailants. The evidence tendered by him doesn't suffer from any glaring infirmity. There is nothing to disbelieve this man. Absolutely no corroboration is required to believe his testimony.

129. It shall not be lost sight that this crime was committed in a horrifying situation. Disinterested neighbours who could have given useful information had withdrawn from the scene till the assailants left the place. Those persons who had seen the incident failed to boldly come forward and state it to the police or before the Court, presumably out of fear. The most appropriate examples are PW10, PW4 and PW2. PW10 is the immediate resident of the scene of crime, from whose courtyard the severed hand of PW26 was found out. PW10 is a person employed

in the fire and rescue department. He was inside the house when the incident was going on. He heard the sound of explosion and also the screaming of the injured. Still he kept inside the house till the assailants left the place. He would say that his wife prevented him from coming out of the house. PW4 is a lady who was on her way back after attending the Sunday mass in the church. She had reached upto a 100 meter distance from the crime scene when the incident occurred. In fact she had spotted the assailants. On seeing the incident she immediately withdrew to a comfortable distance and only after the assailants fled from the scene she had gone there. PW2 was moving out in his car after attending the Sunday mass. He had reached upto a distance of 150 meters from the scene of crime. In fact he had seen the whole incident by sitting in his car. But while describing the incident to the police and before the Court, he explained the incident as if he had seen it from a far distance. He would only say that one assailant caught hold on a lady, some assailants dragged a person etc. He was reluctant to say that the assailants dragged Prof. Joseph and the lady restrained was Sr. Stella Marie. They are all known to him. Any way one thing is clear that what happened there was a horrifying incident and the people who were there, most of them the persons returning from the church after attending the Sunday mass, were terribly scared and for these reasons they withdrew from the place or else failed to boldly come forward to state it to the police or to depose before the Court. In this given situation, it will be a near impossibility to get corroboration from independent sources. The corroboration question doesn't arise at all, since the evidence tendered by PW1 is of sterling quality.

130. Even if we look for corroboration, with equal clarity and precision PW27 had given evidence before the Court with full details. The evidence tendered by PW1 fully supports the version of PW26 & 27. The defence is having a case that both PW1 and PW27 were not present at the place of occurrence when the incident took place. The defence bank upon the delay caused in the medical examination of PW1 and PW27 and further the non seizure of blood stained dress of PW1 and the delay caused in the seizure of the dress items of PW27. The said contention is wholly unsustainable and is only to be rejected. Both PW1 and PW27 sustained only simple injuries. It is quite natural that when PW26 who sustained multiple grievous injuries and was fighting for his life in the hospital, PW1 and PW27 had ignored all their bodily suffering. Only when they were forwarded to a medical examiner with police requisition, they went to the doctor. Ext.P728 and 729 are the wound certificates issued by the doctor. Ext.P728 is that of PW27 and Ext.P729 is that of PW1. In Ext.P728 the doctor noticed healed wounds over the dorsal surface, forearm, elbow, knee etc. In Ext.P729 the doctor noticed healed abrasion below the spine. These documents were marked without objection. There is absolutely nothing to be suspicious in this regard. These documents coupled with the oral testimony of PW1 and PW27 convincingly prove that they had sustained simple injuries in the incident. Mere delay in taking medical assistance doesn't make their testimony unreliable. The defence found fault with Mithun for not producing his blood stained dress items before the investigating officer, at the same time they were not ready to give any advantage to PW27 for producing her blood stained clothes. The non-production of Mithun's blood-stained clothes is not of

much relevance since there is other reliable evidence to prove his presence. It is to be taken note that MO2 and MO3 recovered from the place of occurrence are the personal items of Mithun. The dress items produced by PW27 were marked as MO17 to MO19. On forensic examination, human blood of origin B group, was detected on the dress items. It is the blood group of Prof. Joseph. Apart from this, there is overwhelming evidence to prove their presence at the time of the incident. PW2 to PW6 specifically speaks about the presence of PW1 and PW2 to PW5, PW17 & PW 51 speaks about the presence of PW27. All these supporting materials prove the presence of PW1 and PW27 at the time of the incident. Though they are closely related to the victim they are natural witnesses. PW27 was at that time accompanying PW26 and PW1 came running from the house which situates nearby. There is absolutely nothing to disbelieve them.

131. The eye witnesses are also consistent in that assailants were not wearing face masks. This constitute direct evidence which is primary in nature. The information passed over as Zatta message is only hearsay. If any part of the message contradicts the primary evidence, primary evidence will prevail. The inconsistent portion is to be treated as misinformation and is to be eschewed from consideration.

132. The learned defence counsel forcefully argued that if the prosecution has a case that Zatta message given by the Rural SP, Ernakulam was wrong or incorrect, the most competent person to say so is the Rural SP, Ernakulam. None of the investigating officer made any enquiry in this regard to the Rural SP, Ernakulam. No statement from the side of Rural SP, Ernakulam is before the Court.

Without getting a statement from the Rural SP, Ernakulam in this regard, prosecution cannot term it as misinformation, and the accused are perfectly justified in taking benefit out of it.

133. The said contention is not sustainable. The Ernakulam Rural Superintendent of Police is not an outsider. He was the supervising officer of the investigation conducted by Kerala Police. Under his specific instructions, most of the house searches in this case were carried out. The investigation progressed giving weightage to the testimonies of the eye witnesses and the Rural SP, Ernakulam led the investigation. Therefore there is absolutely no need to record the statement of Rural SP, Ernakulam.

134. During the investigation, it is quite normal that the investigation team will receive a lot of informations. This includes misinformation, truthful, incorrect, half truth, half false statements, etc. After analysing the same, misinformation's and incorrect information are to be ignored and eschewed from consideration. They have to follow the lead, taking them to the real culprits and right conclusions. All the investigating officers examined, had taken a uniform stand that the direct evidence available completely ruled out a situation of an attack by two persons wearing face masks hence that part of the Zatta message which went against the direct evidence, were completely ignored while proceeding further through the investigation. Considering the materials on record, this statement appears to be well reasoned. The discussion made above will prove this aspect.

135. In view of the above finding, the non production of the log book is wholly irrelevant. It cannot be said that prosecution made any deliberate attempt to

conceal true facts from the Court and the non production of log book is part of it. If the prosecution really wanted to suppress any of the entries in the log book they would not have prepared Ext.P222 mahazar extracting the details from the log book. It is to be noted that this mahazar was prepared on 07.07.2010. If the contents of the log book were adverse to the prosecution, they would have avoided it. Therefore the non production of log book is of no consequence.

136. Another contention taken up by the learned counsel for the accused is that there is inordinate delay in producing Ext.P30 FIR before the Magistrate. On going through Ext.P30, I could find that it was received in the office of the Judicial First Class Magistrate on 05.07.2010 at 11.00 a.m. The learned counsel for the accused relied on the decision of our Hon'ble High Court in **Biju v. State of Kerala (2012 (4) KLT 382)** and argued that the intervening holidays for the Court is not at all a ground to justify the delay in the FIR reaching the Magistrate. Dealing with the delay in sending the FIR to the Magistrate and its consequences, the Hon'ble High Court in that decision held that the FIR should reach the Magistrate immediately and without undue delay. The learned defence counsel also cited the ruling of Hon'ble Apex Court in **Padmanabhan Vijayakumar @ Vijayan v. State of Kerala (1993 AIR (SC) 2641)** wherein the Court observed that, "if there are materials to show that prosecution had suppressed the manner in which the first information statement was recorded then the possibility that it had been recorded after due deliberation could not be ruled out". In this regard the learned prosecutor cited the ruling of Hon'ble Apex Court in **State of Madhya Pradesh v. Chakki Lal and another ([2018] 12 S.C.R.184)** where the Court held that "when there is proper

explanation for the delay the same is not fatal to the prosecution".

137. In **Biju's** case (supra) our Hon'ble High Court found that the FIR was registered at 08.30 p.m. on 06.09.2003 but it reached the Court only at 10.30 a.m. on 11.09.2003. There occurred a delay of five days. In Vijayakumar's case (supra), it remains a mystery as who furnished the details to the Head Constable who lodged the FIR. It is in that situation the Court observed that there is discrepancy with regard to the time and place recorded in the FIR and it makes the very basis of the prosecution case doubtful. The **Hon'ble High Court in Jayan v State of Kerala (2007 (3) KLT SN1)** observed that merely because FIR reached the Magistrate court late by a day the entire prosecution case cannot be thrown out. In **Bhajan Singh v. State of Hariyana (2011 KHC 4542 – AIR 2011 SC 2552)** the Hon'ble Supreme Court stated as follows:- *"thus, it is well settled that the FIR should reach the Magistrate immediately and without undue delay. It is also well settled that mere delay in sending the FIR to the Magistrate cannot be a ground for throwing away the prosecution case, if the evidence adduced in the case is found to be credible and unimpeachable"*.

138. In this case, FIR was registered on 04.07.2010 at 09.25 a.m., but it reached the Magistrate only at 11.00 am on 05.07.2010. 04.07.2010 was Sunday. As rightly pointed out by the defence counsel, Sundays cannot be excluded and the police is bound to produce it at the residence of the Magistrate. PW219 is the SHO who registered the FIR. He deposed that after registering the FIR, he instructed the police station writer to forward the FIR to the Magistrate immediately. But since he was held up in the related activities of this case, he could not verify and confirm

whether the FIR had reached the Magistrate. It shall not be lost sight that this incident put the police force on high alert. This being the peculiar situation a local Sub Inspector cannot find fault for delay of one day caused in forwarding the FIR to the Magistrate. In this regard, PW221 the CI of Police Muvattupuzha deposed before the Court that, as the immediate superior officer, he officially received the copy of the express FIR registered by the SHO of Muvattupuzha police station on 04.07.2010 itself and he had perused the same. This statement is not seen challenged in cross examination. The defence only suggested that the copy of the FIR received by the Circle Inspector is not the Ext.P30 FIR. There is absolutely nothing to show that another FIR was registered earlier and it was replaced with a new FIR. Moreover, I had already found that the evidence adduced to prove the incident was credible and wholly reliable. That means no prejudice has been caused to the accused in this regard. On an overall evaluation of the evidence tendered by the witnesses I find nothing to discredit their testimony.

139. Now I will come to medical evidence. The injured Prof. Joseph was firstly taken to Nirmala Medical Centre, Muvattupuzha. PW123 Dr. Suresh Kumar the Surgeon of the said hospital examined Prof. Joseph. He deposed that on 04.07.2010 at 8.15 am, he examined PW26 who was brought to the hospital with a history of “ attack by a group of persons using axe” at around 8.00 a.m. near Nirmala Public School, Muvattupuzha. According to him the patient was conscious and oriented and he himself narrated the history. He noted the following injuries:-

1. amputated right palm just above wrist joint with actively bleeding stump (amputated palm was brought separately).

2. incised wound left forearm.
3. incised wound left foot.
4. Incised wound right foot.

140. He deposed that most of the injuries were deep incised wounds which could be caused by sharp weapons. The ulna and radial artery were found cut; if the patient is not treated immediately, he will bleed and die. Therefore, he referred the patient to higher center and within 15-20 minutes the patient was taken to the Specialists' Hospital in an ambulance. The wound certificate issued by him was marked as Ext.P214.

141. At about 9.30 a.m. injured Joseph reached Specialists' Hospital, Ernakulam. He was examined by the then causality Medical Officer PW137 Dr.T.P.Paulose. His version is that on 04.07.2010 at 9.30 a.m. while he was working as Causality Medical Officer at Specialists' Hospital, Ernakulam he examined the injured Prof.Joseph and prepared a wound certificate. That wound certificate marked as Ext.P231. After the examination, the patient was admitted in the hospital and further treatment was done by Dr.Jayakumar, the Plastic Surgeon and the patient was discharged on 07.08.2010. This witness identified the treatment summary he issued and was marked as Ext.P232. According to him, the right hand of the patient was amputated at the wrist end. He opined that this injury was fatal, and added that the patient was critical at the time of admission. He would further explain that the major artery of the wrist joint is a radial artery and any injury to the said artery is fatal.

142. PW158 Dr.Jayakumar is the Head of Department, Plastic and Micro

Vascular Surgery, Specialists' Hospital, Ernakulam, having an experience in this field for the last 30 years. He deposed that on 04.07.2010 he examined Prof.T.J.Joseph, who was brought to his hospital with the following injuries:-

1. Amputated right hand at wrist level.
2. Multiple lacerated injuries with tissue loss on the right forearm.
3. Injury on the left palm extending on to the dorsal.
4. Injury left elbow.
5. Injury left side of thigh.
6. Multiple deep lacerated injuries on the left leg lower 1/3rd.
7. Lacerated wound on the left foot.
8. All the wounds were severely bleeding. There were other multiple fractures also. There were at least six fractures.

143. The doctor explained that the injured has lost massive amounts of blood and was in a state of shock and almost died. In such a case the most important thing is to re-suscitate him with more than ten units of blood and its components because this is not a usual type of amputation. The team of doctors started the operation at 11.00 a.m. 04.07.2010 and it went on till 3.00 am on 05.07.2010. During the operation, bleeding was arrested, then transferred the tissue to the right forearm from the thigh, replanted the right hand and temporarily stabilized the fractures and other wounds. The whole blood, packed cell, plasma, platelets and fluids were substituted. The blood group of the injured is B positive. The injured was in the hospital for more than one month. The case sheet of the injured was marked through PW518 as Ext.P283. The doctor further deposed that

hand amputation could be caused by an axe and the other injuries he noted could be caused by an axe or chopper. He added that it is scientifically impossible for the right hand to function normally after sustaining this injury.

144. Here, the prosecution was not able to recover the weapons used in this case. This is not fatal since the ocular evidence coupled with medical evidence convincingly prove that the assailants had used axe and chopper to inflict injuries on PW26. **In Mekla v. Sivalas (2022 (6) SCR 989)** Hon'ble Supreme Court held that *“When there is ample ocular evidence corroborated by medical evidence, mere non recovery of weapon from the assailants would not materially affect the case of the prosecution.”*

145. Now I will come to the forensic evidence. PW95 the Forensic scientific assistant at DCRB, Ernakulam deposed that on 04.07.2010 she visited the crime scene at 11.00 a.m. along with finger print expert and photographer. The scene of crime was found guarded and Muvattupuzha CI was present there. She examined the scene of crime and collected samples, and packed it, which included glass pieces, remnants of explosive substances, blood stained soil etc. She had also collected samples from the Wagon-R car as well as maruthi omni van. Thereafter, she handed over the sealed packets to PW161 the ASI of Muvattupuzha police station. The reports prepared by her in this regard were marked as Ext.P159 to 161. PW120 is the Director of FSL, Trivandrum. He received the packets send for examination from the court. All the packets were found in tact. He thereafter distributed the objects to the respective department for forensic examination and report. PW108 Scientific Assistant, Physics examined the glass pieces. Her report

is marked as Ext.P189. The glass pieces received from the crime scene and those collected from the Wagon-R car and Maruthi omni van were similar and identical. PW100 Scientific Assistant, Chemistry examined the remnants of explosive substances. Ext.P171 is the report submitted by her. She detected Potassium chlorate, Aluminum powder and Sulphur in the remnants of the partially burned news paper and jute twine marked as MO9. PW100 deposed before the court that Potassium chlorate, Aluminium powder and Sulphur are an explosive mixture and it can be used for making bombs and by using the same substantive explosion can be made. She further deposed that explosive mixture mentioned in the report is dangerous to life. In cross examination she would say that Sulphur is one of the components in gun powder and the Aluminium powder is used in crackers to provide more light and sound, further simple match sticks contain potassium chlorate and phosphorus, and to a suggestion put by the defence counsel she deposed that the impact of the explosion depends upon the quantity of the explosive mixture used.

146. PW102 was the Assistant Director, Serology. He examined the items to trace out blood stains. Ext.P179 is the report submitted by him. He detected human blood of B group in the soil sample taken from the crime scene as well as in the dress items of PW26 & PW27 sent for examination. This evidence are not under serious challenge.

147. The medical and forensic evidence fully support the oral evidence, which I discussed earlier. This part of evidence is not under serious challenge. The contention taken up by the defence is that, the accused persons facing trial in this

case have absolutely no role in the attack of Prof. Joseph either as assailants or as conspirators.

148. Here one more thing to be noted is that the witnesses had given evidence regarding the after effect of this incident. PW2 deposed that after this incident the residents of that area were scared to go out of their house. They felt insecure and helpless. All of them realised the need for the formation of an association so that they can together withstand similar incidents of terrorist acts. This ultimately led to the formation of a Residence Association in 2011. PW4, PW5, PW6, PW10, PW11, PW14, PW16, PW17, PW24, PW31 and PW51 clearly deposed before the court about the trauma created after this incident. All of them raised a concern of insecurity after this incident and fear psychosis shared by the section of people. PW17 the church Vicar deposed that usually 400-450 people used to participate in the morning Sunday mass but in the second mass conducted after this incident only fewer persons participated. PW16 an office bearer of Muvattupuzha merchant's association women wing deposed that, after the incident there was ill-will and hatred in the minds of the people of different religions. The defence would point out that almost all these witnesses have made these statements for the first time in court and therefore it cannot be taken on its face value. I don't find anything to disbelieve these persons who had expressed their feelings before the court. The situation speaks for itself, and without any express statements from witnesses, the court can visualize the horrifying situation and its after effects. It stands proved that this incident had spread panic and terror among the people especially a section of the people who believe in Christianity.

149. To summarise, the evidence discussed above proves the homicidal attack on PW26 carried out by a group of seven persons who had acted hand in glove assisting each other in accordance with a common intention they shared, and the ensuing panic and terror it created among the people especially a section of the people. It is further proved that only because of the timely recovery of the severed hand of PW26 from the nearby compound and the availability of expert medical assistance through Specialist professional doctors, the life of PW26 got saved.

Motive

150. PW26 Joseph is an academician. He joined Thodupuzha Newman college in the year 2008. He started as the Associate Professor of Malayalam department and later became the head of the Malayalam department. PW29 is one of the students of Prof. Joseph. PW61 was the then Principal of the Newman College. PW2 to PW10 are from his neighbourhood. None of these witnesses made reference to any harmful incidents in the life of PW26 which invited the wrath of any individual, group or section of people or community. Even the defence has no such case. PW29 her student deposed that Professor was very friendly. Therefore an inference is probable and possible that both in his professional life as well as in his personal life, he maintained a very peaceful and cordial relationship with all the persons he interacted till 23.03.2010. Therefore, it is clear that the motive for the attack on his life on 04.07.2010 is something that happened in his life on or after 23.03.2010.

151. On 23.03.2010, the Second Semester examination of the B.Com students of Thodupuzha Newman college was held. The Malayalam language

question paper appeared for the exam was set by PW26 Prof. Joseph, and carried the controversial question. The said question paper is marked as Ext.P23 and the particular question is separately marked as Ext.P23(a). As referred earlier the controversial question is a piece of conversation between Mohammed and God. The exam was held in the morning section. PW29 Tasni a Muslim girl was one of the students who appeared for the said exam. She found the reference to God and Mohammed most inappropriate, so she wrote the answer taking it as a conversation between elder brother and younger brother. In the answer sheet she changed 'God' as elder brother and 'Muhammad' as younger brother. Ext.P24 is the answer sheet of Tasni. When she met PW26 during the afternoon session, she asked him why such a question was put and she also informed the Professor that she had written the answer referring to 'God' in question as elder brother and 'Mohammad' as younger brother. Then the Professor informed her that the said dialogue piece was extracted from a book and he will explain it in the next class. After the exam students discussed this question. Majority felt why the Professor had put such a question. When PW29 returned to her house, she informed her mother and one of her best friends about this question. 2-3 days later this issue become so controversial. PW29 had clearly deposed these facts before this court. There were protest marches, hartals, and rallies all over. PFI organisation and SDPI party were in the forefront of these protests. Threatening letters were received by the college authorities. PW61 Dr.T.M.Joseph was the then Principal of Newman College, Thodupuzha. He deposed that on 25.03.2010 at about 10.30 p.m., he received an anonymous call regarding this question paper. The caller threatened

him saying that he was a Muslim and there would be issues in the college on the next day. On enquiry it was also revealed that other persons in the management of the college also received threatening calls. On the next morning, Thodupuzha DySP informed that the problem was very serious and there are chances of riots and the police were taking over the protection of the college. According to PW61, the college authorities continues to receive anonymous threatening calls and threatening letters. Ext.P112 series are three post cards carrying threatening messages. It contained death threat to Prof.Joseph and everyone was asked to wait and see what will happen. In one of the post cards the sender's name is mentioned as SDPI, India.

152. On 26.03.2010 the college management suspended Prof.Joseph from service. On that day itself SI of police, Thodupuzha, suo moto registered a case against Prof.Joseph u/s 153A and 295(a) IPC as crime no.327/2010. Ext.P271 is the certified copy of the FIR. The SI of Police was examined as PW153. In that case Prof.Joseph was arrested on 01.04.2010 and was remanded to jail. He got bail only after six days. PW26 deposed that since he was afraid of those groups who had raised a threat on his life, he left his residence and went somewhere else to safeguard his life for three days.

153. The suspension of PW26, the registration of criminal case against him, and the arrest that followed didn't calm down the PFI and SDPI activists. The violent protests continued. They were not ready to accept it as an individual act of the Professor, but as a calculated attack on Muslim community with backing of world wide Christian imperialistic lobbies. In other words they took it as a communal

issue The organisation and party issued pamphlets and notices addressed its cadres to wake up and to take up a fight against the rival sections of the society.

154. It is a fact that protest march taken up by PFI/SDPI cadres continued and turns violent on occasions. Many number of crimes were registered in this regard. PW153 SI of Police, Thodupuzha deposed that there were violent attacks on official vehicles and government hospitals and it was led by SDPI. Ext.P272 to 275 are the various crimes registered in this regard before Thodupuzha Police Station. PW166 was the then Sub Inspector of the nearby Perumbavoor Police Station and PW141 the then SI of Muvattupuzha Police Station. Lot of crimes were also registered in these police stations for taking out violent protests. Certified copies of the FIRs were marked as Ext.P240, 299 etc. All the police officers were unanimous in stating that PFI/SDPI cadres were leading the violent protests. Defence took strong objection to this statement. It is pointed out that nowhere in the FIR, it is recorded that protest marches were carried out by PFI and SDPI. PW166 replied that being a local Sub Inspector, he knows many of the accused persons who are the leaders of PFI. There is nothing to disbelieve these officers. Especially being the local sub inspectors their version is to be believed. All these will go to show that PFI and SDPI cadres were up in their arms against Prof. Joseph for the alleged derogatory comments made against Prophet Muhammad.

155. The write-ups and pamphlets published and circulated by PFI in relation to the question paper issue are to be gone into. As part of the investigation, police carried out many number of searches in the premises of PFI leaders including some of the accused herein. PW182 ASP, Aluva, under the directions of

Ernakulam Rural SP conducted search at the houses occupied by many of the accused persons. On 04.07.2010, he conducted search in the house of A10. Ext.P385 is the advance search memo sent to the court and Ext.P386 is the search list. One of the documents seized from there is Ext.P390. It is a writeup published by PFI with the heading "**what happened at Thodupuzha**". The very same writeup was seized from the house of A3 and it was seized by PW182 himself and it was marked as Ext.P427. When PW221 another police officer seized pamphlet issued by PFI from Periyar Valley Trust building, the district office of PFI. The title of the document is "**Insult to prophet; Is it the police or the church behind the conspiracy**". This document is marked as Ext.P707 series. Apart from these, the copy of the controversial question paper was seized from Hiba Jewellery wherein A12 is a partner. It was seized by PW215 and it is marked as Ext.P658(a). The very same copy of the question paper was seized from the car of Dr.Reneef (A15 in SC.01/2013). It was seized by PW221 CI of police, Muvattupuzha and the document is marked as Ext.P53. The copies were found attached with a notice issued for convening a meeting to discuss the question paper issue. PW46 was the then Mandalam President of SDPI party. SDPI conducted Janakerala Yathra in April, 2010. This witness turned hostile, still he deposed on this Yathra as well as protest marches held by SDPI against the question paper issue. Through him a notice circulated by SDPI on the question paper issue was marked as Ext.P75.

156. Now I will make a reference to the contents of these writeups. In Ext.P707 pamphlets, it is stated as follows:- "*In the recent times, there has been a rise of joint efforts from various sources to destroy Muslims in Kerala by*

suppressing them through communal riots as it was done in North India. The latest example of such an effort is the event that occurred in the Newman College, Thodupuzha. It is to be suspected that the persons behind all these incidents are the spokespersons of global Christian-Imperialist lobby that insults Islam and hurts the sentiments of Muslims. Not only were cartoons that insult the Prophet drawn in Denmark, but the said cartoonist was justified; and to further insult Muslims again and again these cartoons were re-published by the media there. It was only recently that an article titled "Kannadaprabha" was falsely made by Indian Express in the name of Thasleema thereby burning furiously a communal riot in Hassan and Shimoga of Karnataka. It was the Christian lobby itself that widely distributed the book titled "Chinvathu Palam", insulting Islam in Chunkappara at Pathanamthitta. All these incidents points a finger at the Christian extremists who work towards insulting other religions in the name of propagating religion, by taking crores of money from the Imperialists. The incident at Thodupuzha points a finger at several other terrorising realities".

157. In Ext.P390 and P427 pamphlets, it is stated as follows:-

"The question paper controversy is a continuation of the organised efforts by Christian Congregations and Christian Missionaries having Israel links to insult Islam and the Prophet".

"It is to be pitied that the educated Christian Leadership of Kerala which claims to be a State of religious harmony and cultural heritage supports the worldwide effort of the Christian-Jewish lobby against Islam. This violates all boundaries of civility."

“There must be boundaries set for everything. If such boundaries are not set it will require interferences to bring them to limits. It will not solve the problem if such interference is called provocation or terrorism”.

“While the world witnesses the resurrection of the Muslim Youth who are willing to give up their lives and build forts of defence to protect their Islamic belief; those who choose to ignore the same will be answered by time on burning coal floors”.

158. In Ext.P75 notice, it is stated as follows:- *“The stench of the criminal bias of Indian legal system is now spreading to Kerala. A question raised in a question paper set for 1st year degree students by a Private Management College in Idukki District clearly insults a particular region.”*

159. Definitely these writeups gave motivation and strength to the activists of PFI to go forward and join together to take revenge on Prof.Joseph and the so called Christian imperialist lobby.

160. The case of the prosecution is that, the accused who are the office bearers and active members of PFI acting upon the call made by PFI organisation and its political party SDPI to taken revenge on Prof.Joseph for setting the controversial question paper, entered into a conspiracy, formed themselves into a terrorist gang to attack Prof.Joseph and to create terror in the minds of people, particularly a section of people in the Christian community and in furtherance of that Prof.Joseph was attacked on 04.07.2010. Therefore, it become necessary to go into the question whether the accused persons are affiliated to and associated with PFI and SDPI.

161. PFI is said to be an organisation registered under the Societies Registration Act, 1860 with the Registrar of Societies, South District, Govt of NCT, New Delhi on 16.11.2010. SDPI is said to be the political party of PFI. As far as the accused who are facing trial in this case, it is said that A3 Nasar was the then District Convener of PFI Ernakulam district committee, A10 Mansoor Ernakulam District Secretary of PFI, A11 Moideen Kunhu, Ernakulam District Secretary of SDPI and the remaining accused are the active members of PFI/SDPI.

162. In this case, under the direction of District Police Chief, many number of searches were conducted at various places including the houses of the accused. Voluminous materials related to PFI/SDPI including bundles of signed membership forms for joining SDPI were seized. Visiting cards and diaries were also seized. I will make a reference to the relevant searches and the materials related to PFI/SDPI seized. The most important recoveries made are the following:- On 15.07.2010, PW215 the CI of Police, Aluva conducted search at the house of A5 Najeeb and as per Ext.P653 search list, he seized many number of items and one such item was Ext.P655, the SDPI membership receipt of A5. On 04.07.2010, PW182 ASP, Aluva conducted search at the house of A10 Mansoor and as per Ext.P386 numerous documents were seized. Ext.P387 seized from the house of A10 is the list containing the name, address and phone number of Ernakulam District Leaders of PFI. In the list, the name of A10 appeared as Ernakulam District Secretary. Ext.P401 series are the visiting cards of A10. There also it is stated that A10 is the Ernakulam District Secretary. On 08.07.2010, PW182 conducted search at the house of A12 and as per Ext.P409 search list recovered 27 items. It includes

the pamphlets of SDPI marked as Ext.P410. On 10.07.2010, PW182 conducted search in the house of Kasim (A29 in SC.01/2013) and as per Ext.P413 recovered many number of items. It includes Ext.P423 which is a list containing the name of the members of the organising committee of the freedom parade (conducted by PFI). The very same document was seized from the house of Dr.Reneef (A15 in SC.01/2013) which is marked as Ext.P54. In the said lists, the name of A12 Ayoob appeared as Joint Convener, A10 Mansoor as the person in charge of the stage, A11 as the person in charge of Programmes and A3 the person in charge of procession. On 29.07.2010, PW182 conducted search in the house of A11 Moideen Kunhu and as per Ext.P442 search list, lot of materials related to PFI/SDPI were seized. It includes bundles of signed application forms for joining SDPI.

163. A perusal of these application forms will reveal these are applications to join the political party formed by PFI. PW46 the Muvattupuzha Mandalam President of SDPI deposed the procedure for joining SDPI. If we go by his version, after submitting the filled up forms, the applicant has to take the pledge and then sign the application, after that the application form will be send to District office of SDPI. Ext.P76 is the application form signed by him and the pledge portion separately marked as Ext.P76(a). After admitting the above facts, PW46 tried to make out a case that SDPI is not the political wing of PFI. At the same time, PW200 the SDPI Kalamassery Mandalam President admitted that these application forms are that of SDPI. He also deposed that A11 was the then Ernakulam District Secretary. Almost all the accused in this crime are signatories to these application forms. The signed application forms are marked as Ext.P62 series to P91 series.

Ext.P78(a) is that of A10, Ext.P80 is that of A12, Ext.P81(a) is that of A9, Ext.P81(b) is that of A3, Ext.P83(a) is that of A1, Ext.P85(a) is that of A4, Ext.P64(a) is that of A5, Ext.P62(a) is that of A6, Ext.P92(a) is that of A7, Ext.P76(a) is that of A8 etc. Therefore the available materials will give a clear indication that SDPI is the political party of PFI and A3, A10, A11, A12 are all District leaders of PFI and SDPI and the other accused are all the members of the same.

164. The defence attacked these searches, seizures and recoveries effected in this case for the reason that it violates sec.100(4) Cr.P.C., It is submitted that the officers who conducted the search failed to call upon independent and respectable inhabitants of the locality to witness the search.

165. Since it affects all the searches, seizures and recoveries, I will consider it a common issue and answer it accordingly. At the first instance this case was investigated by Kerala Police and then by NIA. Initially, PW221 the CI of Muvattupuzha was the investigating officer. Later, it was taken over by PW210 the DySP Muvattupuzha. Both the investigating officers were given the assistance of other police officers and the investigating progressed under the supervision of Ernakulam Rural SP. While the investigation was with Kerala police many number of searches were conducted by the investigating officer, their team members, in and around Ernakulam as directed by Ernakulam Rural SP. In all the searches and seizures, independent witnesses were made available to the searches and recoveries. In certain cases the defence would contend that the witnesses were not local inhabitants, but the defence failed to point out and prove that any particular witnesses are from far away places so as to create any doubt in this regard. All the

investigating officers had given clear and cogent evidence regarding the procedure adopted while conducting the search and the defence was not able to point out any inherent defects or fatal procedural irregularities to doubt or disprove the search. Without delay all the materials seized were produced before the court. In few cases independent witnesses though admitted their signatures in the mahazars, failed to fully support the prosecution. The hostility shown by the attesting witnesses is not an uncommon phenomenon. That by itself doesn't disprove the search and seizure, if the evidence tendered by the investigating officer is convincing and reliable. This proposition is clear from the decision of Hon'ble Apex Court in **Mallikarjun and others v. State of Karnataka (2019 (11) SCR 609)**.

166. When NIA took over the investigation they always availed the service of Government servants to be witnesses to the seizure, search and recovery. Three NIA officers carried out investigation in this case. They are; PW223 Muhammad Thajudheen Ahammed, then by PW222 Sunil Emanuel and finally by PW225 Abdul Khader. It is submitted that the service of Government servants as witnesses were availed with the permission of the respective head of the office.

167. Learned defence counsel took strong objection to this type of procedure adopted by the NIA. It is submitted that the prearranged witnesses were all briefed by the NIA prior to the proposed search, seizure and mahazars. This is against the procedure laid under sec.100(4) Cr.P.C., which contemplates the presence of local inhabitants to witness the search/recovery. Here Government employees are arranged as witnesses. This is done only with the malicious intention to ensure false evidence to support the fabricated search, seizure and

mahazars. If local independent witnesses are cited and examined, normally they will speak the truth before court which will expose the falsity of the prosecution case. Whereas when the witnesses cited are government employees, to avoid risk, they will be compelled to speak in tune with the records created by the NIA. Moreover, no official records are available with the prosecution to establish that those witnesses were officially spared by their Office Heads for this purpose.

168. The objections taken up by the defence cannot be accepted. PW225 the chief investigating officer deposed that search and seizures were carried out in the presence of respectable official witnesses who were arranged from the Government offices by making written request to the head of the offices. This process is being followed in all serious cases in order to ensure the credibility of the seizure witnesses. He further deposed that during the search and seizures conducted in this case the local people were feared and reluctant to come forward as witnesses.

169. Section 100(4) Cr.P.C prescribe a procedure for calling upon 2 or more independent respectable inhabitants of the locality to witness house search. What is prescribed in Section 100(4) Cr.P.C is only a procedural requirement. Infraction of the same itself will not vitiate the search unless it is proved to be prejudicial to the accused. Here, the search was witnessed by two respectable official witnesses. Their presence is neither prejudicial to the accused nor gives any undue advantage to the prosecution. There is absolutely nothing on record to prove that these official mahazar witnesses are keeping enmity with any of the accused and they are speaking falsehood before the court. There are no much infirmities in their

evidence. There is no rule of presumption that official employees will stick on to what is stated in the records irrespective of the fact that the said records were manipulated and created. I find nothing to disbelieve the official seizure witness. It shall not be lost sight that the present crime had created a fear conscious among the ordinary people, in this circumstance the investigating officers cannot find fault for choosing Government officials instead of waiting for the response of local inhabitants. Therefore, the searches conducted by the investigating officers cannot be invalidated for violation of Sec.100(4) of Cr.P.C. The objection taken up by the defence is not sustainable.

170. A yet another contention took up is that the application forms proves nothing incriminating. It is pointed out that the political party joining application forms don't disclose the political party's name. To the most it will show that PFI had decided to form a national party and for that purpose these application forms were obtained but there is no evidence to prove that a national party as proposed has been formed yet. In other words, a contention was taken up that PFI and SDPI has no relation at all. As stated earlier, PW202 cited as a protected witness who turned hostile during examination candidly admit that these application forms were signed for joining the SDPI. His statement was never challenged by the defence. There is no cross examination on this aspect. This statement disprove the contention that PFI and SDPI have no relation at all. An inference is highly possible that one is an organisation and the other one is its political wing. It is further to be noted that many books and other materials related to these organisations were seized from the accused's house. The above evidence will prove that all accused in this case are

closely associated and affiliated with PFI organisation and its political wing SDPI party and that A3, A10, A11 & A12 are the district leaders of PFI and SDPI.

171. In this regard, it is to be taken note that on three different occasions a group of men trespassed into the house compound of Prof. Joseph on fake identity and stating false reasons. The first incident took place on 06.05.2010. At that time Professor was not in the house. The Professor's wife and his two sisters (PW14 & 27) were present. At about 5.00 p.m. a group of six persons came to the house. They pressed the calling bell. One among them told that they came to get an article from Professor for publishing in a college magazine. When they were asked to wait for Prof. Joseph to come, they left the place saying that they would meet Prof. Joseph from outside. The second incident happened on 17.05.2010. Again at about 5.00 p.m, a group of six persons came there on Motor cycles. One person stood near to the motor cycle and the other one came to the house. At that time, PW15 Joby the nephew of the Professor was present in that house. On hearing the calling bell Joby opened the door. One among the visitors told that his daughter is having some kidney problem and sought financial help for her treatment and handed over a cover said to be a letter written by one Thomas of Vazhakulam. No such person from Vazhakulam was known to the Professor and being felt some danger the said letter was returned then and there and under the instructions of Professor, Joby closed the door. The visitors left the place.

172. The third and last incident occurred on 28.05.2010. It was the birthday of Professor's daughter Amy and mother Elikutty. They had planned to go to Velankanni on that evening. Both the sisters of the Professor were in the house. His

wife and children were also present. Around 2.00 p.m., Professor went to the house of PW5 M.C. Joseph to keep his Wagon-R car in that house during his absence. At that time six persons came to the house and enquired about Prof. Joseph. Then his son went to the back side of the house to call his father. Two persons among the visitors trespassed into the house and searched each and every room for Professor and took exit through the back door and later left the place. When the Professor's wife followed them, one among them threatened her by showing gesture to be silent, and left the place on their motor cycles parked on the road side. The wife Salomi was able to note down the last four digit of the registration number of one motor cycle. In the meanwhile when Prof. Joseph got information from his son that somebody had came in search of him, he got frightened and took shelter in the upper portion of the house of M.C. Joseph. He came out only after the trespassers left the place. On that day evening they went to Velankanni on Pilgrimage. On the way to Velankanni, Professor lodged a complaint before the DySP, Muvattupuzha, which was forwarded by the DYSP to the CI of Police, Muvattupuzha for further action, which was then sent to SI of Police, Muvattupuzha for necessary follow up action. Ext.P25 is the complaint filed by Professor on 28.05.2010. The handwritten order of the respective police officers who forwarded the same to the subordinates for enquiry and necessary action, were found written on it.

173. PW210 is the then DySP, Muvattupuzha. He admitted the receipt of Ext.P25 complaint from Prof. Joseph on 28.05.2010. He deposed that the said complaint was forwarded to CI of Police, Muvattupuzha for necessary action. The endorsement made by him is there on Ext.P25 which he identified in evidence.

174. PW221 is the then CI of Police, Muvattupuzha. He had given evidence in this regard. He deposed that on 31.05.2010, he received Ext.P25 from the DySP office and immediately he forwarded the same to the SI of Muvattupuzha for personal enquiry with a direction that the SI should ensure police watch in the area. PW219 was the then SI of Police Muvattupuzha. He deposed that he received Ext.P25 on 01.06.2010. Immediately he inspected the place and enquired from Professor's wife Salomi. She had given an overall picture about the persons who came there on different occasions. To ensure the safety of Professor and family members, he had ordered frequent police patrolling in that area and further a police patta book was also kept at the house of Professor. The family members were instructed to be vigilant and immediately report any untoward incidents that caught their attention. They were given the phone numbers of officers and of the police station. They were also instructed to note the registration number of vehicles if any were found in doubtful circumstance.

175. PW14 and PW27 had given evidence regarding the first incident. PW26 & PW15 had given evidence on the second incident. PW1, PW14 & PW26 and PW27 had given evidence on the third incident.

176. The defence would contend that the prosecution evidence on the alleged prior incidents of trespass into the house compound of PW26 are all improvements made at a later stage to create false evidence and it cannot be believed at all. The oral evidence tendered by the witnesses is self contradictory as well as contradictory to each other. According to the defence counsel Ext.P25 is a subsequently penned document to create false evidence, with the connivance of

the investigating officers.

177. The contention taken up by the defence is not sustainable. The reasons are the following:- Ext.P25 dated 28.05.2010 contains a brief account of the earlier incidents. The defence would say that this petition was made after the incident of hand chopping. This can be completely ruled out from the following factual situations. PW221 had seized the petition register maintained in the Muvatupuzha Police Station, which carry the entry related to Ex.P25 petition by way of Ext.P722 mahazar on 10.07.2010 and this mahazar was forwarded to the court without any delay. Secondly and most importantly Prof.Jospeh was continuously admitted in hospital for more than one month. It is wholly unbelievable that he prepared a handwritten complaint and affixed his signature after the incident happened on 04.07.2010. Coming to the evidence tendered by PW1, PW14, PW15, PW26 & PW27, nothing has been brought out to doubt the veracity of these witnesses. The only anomaly pointed out is that while giving evidence in SC.01/2013, with reference to the third incident, the witnesses deposed that this men came on two bikes but in this case they would say that they came on three bikes. All the witnesses would say that only by mistake they stated the number of the bikes as two while giving evidence in SC.01/2013. In fact, these witnesses had not directly seen the bikes and it was Salomi who had passed over the information to these witnesses. Unfortunately Salomi is no more. Only for this contradiction the witnesses cannot be disbelieved. Their convincingly prove the three prior incidents of trespass stated above.

178. The Professor and sister would also say that on 03.07.2010 morning

while they were going together in the professors' Wagon-R car to see the Bishop, two persons followed them on bike upto some distance and further during evening hours a Maruthi Omni van was spotted by PW27 from the terrace of the house of the Professor, which came at high speed to the same spot from where the real incident took place on 04.07.2010, and then took a turn and left the place. According to the prosecution, this was a trial run for the scheduled crime planned to the next day.

179. The defence would contend that the so called two incidents that happened on 03.07.2010, are all improvements made during the last trial, again to create false evidence.

180. It is true that these facts were revealed by PW26 & 27 for the first time while giving evidence before this court in SC.01/2013. PW27 had given her own explanation. It is stated that while in box prosecutor asked about any other untoward incident taken place in relation to the incident that happened on 04.07.2010. At that moment she had a retrospection and then this incident came to her mind which she deposed truthfully before the court. It is to be taken note that she never named any accused persons or pointed out any accused persons, as the persons who followed them on their way to the Bishop house and those who conducted the trial run. If there was any malafide intention, definitely they would have fixed some accused persons in the above slot. Since that was not done, it appears to me that, though it is an improvement, it is not a false one but a truthful statement of the actual event that happened. If the witness had identified any of the accused persons for this slot, the rule of prudence demands corroboration before

accepting the identification made by the witnesses. It is in continuation of this, the incident on 04.07.2010 took place.

181. To conclude, the enmity the perpetrators of the crime had towards Prof. Joseph for setting Ext.P23 question paper which, according to them ridiculed Prophet Mohammed, actuated further by the address made by PFI organisation and SDPI parties to its cadres to rise and fight against Professor Joseph and the sections behind him, was the motive for the crime.

182. The learned prosecutor would submit that without a structured plan and a well defined strategy evolved out of a criminal conspiracy hatched by way of continuous deliberations and preparations, it would have been impossible for a group of just seven persons to commit a crime of this magnitude in broad day light and to easily move out from the place to their hideouts, causing disappearance of evidence and to conceal themselves for long periods. The learned prosecutor highlighted two instances in particular which will lead to conspiracy by inference. It is submitted that the procurement of four SIM cards on fake names and a Maruthi omni van from another district spending an amount of ₹1 lakh to commit the crime, confirms a larger conspiracy behind this incident. I will now consider the evidence in this regard, one by one.

Procurement of four SIMs

183. The learned prosecutor would submit that four SIMs on fake identity were purchased on 03.07.2010 the previous day of the attack, from different shops at Ernakulam. All these mobile numbers came in one hand that of the leader/master conspirator who retained one and distributed the remaining three to

the members of the piloting team who took position in and around the house of Prof. Joseph on 04.07.2010 early morning hours itself and started to give updates regarding the movement of Prof. Joseph to the master conspirator and according to his directions information was passed over to the executant team some way or other and that is how the brutal attack on Prof. Joseph accomplished. It is further submitted that after this incidents all these phones become disfunc. This itself will prove a web of conspiracy behind the brutal attack on Prof. Joseph.

184. Three SIM cards were obtained in the name of PW178 Selvaraj a native of Tamil Nadu more importantly a person who was abroad being employed in Gulf. All the three Sim cards were obtained from three different retail outlets in Ernakulam. Two of them are Vodafone connections with Mob Nos.9645631249 and 9946055745 and the third one an Airtel connection with Mob No.9746855290 and all the Customer Application Forms submitted in the name of Selvaraj are affixed with the photograph of Selvaraj and further accompanied by the copy of the passport of the Selvaraj. The respective CAFs were marked as Ext.P194, Ext.P368 and Ext.P363 respectively. The copies of his passport submitted were marked as Ext.P195, Ext.P369 and Ext.P571(a). Selvaraj was examined as PW178. He hails from Arangoor in Kadaloor district of the state of Tamil Nadu. He is a Tailor by profession. His evidence will prove that, for seven years starting from 1988 he worked as a tailor at Labbaikkudikadu in Tamil Nadu state and while so during the period 1988-1989, he had taken passport giving his address at Labbaikkudikadu. In 1994, he had gone to Gulf to work as a tailor and he worked there till 1999, the year in which he came back to his native place. Thereafter for ten years he

continued to be at his native place. Thereafter in 2009 April he again gone to Gulf and he came back only in the month of November, 2010. He made it clear that in the month of July 2010, he was in Gulf and he had no occasion to visit Kerala and in fact his first visit to Kerala was in the year 2014 when he received summons to appear and give evidence in SC.01/2013. While so he had submitted the copy of his passport before the court. Its certified copy is marked in this case as Ext.P195. He clarified that the date '28.09.2007' appearing in the passport is the date of its renewal and he renewed it from Gulf. When he was confronted with the concerned CAFs in his name, he denied the signatures and endorsement found therein, said to be that of him, and reiterated that he was not in India at the time when these applications were submitted. At the same time he admitted the photos in those CAFs and also the copies of the passport submitted as identification document. He is totally unaware how the applicants got his photos and the copies of his passport. He would submit that in Gulf, he was working in a shop by name 'Alshua'a Tailoring' run by one person by name Khalidka, a Malayalee and there were 10 workers under him, except him all others were Malayalees. His further case is that at the time of joining the said tailoring shop, for the purpose of issuing job visa he handed over his 20 photos as well as the copies of his passport. During cross examination the defence gave much emphasis on the fact that when the passport got renewed in 2007, Selvaraj was having no address at Labbaikkudikadu, still the address given is that of Labbaikkudikadu. Selvaraj had given his explanation. The passport was renewed from Gulf and while so the address given in the original passport was carried over in the new passport. It seems to be genuine. More

importantly we are not much concerned about the legality of the process by which his passport got renewed. But the most relevant question is that whether Selvaraj was in Gulf in the month of July 2010 or not. That question has been perfectly answered by Selvaraj with the support of his passport and this particular fact is not seen challenged during cross examination. There is nothing to suspect the involvement of Selvaraj in this crime. He appears to be a truthful witness. Therefore it stands proved that in July 2010 Selvaraj was not in India but he was at abroad and that somebody had fraudulently obtained three mobile connections in the name of Selvaraj by submitting the photos of Selvaraj and the copies of his passport somehow they clandestinely procured through dubious ways. It follows that the one and only intention of the persons behind it, was to obtain mobile connection on fake identity and name, definitely not to do any legal activities but to do something illegal.

185. The Vodafone Mobile connection with number 9645631249 was purchased from a shop by name 'Surya Photostat' functioning at Penta Menaka Shopping complex, Marine Drive, Ernakulam. PW109 was the owner of the said shop. PW112 and 115 were the two lady staffs working in that shop during 2010. PW109 deposed that during 2010, the process of obtaining SIM Card was not as strict as at present, since at that time mobile operators want to promote their SIM and to expand their business reaching out to maximum number of customers. Further, the SIM card could be activated from the spot itself. He would say that during 2010 he used to sell SIM cards of Airtel and Vodafone mobile companies. SIM cards will come in a packet on which the mobile number of that particular SIM

will be written. When a person came to the shop to purchase and activate a sim, the staff will obtain the photo as well as the the ID card of the customer, and this photo will be attached with the application form. Thereafter, customers will be asked to select his number from the available mobile numbers. After that the staff will get the application form filled up and signed by the customer. After completing the said process, the distributor will be informed for the purpose of SIM activation. As and when information is received from the distributor that this particular mobile number is put on live mode, the new SIM will be inserted in the activation mobile phone provided by the company. Thereafter by calling the number '111' the SIM will get activated and the details of activation will be entered in the track register maintained in the shop. Further, the seal of the shop will be affixed to the filled up application form received and accepted from the customer.

186. Coming to this particular Vodafone SIM with mobile no: 9645631249, PW109 would depose that its details are there in the track register. PW109 himself handed over the track register and the activation mobile phone provided by the company to the investigating officer who was taken into custody as per Ext.P192 mahazar attested by PW109. The activation mobile phone handed over is identified as MO47. The track register handed over by him is marked as Ext.P193 and the relevant entry is Ext.P193(a). As per this entry, this particular SIM was issued in the name of Selvaraj on 03.07.2010.

187. PW109 would depose that on 03.07.2010, at about 12.00 p.m, while he was in the shop, one person came and asked for a SIM. Then he recommended Vodafone connection and shown to him the various numbers available for

activation. That person selected one. He then demanded ID proof and photo which he furnished. On verification it was found that the photo and ID are of somebody else. Initially, he was reluctant to give the application form. But when the other man said that the applicant is very close to him and he is available here, PW109 handed over the application form for filling up and to obtain the signature of the applicant. The other person moved away and after a while came back with signature in the application, but it was not filled up. Thereafter, it was filled up by the staff Shiny. The staff Jisha entered the details in the track register. Since the applicant Selvaraj is from Tamil Nadu, getting a reference from a local person is mandatory. Then the other person gave his address and phone number which was entered in the application form by staff Jisha. As ID proof, the copy of the passport of Selvaraj was submitted. After receiving the application form and ID, activation was completed through the distributor AYTEECE Traders, which is not now in existence. As already referred to, the application form submitted in the name of Selvaraj is marked as Ext.P194 and the ID proof (passport copy) marked as Ext.P195. The sale and activation of this particular SIM on 03.07.2010 from the shop of PW109 is not under challenge.

188. During cross examination the defence brought out in evidence that the person who came to the shop to purchase and activating the SIM had not written anything on the application form, or put his signature on the application form, or in any other document, in the presence of PW109 or their staff. Another thing stressed upon by the defence is the attestation appearing in CAF made by PW109 declaring that the retailer had personally verified the applicant's name, address and

photo and found it correct. PW109 would clarify that during 2010, the verification was not strict since the mobile companies want to promote sale and the verification was only an empty formality. There is nothing in evidence to disbelieve PW109. He stated the real factual situation prevalent at that time. Leave apart the procedural irregularities on his side, he had stated the true facts before the court. He is a totally disinterested witness. More importantly, the evidence of PW198 Selvaraj will fortify the fact that this man was not available in India when this particular SIM was procured in his name. Therefore it is damn sure that a third person had really applied for the SIM. The evidence regarding the identity of the said person will be considered later.

189. PW112 Shiny and PW115 Jisha are the two staffs of the said shop. Their evidence will prove that on 03.07.2010, while they were in the shop along with PW109 a person came at about 12.00 noon and asked for a SIM on behalf of another person by name Selvaraj by producing the copy of the passport and photo of the Selvaraj and when PW109 handed over the application form, this man moved out from the shop and immediately came back with the application form carrying the signature of the applicant. Thereafter she filled up the application form as per the details available in the ID proof, and PW115 filled up the track register kept and maintained in the shop and subsequently PW109 activated the SIM. Both these witnesses identified their writings in the respective application form and track register. During cross examination, relying upon some entries in the track register which will go to show that Afraz communications was the distributor and the name of its executive was Aneesh, an attempt was made to show that AYTEECCE was

not the distributor and its executive Binu was not the person present at the time of issuance of SIM card. In reply, the witnesses deposed that the register is one provided by the company and the distributor used to change occasionally. The explanation provided is satisfactory. The question who was the distributor is not at all relevant in this case. The application form and the track register carry the seal of the retailer shop and there is absolutely nothing to doubt the entries therein and these entries fully corroborates the testimony of the witnesses. All these witnesses are disinterested and can safely be relied upon to prove what they deposed before the court.

190. The next SIM issued is a Vodafone SIM with mobile no: 9946055745. It was issued on 03.07.2010 from the shop by name 'Cell Corner' at Valanjambalam in Ernakulam city owned by PW119 Abdul Ragoof @ Shanavas. This shop situates in the Cochin Dewasom board building. In fact, he took a portion of the room from the lessee one Sankaran who was running a barber shop therein on the basis of a sublease entered in between them. During 2010, PW119 was also having a shop on the opposite building and its name was 'R.R. Telecom'. Initially his employee Sarath was managing the shop 'Cell Corner'. During 2010, when Sreenath joined as his employee, Sreenath started to manage the shop 'Cell Corner' and then Sarath shifted to 'R.R. Telecom'. Later, by 2011 he closed his business in both the shop. He identified Ext.P205 the customer application form submitted in the name of Selvaraj for getting a Vodafone mobile connection with Mob No.9946055745, which carries the seal of the Cell Corner shop. It is dated 03.07.2010. This witness failed to fully support the prosecution and he was

declared hostile. Anyway, he had deposed those facts which I stated above. During cross examination he would say that, he was running his shops without obtaining license from the corporation and also registration under Shops and Establishment Act. The irregularities or omissions on his part in taking statutory licenses and registration for running the shops are only curable defects. It is to be noted that the evidence of PW118 the successor in interest of the original lessee Sankaran corroborates the testimony of PW119 in proving the existence of the shop by name Cell Corner at Valanjambalam, run by him during 2010.

191. PW118 deposed that Sankaran the lessee of the shop owned by the Cochin Dewasom Board is his maternal uncle and he married his daughter Mini. He would say that after the death of Sanakran he was running the Barber shop in the remaining part of the shop room excluding the part leased out to PW119 who was paying Rs.1,000/- as monthly rent. He had also spoken about Sarath and Sreenath the workers under PW119 who were managing the mobile shop. During cross examination, it was brought out that no rent receipts were issued for receiving rent from PW119. According to the defence counsel absence of rent receipts and the non production of rent agreement will make it wholly unsafe to believe these witnesses. The said contention is not sustainable. The evidence tendered by this witness read as a whole appears to be credible and truthful. There is absolutely nothing to discredit the evidence tendered by the witness.

192. The employees of PW119 were examined as PW203 protected witness F & PW204 Protected witness G. PW203 deposed that during 2010, he was the sales man of the Cell Corner shop owned by PW119 and from the said

shop they were doing the sale and activation of Vodafone SIM and Ext.P368 is the customer application form submitted in Cell Corner shop for issuing one such SIM with mobile No.9946055745. The usual procedure is that the customer has to provide his photo as well as ID proof and after verification he used to initial the application and thereafter activate the SIM. PW203 would say that Ext.P368 application was submitted in the name of Selvaraj affixing his photo, and the ID proof produced was the copy of the passport of the Selvaraj, who is a person hailing from Tamil Nadu. He would clarify that the said application was not submitted by Selvaraj but by another person who claimed to be the relative of Selvaraj and is residing at Kakkanad. Thereafter, the said person inserted the new SIM in the mobile phone he was carrying and got it activated from the spot. PW203 would clarify that when the application was submitted, the distributor of Vodafone company was present there and it was he who filled up the application form. In cross examination, he would say that during 2010, no activation registers were kept and maintained during his tenure in the Cell Corner for about 4-5 months, and only two or three Vodafone SIMs were sold and activated. He would further say that since the person who came and applied for SIM was not the real applicant, he took the advise of the representative of the distributor present there, who in turn asked PW203 to receive the application and to issue the SIM especially, since the man had stated that he is the relative of the applicant. Anyway, the irregularities will not discredit the testimony of PW203, especially since the prosecution was able to collect and produce the filled-up customer application form submitted through Cell corner shop for obtaining the above SIM, which carries the endorsement of

PW203.

193. PW204 is the employee who was managing RR Communications at the relevant time. He speaks about Ext.P571 customer application form submitted at RR communications for purchasing and activating an Airtel SIM with Mob No.974685290. The said application is also dated 03.07.2010. He deposed that one person came to the shop on that particular day and asked for an Airtel SIM. He submitted a copy of the passport as ID proof and also a photo. It was not that of him. He said that his brother Selvaraj wants a SIM connection and the photo and ID are that of his brother. At that time the agent of the Airtel company was in the shop. The said agent filled up the application form. After that he handed over the SIM. Then the said person inserted the SIM in the mobile phone he was carrying and activated it. Since the real applicant was a person hailing from Tamil Nadu, it requires a local address for reference. Under the instruction of the agent of the Airtel, PW204 had written his own name and phone number and also the address of the shop as local reference address. According to him, at that time it was possible to do as such. PW204 would further say that this man came to the shop at about 2.00 p.m. and he also wanted a Vodafone SIM, so he referred him to the Cell corner shop where it was available. The learned defence counsel would submit that this witness cannot be relied upon without corroboration. He was not able to say the name of the agent of Airtel who filled up the application form. The earlier witness also made reference to the agent of the mobile company without furnishing any details of that person. They are all imaginary persons. If PW204 is believed, it is seen that he had provided his name, address and phone number as local

reference for an applicant who hails from Tamil Nadu, more importantly in a case wherein the person who submitted the application is a different person. According to the learned counsel an ordinary prudent man will not do it.

194. The contention taken up by the defence cannot be accepted. This incident is not one happened right now. It happened in the year 2010. So we have to evaluate the evidence subject to the conditions prevailing at that time. All the witnesses connected to mobile SIM retailers deposed in uniform terms that during 2010, mobile SIM business was highly competitive and the companies in order to reach out to maximum customers do all favours, relaxed all procedural formalities and the situation prevailing was that anyone who came with a copy of the ID together with photo will be able to get SIM and spot activation without any verification process. This being the reality at that time, I don't find anything to disbelieve PW204. He is a disinterested witness, and there is nothing to suggest why this man wants to speak falsehood. Therefore, I find that PW204 is truthful and reliable.

195. The discussions made above convincingly prove that all the above three mobile connections were purposefully obtained on fake identity from three different retailers in Ernakulam city on 03.07.2010.

196. Now I will find out how these mobile connections were used in the commission of the offence. The evidence supplied through the CDRs of these mobile connections together with the evidence tendered by the respective nodal officers will clinch the issue. Ext.P556 is the CDR of the Mob No.9746855290 and the concerned nodal officer who extracted the data is PW218. The said SIM was activated on 03.07.2010. As per the CDR this mobile number was in the location at

Ernakulam from 14:17:42 to 14:25:59 hrs. Thereafter, from 21:32:49 to 21:50:54, its location is at Angamaly, Ernakulam. On the next day ie, on 04.07.2010 from 06:32:38 till 08:12:40 its location is at Muvattupuzha which covers the place of occurrence in this case. The De-coded list of Cell ID list is marked as Ext.P678.

197. Coming to the call details, on 04.07.2010 there were four calls, two incoming and two outgoing calls to the number 9744528638 in between 06:44:19 and 07:23:39. There are four outgoing calls to 9746855290 in between 07:32:51 and 08:07:05. There are five incoming calls and one outgoing call, from and to 9645631249. One call was on 03.07.2010 at 21:27:55 hrs and the remaining calls were on 04.07.2010 in between 06:55:08 and 08:11:23. These are the only calls made using this mobile number.

198. Ext.P634 is the CDR of the Mob No.9946055745. The said SIM was activated on 03.07.2010. As per the CDR this mobile number was in the location at Ernakulam from 14:22:33 to 14:32:59 hrs. Thereafter from 21:23:46 to 21:27:55, its location is at Angamali, Ernakulam. On the next day ie, on 04.07.2010 from 06:32:38 till 08:12:40 its location is at Muvattupuzha which covers the place of occurrence in this case. The De-coded list of Cell ID list is marked as Ext.P585.

199. Coming to the call details there were four calls, two incoming and two outgoing calls on 04.07.2010 to the number 9744528638 between 06:44:19 and 07:23:39. There are four outgoing calls to 9746855290 in between 07:32:51 and 08:07:05. There are five incoming calls and one outgoing call, from and to 9645631249. One call was on 03.07.2010 at 21:27:55 hrs and the remaining calls were on 04.07.2010 in between 06:55:08 and 08:11:23. These are the only calls

made using this mobile number.

200. Ext.P633 is the CDR of the Mob No.9645631249. The said SIM was activated on 03.07.2010. As per the CDR this mobile number was in the location at Ernakulam from 12:35:00 to 12:36:15 hrs. Thereafter from 21:27:55 to 21:33:52, its location is at Angamali, Ernakulam. On the next day ie, on 04.07.2010 from 06:16:10 till 08:11:23 its location is at Muvattupuzha which covers the place of occurrence in this case. The De-coded list of Cell ID list is marked as Ext.P678.

201. Coming to the call details there were two calls on 04.07.2010, one incoming and one outgoing call to the number 9746855290 in between 06:37:33 and 07:21:49. There are five outgoing calls to 9946055745 in between 06:55:08 and 08:11:23 and one outgoing call to 9744528638 at 07:00:48 hrs.

202. A close scrutiny of the above extracted call details of the three mobile connections obtained in the name of Selvaraj, one thing is apparent and clear that one more mobile number i.e, 9744528638 has played an active role, a lead role in the communication web, an exclusive circuit to assimilate and disseminate information at the relevant point of time on 04.07.2010 the date of the incident. This fourth mobile connection is an Idea SIM procured on 03.07.2010 itself. Only the CDR is available and it is marked as Ext.P546. The CDR is for the period from 01.06.2010 to 06.07.2010. As per the subscriber data records discernible from the CDR, this SIM was issued through the distributor Aspire Distributors, Opposite to Edappally church and the retailer Vishnu Stores, Ernakulam. As per the CDR, this number was found in the location Angamaly on 03.07.2010 between 21:32:49 and 21:50:54 hrs and on the next day on 04.07.2010 again in and around Angamaly in

between 06:44:21 to 08:50:12. thereafter at 09:52:48 its location was at Aluva.

203. Coming to the call details this number was contacted on 03.07.2010 the mob No.9746855290 five times in between 21:32:49 and 21:50:54 and thereafter on 04.07.2010, 15 times in between 06:48:03 and 08:50:12. This number contacted the number 9946055745 on 04.07.2010, four times in between 06:44:21 to 07:23:04.

204. The above evidence convincingly proves that all the SIMs were there at the same tower location at the night of 03.07.2010 in Angamaly and thereafter on 04.07.2010 three of the phones moved to Muvattupuzha within its location limits lies the place of occurrence, and the remaining one phone was stationed at Angamaly from around 6.37 a.m. onwards and all the persons who are holding these phones continued to be in those respective areas till the commission of the crime, in the interregnum there were innumerable number of calls in this circuit of phones. More importantly, after a while all the mobile numbers got deactivated and no further calls were seen made from these phone numbers.

205. A co-ordination table of the calls made and received between these phones and the Cell ID locations is given hereunder for easy reference.

| Consolidated CDR Statement | | | | | | | |
|-----------------------------------|-------------------|-------------|-------------|----------------|-----------|-------------|----------------|
| Date | Time | From | IMEI | Cell Id | To | IMEI | Cell Id |
| 03/07/2010 | 9.27.55 pm | B | 17490 | 10152 | D | 79190 | 10151 |
| 03/07/2010 | 9.32.49pm | C | 44210 | 7113 | A | 61680 | 48302 |
| 03/07/2010 | 9.33.56 pm | A | 61680 | 48302 | C | 44210 | 7113 |
| 03/07/2010 | 9.47.38 pm | C | 76420 | 7112 | A | 61680 | 48303 |
| 03/07/2010 | 9.49.27 pm | A | 61680 | 48303 | C | 76420 | 7112 |
| 03/07/2010 | 9.50.54 pm | A | 44210 | 48302 | C | 76420 | 7112 |
| 04/07/2010 | 6.37.33 AM | D | 79190 | 14453 | C | 76420 | 4722 |

| | | | | | | | |
|------------|------------|---|-------|-------|---|-------|-------|
| 04/07/2010 | 6.44.21 am | B | 17490 | 14453 | A | 44210 | 48303 |
| 04/07/2010 | 6.46.41 am | A | 44210 | 48301 | B | 17490 | 14453 |
| 04/07/2010 | 6.48.01 am | A | 44210 | 48303 | C | 76420 | 7412 |
| 04/07/2010 | 6.55.08 am | D | 79190 | 14453 | B | 17490 | 10902 |
| 04/07/2010 | 7.00.48 AM | D | 79190 | 14453 | A | 44210 | 25331 |
| 04/07/2010 | 7.03.16 am | A | 44210 | 25331 | B | 17490 | 10162 |
| 04/07/2010 | 7.05.53 am | A | 44210 | 25331 | C | 76420 | 7483 |
| 04/07/2010 | 7.21.49 AM | D | 79190 | 14453 | C | 76420 | 7483 |
| 04/07/2010 | 7.23.06 am | B | 17490 | 14993 | A | 44210 | 35763 |
| 04/07/2010 | 7.26.05 am | A | 44210 | 59101 | C | 76420 | 7483 |
| 04/07/2010 | 7.29.55 am | A | 44210 | 46202 | C | 76420 | 7483 |
| 04/07/2010 | 7.32.57 am | B | 17490 | 15043 | C | 76420 | 7483 |
| 04/07/2010 | 7.34.06 AM | D | 79190 | 15043 | B | 17490 | 15043 |
| 04/07/2010 | 7.46.16 AM | B | 17490 | 15043 | C | 76420 | 7483 |
| 04/07/2010 | 7.51.28 AM | D | 79190 | 14453 | B | 17490 | 12072 |
| 04/07/2010 | 7.57.31 AM | B | 17490 | 15043 | C | 76420 | 7483 |
| 04/07/2010 | 8.07.11 AM | B | 17490 | 10653 | C | 76420 | 7483 |
| 04/07/2010 | 8.08.25 am | C | 76420 | 7483 | A | 44210 | 25331 |
| 04/07/2010 | 8.10.08 AM | D | 79190 | 14453 | B | 17490 | 14993 |
| 04/07/2010 | 8.12.14 am | C | 76420 | 7483 | A | 44210 | 25331 |
| 04/07/2010 | 8.11.23 AM | D | 79190 | 14453 | B | 17490 | 11303 |
| 04/07/2010 | 8.14.27 am | A | 44210 | 25331 | C | 76420 | 4382 |
| 04/07/2010 | 8.15.49 am | A | 44210 | 48302 | C | 76420 | 19983 |
| 04/07/2010 | 8.16.40 am | A | 44210 | 39513 | C | 76420 | 19983 |
| 04/07/2010 | 8.19.47 am | A | 44210 | 39513 | C | 76420 | 19042 |
| 04/07/2010 | 8.27.30 am | C | 76420 | 4742 | A | 44210 | 39891 |
| 04/07/2010 | 8.29.23 am | A | 44210 | 48302 | C | 76420 | 4741 |
| 04/07/2010 | 8.31.22 am | A | 44210 | 48301 | C | 76420 | 4741 |
| 04/07/2010 | 8.47.35 am | C | 76420 | 19663 | A | 44210 | 48301 |
| 04/07/2010 | 8.50.12 am | A | 44210 | 25331 | C | 76420 | 19663 |

A - 9744528638 (IDEA) CDR Ext P 546

B - 9946055745 (VOD) CDR Ext P 634

C - 9746855290 (AIR) CDR Ext P 556

D - 9645631249 (VOD) CDR Ext P 633

206. The evidence discussed convincingly proves that these mobile connections were procured on fake identity to aid, abet and co-ordinate the commission of the crime. A definite conclusion can be drawn that the offence finally committed on 04.07.2010 by a group of seven assailants was not the outcome of the idea conceived by this small group of seven persons but it is the aftermath of a larger conspiracy with greater preparation, planning and co-ordination and further it appears that the person who handled the Mob No.9744528638 - on 04.07.2010 by sitting at Angamaly was the master conspirator cum leader who was in control of the whole state of affairs, and the persons who handled the phone numbers 9946055745, 9746855290, 9645631249 were the members of the pilot team who had taken position at vital points in and around the place of occurrence from early morning and continued to be there till the execution of the crime.

Procurement of the Omni van

207. Now I will come to the Omni van involved in this case. The assailants who attacked Prof. Joseph on 04.07.2010 came in a Maruthi Omni Van. It stands proved. It doesn't belong to any of the assailants. The case of the prosecution is that, in furtherance of the conspiracy agreement entered into by the accused, an amount of one lakh was collected and a Maruthi van was purchased from another district, its number plate got removed and a fake number plate fixed, then the assailants used it for the commission of the offence, thereafter the vehicle changed hand and then the real number plate got fixed and afterwards the vehicle moved out with a new driver as if nothing unusual happened. The sequence of events speaks for itself. If these facts are proved definitely a conspiracy can be inferred.

208. PW224 Lawrence is a native of Kunnathangadi in Thrissur district. He was the registered owner of the eight seater white Maruthi omni van bearing reg no.KL07 AH 8768. PW216 the joint RTO, Thrissur produced the RC particulars of this vehicle before the court which is marked as Ext.P611. The official entries therein will prove that PW224 is the owner of the said omni van wef. 29.06.2009. PW224 deposed that he purchased this omni van for ₹1,05,000/- through PW9 Mani, a second hand vehicle dealer who is running 'Siva Cars' at Thrissur. In 2010, when he decided to go to Gulf, he approached PW9 to sell the Omni van, gave his phone number, and asked PW9 to send willing purchases, if any. Accordingly, PW9 sent some persons on different occasions, but the sale could not be materialised since parties cannot agree with the sale price. He had demand Rs.1,10,000/- as sale price. While so, on 15.06.2010 at about 2.30 p.m., he got a phone call from PW9 informing that, two willing purchasers are being sent to him. Accordingly, two persons came to Kunnathagadi, called him from a telephone booth, and then he took the Omni van to the main road, and they had a test drive, later they agreed to buy the vehicle for ₹1,00,000/-. The said offer was acceptable to him. Thereafter all of them went to PW9 in the same Omni van and from there an agreement was prepared through Joseph the Assistant of PW9. An original agreement along with a carbon copy got prepared and executed by the seller and buyer. Lawrence signed it as the seller and one among the two persons who came to purchase the vehicle, signed it as a buyer. The buyer executant handed over the copy of his driving license wherein his phone number was also written. The buyers paid the entire consideration amount and they took the vehicle together with records agreeing to

come back within a week for effecting mutation in the registration records. But they later sought extension of time and while so on 04.07.2010, PW224 was surprised to see a news item in the TV that Maruthi omni van sold by him was used by a group of miscreants, for committing the offence of chopping the hand of Prof. Joseph. Immediately, police came to him. He disclosed the whole facts. He as well as PW9 were called upon to appear in the police station. Firstly they went to Thrissur West Police Station and upon instructions they went to Muvattupuzha Police Station and from there he and PW9 identified the Maruthi Omni van sold as per agreement dated 15.06.2010. While giving evidence in SC.01/2013, PW224 identified the said Omni van. Its photo taken at the time of preparing inventory is exhibited in this case. PW224 clearly identified the said photo, which is marked as Ext.P2. This photo will reveal out a sticker of 'holy family' pasted on the windscreen of the omni van. PW224 would say that the said sticker of the holy family was there on the omni van while it was in his ownership and possession, and also at the time when he sold the omni van.

209. On 09.07.2010, PW224 produced before the investigating officer, the carbon copy of the sale agreement and also the copy of the driving license handed over by the executant buyer. The witness identified those documents before the court which are marked as Ext.P5 & P4 respectively. Later, PW224 had given 164 statement before the Magistrate and it is marked in this proceedings as Ext.P756 without objection.

210. During cross examination, it was put to him that in the usual course there will be two witnesses to the sale agreement, one from the side of the buyer

and the other one from the side of the seller, but in this case, there is only one witness and that is from the side of the seller alone. PW224 would explain that the other man who was along with the executant buyer was asked to sign the agreement but he was reluctant to sign it. Anyway, this by itself doesn't generate any suspicion on the genuineness of the transaction. It is to be noted that the buyer paid the entire sale consideration, be it so, the seller will not be much concerned about the absence of a witness on the side of the buyer. Another thing pointed out is that it is for the first time before this court he made a statement that it was he who affixed the sticker of the holy family on the windscreen of the Omni van and even when he sold it, it was there and he had seen it on the Omni van when he identified the vehicle from the police station. It is true that he had not stated this fact to any of the investigating officers or when he was examined before the court in Sc.01/2013. It is also true that there is no mention about this sticker in the seizure mahazar prepared by the police while taking custody of this vehicle. But it is a fact that the windscreen of the Maurthi Omni van carried such a sticker on it. This is clear from Ext.P2 photo. PW224 was the owner in possession of this vehicle till 15.06.2010. This vehicle was seized by the police on 04.07.2010 from the possession of accused Jaffar who faced trial in the earlier proceedings. He doesn't have a case that was pasted by him. That being so, the statement made by PW224 before the court, though it doesn't find a place in his earlier statement, can be believed. I find it to be a truthful statement. PW224 is purely an impartial witness, and there is absolutely no reason to take the side of any of the parties, either the prosecution or the defence. He is absolutely a credible witness.

211. PW9 Mani had also given a consistent version before the court fully supporting what PW224 deposed before the court. He had identified the Omni Maruthi van from the Muvattupuzha Police Station premises as well as from the court when he was examined as a witness in SC.01/2013. He further identified the vehicle through the photo which is marked as Ext.P2. He had also given 164 statement before the judicial Magistrate. The suggestion put to him during cross examination was that he is a man illegally running call taxi business and K. K. Ali who is said to be the buyer executant of Ext.P5 agreement, was a driver working under him and while so he had handed over the copy of his driving license and by misusing the said driving license Ext.P5 agreement was created under the instructions of the police. There is absolutely nothing on record to have an inference in this regard. The so called Ali appears to be a total stranger to PW9 Mani and PW224 Lawrence. PW9 is a totally impartial witness and wholly believable and reliable.

212. The identification of the Maruthi van by PW9 and PW224 through Ext.P2 photo is not under dispute. The Maruthi van produced in this crime was entrusted to SHO, Muvattupuzha to keep it in safe custody, was brought before this court, when PW26 was examined. He identified the said vehicle and is exhibited in this case as MO11. This particular Maruthi van was inspected by PW60 the then AMVI of Muvattupuzha RT office upon the requisition of the investigating officer and his report is marked as Ext.P111. This report read together with Ext.P611 the RC particulars confirms that the white Maruthi Omni van taken into custody by the police and exhibited in this case as MO11, and further seen in Ext.P2 photo, is the

very same Maruthi Van sold by PW224 through PW9 by way of Ext.P5 sale agreement dated 15.06.2010.

213. This white Maruthi omni van was seized by PW166 the then SI of Perumbavoor. PW166 deposed that on 04.07.2010 at about 08.15 a.m. upon receiving wireless message from Ernakulam Rural SP, about the involvement of an Omni van in the attack on Prof.Joseph at Muvattupuzha and as instructed by PW167 the CI of Police, Perumbavoor, he started checking the vehicles coming through Muvattupuzha old road at Vattakkattupadi. At around 9.25 a.m., he intercepted a white Maruthi omni van bearing Reg No.KL07 AH 8768. Except the driver, there were no other persons in the vehicle. He questioned the driver and collected his address. His name was Jaffar. Then he inspected the vehicle and found broken glass pieces on the back seat. Further, he noticed stains suspected to be that of blood on the seat facing back and on the top of roof of the side in door. The registration certification, insurance certificate were not there. He passed over the information to the CI of Perumbavoor. He came there and inspected the vehicle. Thereafter, the vehicle was taken to Perumbavoor Police Station. After preparing Ext.P298 mahazar, it was taken into custody. Thereafter, as directed by the CI, he had taken the vehicle and Jaffar to Perumbavoor Police station and handed to over to the Circle Inspector. The evidence tendered by PW166 is convincing to prove the seizure of the Maruthi Omni van at 9.25 a.m. from Vattakkattupadi in Perumbavoor.

214. Here at the time of incident the registration number exhibited on the Maruthi omni van used by the miscreants, was KL7AD 7201. PW1, PW26 and PW27 have specifically stated that on 04.07.2010 the assailants came to the spot in

a Maruthi omni van with number plate exhibiting Reg no.KL07 AD 7201. These witnesses had sufficient time to observe the registration number of the Maruthi Omni van which was kept waiting at the place of occurrence through out. It is also to be taken note that earlier the police had given standing instructions to PW26 and his family members to be careful and vigilant and they were asked to note the numbers of the vehicle found in doubtful circumstance. Therefore it is quite natural and probable that they would have clearly noticed the registration number of the Omni van used by the assailants. It is also to be noted that in the Zatta wireless message given by the SP Rural Ernakulam immediately after this incident, mention the same omni van with this particular registration number. This message is entered in Ext.P222 mahazar. In fact, it was a fake number. This is clear from the evidence of PW217 the Ernakulam RTO, who produced the RT particulars of the real vehicle with Reg No.KL07 AD 7201, which is marked as Ext.P659. It will prove that this registration number is assigned to a five seater Hyundai Santro black colour motor car.

215. In continuation of this, sec.27 recovery of the fake number plate as per the disclosure statement of Jaffar, the person from whose custody the omni van was seized, is to be gone into. Broken pieces of these number plates were recovered on 05.07.2010 and 09.07.2010 respectively. PW221 the investigating officer deposed that on 05.07.2010, on the basis of the confession statement given by accused Jaffar and led by that accused he reached Periyar Valley Canal Bund at Methala at 9.00 a.m. and recovered one portion of the broken piece of the number plate kept hidden in an area covered with wild growth and the second portion from

a place at a distance of 100 meters again kept hidden inside thick bushes. These broken pieces were taken into custody by preparing Ext.P46 mahazar; the disclosure statement is separately marked as Ext.P246(a) and the two broken pieces identified as MO10 series. Later, on 09.07.2010 again as per the disclosure statement given by Jaffar and as led by him the second number plate was seized from the southern side of the Periyar Valley canal from an area covered with wild growth. The said number plate identified as MO16 was taken into custody by preparing Ext.P113. The number plates recovered are those exhibited on the front and back side of the Maruthi omni van. The witnesses to these seizures were examined as PW62 & PW148. Even though they failed to support the prosecution to its full extent, they admit the visit of those place by the police and the preparation of the mahazar. They admit their signatures in those mahazars. Hostility shown by the attesting witnesses is not an uncommon thing. That by itself doesn't disprove the recovery, if the evidence tendered by the investigating officer is convincing and reliable. I don't find anything suspicious to doubt the testimony of the investigating officer. The recovery stands proved.

216. PW95 is the Forensic Scientific Assistant attached to Rural district Crime Record Bureau. Her evidence will disclose that she had inspected the place of occurrence in this case on 04.07.2010 at 11.00 a.m., thereafter she inspected the Wagon-R car of Prof.Joseph kept in the Muvattupuzha station premises and thereafter MO11 Maruthi Omni van seized by PW166 and kept in the Muvattupuzha station premises. From the place of occurrence as well as from the Wagon-R and omni van she had collected samples of blood stains, broken glass pieces among

many other things. She handed over the same in separate sealed covers together with three reports to the ASI, Muvattupuzha Police Station and the ASI had acknowledged the receipt of the same by endorsing it on the reports. Thereafter, PW95 retained the original reports, keeping copies with the police. During the trial in SC.01/2013, she had produced the original reports before the court. They are Ext.P159 to 161. The only anomaly pointed out is the delay caused in submitting the original reports. That is not at all a ground to doubt the veracity of the evidence tendered by the scientific assistant, especially since the materials she collected were immediately handed over with copy of the reports. PW221 the CI of Police who was in charge of the investigation forwarded these materials for forensic examination. PW120 was the then Director of FSL. His evidence will reveal that he received the forwarded items in tact and he then distributed the items to the concerned departments for forensic examination. The broken glass pieces reached the Physics division and the samples of blood stains to the serology division. PW102 is the scientific assistant who handled the serology examination. The report submitted by him is marked as Ext.P179. On examination he detected human blood belonging to group-B, which is the victim's blood group. PW108 is the scientific assistant who examined the broken glass pieces in Physics division. Her evidence will reveal that glass pieces obtained from the place of occurrence, from the Wagon-R car and from the Maruthi Omni Van (MO43, MO44, MO45) appear similar. On spectroscopic examination, the glass fragments in the above items exhibited similar characteristics. Ext.P189 is the report prepared by her. The only defect pointed out is that she had omitted to specify that one item of glass fragment is

transparent. She would explain that it was only an inadvertent omission. The evidence tendered by PW102 and 108 are convincing. There is absolutely no challenge regarding the process and the procedure of examination conducted by both these scientific experts. The scientific evidence adds credibility to the other evidence on this point which I already discussed.

217. In this regard, a yet another piece of evidence is relevant. PW182 the then ASP of Aluva obtained search warrant from the jurisdictional Magistrate and searched the house of accused Kasim who faced trial in SC.01/2013 situated at Kunjunnikkara, Kadungalloor village on 10.07.2010 at 12.15 noon and seized 36 items from the said house including Ext.P46 series sheets of stickers, some alphabets removed. They are black coloured stickers with cut out letters, digits and symbols. Two objections taken up to challenge the validity of this seizure is that no immediate local inhabitants were made witnesses to this seizure and secondly there is delay in producing the seized object before this court. There is nothing on record to prove that the attesting witnesses are from far away places and were planted by the investigating agency. PW182 would say that he took the two persons found at the place where he stopped his official vehicle, along with him to the house put under search. There is nothing to disbelieve PW182. Coming to the delay in forwarding the seized material objects, the seized properties were sent to the court only on 12.07.2010, but it has been brought in evidence that the intervening dates ie, 10.07.2010 and 11.07.2010 were holidays. Therefore the seizure of these items from the house of accused Kasim stands proved. It is also to be taken note that the seized item includes his Ration card, SSLC book etc.

218. It was during the course of the trial in SC.01/2013, MO46 series stickers assigned with number 3(a) to (f) were sent for forensic examination together with MO10 series and MO16 number plates. PW120 the Director of FSL, Trivandrum deposed that he received the sealed packet in tact and these items were given to physics division for forensic examination. PW108 the Scientific Assistant carried out the examination. Her report is marked as Ext.P190. PW108 stated that she compared those items and the result of the examination is as follows:-

1. Materials of the number plates contained in item no.1 and 2 are similar.
2. Black colour materials of the digits/letters/symbols of the number plates contained in item no.1 and 2 and that contained in item no.3 are similar.
3. Small size cut out of the spaces inside the letters/digits A, D and 0 contained in item no.3 (f) are the parts of corresponding letters/digits contained in item no.1.
4. Large size cut out of space inside the digit 0 contained in item no.3(f) is the part of corresponding digit contained in item no.2.
5. Two out of three symbols in item no.1 could be the missing symbols from the material objects in item no.3(c) and 3(f).

219. According to her, she conducted microscopic examination of the symbols and found that the edge characteristics of the symbols contained in item No.1 and the missing symbols from item No.3(c) and (f) were similar. When similar examination was conducted for the examination of letters and digits, she found that those were the exact replica of the corresponding letters and digits. Her evidence is

credible and convincing. As such, the prosecution has succeeded in proving that the small size cut out of the spaces inside the letters 'A' and 'D' and digit '0' contained in the sticker are the parts of the corresponding letters and digits in the seized number plates MO.1 and large size cut out of space inside the digit '0' contained in item no.3(f) is the part of corresponding digit contained in the number plate. All these will prove that the pieces of the sticker used for making fake number plates were those seized from the house of Kasim. The above evidence provides yet another link to cement the proof to establish that the omni van used by the miscreants for committing the offence is the same omni van purchased from PW224 through PW9 through Ext.P5 sale agreement.

220. To summarise, it stands proved that on 15.06.2010 two persons had gone to Kunnathangadi in Thrissur and purchased the white Maruthi omni van bearing Reg No.KL07 AH 8768 for Rs.1,00,000/- from PW224 through PW9 by way of Ext.P5 agreement executed by the seller PW224 and one of the buyers, and that this maruthi van was used for the commission of the crime after being fixed with a number plate exhibiting fake Reg No. KL7 AD 7201.

221. The above evidence discloses a larger conspiracy behind the incident, formation of a group for this particular purpose within it separate groups for reconnaissance, preparation, piloting, attacking,raising funds etc.

222. Another major circumstance relied upon by the prosecution to infer a larger conspiracy is the preparation of the sketch of the house and surroundings of Prof.Joseph in advance. The said sketch is marked as Ext.P173. It is said that the duty to prepare the sketch was assigned to Sikkander Ali Khan an Auto driver the

11th accused who faced trial in SC.01/2013. PW221 the CI of Police, Muvattupuzha arrested Sikkandar Ali Khan on 24.07.2010 i.e., 20 days after the incident. According to his version Sikkandar Ali Khan was taken into custody from Muvattupuzha private Bus stand and brought to the police station together with the Autorickshaw. After preliminary questioning he was arrested at 12.00 hrs and his autorickshaw was also taken into custody. PW151 another police officer is the witness to the arrest and seizure. Ext.P263 is the seizure mahazar.

223. PW221 would further say that as per the disclosure statement of Sikkandar Ali Khan Ext.P173 sketch was recovered from the autorickshaw. PW173 another police officer is the witness to the seizure. Ext.P262 is the seizure mahazar. Later, from the house of Sikkandar Ali a notebook containing admitted writings was seized. Ext.P175 is the notebook, and the seizure mahazar is Ext.P244. PW142 another police officer is the witness to the seizure. PW221 would say that he had collected sample handwriting of Sikkandar Ali and the rough sketch together with the standard writing and specimen writing were sent for examination by the handwriting expert. PW101 the Scientific Assistant (Documents FSL, Trivandrum) submitted his report which is marked as Ext.P174. He had given an opinion that the writing in the rough sketch marked as Q1 to Q13 are written by the very same person who wrote the admitted and specimen writings. The learned prosecutor would further submit that there are phone calls to suggest that this sketch was prepared as per the instructions received from the prime conspirators.

224. In SC.01/2013, wherein Sikkandar Ali faced trial, this court had given a finding that the evidence regarding the seizure of the sketch from Sikkandar Ali was

highly doubtful and ultimately Sikkandar Ali was acquitted. In this circumstance, I don't find it necessary to evaluate the evidence and give any finding regarding the preparation of the sketch.

225. According to the prosecution more vehicles are involved in this crime. Though the prosecution adduced evidence to prove the ownership of a series of vehicles said to be involved in this crime, due to the deficiency in evidence to link these vehicles with the commission of the crime, I find it only necessary to discuss the ownership of three vehicles.

226. It is the case of the prosecution that, on 04.07.2010 A5 Najeeb received the injured assailants A1 Savad and Shamsudhin (A5 in SC.1/2013) at Irumalappady and rescued them in a black Indica car bearing Reg. No. KL 09 R 7541 belonging to PW107 Sanooja, the wife of Anwar Sadik (A34 in SC.1/2013) to Thottakkattukara. PW225 Abdul Khader the Investigating officer, on 15.01.2013 issued Ext.P186 notice u/s. 43F of UA(P) Act to PW107 for which she gave Ext.P187 reply. When examined as PW107, she admitted the reply given by her. She was the registered owner of the said car as on 04.07.2010. Ext.P122 the RC particulars of this car marked through PW67 the Joint RTO, Aluva proves this fact. Subsequently, this vehicle was transferred to PW122 Bader Dareez in the year 2013 and its registration was transferred in his name. PW107 does not know the details of this transfer since her husband was managing this vehicle. At the same time she admits her signature in Form No.29 & 30. PW122 admits the sale of the car in his favour. It was he who produced the vehicle before the Investigating officer on 08.01.2014. It was taken into custody by PW225 on 08.01.2014 as per

Ext.P212 mahazar. Therefore it stands proved that as on 04.07.2010, KL09 R 7541 Black Tata Indica car belonged to PW107 and was managed and used by her husband Anwar Sadik (A34 in SC.01/2013).

227. It is the case of the prosecution that, on 04.07.2010 A7 Rafi acted as a member of a pilot team and used his motor bike bearing Reg for the said purpose. No. KL 41 A 3068. Its RC particulars were marked through PW67 the Joint RTO, Aluva, as Ext.P119. It stands in the name of A7 Rafi. This vehicle was taken into custody by PW147 the SI of police, Aluva, as per Ext.P253. In the mahazar it is said that this motor cycle was produced by PW138 Muneer on 29.07.2010. PW138 does not admit this, though he admits that A7 was having a motor cycle then. The available evidence is sufficient to prove that A7 was the owner of KL 41 A 3068 Motor cycle as on 04.07.2010.

228. It is the case of the prosecution that, on 04.07.2010 A8 Subair acted as a member of the pilot team and used his motor cycle KL08 S 7190 for the said purpose. Its RC particulars was marked through PW81 the MVI, North Paravur as Ext.P141. This document will reveal that, with effect from 25.05.2005 one Gineesh was its owner, and with effect from 24.10.2010 one Nazir was its owner and from 26.03.2011 onwards Sajeev is its owner. The said Sajeev was examined as PW83.He produced the motor cycle before PW225. Ext.P143 is the seizure mahazar He deposed that in March, 2011 he purchased the said motor cycle from Nazir. The photo of this motor cycle taken at the time of preparing an inventory of material objects stands identified by this witness as Ext.P144. PW84 Antony.C.J. is an auto consultant. He deposed that Shafeeq his neighbour (a vehicle brother)

along with Subair and one more person approached him in 2009 and entrusted the RC book of KL08 S 7190 bike and wanted him to get the name in the RC book transferred in the name of one Subair from Veliyathunadu and paid ₹450/- towards the expenses. Since ID proof of the buyer is required, PW84 asked them to produce it. They left but did not return. Subsequently, in October 2010 his neighbour Shafeeq (a Halwa trader) came to him and told that Subair is involved in a case and is absconding, and this man had entrusted him to sell the vehicle and accordingly he sold it to one Nasir, and thereafter he wanted to transfer the registration in the name of Nazir. Subsequently Nazir had given his ID proof, and then he got transferred in the name of Nazir. PW86 would say that Shafeeq the Halwa trader is no more. It is true that PW86 was not able to identify A8 Subair, but that is not of much consequence. Since PW87 the employer of A8 Subair identified the vehicle as that of A8 Subair through its photo marked as Ext.P144 and further he was able to state its registration number correctly. The above evidence read together convincingly prove that A8 Subair was the person in possession and use of KL 08 S 7190 Hero Honda passion motor cycle on 04.07.2010.

229. It is needless to say that procurement of the mobile SIM's on fake identity and also the procurement of Omni van and its use in the commission of the crime exhibiting fake name board leads to a conspiracy by inference and what remains to be inquired is only the extend of the conspiracy and the identity of the conspirators.

230. The factual conclusions emerging from the discussions made above can be arranged chronologically as hereunder:-

1. Prof. Joseph (PW26) both in his professional life as well as his personal life maintained a very peaceful and cordial relationship with all the persons he interacted and met till 23.03.2010.
2. The second semester Malayalam language exam for the B.Com students of Thodupuzha Newman college was held on 23.03.2010 and the question paper for the exam was set by Prof. Joseph.
3. The question No.11 created controversy and there was a feeling among many who believed in Muslim faith that this question is derogatory to Islam and Prophet Muhammed.
4. The state then suo moto registered a criminal case against the Professor u/s.153A IPC for performing an act prejudicial to the maintenance of harmony and in that case Prof. Joseph was arrested and remanded in judicial custody for six days. He was suspended from college.
5. PFI organisation and SDPI party never took it as an individual act of Prof. Joseph but looked at it as a calculated attack on Muslim community with the backing of worldwide Christian imperialistic lobby. In other words, they took it as a communal issue and addressed its cadres to wake up and to fight against the rival sections of the society. In the pamphlet issue, Prof. Joseph was referred as a Christian terrorist.
6. Thereafter, a section of PFI and SDPI members who were not ready to leave it to the court of law to adjudicate whether the conversation appearing in the controversial question paper is innocuous, a creative

piece of writing or an act which promotes hatred between different sections on the ground of religion, hatched a criminal conspiracy to deliver sentence as per the religious text on Prof. Joseph for the act of Blasphemy on Prophet Muhammed and Islam.

7. In pursuance of the conspiracy agreement a gang was formed to accomplish the designed illegal act and within it separate teams for reconnaissance, preparation, piloting, harbouring, attacking, raising finance etc. were constituted under a leader and his assistants.
8. In furtherance of the conspiracy agreement, a Omni van worth Rs.1 lakh was procured for using it for the commission of crime. Mobile phones and mobile SIMs were procured for using it on the date of the commission of offence. Fresh mobile SIMs and mobile phones were also purchased after the commission of the crime for using it for the purpose of arranging hide outs for harbouring the assailants for their safe passage and movement.
9. In pursuance of the conspiracy, on three occasions, a group of six persons entered into the house compound of Prof. Joseph on fake identity, probably to create terror and panic in the minds of Prof. Joseph and his family.
10. In furtherance of the conspiracy agreement, the movement of Prof. Joseph was put under surveillance. On 03.07.2010 two persons followed Prof. Joseph while he was on his way to Bishop house.
11. In pursuance of the conspiracy on 03.07.2010 a trial run was

conducted to the proposed scene of crime using the white Maruthi Omni van.

12. Lethal weapons like choppers, knife, axe and also bombs were collected and kept ready.
13. 04.07.2010 a Sunday, was chosen for the homicidal attack on Prof. Joseph.
14. On 04.07.2010, at early morning itself the members of the piloting team reached and took positions in and around the proposed scene of occurrence (within 500 meters distance lies the house of PW26, the Nirmala Matha Church and the place of occurrence) and started monitoring the movements of PW26 and reporting it to the leader of gang who took position at Angamaly. The phone calls in between the piloting team members and the leader of the gang started from 06.37 a.m. onwards.
15. On that day Prof. Joseph left his house at about 06.15. a.m., along with his Sister Marie Stella and their mother Elikkutty in his black Wagon-R car bearing reg No. KL17 E 1795, to attend Sunday morning mass at Nirmala Matha Church, Muvatupuzha.
16. After attending Sunday mass, Prof. Joseph and his family members left the church in the same car and when they reached Hostelpady junction at about 08.05 a.m., a group of seven persons came there in a white Maruthi omni van fixed with fake number plate, intercepted the Wagon-R car blocking the further movement of Prof. Joseph and his family

members.

17. Immediately six persons (except the driver) emerged from the Maruthi omni van, one person was carrying an axe, two persons choppers, two persons knives, and one person explosive substances kept in a plastic kit.
18. Thereafter the assailants smashed the front side window glasses of the car and the front glass. The person with axe inflicted many strikes on Prof. Joseph resulting some cut injuries on his forearm. Thereafter Prof. Joseph was pulled out from the car and he was dragged to the backside.
19. While so, the man with chopper cut on the ankle of the left leg of Professor twice. When he attempted to escape from the grip of the assailants, the man with axe inflicted cut injuries on the left thigh, left foot and left leg to prevent escape.
20. After reaching back side, four among the assailants forcibly laid the professor on the road and the man with axe started inflicting cut injuries on the left wrist of PW26. At that moment one of the assailants told the men with axe that "you are chopping off the wrong hand, chop off the right hand". Then the person holding the hand firmly pressed the right hand of the Professor towards the road and then the man with axe chopped off the right hand of professor saying that "you had ridiculed the Islam religion using this hand, you don't write with this hand again".
21. In the meanwhile when PW27 Sister tried to interfere, one among the

assailants restrained her unlawfully holding on her neck and pointing a knife to her chest. When the wife and son of PW26 rushed to the scene of occurrence, the assailant who was in possession of explosive substance hurled explosive substance causing an explosion generating thick smoke and high sound. Further, assailants by a show of violence waving choppers, created terror and panic among the persons who had gathered there, mainly the persons returning from the church after attending the Sunday mass.

22. When PW1 the son of Prof. Joseph rushed towards the scene with a chopper and tried to save PW26 by attacking the men with axe, two among the assailants caught hold on PW1 and thrown him out to the nearby school compound.
23. After chopping of the right hand of Prof. Joseph the assailants took away the severed hand and thrown it to the nearby house compound and left the place in the very same omni van which was kept always ready to move on by the driver.
24. The injured professor lying drenched in blood with profused bleeding, was taken to the Specialist's hospital, Ernakulam and when he reached there at 08.30 a.m., he was almost dead and by doing surgical operation which continued for long hours up to 03.00 a.m., his life saved and the severed hand replanted.
25. After the incident, the circuit calls in between the gang leader and the pilot members ended and those phones become disfunc.

26. Immediately after the incident the gang leader started using another phone to contact various persons and in continuation of that many post conspiracy meetings were convened at different places and in the said process two set of mobile SIMs and mobile phones were procured and used by the leader of the gang for a short period.

231. In this particular case, only 12 accused were sent for trial and among them 11 accused are facing trial. A1 is still absconding. In the earlier case SC.01/2013, 37 accused persons faced trial, 13 were convicted, and 18 were acquitted. Appeal in this regard is pending. As observed earlier 7 accused persons directly participated in the execution of the homicidal attack on Prof. Josph. All others are said to be conspirators. Five accused persons who are said to be the members of the seven member execution team faced trial in SC.01/2013 and all of them were found guilty, convicted and sentenced. The remaining two members of the execution team are said to be A1 Savad & A2 Sajil in this case. A3 Nasar is said to be the leader cum master conspirator. A4 is said to be the person who caused the disappearance of the weapons used to commission the crime. A5, A6, A9, A10, A11 & A12 are said to be the members of the harbouring team and A7 & A8 members of the patrolling team who guided the execution team to successfully commit the crime.

The Mobile numbers and phones used by the accused

232. To prove the involvement and participation of the accused in the criminal conspiracy, the prosecution mainly relies upon the CDRs and CAFs of the

mobile phones used by the accused at the relevant period and their Cell ID locations born out from records on vital occasions. Therefore it becomes necessary to identify the mobile numbers used by the individual accused during the relevant period. I will now consider the evidence in this regard.

A1 Savad

233. Prosecution would say that A1 Savad was in use of the Idea mobile connection with Mob No.9947594068 during the relevant time. The CDR of this mobile number for 25.03.2010 to 06.07.2010 was marked as Ext.P531 through PW196 Ramachandran the nodal officer of Idea, Kerala Circle. The Customer Application Form was marked as Ext.P532. It is in the name of A1 Savad. The copy of ID proof submitted by A1 was marked as Ext.P32(a). The SIM card was activated on 27.07.2007. More importantly, Ext.P647 report and Ext.P648 hard disk submitted by PW214 Ramakrishnan, Sr. Scientific Officer, CFSL Hyderabad will reveal that, on examination of the MO133 mobile phone which belongs to Jaffar (A9 in SC.01/2013), this number is saved in the name of Savad S. It stands proved that A1 Savad was in use of the Idea mobile connection with Mob No.**9947594068** during the relevant time.

A2 Sajil

234. Prosecution would say that he used the Idea mobile connection with Mob No.9847738642 during the relevant time. The CDR for the period 25.03.2010 to 06.07.2010 was marked through PW196 Ramachandran, the nodal officer of Idea, Kerala Circle. The CDR was marked as Ext.P534. Its CAF marked as Ext.P534(a) and the ID proof submitted by the applicant marked as Ex.P534(b). It

is in the name of A2 Sajil. The SIM card was activated on 27.07.2007. More importantly, Ext.P647 report and Ext.P648 hard disk submitted by PW214 Ramakrishnan, Sr. Scientific Officer, CFSL Hyderabad will reveal that in MO135 SIM card which belongs to Dr.Reneef (A15 in SC.01/2013), this number is seen saved in the name of 'Sajal MUP'. It stands proved that A2 Sajil was in use of the Idea mobile connection with Mob No.**9847738642** during the relevant time.

A3 Nasar

235. The prosecution would say that the evidence on record convincingly proves that A3 Nasar used seven mobile numbers during the relevant period. I will consider the evidence in this regard one by one.

1. 9745003256

This Vodafone mobile connection was obtained in the name of A3 Nasar. This fact is proved from the following evidence. The CDR for the period 25.03.2010 to 30.08.2010 was marked through PW209 Sanal V. R, the nodal officer of Vodafone, Kerala Circle. The CDR was marked as Ext.P592. The CAF marked as Ext.593 and the copy of ID poof marked as Ext.P593(a). It is the Election ID card of A3 Nasar.

As per the disclosure statement given by A3 Nasar and as led by him two SIM cards were recovered from the house of PW93 Sirajudheen, Chandiroor. PW110, the then LD Clerk of Kannayannur Taluk office, witnessed the recovery. PW225 and PW110 had given clear evidence in this regard. It is deposed that A3 Nasar led them to the house named Kalarikkal Veedu near Chandiroor Arabic College. As led by Nasar they climbed up through the stairs situated at the southern side of the

house. It was a double storied building. The roof of the second floor of the building was made of sheet. To reach the first floor there was stairs from the outer side of the house. The door to enter into the first floor was closed. The family members of the Sirajudheen handed over the key. The door was opened and they entered the first floor. There was a hall on the first floor. Boards and chairs were found kept and it looked like a class room. A3 Nasar then informed that the SIMs were kept in the room adjacent to the hall. All of them entered that room. Nasar informed them that the SIM was kept in the hole used for electric wiring found on the side wall. As informed by Nasar, one NIA official climbed on a table and lighted torch inside the hole. Nasar said that there are two SIMs. NIA official found two SIMs there. The SIMs were covered with dust. The NIA official wiped it with a cloth and thereafter both the SIM cards were taken into custody by preparing Ext.P196. One SIM card was that of Vodafone and another one that of Airtel. The Airtel SIM card is identified and marked as MO48 and Vodafone SIM as MO49. The disclosure statement is separately marked as Ext.P196(a). There is absolutely nothing to doubt the recovery effected u/s.27 of the Evidence Act. MO49 recovered is the SIM card of Mob No.9048686611 which is the mobile number subscribed in the name of Nasar himself. Even though PW93 a PFI activist failed to support the prosecution the consistent evidence given by the Investigating Officer and the attesting witness convincingly proved the said recovery. This recovery confirms that Nasar had gone to that house.

236. For future reference the IMEI numbers of the mobile phones in which this SIM was found used, are noted hereunder.

1. 351943035608640 – MO73 phone
2. 352049023622720 – MO122 phone
3. 356424012260090 – MO121 phone
4. 359038025956880 – MO116 phone
2. **9048686611**

This Vodafone mobile connection was also obtained in the name of A3 Nasar. This fact is proved from the following evidence. The CDR for the period from 25.03.2010 to 04.07.2010 was marked through PW209 Sanal V. R, the nodal officer of Vodafone, Kerala Circle as Ext.P618. The CAF marked as Ext.619 and the copy of ID poof marked as Ext.P619(a). It is the Election ID card of A3 Nasar.

237. For future reference the IMEI numbers of the mobile phones in which this SIM was found used are noted hereunder.

1. 35204023622720 – MO122 phone.
2. 359038025956880 – MO116 phone.
3. **9946617241**

CDR of the said Vodafone mobile number for the period from 04.07.2010 to 23.07.2010 was marked as Ext.P621, through the Nodal officer PW209. Its CAF is marked as Ext.P103, ID proof submitted, and application marked as Ext.P104. These records will reveal that the said SIM was issued on 04.07.2010 through the retailer Ellikkal Stores, Tobacco and Stationary, Mannam, Paravur-683520, in the name Vahishad a native of Mannam, North Parur. As per the CDR the IMEI Number of the mobile phone used for making calls is 355519016246490. The prosecution was able to recover the said phone, which is identified as MO117.

The prosecution would submit that, under the instructions of A3 Nasar the above said mobile SIM card and a new mobile phone were procured immediately after the commission of the crime through Vahishad and it reached the hands of Nasar while being at Mannam and the said Nasar used it for the specific and limited purpose to co-ordinate the movements of the prime accused to their hideouts. The said Vahishad was examined as PW106. He is a PFI cadre residing at Paravur, Mannam. He turned hostile to the prosecution. Still, when confronted with Ext.P103 CAF and Ext.P104 ID proof, he admitted that the ID proof (Driving License) is that of him. He also admitted that the address shown in CAF is his address. He denied his signature but admits that the signature seen therein is similar to that of him. Anyway, one thing is clear that, he never used this particular SIM obtained in his name. PW55 is the owner of Ellikkal stores from where this particular Vodafone SIM was purchased. He identified Ext.P103 CAF and conceded that this particular Vodafone SIM was issued from Ellikkal stores. He had explained the usual procedure for issuing SIM. According to him, it will be issued only after obtaining a signed application from the customer together with his photo and ID card which will be verified before issuing the same. He would say that as per Ext.P103, it was issued to one Vahishad on the basis of the signed application submitted together with photo and Election ID. According to him, in the usual course, Vahishad himself would have signed the application, though he cannot confirm it since he was not present in the shop and his staff handled it at that time. He would also say that his shop used to be open at 9.00 am. PW52 is the owner of the shop from where MO117 Nokia mobile phone was purchased. He also failed to

fully support the prosecution. Still, he conceded that the said phone carrying the particular IMEI Number was sold from his shop and the copy of the bill was with him when the police came and enquired about the sale of the said phone to one Vahishad. He would say that in the bill, the name of the purchaser was written as Manoj. Whatever it be, it was sold from his shop. Therefore it stands proved that the concerned Vodafone SIM card as well as MO117 Nokia Mobile phone were purchased on 04.07.2010 after 09.00 am from the shops of PW52 & PW55 situated at Mannam, North Paruvur.

In this given set of facts, the person found in possession of MO117 mobile phone at that point of time shall definitely be the person who used the SIM in question. This mobile phone was recovered under Sec.27 of the Evidence Act, from the house of M. K. Nasar, on the basis of the disclosure statement given by him while in custody. Nasar surrendered before the court on 06.11.2015 and he was taken in custody by NIA. While in custody he made a disclosure statement to PW225 Abdul Khader the investigating officer, that if he is taken to his house he will show the place where mobile phones are kept concealed and accordingly as led by him PW225 accompanied by two Government Servants reached the house of M. K. Nasar at Kunjunikkara and the said Nasar pointed out the place where he concealed the mobile phones. The place pointed out by him was the portion beneath the stair case outside of that house and from where three mobile phones and a SIM card kept in a white plastic cover further in an orange plastic cover, were recovered by preparing Ext.P174 mahazar. The disclosure statement is separately marked as Ext.P174(a). PW207 Sajeev Kumar the then Sr. Clerk of Kanayannur

Taluk office is one of the witness to the recovery. He identified his signature in the mahazar and had also given evidence in full support of what has been deposed by the investigating officer regarding this recovery. There is absolutely nothing to doubt the genuineness of this recovery. The three mobile phones recovered were marked as MO115, 116 & 117 and the one SIM card recovered marked as MO118. The mobile phone with IMEI No.355519016246490 is MO117. This is confirmed from Ext.P647 report submitted by PW214 the Sr. Scientific Officer CFSL Hyderabad after examining the material objects sent to him, including MO117.

The defence challenged the recovery mainly on the ground that no local persons were made as witnesses to the recovery. The said contention doesn't stand good for the reasons, which I had stated earlier. Since MO117 phone was recovered from a hidden place known exclusively to A3 Nasar alone it leads to a conclusion that proved that it was A3 Nasar who had concealed the MO117 mobile phone and it was in his use. No explanation is forthcoming from the side of A3 in this regard. From this proved fact it can be inferred that it was under the instructions of A3 the mobile connection and MO117 mobile were procured on 04.07.2010 after 9.00 am.

4. 9946609011

CDR of the said Idea mobile number for the period from 25.03.2010 to 06.07.2010 was marked as Ext.P620 through the nodal officer PW196. Its CAF marked as Ext.P139 and ID proof submitted along with the application marked as Ext.P139(a). These records will reveal that the said SIM was issued on 04.07.2010 through the retailer Good light Paraffin Products, Municipal complex, Vedimara Junction, North Paravur in the name of Shihabudeen native of Mannam, North

Parur. As per the CDR the IMEI Number of the mobile phone used for making calls with the above SIM is 352746016100380 is MO115, which is the mobile phone seized from the house of A3 Nasar along with two other phones marked as MO116 & MO117 as per the disclosure statement given by A3 Nasar. Sec.27 recovery stands proved as evident from the discussions made earlier.

The prosecution would submit that under the instructions of A3 Nasar the above said mobile SIM card along with a second hand Nokia phone was procured immediately after the commission of the crime through Shihabudeen, a PFI activist and he handed over the same to Nasar through Siyad (A14 in SC.01/2013) and the said Nasar used it for the specific purpose to communicate with other accused without being screened by the investigating authorities. It is pointed out that only three calls were made from this mobile number.

The said Shihabdudeen was examined as PW80. He is a PFI activist and a resident of North Parur. He turned hostile to the prosecution. Still when confronted with Ext.P139 the CAF he identified his photo pasted therein. He doesn't dispute the address mentioned in the application, it is his address. He also admitted that Ext.P139(a) ID (copy of the SSLC certificate) is that of him, but curiously he denied signature. The contradiction in his deposition marked as Ext.P140. Whatever it be it is clear that PW80 never used this particular SIM obtained in his name.

In this given set of facts, the person who was found in possession of MO115 mobile phone shall definitely be the person who used the SIM in question otherwise he has to explain it. As I stated earlier, this mobile phone was recovered under Sec.27 of the Evidence Act from the house of M. K. Nasar on the basis of

the disclosure statement given by him and no explanation is forthcoming from his side. It stands proved that A3 Nasar was using the mobile number **9946609011** as well as MO115 mobile phone on 04.07.2010. It follows that, under his instructions the said mobile connection as well as MO115 mobile were procured on 04.07.2010.

5. **9037220794**

CDR of the said Tata Tele Service mobile number for the period from 01.07.2010 to 06.07.2010 marked as Ext.P473 through the nodal officer PW184. Its CAF marked as Ext.P474 and ID proof submitted along with application marked as Ext.P474(a). These records will reveal that the said SIM was issued on 08.07.2009 through the retailer Flash Videos, Manakkapady, Muppathadom in the name of Kamurudeen, Kadungalloor, Aluva, who is the A17 in SC.01/2013. Prosecution would say that this particular mobile number was used by A3 Nasar on 04.07.2010 to contact the other accused. To fortify the said contention prosecution relies upon two aspects. Firstly, this particular SIM was later recovered from the house of A3 Nasar along with MO115 to MO117 mobile phones as per disclosure statement given by A3 Nasar and the identity of this SIM stands confirmed from the report of the scientific expert earlier referred as Ext.P647. This particular SIM is exhibited in this case as MO118. Further, the De-coded Cell ID location of this particular mobile number will reveal that on 04.07.2010 in between 08:14:31 to 08:44:50, this phone was at Angamaly the place where Nasar took position on 04.07.2010 right from 06.37 am onwards.

There is force in the submission made by the learned public prosecutor. No explanation is forthcoming from the side of Nasar under what circumstance this

SIM card came into his exclusive possession. The Cell ID location clarify the position. Therefore it stands proved that A3 Nasar had used the Mob No.**9037220794** on 04.07.2010 during morning hours.

6. 9744528638

CDR of the said Idea mobile number for the period from 01.06.2010 to 06.07.2010 was marked as Ext.P546 through the nodal officer PW196. In this case only the subscriber data is available. It will reveal that the SIM was issued on 03.07.2010 through retailer Vishnu Stores, Ernakulam, Kochi. Since the CAF is not available, it is unclear in whose name the SIM was taken. Prosecution would say that even then, the mobile phone user can be identified though the IMEI number of the mobile phones available in the CDR. The CDR makes mention about three IMEI numbers. They are:-

1. 356784025561688
2. 356393021744210
3. 351598028110631

The first IMEI no is seen used on 03.07.2010 from 09:32:49 p.m. to 09.49.27 p.m. The second IMEI number phone is seen used from 09:50:54 p.m. on 03.07.2010 till 08:50:12 a.m. on 04.07.2010. The last IMEI number phone is used only for one call at 09:42:58 a.m. The above data makes It clear that the mobile phone with second IMEI number was the one used at the relevant period for making/receiving calls using this particular mobile number.

The learned prosecutor would submit that this particular IMEI is that of the second hand phone purchased by A3 Nasar from the mobile shop "Mobile Centre"

at Penta Menaka Building, Ernakulam run by PW198 Protected Witness-B. It is submitted that even though the prosecution was not able to recover the said phone the recovery of Ext.P563 register kept and maintained in the said shop as per the disclosure statement given by A3 Nasar will convincingly prove that the said mobile phone was purchased by Nasar and he used it for making calls on 04.07.2010 using the said mobile number. It is submitted that the register contains the details of the phone sold and the evidence of PW198 confirm this fact. In other words, it is submitted that the subsequent confirmation of fact through PW198 and Ext.P563 register proves Sec.27 recovery and the disclosure statement of A3 which lead to the recovery is admissible in evidence.

The learned defence counsel raised the following contentions to challenge the submission made by the learned public prosecutor. Firstly, the failure to recover the phone is fatal to the prosecution. Secondly, the evidence on the alleged recovery is shaky and doubtful. PW198 is neither the tenant of the shop room nor he is having any license in his name to run the shop. There is no convincing evidence to prove that this man was running a mobile shop at that point of time. Even though it is a busy area having plenty of shops in and around no persons from the locality were made as witnesses. Thirdly, the IMEI of the phone born out from the CDR and the IMEI number mentioned in the register doesn't tally. This itself falsify the case of the prosecution.

In reply, the learned prosecutor would submit that, there is nothing unusual in taking Government officials as witnesses while going to effect Sec.27 recovery. Secondly, the evidence tendered by the investigating officer who effected the

sec.27 recovery, the Government servant who stood as witness to the recovery and PW198 the shop owner corroborates each others testimony and there is absolutely nothing to show that they are speaking falsehood before the court. They are all totally disinterested witnesses. PW198 had explained in detail in what manner he was running the shop. Coming to the second aspect, learned prosecutor would submit that the nodal officers examined before the court made it clear that the last digit of the 15 digit IMEI number, is only a Check digit, a mere dummy digit. In the CDRs mostly it will appear as '0' and it has nothing to do with the identity of the mobile phone and what is relevant is the first 14 digits of the IMEI number. Here the only variance pointed out is in the last digit. As per the entry in the register maintained by PW198, the last digit is '3' whereas in the CDR it is shown as '0'.

The investigating officer who effected the sec.27 recovery is PW225 Abdul Khader. The Government servant who stood as attesting witness is PW207 Sajeev Kumar. Their evidence will make it clear that on 26.11.2015 A3 Nasar made a disclosure statement that if he is taken he will show the shop and the person from whom he purchased the mobile phone and accordingly as led by him they reached Penta Menaka Tower and from there A3 Nasar pointed out the shop of PW198 and also pointed out PW198 as the person from whom he purchased a second hand phone. PW198 identified A3 Nasar. He then verified the register maintained by him with reference to the IMEI number of the phone given by PW225. Accordingly, he find out the entry which revealed that on 03.07.2010 he sold a second hand mobile phone with IMEI No.35639302174421(3). The said entry was separately marked as Ext.P563(a). The said entry will reveal that the phone sold was Nokia-1202.

Ex.P563 register was then taken into custody by the investigating officer by preparing Ext.P564 mahazar. Exactly, in the same way, PW198 gave evidence before the court. It is true that two contradictions which appeared in his 161 statement were marked as Ext.D36 series. That is with regard to the last digit of the IMEI number. Admittedly there is variance in the last digit of the IMEI number recorded in the register and the number recorded in the CDR. The question whether the last digit of the IMEI number is have any relevance or not will be addressed later.

Now coming to the other defects pointed out by the learned defence counsel. PW198 explained that his brother in law Niyas is the real tenant and upon an understanding with him he conducted business in the said shop from 2008 to 2018 and the license to run the shop is in the name of Niyas. He would further say that he used to pay a fixed share of profit to Niyas in between ₹300-400 per month. There is nothing to disbelieve this man especially since Ext.P563 register is not under serious challenge. This register appears to be the one kept and maintained regularly and properly in the course of the business.

It is true that the prosecution was not able to recover the phone, but that is not fatal. Considering the scope of enquiry, the physical identity of the phone is wholly irrelevant. What is required is only the link evidence to trace out the identity of the user of a particular phone number at a particular point of time. For that the discovery of the IMEI number of the phone sold from this shop to A3 Nasar is more than sufficient. Here the shop from where A3 Nasar purchased the phone with this particular IMEI number was discovered on the basis of the disclosure statement

made by A3 Nasar and it gets confirmation from the evidence of PW198 and Ext.P564 register, the relevant entry was separately marked as Ext.P564(a). Therefore, the disclosure statement given by A3 Nasar is admissible in evidence as per sec.27 of the Evidence Act.

The question that remains to be answered is that what is the relevancy of the 15th digit of IMEI number. The last digit in the IMEI number is the 'luhn-check digit' based on a function of the other digits using an algorithm which can be easily calculated. For the identification purposed the first 14 digits are sufficient. The 15th digit is not a relevant factor as far as the identity of the mobile phone is concerned. This aspect has been clarified by the Hon'ble Apex Court in the recent decision in **Sundar @Sundarrajan v. State by Inspector of Police (2023 AIR (Cri.) 487)**. The following observation made by the Hon'ble Apex Court gives a complete answer "The difference in the IMEI number recorded in the seizure memo and the call detail records digit of the 15-digit IMEI number. Every device has a unique IMEI number identifying the brand owner in the model. The first 8 digits are the Type Allocation Code (TAC) digits of which the initial 2 digits identify the reporting body and the next 6 identify the brand owner and device model allocated by the reporting body. The next 6 digits are the unique serial number assigned to individual devices by the manufacturer.

These 14 digits in the petitioner's case match in both the seizure memo and the call detail record. The last digit in the IMEI number is the 'Luhn check digit' based on a function of the other digits using an algorithm. Technically, the last digit, which is the only digit that is different in the seizure memo and the call detail record,

can be calculated through the algorithm on the basis of the first 14 digits which are the same in both the documents. As the last digit of an IMEI number is a function of the first 14 digits, it can only lead to one unique device as long as the first 14 digits are a match. Accordingly, it can be conclusively said that a difference in only the last digit of the IMEI number cannot imply that it represents the IMEI number of a separate device. Therefore, the difference in the last digit of the IMEI number can reasonably be assumed to be a typographical error and does not raise a doubt in the prosecution's case."

From the discussions made above, it stands proved that on 03.07.2010, A3 Nasar purchased a Nokia second hand phone with IMEI No.35639302174421(3) from PW198 and this phone was in his possession and use. A3 is having no case that he handed it over to any other person or he had lost it at any point of time. Be it so, it is to be held that A3 Nasar was in continuous possession of the said phone and it was in his use. It follows that he is the person who made and received calls using the mobile No.**9744528638**.

7. **9846182913**

The Vodafone mobile number's CDR for the period from 25.03.2010 to 30.08.2010 was marked as Ext.P617 through the nodal officer PW209. In this case only the subscriber data is available. Ext.P32 is the CAF. This SIM was issued on 01.07.2009 in the name of Sainaba of Kottuvally by the retailer Ellikkal Stores, Mannam, Parur. Sainaba is none other than the Mother in law of A3 Nasar. Prosecution would submit that Sainaba was never in use of this phone and it was being used by both Nasar and his wife Sakeena. Sainaba was examined as

PW228. She identified her photo, Ext.P32 CAF and also the copy of the Election ID card attached to the application as that of her. She never denied her signature. She would submit that she was not in the habit of using mobile phones and till this date she had ever used mobile phone. She is an aged lady and her statement appears to be true. Sakeena was examined as PW28. She identified the photo of her mother in Ext.P32 application and also the Election ID card of the mother marked as Ext.P32(a). She turned hostile to the prosecution and would submit that she had no occasion to use this mobile phone. Her version is that in 2010 she doesn't know any of the accused persons involved in the case except her husband A3 Nasar. Ext.P617 is for the period from 25.03.2010 to 30.08.2010 A perusal of the CDR will make it clear that many number of calls were made from this phone to the phone numbers of the accused persons. It is also to be taken note that after 07.07.2010 this mobile number is not seen used by anybody. Neither PW228 nor PW28 had given any explanation in this regard. All these will prove that A3 Nasar had used the phone number **9846182913** and all the phone calls made to the accused persons and received from the accused persons were made and received by A3 Nasar.

To sum up it stands proved that during the relevant period M.K. Nasar used mobile Nos.**9745003256, 9048686611, 9744528638, 9037220794, 9946617241, 9946609011 & 9846182913.**

A4 Shafeeq

The prosecution was not able to seize the mobile phone or the SIM used by A4 Shafeeq during the relevant period. The investigating officer was also not able

to ascertain and find out the mobile number used by A4 Shefееq during the relevant period. He was absconding for a long period. Absolutely, no materials are available to prove the mobile number used by A4 Shefееq.

A5 Najeeb

A5 Najeeb was using the Reliance mobile connection with Mob No.9349187696 during the relevant time. This fact is proved from the following evidence. The CDR for the period 25.03.2010 to 07.07.2010 was marked through PW186, the nodal officer of Reliance mobile Ltd. The CDR was marked as Ext.P452. It is in the name of A5 Najeeb. The CAF marked as Ext.P483 will prove this fact. More importantly, Ext.P640 report and Ext.P640(a) CD which contains the examination details submitted by PW213 Nabeel Koya, Scientist F, Cyber Security Group, C-DAC a Scientific society for the Ministry of Communications and Information Technology, Government of India, will reveal that, this number was saved in the name of Najeeb in MO116 mobile phone used by A3 Nasar. It corroborates the primary evidence. It stands proved that during the relevant time A5 Najeeb was using the Mob No.**9349187696**.

A6 Abdul Azees @ Azeez Odakali

A6 Abdul Azeez @ Azeez Odakali was using the Vodafone mobile connection with Mob No.9645500548 during the relevant time. This fact is proved from the following evidence. Ext.P549 CDR of this mobile number for the period 01.04.2010 to 30.04.2010 read together with Ext.P549(b) SDR will prove that this mobile number was issued in the name of A6 Abdul Azeez. PW209 Sanal the nodal officer identified the SDR. Further this mobile number is seen saved in MO116 mobile

used by A3 Nasar in the name of Azeez. The report of the scientist from C-DAC who examined this phone will prove this fact. Therefore, it stands proved that during the relevant time A6 Abdul Azeez @ Azeez Odakali was using the Mob No. **9645500548**.

A7 Muhammed Rafi

The prosecution would submit that A7 Muhammed Rafi was using two mobile phones taken in his name, and further on 04.07.2010 he used the Airtel mobile No.9746855290 obtained in the name of Selvaraj. I will consider each case separately.

1. **9048488990**

Ext.P558 is the CDR of this Vodafone mobile number for the period 03.07.2010 to 15.07.2010. The SDR is marked as Ext.P558(b). These evidence will prove that this mobile number was issued in the name of A7 Muhammed Rafi. PW209 Sanal the nodal officer identified the CDR and SDR. Therefore, it stands proved that during the relevant period A7 Muhammed Rafi was using the Mob No. **9048488990**.

2. **9809092001**

Ext.P291 is the CDR of the above Airtel mobile connection for the period from 03.07.2010 to 15.07.2010. PW218 the nodal officer identified this CDR. The subscriber data available in the CDR will prove that this particular SIM was activated on 12.01.2009 in the name and address of A7 Muhammed Rafi. Further, in MO136 & MO137 SIM cards of Abdul Latheef (A25 in SC.01/2013) this particular mobile number is saved in the name of Rafi. This fact is proved from Ext.P647

report submitted by PW214 the Sr. Scientific officer, CFSL, Hyderabad who had examined a batch of material objects including MO136 & MO137 sent from the court for forensic examination. Therefore it stands proved that A7 Muhammed Rafi was using Mobile connection No.**9809092001** during the relevant period.

3. **9746855290**

This Airtel connection is the one fraudulently obtained in the name of Selvaraj on 03.07.2010 from the Cell Corner shop at Valanjambalam, Ernakulam. This SIM was not obtained by Selvaraj but by another person by producing the photo and ID card of Selvaraj. Even according to the prosecution, A7 Rafi is not the person who obtained the SIM card from the Cell Corner shop. There is no direct evidence or else any electronic records to show that A7 was in possession of this SIM, or the phone used for making calls from this SIM. Neither the SIM nor the phone were recovered. Prosecution wants to solely rely upon circumstantial evidence to infer that this mobile number was used by A7 Rafi during the relevant period. Therefore, I find it better to defer this question for consideration at a later stage while discussing the evidence to prove the involvement of A7 in the commission of the crime. Right now it stands convincingly proved that A7 Muhammad Rafi was using the Mob Nos. **9048488990 & 9809092001** during the relevant period.

A8 Subair

Prosecution would say that at the relevant time A8 Subair was using three mobile numbers, I will consider each case separately.

1. **9846007605**

Ext.559 CDR of this Vodafone mobile number for the period 01.06.2010 to

25.07.2010 read together with Ext.P626 SDR will prove that this mobile number was issued in the name of A8 Subair. PW209 Sanal the nodal officer identified the CDR and SDR. It stands proved that during the relevant time A8 Subair was using the Mob No.**9846007605**.

2. **9809730713**

Ext.P559 is the CDR of this Vodafone mobile number 9846007605. Its SDR is marked as Ext.P626. The entries therein will prove that this SIM was issued in the name of Dennis Konnully. Prosecution would submit that this Dennis Konnully was running a collection agency for collecting subscription amount due to the mobile companies and A8 Subair was an employee under him and the employer used to provide mobile SIMs to his employees and the employees were using the same in their own mobile phones. Accordingly, Dennis Konnully provided the SIM card with Mob No.9809730713 to Subair and this particular SIM was in the use of Subair at the time of this incident. The said Dennis Konnully was examined as PW87. His evidence will reveal that he was running an agency to collect mobile companies' subscriptions. A8 Subair was an employee under him. Subair used to go to the customers and collect subscription amount. It was his former staff Shihab (PW199) introduced Subair to him for this job to replace Shihab who got another job. One more SIM card was also given to Subair and was also in use by Subair. He would further add that Subair stopped coming to work after the incident in this case and subsequently went to the house of Subair and took the records which he failed to return with the two SIM cards.

238. The learned defence counsel would submit that this witness cannot be

believed since he failed to identify Subair from the court. That cannot be a reason to disbelieve him. PW87 deposed that Subair had worked with him only for three months. PW87 was examined before this court on 28.02.2022, that is almost ten years after the incident. Due to passage of time memory fades, especially since there is no particular reason to remember this man. Anyway, the evidence tendered by PW199 clears all doubts regarding the identity of the person by name Subair employed by PW87. He is the person who introduced A8 Subair to PW87. That means the person by name Subair employed by PW87 was none other than A8 Subair. That means PW87 handed over the SIM with mob No. 9809730713 to A8 Subair. It stands proved that at the relevant time A8 Subair was using the Mob No.**9809730713**.

239. The prosecution would say that the Mob No.9946055745 fraudulently obtained in the name of Selvaraj was used by A8 Subair on 04.07.2010 in between 06.37 hrs and 08.50 hrs under the instructions of A3 Nasar the key conspirator. Here also there is no direct evidence to prove that A8 was in possession of this SIM or the phone used for making calls from this SIM. The prosecution wants to provide the link evidence through PW199 from whose possession this phone was recovered. The case of the prosecution is that PW199 had given a statement that this phone was handed over to him by A8 Subair but in evidence he failed to support the prosecution. Therefore I find it better to defer this question for consideration at a later stage while discussing the evidence to prove the involvement of A8 in the commission of the crime. Right now, it stands proved that during the relevant period A8 Subair was using the Mob Nos.**9846007605 &**

9809730713.

A9 M. K. Noushad

240. He was using the Vodafone mobile connection with Mob No.8086735173 during the relevant time. Ext.P682 is the CDR of the said mobile number for the period 25.03.2010 to 10.07.2010. Ext.P628 is the CAF and 628(a) is the Election ID card of A9 Noushad attached to it. These documents are not in dispute. PW209 the nodal officer had identified the CDR from the court. Moreover, this particular number is seen saved in MO37, the mobile phone of Abdul Latheef (A25 in SC.01/2013) in the name of Noushad. This stands proved from Ext.P647 report, by PW214 the Scientific Officer who examined the mobile phone. It proved that A9 M. K. Noushad was using Mob No.**8086735173** at the relevant time.

A10 Mansoor

241. The prosecution would say that A10 Mansoor was in use of Vodafone Mob No.9745004911. Ext.P675 is the CDR of the said mobile number for the period 25.03.2010 to 31.05.2010 and Ext.P562 is from 01.07.2010 to 07.07.2010. Ext.P639 is the CAF pertaining to 20 mobile numbers starting from 9745004901 till 9745004920 subscribed by Thejus Publishing Charitable Trust through the retailer Vodafone SR Cellular Ltd, Nikarathil Towers, Bypass Road, Calicut on 28.11.2007. After obtaining the SIM cards, Thejus Publishing Trust distributed these SIM cards to various persons including A10 Mansoor. SIM with Mob No.9745004911 was given to A10 Mansoor. All these facts are clear from the evidence tendered by PW94 the Secretary of the trust. Ext.P152 is the list of 25 phone numbers subscribed by Thejus Publications and distributed to various

persons. The name of A10 Mansoor finds a place in the said list as Sl. No.8. More importantly, this particular number is seen saved in the name of A10 Mansoor in MO116 mobile phone used by M. K. Nasar as it stands proved from Ext.P640 report submitted by PW213 Nabeel Koya who had examined the said mobile phone upon the requisition made by the court. In addition to that, in Ext.P52 which is the list of the members of the organising committee constituted by PFI for conducting freedom parade, seized from Dr.Reneef (A15 in SC.01/2013) by way of Ext.P51 mahazar, it is stated that A10 Mansoor was given the charge of the "stage". The mobile number of A10 Mansoor recorded therein is the same: 9745004911. In addition, two visiting cards of A10 Mansoor were seized during his house search by way of Ext.P386 search list and those two visiting cards marked as Ext.P401 series carry the very same No.9745004911. Again on MO165 Sack seized from Periyar Valley building bearing No.7/525 by way of Ext.P703 search list, the address of A10 and his mobile number are written. The mobile number mentioned is the very same No.9745004911. Therefore, it stands proved that, at the relevant time A10 Mansoor was using the Mob No.**9745004911**.

A11 P.P.Moideen Kunhu

242. The prosecution would say that A11 P. P.Moideen Kunhu was in use of Vodafone Mob No.9745004910. Ext.P630 is the mobile number's CDR for the period 25.03.2010 to 30.08.2010. This is also one among the 20 mobile numbers subscribed by Thejus Publishing Charitable Trust and distributed to various persons. This particular number was given to A11 P.P.Modieen Kunhu and his name appears in Ext.P152 list as Sl. No.7. More importantly, this particular number is

seen saved in the name of A11 as 'P.P.' in MO116 mobile phone used by M. K. Nasar and in MO135 mobile phone used by Dr.Reneef (A15 in SC.01/2013) and this fact stands proved from Ext.P640 report submitted by PW213 Nabeel Koya and Ext.P647 report submitted by PW214. This mobile number also finds a place in Ext.P52 list seized from the possession of Dr.Reneef (A15 in SC.01/2013). Along with the name of A11 P. P. Moideen Kunhu this phone number is mentioned. Again his name and number finds a place in Ext.P444 diary seized during the house search of A10 Mansoor, covered by Ext.P442 search list. Therefore, it stands proved that A11 P.P. Modieen Kunhu was using Mob No.**9745004910** at the relevant time.

A12 Ayoob

243. During the relevant period A12 Ayoob was using the Vodafone mob NO.9846042930. Ext.P631 is the CDR for the period 23.05.2010 to 30.08.2010 and Ext.P632 is the CAF, and Ext.P632(a) is the ID proof submitted by the applicant who is none other than A12 Ayoob. The ID proof submitted is the copy of his driving license. This SIM card was issued on 04.12.2006. Apart from this, this number finds mention in Ext.P52 list, further it is seen saved against the name Ayoob in MO116 mobile phone used by A3 Nasar as well as in MO118 SIM card seized from the possession of Nasar. Therefore, it stands proved that at the relevant time A12 Ayoob was using the Mob No.**9846042930**.

244. The CDRs of the above mentioned mobile numbers disclose very vital details regarding the contacts maintained in between the accused. Learned Special Public Prosecutor would submit that certain calls because of its timing,

frequency, combination, peculiar pattern etc. are most relevant and further the tower locations at certain point of time are very crucial. These are all matters which are in the exclusive knowledge of the accused, hence it demands explanation from them, if not adverse inference can be drawn against the accused in accordance with Sec.106 of the Evidence Act. The details of those calls and Cell IDs the prosecution relied upon are given in its briefest form.

Phone calls in between the accused and the relevant Cell ID location

A2 Sajil

26 calls - A1 Savad

29 calls - Shobin (A3 in SC.01/2013)

9 calls - Shamsudhin (A5 in SC.01/2013)

35 calls - Yunous (A8 in SC.01/2013)

32 calls - Sikkander Ali (A11 in SC.01/2013)

4 calls – Kasim (A29 in SC.01/2013)

20 calls – A6 Azeez Odakali.

135 calls – K.K. Ali (A12 in SC.01/2013)

Most relevant calls

14.06.2010 - 07:14:36 CALL IN

14.06.2010 - 13.39:25 CALL IN

15.06.2010 - 10.10:42 CALL IN

Cell ID location

03.04.2010 : 18.01.31 - Velloorkunnam-C

15.06.2010 : 14:45:00 - Kunnathangadi-C

15.06.2010 : 16:57:17 - Potta-B

A3 Nasar

1. **9745003256**

1 call – Jamal (MET, A2 in SC.01/2013)

2 Calls – Shobin (MET, A3 in SC.01/2013)

3 calls – Shamsudhin (MET, A5 in SC.01/2013)

12 calls – Shanavas (A6 in SC.01/2013)

20 calls – Yunous (A8 in SC.01/2013)

53 calls – Kasim (A29 in SC.01/2013)

80 calls – A5 Najeeb

30 calls – Manaf (A32 in SC.01/2013)

9 calls – A9 Noushad

8 calls – A11 P.P. Modieen Kunhu

2 calls – A7 Muhammed Rafi

13 calls – A10 Mansoor

39 calls – A12 Ayooob

2 calls – Asharaf (A10 in SC.01/2013)

5 calls – Abdul Latheef (A25 in SC.01/2013)

6 calls – Anwar Sadhik (A34 in SC.01/2013)

Most relevant call

04.07.2010 - 04:50:22 CALL OUT

There are no calls or SMS after 08.06.2010.

2. **9048686611**

3 calls – Shamsudhin (MET, A5 in SC.01/2013)

2 calls – Asharaf (A10 in SC.01/2013)

5 calls – Abdul Latheef (A25 in SC.01/2013)

75 calls – Kasim (A29 in SC.01/2013)

63 calls – A5 Najeeb

Most relevant calls

14.06.2010 - 10:50:27 CALL OUT

14.06.2010 - 12:50:37 CALL IN

14.06.2010 - 13:04:48 CALL IN

14.06.2010 - 13:32:49 CALL IN

14.06.2010 – 14:02:36 CALL OUT

15.06.2010 - 17:44:50 CALL OUT

15.06.2010 - 22:24:57 CALL IN

16.06.2010 - 13:28:55 CALL OUT

16.06.2010 - 13:45:15 CALL IN

03.07.2010 - 07:46:39 CALL OUT

03.07.2010 - 10:29:17 CALL OUT

03.07.2010 - 15:03:32 CALL OUT

03.07.2010 - 17:01:02 CALL IN

03.07.2010 - 18:10:33 CALL IN

03.07.2010 - 19:49:21 CALL IN

03.07.2010 - 23:24:17 CALL OUT

14 calls – Manaf (A32 in SC.01/2013)

6 calls – Anwar Sadhik (A34 in SC.01/2013)

2 calls – A9 Noushad

6 calls – A12 Ayooob

Most relevant calls

01.07.2010 - 16:26:41 CALL OUT

01.07.2010 - 16:40:27 CALL IN

01.07.2010 - 20:15:05 CALL OUT

01.07.2010 - 20:17:02 CALL IN

01.07.2010 - 20:23:15 CALL OUT

1 call – Sikkandar Ali (A11 in SC.01/2013)

Cell ID locations

15.06.2010 - 19:11:43 Perumbavoor

15.06.2010 - 19:30:25 Perumbavoor

3. **9846182913**

2 calls – Jamal (MET, A2 in SC.01/2013)

2 Calls – Shobin (MET, A3 in SC.01/2013)

3 calls – Shamsudhin (MET, A5 in SC.01/2013)

3 calls – Shanavas (A6 in SC.01/2013)

3 calls – Pareed (A7 in SC.01/2013)

7 calls – Yunous (A8 in SC.01/2013)

33 calls – Kasim (A29 in SC.01/2013)

4 calls – A5 Najeeb

3 calls – Manaf (A32 in SC.01/2013)

Most relevant call

04.07.2010 - 04:50:22

4 calls – A9 Noushad

21 calls – A11 P.P. Moideen Kunhu

No call after 07.07.2010

4. **9037220794**

4 calls on 04.07.2010 in between 08:18:02 to 10:11:01-Yunous (A8 in SC.1/13)

6 calls on 04.07.2010 in between 08:14:31 to 09:35:16-(K.K. Ali A12in SC.1/13)

2 calls on 04.07.2010 in between 09:09:49 to 09:15:37-(Siyad A14 in SC.1/13)

2 calls on 04.07.2010 in between 08:39:09 to 08:39:49-Dr.Reneef (A15 in SC.1/13)

7 calls on 04.07.2010 in between 08:19:52 to 10:14:55 – (Abdul Salam A16 in SC.01/13)

4 calls on 04.07.2010 in between 08:53:05 to 10:09:14- A9 M. K. Noushad
5 calls on 04.07.2010 in between 08:28:14 to 08:56:01 – A12 Ayoob.

This number was used on 04.07.2010 between 08:14 hrs to 10:14 hrs only

Cell ID location

04.07.2010 – 08:14:31 to 08:44:50 in & around Angamaly.

5. **9946609011**

1 call - 04.07.2010 – 12:58:18 - Ashraf (A10 in SC.01/2013)

Cell ID location

04.07.2010 – 12:36:32 to 13:24:19 Mannam, Ernakulam.

This mobile number was functional only from 12:36:32 to 13:24:19 hrs on 04.07.2010.

6. **9946617241**

1 incoming call each from 0480-3297607, 0484-2622929, 0484-2626976, 09746423095 and two incoming calls from 0484-2623910 on 04.07.2010.

Cell ID location

04.07.2010 – 12:54:18 to 13:05:51 Mannam, Ernakulam.

This mobile number was found functional only from 12:54:18 to 16:05:16 hrs on 04.07.2010.

7. **9846182638**

5 calls on 03.07.2010 in between 21:32:49 to 21:50:54 – 9746855290 (said to be used by A7)

15 calls on 04.07.2010 in between 06:48:01 to 08:50:12 – 9746855290 (said to be used by A7)

4 calls on 04.07.2010 in between 06:44:21 to 07:23:06 – 9946055745
(said to be used by A8)

Cell ID locations

03.07.2010 – 21:32:49 to 21:50:54 - Angamaly

04.07.2010 – 06:44:21 to 08:50:12 – In & around Angamaly

04.07.2010 – 09:42:58 – Aluva.

This mobile number was found functional only from 03.07.2010 09:32:49 p.m.
to 04.07.2010 09:42:58 a.m.

A5 Najeeb

3 calls – Yunous (A8 in SC.01/2013)

16 calls – Abdul Latheef (A25 in SC.01/2013)

78 calls – A3 Nasar

155 calls – A3 Nasar

Most relevant calls

03.07.2010 - 07:46:34 CALL IN

03.07.2010 – 10:29:12 CALL IN

03.07.2010 – 15:03:27 CALL IN

03.07.2010 – 17:00:57 CALL OUT

03.07.2010 – 18:10:29 CALL OUT

03.07.2010 – 19:49:17 CALL OUT

03.07.2010 – 23:24:12 CALL IN

59 calls – Kasim (A5 in SC.01/2013)

18 calls – Manaf (A32 in SC.01/2013)

20 calls – Anwar Sadiq (A34 in SC.01/2013)

Most relevant calls

04.07.2010 – 06:15:12 CALL OUT

04.07.2010 – 06:29:22 CALL IN

04.07.2010 – 06:34:32 CALL OUT
04.07.2010 – 06:36:40 CALL IN
04.07.2010 – 06:45:12 CALL IN
04.07.2010 – 06:46:43 CALL OUT
04.07.2010 – 07:03:56 CALL OUT

187 calls – A9 Noushad

3 rings – A10 Mansoor

3 calls – A11 P.P. Moideen Kunhu

20 calls – A12 Ayoob

Most relevant calls

03.07.2010 – 06:09:54 p.m. - OG CALL
03.07.2010 – 06:11:36 p.m. - IC CALL
03.07.2010 – 06:16:25 p.m. - OG CALL
03.07.2010 – 07:12:53 p.m. - IC CALL
03.07.2010 – 07:22:28 p.m. - OG SMS
04.07.2010 – 10:00:13 a.m. - IC CALL
04.07.2010 – 10:00:35 a.m. - IC CALL

Cell ID locations

03.07.2010 – 12:18:53 Broadway Bava Building
03.07.2010 – 13:47:18 to 14:28:30 Malayala Manorama Jn.
03.07.2010 – 14:49:05 Kochu Kadavanthara P.
03.07.2010 - 14:54:19 Vytilla South Indian

A6 Abdul Azeez

126 calls – A1 Savad

35 calls – K. K. Ali (A12 in SC.01/2013)

13 calls - Shiyas (A13 in SC.01/2013)

1 call - Kasim (A29 in SC.01/2013)

15 calls – Shobin (A3 in SC.01/2013)

55 calls – Manaf (A32 in SC.01/2013)

10 calls – A2 Sajil

37 calls – A10 Mansoor

2 calls – A11 P. P. Moideen Kunhu

1 call – A12 Ayooob

177 calls – Yunous (A8 in SC.01/2013)

12 calls – Jaffar (A9 in SC.01/2013)

A7 Muhammed Rafi

6 calls – Fahad (A18 in SC.01/2013)

3 calls – Abdul Latheef (A25 in SC.01/2013)

Most relevant calls

1 outgoing call to A8 Subair (03.07.2010 at 21:51:44 hrs)

1 incoming call from A8 Subair (04.07.2010 at 04:00:48 hrs)

Cell ID location

04.07.2010 – 04:00:48 Parur Kavala

A8 Subair

2 calls – A7 Muhaamed Rafi

Most relevant call

04.07.2010 – 04:37:18 Parur Kavala

This number found inactive on 04.07.2010 from 04:41:18 till 13:47:26 hrs.

A9 Noushad

25 calls – Shanavas (A26 in SC.01/2013)

39 calls – Yunous (A8 in SC.01/2013)

Most relevant call

04.07.2010 – 05:58:25 CALL OUT

15 calls – Siyad (A14 in SC.01/2013)

16 calls – Reneef (A15 in SC.01/2013)

4 calls – Abdul Salam (A16 in SC.01/2013)

17 calls – Kamurudheen (A17 in SC.01/2013)

19 calls – A3 M. K. Nasar

Most relevant calls

04.07.2010 – 08:35:05 CALL IN

04.07.2010 – 09:07:28 CALL IN

04.07.2010 – 09:27:36 CALL IN

04.07.2010 – 10:09:14 CALL OUT

38 calls- Abdul Latheef (A25 in SC.01/2013)

48 calls – Shajeer (A27 in SC.01/2013)

50 calls – Kasim (A29 in SC.01/2013)

189 calls – A5 Najeeb

49 calls – Manaf (A32 in SC.01/2013)

1 call – A6 Azeez Odakali

224 calls – Anwar Sadhiq (A34 in SC.01/2013)

42 calls – A10 Mansoor

22 calls – A11 P.P. Moideen Kunhu

34 calls – A12 Ayoob

A10 Mansoor

5 calls – A1 Savad

1 call – Shamsudhin (A5 in SC.01/2013)

2 rings – Pareed (A7 in SC.01/2013)
79 calls – Yunous (A8 in SC.01/2013)
13 calls – Ashraf (A10 in SC.01/2013)
27 calls – Shiyas (A13 in SC.01/2013)
90 calls – Siyad (A14 in SC.01/2013)
20 calls – Reneef (A15 in SC.01/2013)
101 calls – Abdul Salam (A16 in SC.01/2013)
1 call – Kamrudheen (A17 in SC.01/2013)
53 calls – Abdul Latheef (A25 in SC.01/2013)
13 calls – A3 Nasar
2 calls – A5 Najeeb
341 calls – Manaf (A32 in SC.01/2013)
59 calls – A6 Azeez Odakali
9 calls – Anwar Sadhiq (A34 in SC.01/2013)
42 calls – A9 Noushad
10 calls – A7 Rafi
2 calls – A11 P.P.Moideen Kunhu
224 calls – A12 Ayoob

A11 P. P .Moideen Kunhu

5 calls – A1 Savad
2 calls - Shamsudhin (A5 in SC.01/2013)
38 calls – Yunous (A8 in SC.01/2013)
2 calls – Siyad (A14 in SC.01/2013)

6 calls – Reneef (A15 in SC.01/2013)

36 calls – Abdul Latheef (A25 in SC.01/2013)

30 calls – A3 Nasar

40 calls – Kasim (A5 in SC.01/2013)

2 calls – A6 Azeez Odakali

5 calls – Anwar Sadhiq (A34 in SC.01/2013)

22 calls – A9 Noushad

2 calls – A7 Muhammed Rafi

73 calls – A10 Mansoor

119 calls – A12 Ayoob

Cell ID locations

28.03.2010 – 13:34:39 to 14:47:38 Perumbavoor

04.07.2010 – 10:21:09 to 12:46:56 Mannam, Ernakulam

04.07.2010 – 20:59:19 Perumbavoor, Ernakulam

05.07.2010 – 07:59:60 Chandiroor, Alleppy

05.07.2010 – 08:45:03 Arookutty, Alleppy

A12 Ayoob

3 calls – Jamal (A2 in SC.01/2013)

7 calls – Shamsudhin (A5 in SC.01/2013)

1 call – Shanavas (A6 in SC.01/2013)

20 calls – Pareed (A7 in SC.01/2013)

21 calls – Yunous (A8 in SC.01/2013)

1 call – Ashraf (A10 in SC.01/2013)

1 call – Shiyas (A13 in SC.01/2013)

12 calls – Siyad (A14 in SC.01/2013)

Most relevant call

04.07.2010 – 08:57:32 CALL OUT

55 calls – Reneef (A15 in SC.01/2013)

205 calls – Abdul Salam (A16 in SC.01/2013)

50 calls – A3 Nasar

Most relevant calls

04.07.2010 – 08:28:14 CALL OUT

04.07.2010 – 08:37:55 CALL IN

04.07.2010 – 08:44:50 CALL IN

04.07.2010 – 08:46:31 CALL IN

04.07.2010 – 08:56:02 CALL OUT

7 calls – Fahad (A18 in SC.01/2013)

2 calls – Anas (A20 in SC.01/2013)

39 calls – Abdul Latheef (A25 in SC.01/2013)

43 calls – Kasim (A5 in SC.01/2013)

14 calls – A5 Najeeb

68 calls - Manaf (A32 in SC.01/2013)

2 calls – A6 Abdul Odakali

10 calls – Anwar Sadhiq (A34 in SC.01/2013)

34 calls – A9 Noushad

26 calls – A7 Muhammed Rafi

214 calls – A10 Mansoor

119 calls – A11 P. P. Modieen Kunhu

5 calls – PW202 Shiju O. M.

Most relevant calls

04.07.2010 – 23:02:57 CALL OUT

04.07.2010 – 23:44:08 CALL IN

05.07.2010 – 00:00:08 CALL OUT

05.07.2010 – 00:01:22 CALL OUT

05.07.2010 – 00:01:41 CALL OUT

Cell ID locations

05.07.2010 - 00:00:09 Vennala bypass, Ernakulam

05.07.2010 - 00:01:23 to 00:06:12 Ponnurunni, Ernakulam.

05.07.2010 - 00:09:36 Thycoodam, Ernakulam

05.07.2010 - 03:18:46 to 08:12:45 Chandirur, Alappuzha

05.07.2010 - 09:07:16 Kumbalam, Ernakulam

05.07.2010 - 09:16:09 to 09:20:24 Ponnurunni, Ernakulam

05.07.2010 - 09:57:03 to 10:10:08 Vennala bypass, Ernakulam

Pre-incident conspiracy meetings mentioned in the final report

245. Now I will go into the conspiracy meetings said to be convened by the accused persons. In the final report there is mention about a series of conspiracy meetings both before and after the incident. The evidence available in this regard are discussed hereunder.

246. According to the prosecution, the first conspiracy meeting was held on 28.03.2010. The evidence on record will prove that the Ernakulam District convention of SDPI was held at Seema's Auditorium, Perumbavoor on that day. PW36 is the owner of Seema's Auditorium, Perumbavoor. His evidence will reveal that Seema's Auditorium was rented out for convening a meeting of SDPI on 28.03.2010. Ext.P40 diary which contains the details of the booking, support his

version. The entry with regard to this particular booking is separately marked as Ext.P40(a). Prosecution case is that this venue was utilised for conducting a conspiracy meeting participated by about nine accused persons in the crime which includes A3, A6 and A9 herein and in the said meeting a decision was taken to take revenge on Prof. Joseph, and for that purpose to constitute a separate terrorist gang for executing the same and other related aspects. It is said that A3 was selected as the leader of the gang and Yunous & Kasim (A8 & A29 in SC.01/2013) were made deputies to assist him. To prove the convening of a conspiracy meeting at this venue, prosecution was not able to adduce any direct evidence in this regard. One witness examined by the prosecution was PW46. He was the then Muvattupuzha Mandalam President of SDPI. He failed to support the prosecution. To prove its case the prosecution heavily bank upon pointing out mahazars and the evidence regarding the tower location of the mobile phones used by the participant accused on that particular date and time. Here, there are a series of pointing out mahazars. If we go by the evidence of PW221 CI of Police, Muvattupuzha the first investigating officer of this case, accused by name Yunous who faced trial in SC.01/2013 had led him to this particular place on 30.07.2010 itself and pointed out a cement hut constructed in front of the Auditorium saying that it is the place where all of them conspired. Ext.P739 is the mahazar prepared by the investigating officer in this regard. The law relating to pointing out mahazars is now well settled. Mere pointing out of a place without any further evidence to prove that the said place was used for any purpose related to the commission of the offence, doesn't serve any purpose whether be it under sec.27 or u/s.8 of the Evidence Act. Here, no

evidence is available to prove that the nine out of more than 100 participants of the SDPI meeting, transformed themselves into a separate group and had deliberations and discussions from this place. No witnesses had given any evidence in this regard. Therefore the pointing out mahazars relied upon by the prosecution doesn't take the prosecution anywhere. Even from the first pointing out mahazar itself, the investigating agency got clear information about this place. Be it so, the subsequent pointing out mahazars of A9 Noushad dated 16.06.2011 (Ext.P125), and that of A6 Abdul Azeez dated 17.03.2016 (Ext.P38 mahazar) becomes irrelevant. The first pointing out mahazar is by Yunous who is not an accused facing trial in this case.

247. Now I will come to evidence supplied through the Cell ID locations of the mobile numbers used by the accused. Ext.P592 is the CDR of the mobile phone No.9745003256 of A3 M. K. Nasar, Ext.P630 is the CDR of Ph No.9745004910 of A11 P.P. Moideen Kunhu, Ext.P664 is the CDR of Ph No.9567712600 of Kasim A29 in SC.01/2013, Ext.P668 is the CDR of Ph No.9995954555 of Younus A8 in SC.01/2013 & Ext.P622 is the CDR of Ph No.9846722220 of Manaf A32 in SC.01/2013. Ext.P294, 475, 507,545, 585 and 678 are the De-coded Cell ID list of the tower locations kept and maintained by the respective mobile operators. It will reveal that the phone numbers of these accused persons were at Pathippalam/Perumbavoor locations on this particular date. Seema's Auditorium situates within the tower location of Pathippalam.

248. The learned prosecutor would submit that none of the accused was able to give any explanation whatsoever regarding the tower location of their

respective mobile phones. In fact, during 313 examination they completely denied these facts. They even don't admit their own phone numbers. The failure on their part to offer any explanation in this regard can be treated as additional evidence against the accused. According to the learned prosecutor there is sufficient evidence to prove the assemblage of a splinter group to hatch criminal conspiracy and that A3, A6 & A9 participated in the said conspiracy meeting.

249. On the other hand learned defence counsel would submit that Perumbavoor is not a far away place, but close to the place of abode of the accused and there is absolutely nothing unusual in going to these places. Further, the tower location identified is not for Seema's Auditorium alone. It covers a larger area, a minimum two kilometers. Without any further evidence it can never be inferred that these persons were in the premises of Seema's Auditorium. More importantly, even according to the prosecution a party convention was going on at that time in Seema's Auditorium. To the most, it can be inferred that these accused persons who are said to be affiliated to this particular party, had participated in the convention. Only because the petitioners denied the incriminating circumstances pointed out in the 313 examination related to CDR and Cell ID locations, no adverse inference can be drawn against them.

250. The submission made by the learned defence counsel is to be accepted. It is well settled that inferences can be made only from proved facts. It is not legally permissible to draw presumptions from another set of presumptions and go on. To the most, Cell ID locations will only prove that these accused participated in the SDPI convention held at Seema's Auditorium on 28.03.2010. In

other words, prosecution failed to prove a conspiracy meeting by a splinter group at Seema's Auditorium, Perumbavoor on 28.03.2010.

251. The next conspiracy was at the Inspection Bungalow (IB) of Kerala Water Authority, Muvattupuzha. The evidence on record will only prove that this IB was booked for convening a leadership meeting of SDPI. It was first scheduled to be held on 21.03.2010 which was later postponed and held from the evening on 03.04.2010 and continued on 04.04.2010. Again, prosecution would allege that on the night of 03.04.2010, it become the venue for a splinter group, this time consisting of around 14 accused persons, to join, conspire and carry on further deliberations in this regard.

252. PW46 the Muvattupuzha Mandalam President of SDPI deposed that for conducting leadership training camp of SDPI the IB was booked and the meeting was held on 03.04.2010 and 04.04.2010. He made the booking by paying ₹1000/-. Around 100-150 people participated in the meeting and some of the participants had stayed in the IB during the night on 03.04.2010. PW23 was the then Asst. Engineer, Water Authority, Muvattupuzha who was the custodian of IB, Muvattupuzha. He identified the official register. Ext.P21 which contains the particular entry of this booking, is separately marked as Ext.P21(a). Ext.P22 is the collection statement and Ext.P22(a) is the relevant entry as far as the payment for this booking. PW25 was the then Jr. Superintendent, Water Authority. He had also given evidence regarding the booking made by SDPI. PW30 was the Peon attached to IB, Muvattupuzha. He also speaks about the office register marked as Ext.P21 and the collection statement marked as Ext.P22. The evidence of these

witnesses are not incriminating in any manner against the accused persons. Absolutely no oral evidence is forthcoming to prove any conspiracy meeting taken place in the Muvattupuzha IB on 03.04.2010. Now what remains are pointing out mahazars and CDRs together with the De-coded Cell ID list. The pointing out mahazar is that of A6 Azeez Odakali dated 17.03.2016, it is marked as Ext.P39. The evidence on record will prove that much before this pointing out mahazar, various other pointing out mahazars were prepared. Therefore, this particular pointing out mahazar doesn't lead to any discovery of a new fact unknown to the investigating team. It doesn't constitute a piece of legal evidence.

253. Now I will come to the evidence supplied through the Cell ID locations of the mobile numbers used by the accused. Ext.P660 is the CDR of the Ph No. 9567693209 of A12 K.K. Ali in SC.01/2013, Ext.P668 is the CDR of Ph No.9995954555 of A8 Yunous in SC.01/2013, Ext.P532 is the CDR of Ph No.9947594086 of A1 Savad absconding, Ext.P534 is the CDR of Ph No.9847738642 of A2 Sajil, Ext.P533 is the CDR of Ph No.9847573387 of Muhammed Shobin A3 in SC.01/2013, Ext.P621 is the CDR of Ph No.9745004911 of A10 Mansoor, Ext.P590 is the CDR of Ph No.9946855461 of K.M.Ali A2 in SC.01/2013, Ext.P586 is the CDR of Ph No.9846508555 of A8 Yunous in SC.01/2013. The cell ID locations will reveal that the phone numbers of these accused persons were at Velloorkunnam, Muvattupuzha on 03.04.2010 at the relevant time.

254. For the very same reasons stated earlier these evidence by itself doesn't prove any conspiracy meeting at that particular place by a splinter group

consisting of the accused persons named above. To the most, it can be said that they had participated in the camp of SDPI held at Inspection Bungalow, Water Authority, Muvattupuzha.

255. Another conspiracy was the one taken place on 06.04.2010 at Revenue Tower, Kothamangalam. The only evidence available to prove this allegation is Ext.P67 pointing out mahazar prepared by PW221. PW221 the investigating officer deposed that Yunous (A8 in SC.01/2013) led him to Revenue Tower, Kothamangalam on 30.07.2010 and accordingly he prepared the mahazar of the building shown by the accused which is marked as Ext.P67. PW43 who is the independent witness identified his signature in Ext.P67 mahazar. He stated that police brought an accused by name Yunous to that place. The above evidence doesn't serve any purpose. A conspiracy meeting at this particular place is not proved. Next conspiracy took place on 10.4.2010 at Taluk Hospital, Kothamangalam. The prosecution case is that on that day A3 Nasar and Yunous discussed about the future plans. Here also there is no evidence except the pointing out mahazar dated 30.07.2010 prepared by PW221 on the basis of the disclosure statement given by Yunous. The said pointing out mahazar was marked as Ext.P47 through PW38 a security staff of the hospital who stood as a witness. This witness did not mention anything about the presence of any of the accused at the Taluk Head quarters premises. A conspiracy meeting at this particular place is not proved. The prosecution has a case that on 19.04.2010 another conspiracy took place in the building of one Meeran near Substationpady, Kothamangalam. PW221 would say that on 30.7.2010 he went to the said premises as led by Yunous and

prepared Ext.P48 pointing out mahazar. PW39 who is an independent witness stated that police came to that building with an accused by name Yunous and this accused lead to a room in that building. He identified his signature in Ext.P48. This is the only evidence available on this aspect. There is no evidence to infer and find that Yunous, along with accused Savad, Sajil and others assembled at this particular place and hatched a conspiracy. A conspiracy meeting at this particular place is not proved.

256. Now I will come to the next round of conspiracy meeting. According to the prosecution, from here onward A3 Nasar the master conspirator cum leader of the gang, started to convene separate meetings to deliberate exclusively with the members of the execution team. I would add that these meetings even if not proved, doesn't make any impact, since the evidence discussed earlier is more than sufficient to prove a conspiracy whose aftermath was the homicidal attack on PW26. Therefore, to prove the culpability of the participants who are said to be the members of the execution team, prosecution need only to establish the identity of the assailants and their participation in the attack on Prof.Joseph. If those facts stands proved, their involvement in the conspiracy can readily be inferred. Anyway, I will go into the evidence relating to these conspiracy meetings.

257. According to the prosecution, on 04.5.2010, A3 Nasar and the members of the execution team except A1, assembled at the Municipal park, Kothamangalam and discussed about the execution of the plan. PW179 who is the Secretary of 'Mahatma Swashraya Sangham' deposed that during 2010 the said 'Sangham' was managing the municipal park as entrusted by the Municipality. In

this case the police came to the park and enquired about a group of persons who came to the park on 04.05.2010. He informed the police that on that day some persons went to the park at around 2.30 pm and spent approximately two hours in the park. He added that police verified the account book and other registers maintained in the office. The said account book was marked as Ext.P249. The entry regarding the collection of entrance fees on the relevant date was marked as Ext.P249(a).

258. Due to the long time gap, this witness was not able to identify any of those persons gathered there. He incorrectly pointed out A12 Ayoob as one among them, but later explained that due to time, he cannot identify those persons. At the same time it is clear that the things transpired on 04.05.2010 is fresh in his memory . He deposed that on that day a group of persons came there and had discussions in between them. He deposed that, at first one person came and took ticket for all and later others came and joined and when they failed to exit even after two hours he mistook that they were taking drinks, so he had gone near to them and made enquiry. There is nothing to disbelieve this witness. Therefore it is evident that on 04.05.2010 a group of persons came there and spent nearly two hours in the park. From their conduct as spoken by PW179, it can reasonably be inferred that they came to the park not for a pleasure trip but to have discussions on a serious matter.

259. The other evidence available is the pointing out mahazar of Shamsudhin (A5 in SC.01/2013) which is marked as Ext.P37. PW210 the Deputy Superintendent of Police, Muvattupuzha deposed that on 23.08.2010 he went to the

Municipal Park, Kothamangalam as guided by Shamsudhin (A5 in SC.01/2013) and prepared Ext.P37 mahazar. PW34 is an attesting witness to the said mahazar. He supported the prosecution. Anyway pointing out mahazars by itself will not serve any purpose. The learned prosecutor would submit that the Call Data Records of the accused together with their Cell ID locations at the relevant time will substantiate the case of the prosecution. Ext.P676 is the CDR of Shamsudhin (A5 in SC.01/2013), Ext.P482 is the CDR of A3 Nasar. Ext.P582 is the CDR of another phone of A3 Nasar and all these phones were inactive during the relevant period. It is submitted that they purposefully not used the mobile phones to avoid any type of evidence to prove the conspiracy meeting they had. Possibility is there but it is dangerous to draw any conclusions basing upon it. A conspiracy meeting at this particular place is not proved.

260. The next conspiracy meeting in the series was held at Perumbavoor stadium on 06.05.2010 between A3 Nasar and the executant team members including A2 Sajil. Here also the prosecution rely upon a pointing out mahazar alleged to have been prepared by PW210. The evidence of PW210 is that on 23.8.2010, Shamsudhin (A5 in SC.01/2013) who was in custody, lead him to Municipal Stadium, Perumbavoor and pointed out a bench inside the park. Ext.P36 is the pointing out mahazar. Ext.P612 is a rectification report filed by PW210 wherein it has been stated that in Ext.P36 he wrongly written as Municipal Park instead of Municipal Stadium. PW33 who is running a shop in front of the stadium identified his signature in the said mahazar and stated about the presence of a person with the police officers at that place. This pointing out mahazar without any

further evidence to confirm the presence of the person who pointed out the place as well as the persons said to be with him, is of no use. There is no evidence to prove that A3 Nasar conspired with the execution team members including A2 herein on 06.05.2010 at Perumbavoor stadium. A conspiracy meeting at this particular place is not proved.

261. Next conspiracy took place at Muvattupuzha Municipal park which is said to be the third meeting in the series by A3 Nasar with the members of the executant team. Here also the prosecution relies on a pointing out mahazar prepared by PW210. He deposed that on 22.8.2010 at 11.30 am he went to the Muvattupuzha Municipal Park as led by Shamsudhin (A5 in SC.01/2013) and prepared Ext.P35 mahazar. PW32 Joby Thomas who was working as the Gardner of the park who attested the mahazar, identified his signature in the said mahazar. According to him, that mahazar was prepared by PW210 near a watch tower in the presence of the accused who accompanied PW210. PW31 an employee of the park stated that during investigation, police came to the park and made enquiries.

262. The learned Prosecutor would point out that before the meeting time there were calls between the accused persons but during the meeting time all the mobile phones become inactive and this is a positive indication that, they had carried out a meeting for a purpose not legal. Evidence available is very limited and doesn't constitute a complete chain. It will not be justifiable to draw any conclusive inference regarding the presence of these accused persons at Muvattupuzha Municipal park on 27.05.2010 to participate in a criminal conspiracy meeting. Legal evidence is lacking to prove the said conspiracy meeting.A

conspiracy meeting at this particular place is not proved.

263. The next conspiracy in the above series was the one held on 01.07.2010 at the house of A3 Nasar together with the members of the executant team to discuss on the last minute's preparation. No reliable evidence was adduced to prove the same. The timing of the meeting is also not specified. Again the prosecution wants to solely rest upon negative evidence. It is pointed out that all the phones of the participant accused were placed without usage on the night of 01.07.2010 and this clearly revealed out a conspicuous plan to avoid evidence on their secret meeting. The said inference even if accepted cannot lead to any definite conclusions. It requires more evidence. A conspiracy meeting at this particular place is not proved.

264. It is alleged that on 03.07.2010 a high level committee of PFI was held from the house of PW45 Ansari at Kakkanad to discuss about the post incident steps to be taken to harbour the accused, to make propaganda for taking political benefit etc. Prosecution examined the owner of the house as PW45. He turned hostile to the prosecution. PW44 a yet another witness examined to prove this meeting, also turned hostile. PW177 CI of Police, Kunnathunad as well as PW181 CI of Police, Piravam searched the house of PW45 on different occasions as part of the investigation in this case and seized many number of items from the house related to PFI and its frontal organizations. A sword was also seized. These items were marked as MO22, MO90, MO91, MO92 series, MO93, MO94, Ext.P364 to 367 books, Ext.PP372 to 379 letters. Ext.P380 copy of the driving license etc. But these materials doesn't prove a high level meeting of PFI held on that particular day

from the house of PW45. Prosecution would say that the CDR of Manaf (A32 in SC.01/2013), A11 Moideen Kunhu, A8 Yunous (A8 in SC.01/2013) will prove that those mobile phones were at Kakkanad during the evening hours on 03.07.2010 and the above evidence convincingly proved their participation in the meetings especially since they have no case that for different reasons they reached Kakkanad on that particular day at that particular time. It is not the requirement of law that the accused shall give explanation for everything brought out in evidence. They need to explain only those incriminating circumstances because of its exclusive nature. Kakkanad is a common place for the people to visit, especially those who are hailing from Ernakulam district. A visit to Kakkanad by itself doesn't create suspicion. Nothing is on record to prove that any of these accused persons were spotted in the house of PW45 or the nearby area. Only in that circumstance accused need to explain the call data records. Hence, prosecution cannot bank upon the silence on the part of the accused to prove the conspiracy meeting as alleged.

265. At last, the learned prosecutor would submit that many number of police station marches were undertaken and carried out by PFI and SDPI upon the arrest of some of the accused in this case. This is really the outcome of the above mentioned conspiracy meetings. It is submitted that PW42, PW46, PW71 who are all PFI/SDPI leaders were booked for participating in police station marches and these facts were brought out in evidence. Further, many number of crimes were registered in various police stations against persons who took out police station marches. This is clear from the evidence of PW141, PW166 & PW219 Sub

Inspectors of various Police Stations. Their evidence will prove that A13, A14, A21, A23, A22, A25 of SC.01/2013 were booked in those crimes.

266. The learned defence counsel would submit that none of these cases ended in conviction. There is absolutely nothing to prove that those marches were taken out as the outcome of a conspiracy as alleged by the prosecution. More importantly, there is absolutely no evidence to prove that the so called conspirators had participated in any of the rallies.

267. The submission made by the defence counsel is to be accepted. There is no convincing evidence to prove any conspiracy meeting or the involvement of A11 P. P. Moideen Kunhu in carrying out the so called marches to the police station. PW45 in whose house this conspiracy meeting was held and who is said to be a participant is not even made an accused. A conspiracy meeting at this particular place is not proved.

268. Next one is the last pre-incident conspiracy meetings. Prosecution would allege that A3 Nasar along with the members of the execute team had a meeting from the house of A3 Nasar for making last minute preparation for attacking Prof. Joseph on the next day morning. Here also the evidence available are inherently weak. The prosecution could not produce any direct evidence to prove the presence of any of those accused at that place. The CDRs available doesn't prove unity of location at any particular point of time. Legal evidence is lacking to prove this conspiracy meeting. A conspiracy meeting at this particular place is not proved.

269. What remains is the post incident conspiracy meetings. The sole

agenda of the conspiracy meetings held after the incident is to choke out plan for harbouring the assailants. Only from the fact that some accused contacted each other immediately after the incident, it cannot be said that the latter was aware of the entire conspiracy. In other words, if a person after committing an offence contacts another and requested to do some favour, it cannot be said that the latter was aware of the offence committed and that it was committed with the concurrence of the later. That means, mere participation in the post incident conspiracy meetings and doing some acts in furtherance of that, will not make the accused liable for the actus reus of the crime and the liability of those participant accused is to be limited to the commission of the offence of harbouring and related offences like intentional omission to give information of offence. There must be some positive evidence in this regard to link them to the pre -incident conspiracy.

270. Being so at first I will consider the materials available and fix the role of each one of the accused at post conspiracy level and their participation either directly or indirectly in the commission of the crime, and later on go into the conspiracy hatched at the post incident stage.

Law on evidence of criminal conspiracy

271. Learned Special Public Prosecutor would submit that, only because prosecution failed to prove the convening of any conspiracy meeting at particular places it doesn't mean that the accused had never conspired at all. It is reminded that gathering direct evidence for connecting the accused is near to impossibility in a case of conspiracy since, generally, a conspiracy is hatched in secrecy. Therefore, in the absence of direct evidence, the prosecution has to rely on

evidence of facts and conduct of various parties to infer that they were done in reference to their common intention. It is also submitted that, Sec.10 of the Evidence Act, which deals with relevancy of the acts of the conspirators connecting each other, can be made applicable if there are reasonable grounds to believe that two or more persons are members of a conspiracy. Then, anything said done or written by one among them can be used against co-conspirators. As such the acts done by individuals cannot be viewed in isolation and the court has to take cumulative effect of the entire materials to find out whether a conspiracy do exist. It is submitted that in this technologically sophisticated era, physical meeting is not a requirement to hatch conspiracy. So many devices and techniques may be adopted to achieve the common goal of conspiracy. Therefore, if it is proved that, at the relevant period, there existed a chain of conversations amongst the accused persons through phone calls in large numbers and that the active role played by any persons of the core group stands proved, and no explanation is forthcoming from the side of the accused to justify these calls/actions, then an inference of conspiracy can be legitimately drawn. The learned special public prosecutor would submit that, in this case it stands proved that there is a conspiracy behind the incident and that A3 Nasar was the master conspirator. That be so, innumerable calls made to and received from Nasar and his deputies, if not explained, is sufficient to infer a conspiracy agreement between them. It is pointed out that none of the accused offered any explanation, on other hand they had gone to the extent of denying these calls. It amounts to putting up a false defence. According to the learned public prosecutor, in such cases Sec.106 of the Evidence Act will apply, and

this can be taken as an additional circumstance to prove the case against the accused.

272. To substantiate her submissions, the learned public prosecutor relied upon a catena of decisions of the higher courts. I will advert to these decisions later.

273. On the other hand the learned defence counsel would submit that the definite case put forwarded by the prosecution is that the accused are the leaders and active members of a single organisation and a single political party and they are know to each other. That being so, only because large number of calls were seen made in between them, will not lead to conspiracy by inference. Otherwise, the prosecution ought to have produced the CDRs for the earlier period, so that the court would have been able to compare the extend and volume of the calls between the accused both before and after the incident. After such comparison, if it is found that there is marginal difference in the data for the period present and past, and the accused when confronted with this data failed to give any plausible explanation, necessary inference can be drawn by the court . According to the defence counsel, no inference in either way can be drawn without placing data for comparison. To substantiate his contention, the defence counsel cited the Hon'ble Kerala High Court ruling in **Shinoj v. State of Kerala (2019 (4) KLT Online 2081)**.

274. Law on conspiracy is well settled. On principle, there cannot be any dispute, but factual application differs from case to case. The Hon'ble Apex Court in **Yash Pal Mittal v. State of Punjab (AIR 1977 SC 2433)** observed "*The offence of criminal conspiracy under Section 120A is a distinct offence introduced for the first*

time in 1913 in Chapter VA of the Penal Code. The very agreement, concert or league is the ingredient of the offence. It is not necessary that all the conspirators must know each and every detail of the conspiracy as long as they are co-participants in the main object of the conspiracy. There may be so many devices and techniques adopted to achieve the common goal of conspiracy and there may be division of performances in the chain of actions with one object to achieve the real end of which every collaborator must be aware and in which each one of them must be interested. There must be unity of object or purpose but there may be plurality of means sometimes even unknown to one another, amongst the conspirators. In achieving the goal several offences, may be committed by some of the conspirators even unknown to the others. The only relevant factor is that all means adopted and illegal acts done must be and purported to be in furtherance of the object of the conspiracy even though there may be sometimes misfire or overshooting by some of the conspirators.”

275. **In Kehar Singh and Ors. v. State (Delhi Administration) (AIR 1988 SC 1883)** Hon'ble Apex Court held that *“Generally, a conspiracy is hatched in secrecy and it may be difficult to adduce direct evidence of the same. The prosecution will often rely on evidence of acts of various parties to infer that they were done in reference to their common intention. The prosecution will also more often rely upon circumstantial evidence. The conspiracy can be undoubtedly proved by such evidence direct or circumstantial.”*

276. The Hon'ble Apex Court in **V.C. Shukal and Ors. v. State (Delhi Administration) (AIR1980SC1382)** observed *“It is true that in most cases it will be*

difficult to get direct evidence of an agreement to conspire but a conspiracy can be inferred even from circumstances giving rise to a conclusive or irresistible inference of an agreement between two or more persons to commit an offence.”

277. The Hon'ble Apex Court in **Saju v. State of Kerala (AIR 2001 SC 175)** stated that *“This section mainly could be divided into two: the first part talks of where there is reasonable ground to believe that two or more persons have conspired to commit an offence or an actionable wrong, and it is only when this condition precedent is satisfied that the subsequent part of the section comes into operation and it is material to note that this part of the Section talks of reasonable grounds to believe that two or more persons have conspired together and this evidently has reference to Section 120A where it is provided “when two or more persons agree to do, or cause to be done”. This further has been safeguarded by providing a proviso that no agreement except an agreement to commit an offence shall amount to criminal conspiracy. It will be therefore necessary that a prima facie case of conspiracy has to be established for application of Section 10. The second part of Section talks of anything said, done or written by any one of such persons in reference to the common intention after the time when such intention was first entertained by any one of them is relevant fact against each of the persons believed to be so conspiring as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it. It is clear that this second part permits the use of evidence which otherwise could not be used against the accused person. It is well settled that act or action of one of the accused could not be used as evidence against the other.*

But an exception has been carved out in Section 10 in cases of conspiracy.”

278. The Hon'ble Apex Court in **State of Himachal Pradesh v. Krishan Lal Pardhan and Ors. (AIR 1987 SC 773)** observed “ *The offence of criminal conspiracy consists in a meeting of minds of two or more persons for agreeing to do or causing to be done an illegal act by illegal means, and the performance of an act in terms thereof. If pursuant to the criminal conspiracy the conspirators commit several offences, then all of them will be liable for the offences even if some of them had not actively participated in the commission of the offences.*”

279. The Hon'ble Apex Court in **Firozuddin Basheeruddin and Ors v. State of Kerala (MANU/SC/0471/2001)** held that “*Like most crimes, conspiracy requires an act (actus reus) and an accompanying mental state (mens rea). The agreement constitutes the act, and the intention to achieve the unlawful objective of that agreement constitutes the required mental state. In the face of modern organised crime, complex business arrangements in restraint of trade, and subversive political activity, conspiracy law has witnessed expansion in many forms. Conspiracy criminalizes an agreement to commit a crime. All conspirators are liable for crimes committed in furtherance of the conspiracy by any member of the group, regardless of whether liability would be established by the law of complicity. To put it differently, the law punishes conduct that threatens to produce the harm, as well as conduct that has actually produced it. Contrary to the usual rule that an attempt to commit a crime merges with the completed offense, conspirators may be tried and punished for both the conspiracy and the completed crime. The rationale of conspiracy is that the required objective manifestation of*

disposition to criminality is provided by the act of agreement. Conspiracy is a clandestine activity. Persons generally do not form illegal covenants openly. In the interests of security, a person may carry out his part of a conspiracy without even being informed of the identity of his co-conspirators. Since an agreement of this kind can rarely be shown by direct proof, it must be inferred from circumstantial evidence of co-operation between the accused. What people do is, of course, evidence of what lies in their minds. To convict a person of conspiracy, the prosecution must show that he agreed with others that together they would accomplish the unlawful object of the conspiracy.

280. *Conspiracy is not only a substantive crime. It also serves as a basis for holding one person liable for the crimes of others in cases where application of the usual doctrines of complicity would not render that person liable. Thus, one who enters into a conspiratorial relationship is liable for every reasonably foreseeable crime committed by every other member of the conspiracy in furtherance of its objectives, whether or not he knew of the crimes or aided in their commission. The rationale is that criminal acts done in furtherance of a conspiracy may be sufficiently dependent upon the encouragement and support of the group as a whole to warrant treating each member as a causal agent to each act. Under this view, which of the conspirators committed the substantive offence would be less significant in determining the defendant's liability than that the crime was performed as a part of a larger division of labor to which the accused had also contributed his efforts.*

281. *Regarding admissibility of evidence, loosened standards prevail in a*

conspiracy trial. Contrary to the usual rule, in conspiracy prosecutions any declaration by one conspirator, made in furtherance of a conspiracy and during its pendency, is admissible against each co-conspirator. Despite the unreliability of hearsay evidence, it is admissible in conspiracy prosecutions.”

282. In **Wasim Khan and Others v. State of Chhattisgarh (MANU/CG/0357/2013)** the Hon'ble Court observed that “*conversation amongst the accused persons lead to inference of conspiracy, not because there were conversation but special features of those conversation like large number of calls to each other, their respective location moments, exchange of SIM and mobile handset*” “*No material to show that these accused for any other reason had an association either because of their relation, friendship or any other kind of official/business or trade relation under which they were making so many number of calls to each other. Presence of the accused at Kanker on the date of incident and calls made to each other on that very date also prove conspiracy.*”

283. This observation mainly the second part, will give a clear indication that if the accused had an association either because of their relation, friendship or any other kind of official/business trade relations, then mere conversation through calls, even if in large number, will not by itself lead to inference of conspiracy.

284. In **Shinoj's case (2019(4) KLT OnLine 2081)** the Hon'ble High Court held that “*Producing call details from mobile phone service providers for a few days close to the incident alone may be of no use, since there could have been contacts between known persons on any given day and that will not give an indication of conspiracy. But, if the records produced indicated that the accused persons were*

not contacting each other on a regular basis for a long time and they contacted each other many number of times just prior to the incident, a conspiracy could have been inferred.”

285. In continuation of this Sec.106 Evidence Act is also to be gone into. Sec.106 of the Indian Evidence Act says that the main fact is especially within the knowledge of any person, the burden of proving that fact is upon him. The scope and ambit of this section is explained by the Hon'ble Apex Court in **Shambunath Mehra v. state of Ajamir (AIR 1956 SC 404)** as follows; *“This lays down the general rule that in a criminal case the burden of proof is on the prosecution and section 106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish facts which are “especially” within the knowledge of the accused and which he could prove without difficulty or inconvenience.”*

286. The Hon'ble Apex Court in **State of West Bengal v. Mir Muhammed Omar (AIR 2000 SC 2988)** explained the principle embodied in Sec.106 of the Evidence Act as follows; *“The pristine rule that the burden of proof is on the prosecution to prove the guilt of the accused should not be taken as a fossilized doctrine as though it admits no process of intelligent reasoning. The doctrine of presumption is not alien to the above rule, nor would it impair the temper of the rule. On the other hand, if the traditional rule relating to burden of proof of the prosecution is allowed to be wrapped in pedantic coverage, the offenders in serious offences would be the major beneficiaries and the society would be the causality.”*

287. *It is further explained that "Presumption of fact is an inference as to the existence of one fact from the existence of some other facts, unless the truth of such inference is disproved. Presumption of fact is a rule in law of evidence that a fact otherwise doubtful may be inferred from certain other proved facts. When inferring the existence of a fact from other set of proved facts, the Court exercises a process of reasoning and a logical conclusion as the most probable position. The above principle has gained legislative recognition in India when Section 114 is incorporated in the Evidence Act. It empowers the Court to presume the existence of any fact which it thinks likely to have happened. In that process Court shall have regard to the common course of natural events, human conduct etc. in relation to the facts of the case."*

288. The Hon'ble Apex Court in **Suhcha Singh v. State of Punjab** held that Sec.106 would apply to cases where prosecution had succeeded in proving facts for which a reasonable inference can be drawn regarding the existence of certain other facts, unless the accused by virtue of special knowledge regarding such facts failed to offer any explanation which might drive the court to draw a different inference.

289. In the case of conspiracy, absence of evidence does not mean evidence of absence. Especially in this technologically advanced era, conspirators can create a web of conspiracy without meeting physically. One can keep away from visibility, still hatch conspiracy agreements through various means and modes.

290. Back to the facts, the definite case of the prosecution is that all the accused are the members of the same organisation and same political party and

they hail from same District. Some of them are its prominent leaders and others active members. In this circumstance, conversation amongst the accused during the three month conspiracy period through phone calls in large numbers by itself doesn't lead to a conspiracy by inference. Otherwise, prosecution ought to have produced the CDR for an earlier period so that the court can compare and find out any marked difference in the number of calls, call timings, the pattern of calls during normal period and the conspiracy period.

291. At the same time, as rightly pointed out by the learned special public prosecutor that, since a conspiracy behind the incident stands confirmed from the method and manner in which SIM cards, mobile phones and vehicles were obtained solely for the purpose of using it for the commission of the crime and further that A3 is found to be the Master conspirator who controlled the entire course of events, what remains to be proved is only the identify the other conspirators. In this given situation, if the prosecution succeeds in proving that the accused maintained close contacts over phone with A3 or his deputies and the number of calls made is enormous in volume, it will be a step further to prove their involvement in the conspiracy. In such cases, to prove complicity, what requires further is only some acts on their part in a way encouraging, supporting, abetting or assisting the commission of the offence.

Role of the accused in the commission of the crime

292. Now I will consider the role played by each accused person facing trial in this case, the evidence available against them and the effect of the said evidence. Here the prosecution has succeeded in proving that the accused (except

A4 Shafeeq) have maintained close contacts over phone with either A3 or his deputies and the number of calls made is enormous in volume. This is clear from the data elicited earlier. Therefore I will limit my discussions to those acts on the part of the individual accused, which according to the prosecution are intentional acts done in pursuance of the conspiracy agreement, to encourage, support, abet or assist the commission of the offence.

A2 Sajil

1. A2 Sajil and K.K. Ali (A2 in SC 1/2013) are the two persons who had gone to Kunnathangadi in Thrissur District, on 15.06.2010 and purchased the crime vehicle the white omini van for ₹1 lakh and brought it to Perumabvoor.
2. As Sajil was one among the seven members of the execution team who carried out the homicide attack on Prof. Joseph on 04.07.2010. He was one of the six persons emerged from the maruthi omni van with weapons and explosives. A2 Sajil was carrying a long knife with him. The specific overact alleged against him is that, he along with A1 went to the side of PW26 Prof. Joseph and pulled PW26 out from the car, carried PW26 to the back side and he is one of the person who firmly held the hands of PW2 to facilitate A1 to inflict multiple fatal injuries and ultimately to chop off the right hand of PW26.
3. Immediately after the incident, A2 Sajil concealed himself, went on hiding, continued to abscond for 6 years, to screen himself from legal punishment. He also caused disappearance of evidence of offence

either by concealing or destroying the knife he was carrying at the time of the offence.

293. To prove the identity and the involvement of A2 Sajil in the incident dated 15.06.2010, prosecution rely upon the oral evidence of PW29 and PW224 and also the CD and decoded cell ID Locations of the mobile numbers used by both A2 Sajil and K.K. Ali as supporting piece of evidence. The prosecution further rely upon the identity of the photo of Sajil while giving evidence in SC.1/2013 and also the identification of A2 Sajil at the test identification parade conducted by the Judicial Magistrate.

294. To prove the identity and involvement of A2 Sajil in the incident dated 04.07.2010, prosecution rely upon the evidence of PW1, PW26 and PW27. In this regard it is to be pointed out that PW1 and PW27 had occasion to see A2 Sajil prior to 04.07.2010, when A2 Sajil as a member of a group of six persons entered into the residential compound of Professor Joseph on 06.05.2010 and 28.05.2010. The prosecution also rely upon the photo identification parade conducted during the course of investigation, the identification of the photo of Sajil at the time of giving evidence in Sc.01/2013 and at the Test identification parade conducted after the arrest of A2 Sajil, as supporting piece of evidence.

295. Now I will come to the evidence. It stands proved that on 15.06.2010 two persons had come to Kunnathangadi in Thrissur District and purchased MO11 white omni van from PW224 through PW9 a vehicle broker at Thrissur by way of Ext.P5 agreement executed by one of the buyers who handed over the copy of his driving license which is marked as Ext.P4. The person who executed the sale

agreement representing the buyers is K.K. Ali (A12 in SC 1/2013), who was found guilty by this court in SC.1/2013 and convicted thereunder. The limited question to be answered is that is it A2 Sajil the other person who accompanied K.K. Ali. Both PW9 and PW22 identified A2 Sajil from the box saying that he is the person who accompanied K.K. Ali. PW224 deposed that both K.K. Ali and A2 Sajil came together to his native place at Kunthangadi, at about 2.30 p.m. and after taking a test drive they together came to the shop of PW9 at Thrissur and from there sale agreement got prepared and executed. PW9 fully supported this version. He would say that the agreement was executed by his assistant Joseph, who is a signatory to the sale agreement. The above evidence will clearly suggest that both PW9 and PW224 had spent considerable time with A2. Therefore their identification need not be doubted. It is also to be noted that both PW9 and PW224 while examined in SC.1/2013, identified the photo of Sajil, its copy marked in this case as Ext.P6(a) (Ext.P1 is the copy of the very same photo). Apart from this PW9 identified A2 Sajil at the Test identification parade conducted by the JFCM-IX, Ernakulam after the arrest of A2. This add credibility to the identification of A2 Sajil made by PW9 and PW224 in court.

296. Coming to the incident dated 04.07.2010, the homicidal attack on PW26, stands already proved. The limited question to be answered is the participation of A2. It is proved that two persons among the assailants were carrying knife with them and one among them along with A1 Savad moved to the side of PW26, and they pulled PW26 out from the car, dragged him to the back side and this man with knife was one among the persons who firmly held the hand of PW26

to facilitate A1 Savad to chop off the right hand of PW26. In evidence PW26 the victim, PW27 his sister who was with him throughout, and PW1 his son who rushed to the scene and inflicted an injury on Savad using chopper, clearly identified A2 as the man who was holding the knife who had done the overt acts stated above. It needs a special mention that the witness identified A2 who was standing in the dock along with 10 other accused persons, all of them wearing white dhoties and white shirts as if they were in college uniform.

297. Coming to the prior incident of trespass, it is a fact proved in evidence that on three different occasions i.e. on 06.05.2010, 17.05.2010 and 28.05.2010, a group of men trespassed into the house compound of Professor Joseph. A2 was in the group who came on 06.05.2010 and 28.05.2010. On 28.05.2010, he forcibly entered the house and searched for PW26 who was standing in the neighbouring house at that time, and then exited through the back door. PW14 and PW27 were present in the house on 06.05.2010. On that day the miscreants doesn't enter into the house hence only PW27 was able to see them. On 28.05.2010, PW14, PW27, PW1 and late Salomi, the wife of PW26 were present in the house; all of them had seen A2 in close range.

298. On 25.02.2012, PW223 the NIA Investigating officer took the initiative to conduct a Photo identification parade from the house of PW26, through the Deputy Tahasildar, Kanayannur and Joint Superintendent, RDO Office, Muvattupuzha using Ext.P6 photo album containing 16 photos of same size, which includes the photos of non suspects as well as that of the accused Savad, Sajil and Nasar (A1 to A3 herein) and the participant witnesses were PW1, PW26, PW27 and

late Salomi. Photo identification parade was conducted from the dining room of the house and the participant witnesses were made to sit in another room and each one were called upon to identify the persons in the photo separately and they were asked to identify thrice after shuffling the photos, and after identification, they were removed to another room to avoid any chance of communication in between them. Their signatures were obtained on the reverse side of the photos they identified. After completing the whole process, a proceedings was prepared and signed. It is signed by the officials who conducted the Photo identification parade and also the Investigating officer. The Deputy Tahsildar who conducted Photo identification parade was examined as PW103. He deposed that Salomi identified the photo of A1 Savad, A2 Sajil and A3 Nasar whereas all the other three identified the photos of A1 Savad and A2 Sajil. The photos identified by them were marked as Ext.P1(a), P1 and P1(b) respectively.

299. During the trial in SC 1/2013, PW1, PW26, PW27, late Salomi and also PW14 another sister of PW26 identified A2 Sajil through his photo (Ext. P6(a) and P1 are the copies of the photo of Sajil). Only subsequently A2 Sajil surrendered before the court. He surrendered on 03.08.2016 and he was remanded to jail. On 03.08.2016 itself NIA filed application to conduct test identification parade of A2 Sajil. On 04.08.2016 itself Chief Judicial Magistrate, Ernakulam deputed JFCM-IX, Ernakulam to conduct TIP. On 05.08.2016 itself the learned Magistrate initiated steps in this regard. He gave direction to the jail authorities not to permit any outside visitors to A2 Sajil. After issuing notice to the witnesses, the date of TIP was fixed as 10.08.2022. On his visit to jail, the learned Magistrate noticed that A2

had sustained a fracture on the date of surrender and his leg is heavily bandaged. Hence TIP was adjourned to the next day with direction to provide suitable materials to cover lower portion of all the participants, to ensure uniformity in their appearance. On the next day, A2 Sajil refused to participate saying that from the hospital as well as from outside the jail, he was photographed and video graphed. Hence the learned Magistrate was constrained to adjourn the proceedings to 17.08.2016. On that day also A2 refused to participate hence the proceedings closed. Subsequently it was informed from the Trial Court that A2 will participate in TIP and upon the direction of the Trial court the learned Magistrate conducted the TIP on 01.09.2016. In that TIP, PW1, PW26, PW9 appeared as participant witnesses. All of them, clearly and categorically identified A2 thrice. The learned Magistrate recorded the statements of witnesses and A2. Ext.P3 is the TIP proceedings and Ext.P3(a) (b) and (c) are the charts signed by the participant witnesses. The learned Magistrate had given full particulars of what happened from 05.08.2013 to 01.09.2016 in Ext.P3.

300. The learned defence counsel would submit that, admittedly A2 Sajil was a total stranger to PW26 and his family and the identification of A2 after ten years can never be safely relied upon. It is inherently weak piece of evidence. Further the testimony of PW1, PW26 and PW27 are contradicting on vital aspects regarding the overt acts attributed against A2. This makes it wholly unsafe to rely upon them without corroboration. It is also pointed out that none of these witnesses have stated any thing to the police/NIA on the physical features of A2. Apart from this, since the photo of A2 was admittedly shown to the witnesses prior to TIP, the

subsequently conducted TIP has no evidentiary value. The photo identification parade and test identification parade said to be conducted in this case are not proper, fair and it violates the well accepted procedural safe guards. There is inordinate delay in conducting TIP. In the meanwhile A2 was exposed to public at the hospital and he was photographed and video graphed outside the jail. His photos appeared in newspapers and he was shown to the witnesses. The so called photo identification parade was conducted in the presence of the Investigating officer, hence it is hit by Sec.162 Cr.P.C. The records itself will reveal that the Investigating officer conducted it and the officials were only witnesses to the photo identification parade. These persons are mere name lenders and they had even not gone to that place. Further it was not at all fair on the prosecution's side to conduct photo identification parade from the victim's house. It is prejudicial to the accused. The learned defence counsel cited many number of decisions to substantiate his contention. On the other hand, the learned special public prosecutor submitted that none of the contentions taken up by the defence is sustainable. She also cited decisions to support her submission. During the course of the discussions I will refer to the decisions.

301. It is true that there is a 10 year gap in between the date of incident and the date on which A2 was identified in court by the witnesses. Anyway A2 cannot be permitted to bank upon it. Otherwise it will be taking advantage upon his own wrong. Next to say, there is absolutely no contradictions in the statement of the witness on the overt acts committed by A2. One contradiction marked during the cross examination of PW27 is Ext.D6. Her 161 statement is to the effect that – “ A

fair tall person among the assailants held Appachan's right hand in a stable position facilitating the person with axe to cut the right hand. This man is Shobin and not A2 Sajil. In fact nowhere it is stated that A2 alone held the hand of Professor Joseph to facilitate A1 to cut the hand. Almost four persons together held the hands of Professor Joseph. That means there is no material contradiction in the evidence of PW27 to make her a wholly unbelievable witness. Another contradiction brought out is in the evidence of PW26 and is marked as Ext.D15. In the statement given to the Investigating officer after Test identification parade, PW26 said that at the time of incident A2 was having more hair on head than now seen. If we go by the deposition of PW26, at the time of the incident A2 had covered his head by cloth. When this contradiction was put to PW26, he explained that with reference to the photo of A2 he identified during Photo identification parade, he made the statement that at the time of incident A2 was having more hair on head than now seen. A perusal of the photo makes this fact clear. That means the explanation given by PW26 is satisfactory. Hence, D15 need not be given undue weightage.

302. PW26 made a statement before the court that he doesn't need any photo to verify and identify the assailants since their images are imprinted in his mind. This statement came from his heart, I believe so. In a situation like this, one can only completely surrender to the assailants, watch helplessly what is going on and plead and plead for mercy till darkness entered into his eyes. This is exactly what happened. He pleaded not to kill him, but they chopped his right hand and took it. Due to the loss of massive amount of blood darkness get into his eyes and he wake up only when he heard an earnest call from his son. The memory of this

tragic event will remain with him forevermore until and unless fate erases it from his mind through death or some illness. It equally applies to the identification of A2 by PW27 and PW1, the sister and son of PW26. Be it so any omission on the side of PW1, 26 and 27 to divulge the physical features of the accused to the investigating officer, or the omission to state that the very same assailants were in the group who earlier trespassed into the house, are not fatal and it will no no way affect the credibility of the identification made by the witnesses.

303. The learned defence counsel, to highlight the proposition that material discrepancies by way of contradictions, omissions and improvements creates serious doubt about the truthfulness or credibility of a witness relied upon the decisions of the Hon'ble Apex Court in **Harbeer Singh v. Sheshpar (2017(1) KLT SN5)**, in **Vijayakumar v. State of Rajasthan (2014 (3) SCC 412)**, in **Sharkar v. State of Karnataka (2011 KHC 4525)**, in **Armugan v. State (2009 KHC 4302)**. There can be no doubt on this proposition. The question whether contradictions/ omissions/improvements brought out are material or not is purely a question of fact. The earlier discussions on facts convincingly prove that the omissions, contradictions and discrepancies brought out do not go to the heart of the matter and shake the reliability or credibility of PW1, 26 and 27. It stands proved that As Sajil was one among the seven members of the execution team who carried out the homicide attack on Prof. Joseph on 04.07.2010 and that he played an active role together with the other assailants in committing the crime.

304. Now I will come to the identification made by PW9 and PW224. The defence counsel would submit that even according to the prosecution, A2 is neither

a signatory to Ext.P5 sale agreement nor a witness to the same. He never handed over any documents. It is on record that normally there will be witnesses from both sides to an agreement for sale, but here, curiously there is no witness from the buyer's side, though A2 was available. This creates genuine doubt regarding the presence of A2. A mere improved statement for the first time in evidence from PW9 and PW224 that they made a request to A2 to sign as a witness but A2 refused to do it, cannot be believed for a moment.

305. The said contention cannot be accepted. Whatever be the flaws in the execution of agreement, the presence of A2 along with K.K. Ali stands fortified from the cell ID locations brought out from the CDRs of both A2 and K.K. Ali. Ext.P534 is the CDR of A2 Sajil and Ext.P507 is the decoded list of Cell ID. Ext.P660 is the CDR of K.K. Ali and Ext.P678 is the decoded cell ID. These documents will reveal that on 15.06.2010 at 10:10:42, A2 received a call from K.K. Ali. At that time they were in their native place. The subsequent tower location of the A2 and K.K. Ali mobile phones will give a clear picture of their movements. They moved from Ernakulam district to Thrissur district and reached Kunnathangadi at about 2.30 p.m. and after a while moved back to Perumbavoor via Thrissur town and they reached at Perumbavoor after 6.00 p.m. The relevant cell ID locations are follows:-

K.K. Ali

On 15.06.2010, this number is seen located at Vengoor in Ernakulam district at 12:48:27 hrs, Muringoor at 13:14:00 hrs, Chalakuddy at 13:21:24 hrs, Nellore at 13:35:17 hrs, Kunnathangadi at 14:39:17 hrs, Olarikkara at 15:24:38 hrs, Thrissur West Fort at 16.00 hrs (all in Thrissur District), and back to Ernakulam District, at

Perumbavoor from 18:13:44 hrs to 18:46:11 hrs.

Sajil

On 15.06.2010, this number is seen located at Muvattupuzha from 06:32:16 to 11:31:58, at 14:45:00 hrs, Kunnathangadi, at 16:57:17 hrs Potta (Thrissur).

306. Since there is sufficient corroboration from electronic records the identification made by PW9 and PW224 can safely be relied upon. The learned defence counsel would submit that it is a settled proposition that the first time identification in court after long interval is a weak piece of evidence which cannot be safely be relied upon. He relied upon the following decisions of Hon'ble Apex Court to substantiate his contentions.

- (1) Chandran vs. State of Kerala (2013(3) KLT SN2)
- (2) Sukhbir Singh and another v. State of Punjab (2011 KHC 4250)
- (3) Munshi Singh Gautham vs. State of MP (2004 KHC 1241)
- (4) Muhanlal Gangaram v. State of Maharashtra (1982 KHC 430)
- (5) Mulla and another v. State of UP (2010(3) SCC 508)

307. The above decision will make it clear that the identification of accused by a witness in court who has for the first time seen the accused in the incident of offence, is a weak piece of evidence especially when there is long gap between the date of incident and date of recording of his evidence. This is the normal rule, but there are exceptions. Two exceptions pointed out are the availability of sufficient corroboration to the testimony of the witness and secondly when the court is impressed with the testimony of the witness which is of sterling quality. If the said dictum is applied to the facts in hand, the first exception applies to PW9 and

PW224 and the second exception applies to PW1, PW26 and PW27.

308. The learned defence counsel cited the decisions of Hon'ble Apex court in **Krishkumar Malik Vs. State of Haryana (2011 KHC 4553)** for the proposition that "Showing the accused at the police station after his arrest make the subsequent dock identification meaningless, the decision in **Umar Ahmed Shaikh Vs. State of Maharashtra (AIR 1998 SC 1922)** for the proposition that "If the accused is showed to the witness before TIP, then TIP become unreliable, and if TIP is not reliable, identification in the court also cannot be relied upon, the decision in **Harinath V. State of UP (1988 KHC 849)** and **Khalah Singh and other Vs. State of MP (1992 KHC 1274)** for the proposition that if TIP is not reliable for the delay in conducting the same, identification in court become valueless, and that of Hon'ble Kerala High Court in **Muhammed Yousuf V. State of Kerala (2022(2) KLJ 32)** for the proposition that showing the photograph of the accused during investigation makes the identification at the court worthless.

309. In the case in hand, photo identification parade was conducted during the investigation stage. Investigating agency is entitled to conduct PIP to see that investigation is moving in the right direction. It serves the very same purpose as that of TIP. If the Investigating agency was not able to arrest the accused, the only way out is PIP. Be it PIP or TIP they are primary meant for the purpose of helping the investigating agency with an assurance that their progress with the investigation into the offence is proceeding on the right lines and the evidence on identification can only be used as corroborative of the statement in court under Sec.9 of the Evidence Act.

310. Therefore it is necessary that all the procedural safe guards are to be strictly followed while conducting PIP or TIP. Procedural safe guards are that, before TIP accused shall not be shown to the witnesses in the same way their photographs also, and further that there shall not be any unnecessary delay in conducting TIP after the arrest of the accused. In the case of PIP held by the Hon'ble Apex Court in **Gopalakrishnan Vs. Sadanand Naik (2004 KHC 1195)** showing single photo of the accused to the witness is not fair and in the same way to show an album of photos but names written underneath.

311. In the present case an album of 16 photos of similar size containing both the photos of suspects and non-suspects were shown to the witness. There is absolutely nothing to infer anything unfair in the conduct of PIP. It was conducted in the house of victim. I do not find any thing illegal. The only anomaly pointed out is that Ext.P181 gives a first impression that PIP was conducted by the Investigating officer himself and the officials who really conducted PIP, were only witnesses to the proceedings. If the entire proceedings recorded therein is read as a whole, this confusion will get cleared. PW103 had given detailed evidence regarding the manner in which it was done. All safeguards were ensured. It is in no way prejudicial to the accused. The learned counsel would submit that, it was conducted in the presence of the Investigating officer, hence it is hit by Sec.162 Cr.P.C. The answer is clear in the evidence of PW103. He deposed that the Investigating officer was in the living room and the PIP was conducted from the dining room and the witnesses were seated in separate rooms. To sum up the objection taken up by the defence is not sustainable. The PIP is wholly reliable and it can be used to

corroborate the identification of the accused made by the witness in court.

312. Now the question is that whether subsequent TIP will serve any purpose. Here it is to be noted that for continuous six years A2 went on absconding. The photo available was that of the period 2010. Witness identified the accused with reference to this photo. When the accused surrendered before the court after six years, his physical appearance got changed. He put lot of weight. Even the defence counsel had taken up a contention that the photo exhibited in the court is that of his brother. There is absolutely nothing to prove this statement. The change in physical appearance, provides the reason for the NIA to apply for TIP. Still the witnesses clearly identified A2 in TIP. This definitely lend assurance to the identification of A2 made by the witnesses in court. The TIP neither invalidate PIP nor the identification in court. It rather provides additional corroboration.

313. The only thing that remains to be answered is that whether the delay caused in conducting TIP is fatal. There is absolutely no delay on the side of the investigating agency in applying for TIP. There is no latches on the part of the Magistracy in conducting the TIP. The accused was solely responsible for the delay. Nothing on record suggests that the witnesses had occasion to see A2 Sajil or his present photographs before the TIP. In this circumstance delay caused is not fatal.

314. All the discussions made above convincingly prove beyond doubt that A2 Sajil together with K.K. Ali purchased the Maruthi omni van used for the commission of the offence. This act leads to inference of conspiracy. It also stands proved that As Sajil was one among the seven members of the execution team who

carried out the homicide attack on Prof. Joseph on 04.07.2010 and that he played an active role together with the other assailants in committing the crime.

315. The incident happened on 04.07.2010. Immediately after the incident he absconded. He surrendered before the court only after six years on 03.08.2016. No explanation is forthcoming why he absconded, why he concealed himself. Learned counsel for the accused relying upon the decision of the Hon'ble Apex Court in **Sujit Biswas V. State of Assam (2013(2) KLT SN 54)** would argue that mere absconding by itself does not necessarily lead to a firm conclusion of guilt, further it is pointed out that A2 was not arrested by the Investigating agency but he voluntarily surrendered before the court, therefore no conclusion of guilt can be drawn against A2.

316. The said contention is not sustainable. After the surrender of A2 Sajil, PW225 the Investigating officer had obtained custody of A2 and while so, A2 gave a disclosure statement as Ext.P165(a) that if he is taken, he will show where he took shelter while absconding and accordingly as lead by him, they reached a house at Farooq. PW225 prepared the mahazar of the said house in the presence of the witness PW98. The mahazar is marked as Ext.P165. PW98 Senior Clerk of RDO office, Calicut is the witness to the said point out mahazar. He fully supported the version of PW225. The stay of A2 in the said house is proved from PW201 Protected witness J. It was her matrimonial house. At the relevant period, she was residing there with her husband Fahad. She deposed that during 2013-2014 Sajil stayed there under the false name Musthaq saying that he came there to work in the firm of Fahad. She deposed that Sajil was always reluctant to go out in public

and whenever they go outside Sajil used to sit in the car itself and later when she asked about it, Sajil himself disclosed that he is an accused in the hand chopping case. After the revelation, her husband warned her not to disclose it to anybody. Subsequently, her relationship with husband got strained. She left the house on 19th May 2014. She identified Sajil in court. She will also add that as and when the news of the suicide of Professor Joseph's wife came out, Sajil was in a celebrating mood and he really enjoyed the news.

317. The learned defence counsel would submit that she is speaking utter falsehood, she is inimical to her husband and lot of cases are pending in between them. She really wants to see her husband booked for offences under UA(P) Act for harboring the offenders and solely for that purpose she had sided with NIA and given such false evidence. The said contentions is not sustainable. It is true that she is having a strained relationship with her husband and there are cases related to matrimonial dispute pending in between them. That does not mean that she wants to implicate her husband in terrorism related cases. There is absolutely nothing on record to have an inference to that extent. Her evidence carries a ring of truth. There is absolutely nothing to doubt her integrity and truthfulness and I don't find any reason to disbelieve her. Her evidence confirms the fact discovered per the disclosure statement given by A2, which is marked as Ext.P615(a). The decision cited by defence counsel has no application to the facts of this case. In that decision itself it is stated that act of absconding is no doubt a relevant piece of evidence. Together with this Illustration (c) to Sec.9 of the Evidence Act is to be read. It is stated that the fact that soon after the commission of the crime, the

accused abscond is relevant under Sec.8, as conduct subsequent to and affected by facts in issue. Here A2 absconded not for days or months but for six years. It is wholly irrelevant whether he himself surrendered or that he was arrested. It is to be taken note that he surrendered only after the disposal of the parent case wherein he was an accused. An act of intentional concealment to screen himself from legal punishment by A2 stands proved. This will further fortify his guilt in committing the main offence. It is also to be taken note that the prosecution was not able to recover the knife A2 was carrying at the time of committing the offence. The fact that he was carrying the weapon at that time stands proved. Therefore the only inference that can be drawn is that A2 Sajil had concealed it or destroyed it for causing disappearance of evidence. The said fact also stands proved.

318. To sum up it stands proved beyond doubt that A2 Sajil was a party to the conspiracy agreement as well as the member of the gang constituted by the conspirators to do the homicidal attack on PW26 and had actively participated in the acts preparatory to the commission of homicidal attack on PW26 which was executed on 04.07.2010 and that he was a direct participant in the said attack as an active member of seven member execution team, which carried out the attack with a common object, at that time he was carrying a knife with him. Further that he had caused disappearance of evidence of the knife and concealed himself to screen from legal punishment.

A3 Nasar

319. He played the most active role in procuring mobile SIMs and mobile phones on 03.07.2010 for the sole purpose of using the same for the commission of

the crime.

320. He played the most active role on 04.07.2010 in effectively monitoring the execution of the crime by sitting at a different place, collecting updates and giving directions to the members of the pilot team, through a communication circuit build up using the mobile SIMs obtained on 03.07.2010.

321. He changed locations at regular intervals, changed mobile numbers and mobile phones after each events, switched off the mobile phones which were in his regular use before the incident.

322. He played an active role in identifying the vehicle ie. the Omni van to be used for the commission of the crime and took custody of the same.

323. Innumerable number of calls he used to regularly make to almost all the members of the execution team and key players during the entire duration of conspiracy, come to an end all of a sudden after the commission of the crime.

324. After the incident A3 Nasar convened conspiracy meetings to facilitate harboring the prime accused, then caused disappearance of evidence making most of the mobile SIMs and phones used for the commission of the crime unavailable for examination, he himself went on hiding, continued to abscond for 5 years in order to screen himself from legal punishment.

325. To prove its case prosecution relied upon circumstantial evidence by drawing inferences mainly from the facts established and proved through the CDRs and Cell ID locations. Prosecution was able to prove that A3 Nasar used 7 mobile phones during the relevant period. The mobile phone in his regular use were two mobile connections obtained in his own name and the third one taken in the name

of his mother in law, which was in use both by him and his wife. The two mobile numbers obtained in his own name are 9745003256 and 9048686611. He had used these SIMs in four mobile phones. They are MO73, MO116, MO121 and MO122. These phones were taken into custody during investigation from third parties. Ext.P592 and Ext.P618 are the CDRs of these two phone numbers. It will reveal that A3 Nasar stopped using the Mob No.9745003256 from 08.06.2010 onwards and the Mob No.9048686611 from 03.07.2010 onwards. The mobile phone number in the name of his mother-in-law is 9846182913, and the last call made by A3 from the said number was at early morning on 04.07.2010. Thereafter he had not used it.

326. On 04.07.2010, he had a strategic plan to use another set of mobile numbers and mobile phones. He also planned to have an exclusive communication circuit with the designated pilot team members consisting of three persons. His strategy was to have a circuit of four mobile numbers one with him and one each with the members of the pilot team. He kept with him another mobile number to have communication with others. To give effect to this plan, on 03.07.2010 he himself procured one mobile phone and a SIM and through others procured three SIMs in the name of Selvaraj. In addition to that, he obtained one more SIM taken in the name of Kamarudeen an accused in this crime.

327. He purchased the mobile phone from the shop of PW198 situated at Penta Menaka Tower, Ernakulam at about 12.00 noon on 03.07.2010. Though the prosecution was not able to recover this mobile phone, it stands proved that its IMEI number is 35639302174421(3). The mobile number he procured was seen

purchased through Vishnu Stores, Ernakulam. Its number is 9744528638. He inserted this mobile number in the mobile phone with IMEI No.35639302174421(3) from 09:50:54 p.m. onwards.

328. One important point to be noted is that as per the CDR of this mobile number (Ext.P546), calls were made from 09:32:49 p.m. onwards. The calls from 09:32:49 p.m. to 09:49:27 p.m. were made from the mobile phone with IMEI No.356784025561688. A perusal of the CDR of the two SIMs obtained in the name of Selvaraj ie. Mob No.9746855290 (Ext.P556) and Mob No.9946055745 will reveal that activation of the first SIM was done by using the mobile phone with IMEI No.35684025561688 (mobile phone used to make call from the mobile No.9744528638 at 09:32:49 p.m. to 09:49:27 p.m) and the second SIM was activated by using the mobile number procured by A3 Nasar with IMEI No.356393021744210(3). The timing correlates very much. All these evidence will convincingly prove that A3 Nasar played an active role in procuring the SIMs and mobile phones on 03.07.2010. These SIMs and phones were procured for the sole purpose to use it as a communication network for the successful implementation of the strategic plan to carry out a homicidal attack on Professor Joseph on the next day ie. on 04.07.2010. The co-relation table of the calls made and received in these phones referred earlier will prove beyond all doubt, the formation of a conspiracy web and that A3 was at the helm of affairs,controlling the course of events in its fullest terms.

329. It is to be noted that this communication web consisting of A3 Nasar and the member of the piloting team started its operation at about 06:37:33 a.m. on

04.07.2010. The homicidal attack took place at 08.05 a.m. The secret communication in between A3 Nasar and pilot team members continued through this exclusive channel till 08.50:12 a.m., and it all ended thereafter. There were no calls in between these phones after 08:50:12 a.m. Thereafter one call is seen made by A3 Nasar to another number at 09:42:58 a.m. The point to be noted is that by that time this SIM run into another phone. The last call was made using another mobile phone. IMEI number is a different one.

330. As I stated earlier, the homicidal attack started at around 08.05 a.m. and it doesn't last more than 7-8 minutes. Immediately after that A3 switched on another mobile phone with Mob No.9037220794. From this mobile phone he started communicating with other persons right from 08:14:31 onwards. As I stated earlier, his Mob No.9846182638 was active till 08.50 a.m. The CDRs of both these phones (Ext.P546 and Ext.P473) will prove that from 08:14 to 08:50 a.m., both were in the same location, ie. in an around Angamaly. From the Mob No.9037220794 he made numerous calls to various persons including Dr.Reneef, A12 Ayoob etc. Prosecution would argue that Dr.Reneef was called to give medical assistance to injured A1 Savad and A12 Ayoob was called to arrange a meeting to workout a plan for harbouring the prime accused. It is also argued that as per the plan choked out, after the commission of the crime all of them were directed to assemble at Aluva. Anyway, Cell ID location will prove that A3 Nasar was at Aluva at about 09:42:58 a.m. Thereafter A3 Nasar is spotted at Mannam in between 12.36 and 13.24 p.m. It is here one of the post conspiracy meeting took place. It is from Mannam he switched over to two other mobile numbers and mobile phones

and using the same he made and received calls. Mobile numbers are 9946617241 and 9946609011. Later, he completely stopped using any of the seven mobile numbers he used till that time. The section 27 recovery effected on the basis of the disclosure statement given by him will prove that, he had later went to his house where he concealed three mobile phones and one SIM and had also reached the house of PW93 Sirajudheen at Chandiroor in Alappuzha district and concealed two SIMs there. Thereafter he absconded, and in spite of issuing lookout notices, publishing his photo in the newspaper, police was not able to apprehend him. He came out only on 06.11.2015, the day on which he surrendered before the court. It is to be noted that out of the seven SIM cards he used, the investigation agency recovered only 2 SIM. Except one SIM he used on 04.07.2010 the other SIM were not recovered. In this regard no explanation is forthcoming. It can legitimately be inferred that he caused disappearance of evidence.

331. It is also to be noted that during the period of conspiracy, he made innumerable number of calls, keeping in close contacts with the members of the execute team and key players, but after the incident he stopped contacting them through regular channels. This gives a clear indication that the continuous calls he made during the conspiracy period were for the purpose of evolving a conspiracy agreement.

332. It stands proved that on 15.06.2010 K.K.Ali along with A2 Sajil went to Thrissur, contacted PW9 the vehicle broker for purchasing a Maruthi omni van and as forwarded by PW9 Mani, they had gone to Kunnathangadi and met PW224 Lawrence, and purchased the said omni van and brought it to Perumbavoor. The

prosecution would say that on the previous day ie. on 14.06.2010, A3 Nasar along with A5 Najeeb had gone to Thrissur, visited the shop of PW9 Mani and upon getting information from him that a Maruthi omni van owned by PW224 Lawrence is available for sale, A3 & A5 went to Kunnathangadi and met PW224, examined the vehicle, enquired about the price and came back. It is the case of the prosecution that it was A3 & A5 who identified the appropriate vehicle and thereafter A3 collected ₹1 lakh and then sent K. K. Ali and A2 Sajil to purchase the vehicle identified by him.

333. As I stated earlier immediately after the incident A3 absconded and he surrendered before the court only after five years ie., on 06.11.2015. Later, PW225 the investigating officer obtained his custody. He deposed that A3 Nasar had given a disclosure statement marked as Ext.P7(a) that if he is taken, he will lead to the place and show the shop as well as the shop owner from where he purchased the omni van. Accordingly on 18.11.2015, the accused Nasar lead the investigation party to Poothole Junction, Thrissur, and pointed out the shop 'Siva Cars' and also PW9 Mani the owner of the said shop who was present at that time and both of them identified each other. Ext.P7 is the mahazar prepared by PW225. PW113 is the witness to the pointing out mahazar. In evidence of PW9 Mani, the vehicle broker and PW224 Lawrence the owner of the Omni van identified A3 Nasar before the court as the person who came together with another person to purchase the omni van owned by PW224 Lawrence. PW9 deposed that Nasar came on 14.06.2010 whereas PW224 would say that Nasar would have come either on 14.06.2010 or on 13.06.2010. It is quite normal that one cannot say the exact date.

That is not a ground to discard a witness. The trial in SC.01/2013 proceeded before the arrest of A3 Nasar. In that proceedings both PW9 and PW224 identified the photo of Nasar. The so called identified photo is marked as Ext.P1(b). While identifying the photo PW9 deposed that the person seen in the photo may be the person who came to purchase the omni van. It appears to me that this is not a cause for worry since PW224 the other man clearly identified the person seen in the photo. Coming to the man who accompanied Nasar, in the present proceedings, PW9 identified that man as A5 Najeeb, whereas PW224 was not sure whether it was A5 Najeeb or A4 Shefeeq. Again, it appears that since the other man clearly identified A5 as the correct person, it is not a serious issue.

334. The learned defence counsel would submit that the identification of the accused for the first time in court without conducting any identification parade to test the power of identification of the prosecution witnesses, is inherently weak, and their evidence become absolutely valueless on the question of identification.

335. The facts don't demand for taking such a rigorous stand. To the most it can be said that it requires corroboration to be on the safer side. Definitely rule of prudence demands corroboration. It appears to me that the identification of A3 Nasar by the witnesses from the court can safely be accepted for the reasons stated hereinafter. The witnesses' memory was tested during the trial in SC.01/2013. At that time both witnesses identified the photo of A3 Nasar and stated that he is the person who came to Thrissur to enquire about the Maruthi omni van. So the photo identification add credibility to the identification made before the court. The disclosure statement and the subsequent pointing out of PW9

and his shop by A3 Nasar is relevant to prove the conduct of the accused. Thirdly, Ext.P618 the CDR of the Mob No.9048686611 of A3 Nasar together with the Decoded Cell ID list marked as Ext.P585 provide the most required corroboration. As per the records on 14.06.2010 at 13:32 hrs A3 Nasar was at Aluva. At 16:20 hrs, he is at KSRTC bus stand, Thrissur. The tower location noted after two hours will give a clear indication that he started back to Aluva. At 18:30 hrs he was at Kodakara, at 19:02 hrs he is at Muringoor and at 20:40 hrs he is back at Aluva. It completely co-relates with the tower location of A5 Najeeb as evident from Ext.P483. As per this CDR Najeeb was at Aluva at 13:32 hrs, at 14:50 at Chalakkudy, at 15:52 at Koorkanjeri close to Thrissur town, at 16:37 at Ayyanthole ie., on the way to Kunnathangadi the place of PW224 and at 19:06 hrs at Koratti a place near to Muringoor and at 19:54 he is at Marthandavarma bridge, Aluva. Absolutely no explanation is forthcoming from A3 Nasar about his travel to Thrissur on this particular day along with A5 Najeeb. It is to be noted that there were a series of calls in between Najeeb and Nasar before they proceeded from Aluva to Thrissur. The first call was at 10:15:27, then at 12:50:37, then at 13:04:48, then at 13:32:49, then at 14:02:36. This is clear from ExtP483 CDR of Najeeb and Ext.P618 CDR of Nasar. The conversation they made through these calls are in the exclusive knowledge of A3 Nasar, hence he is bound to explain the same. No explanation is given at the time of 313 examination or at the time of final hearing. One more aspect to be taken note is that he himself is the cause for the major part of the delay. He kept absconding for continuous five years. He cannot be permitted to bank upon the delay to his advantage.

336. As found earlier this vehicle was purchased by K.K. Ali along with Sajil on 15.06.2010 and K.K. Ali brought the vehicle to Perumbavoor. It is seen from the CDR that Ali was at Perumbavoor from 18:13:44 to 18:46:14 hrs as per Ext.P620 CDR and Ext.P678 tower list. At the same time both A3 Nasar and A5 Najeeb were seen present at Perumbavoor at that point of time. As per Ext.P618 CDR, Nasar was at Perumbavoor during 19:11:43 to 19:13:05 hrs and as per Ext.P483 CDR, Najeeb was at Perumbavoor during 19:28:25 to 19:35:25 hrs. This indicates that A3 & A5 were at Perumbavoor to see the vehicle they had identified on the previous day. Since A3 is found to be a key conspirator, it can also be inferred that he was there to receive the vehicle especially in view of the evidence tendered by PW41 the brother of Ali that, to his knowledge Ali never purchased any vehicle for his use in 2010.

337. The prosecution is having a case that A3 Nasar was one among the 6 member group who trespassed into the house compound of PW26 on 17.05.2010. It is said that he stood on the roadside near to the motorbikes parked and the other men had gone into the residence of PW26. Prosecution would say that A3 Nasar was spotted by Salomi the wife of PW26 as well as PW15 the cousin of PW26 who happened to be there in the house at that time. The evidence of Salomi is not available since she is no more. PW15 would say that he followed those men who came to the house and while standing in the courtyard he spotted A3 who was standing on the low lying road, at a distance about 10-15 feet. He identified A3 for the first time in court. PW15 was not called upon to participate in the Photo Identification Parade to identify A3. Only Salomi participated. PW15 while giving

evidence in SC.01/2013 failed to clearly identify certain persons who entered the house compound whom he had occasion to see at a closer distance. No other evidence is available to corroborate the identification made by PW15. In this given circumstance, the learned defence counsel is perfectly right in his submission that it is wholly unsafe to rely upon the uncorroborated testimony of PW15 to prove that A3 Nasar was a member of the group who trespassed into the house compound of PW26 on 17.05.2010. Anyway, the failure to prove the identity and participation of A3 in this incident is of no consequence since there is sufficient reliable evidence to prove his involvement. It stands proved that A3 concealed himself for about five years and his intention was nothing but to screen himself from legal punishment. His concealment for such a long period will lend assurance to the finding already arrived at. It is also to be noted that the prosecution could not recover many of the mobile SIMs and phones used for the purpose of committing the offence. The fact that he was using seven mobile SIMs at the relevant time and many number of phones stands proved. Some of the phones were produced by third parties. That means he had disposed the same for causing disappearance of evidence. The said fact also stands proved.

338. To sum up, it stands proved beyond doubt that A3 Nasar was a party to the conspiracy agreement as well as a member of the gang constituted by the conspirators to do the homicidal attack on PW26, and as the key conspirator and the leader of the terrorist gang he controlled the entire activities which continued even to the post conspiracy stage also.

A4 Shefeeq

339. He is said to be a conspirator, particularly the person who destroyed the weapons used to commit the offence. Material witnesses cited by the prosecution to prove the participation of A4 in the conspiracy meetings turned hostile. In spite of all efforts made by prosecution weapons used for the commission of offence were not recovered. The failure to recover the weapons despite all efforts clearly indicates that the weapons should have been destroyed. But the liability cannot be fixed on A4 without any evidence to show that the weapons came in the hands of Shefееq after the commission of the offence. What is available on record is only a pointing out mahazar. It is stated that Shefееq pointed out a place called Irumalapady stating that from this place he received the weapons. There is absolutely nothing on record to confirm this statement. As far as Shefееq is concerned, the prosecution could not identify the mobile number he used at the time of the incident. It is to be said that the prosecution failed to prove its case against A4 Shefееq.

A5 Najeeb

1. Assisted A3 Nasar in procuring mobile Sims on 03.07.2010 for the sole purpose of using the same for the commission of the crime.
2. Assisted A3 Nasar in identifying a suitable vehicle i.e. MO11 omni van for the sole purpose of using the same for the commission of the crime.
3. On 04.07.2010 took position at Irumalappady and rescued the injured A1 and Shamsudhin (A5 in SC 1/2013) in KL 09 R 7541 black India car owned by the wife of Anwar Sadik (A34 in SC 1/2013) to

Thottakkattukara and then shifted to another car to reach the hideout.

4. Immediately after the incident A5 Najeeb went on hiding shifting from one hide out to another. He was in the Daffodils flat at Thrissur along with younis (A8 in SC 1/13) and A9 Noushad. He continued to abscond for 5 years till he was arrested from Coimbatore on 11.04.2015. His intention was to screen himself from legal punishment.

340. It stands proved that 2 Sims in the name of Selvaraj (mobile Nos. 9746855290 and 9946055745) were purchased on 03.07.2010 in between 2 pm and 2.30 p.m. from the shops 'Cell Corner' and 'RR Telecom' situated at Valanjambalam, in Ernakulam city by a third person. PW203 and PW204 are the salesman of these shops who had occasion to see the person who came and purchased the Sims. According to these witnesses the investigation officer summoned them on 29.04.2016 (after six years) and shown photos of different persons and asked them to identify the person who came to their shop to purchase the SIM and then they identified the right person. When they were called upon to identify the person in court, both of them at the first instance pointed at A4 Shefeeq. When A5 Najeeb was specifically pointed out to PW204 at the instance of the learned Prosecutor, he identified A5 Najeeb as the person who came to his shop to purchase SIM in the name of Selvaraj. At the same time PW203, after pointing out A4 Shafeeq voluntarily requested to permit him to identify the person again. As permitted by the court he once again gone near the dock, closely observed the accused for 3-4 minutes and then pointed out A5 as the correct person who obtained the sim in the name of Selvaraj. PW204 would explain that he mistook A4

for A5 since both are similar in appearance and all are wearing white dhoties and shirts. This being the quality of the evidence available on identification and considering the fact that these witnesses are identifying the accused for the first time in court after 10 years of the incident, as rightly pointed out by the learned defence counsel, the said evidence has its inherent weakness and the rule of prudence demands corroboration otherwise it is wholly unsafe to rely upon it.

341. The learned prosecutor would submit that cell ID location of the mobile phone of A5 Najeeb will show that he was at Malayala Manorama junction in between 13:47:18 to 14:28:30 hours, which is a place close to Valanjambalam, probably this tower location covers the Valanjambalam area also. Hence, according to the learned prosecutor, with the aid of the cell ID location, it can safely be held that it was A5 Najeeb who procured the Sims in the name of Selvaraj.

342. The submission made by the learned public prosecutor cannot be accepted. There exist a probability but that is not sufficient to confirm his identity. Presence of A5 in a city like Ernakulam during morning hours is a normal thing hence he need not explain it. His presence at that time would have lent assurance to his first time identification in court if the witnesses were able to properly identify A5 Najeeb. But the identification made by the witness is shaky. Prosecution is having a case that the memory of these witnesses were tested during investigation by way of photo identification and they had correctly identified the photo of A5. But the so called photo identified by the witnesses is not before the court. In this given situation the benefit of doubt shall go to the accused. Therefore the first circumstance stands not proved.

343. Coming to the second circumstance, I had discussed the evidence in this regard while discussing the part played by A3 Nasar and found that the evidence on record proved beyond doubt that A3 and A5 had together gone to Thrissur, visited PW9 and then went to PW224, examined the MO11 Maruthi omni van and found it appropriate and suitable for their purpose and thereafter on the next day A3 got the said van purchased on 15.06.2010 through A2 Sajil and K.K. Ali. The only weakness pointed out in the evidence is that PW224 was not able to identify A5. But that is not of much consequence since PW9 clearly identified A5 and more importantly the route map of the movement of both A3 and A5 as born out from their respective CDRs convincingly proved that they together moved to the destination at Thrissur on that particular date and time, and after spending considerable time there, returned to Aluva and further when K K Ali brought the vehicle on the next day both A3 Nasar and A5 Najeeb were at Perumbavoor to see the vehicle which they had identified on the previous day. Therefore it stands proved that A5 and A3 had gone together to Thrissur on 14.06.2010 to identify an appropriate and suitable vehicle for using it for the commission of the crime and they had identified MO11 omni van owned by PW224.

344. To prove harboring of A1 and Shamsudheen using the Tata India car of Anwar Sadik, prosecution rely upon following aspects:-

345. Firstly, the samples collected from the car contained blood stains. This is clear from the evidence of PW121 the scientific assistant who inspected the vehicle and collected samples, PW102 the Director, Serology, FSL, Thiruvananthapuram, whose report is marked as Ext. P180. Secondly, the CDR of

A3 Nasar, Anwar Sadik and A5 Najeeb will reveal that on 03.07.2010 at 22:43:46 hrs Nasar called Anwar Sadik, then he called A5 Najeeb at 23:42:17hrs and thereafter on 04.07.2010 there were 7 calls in between A5 and Anwar Sadik in between 6:15:12 and 7:03:56 hours. Further the evidence of PW225 the Investigating officer will reveal that on 14.04.2015 while A5 was in his custody he made a disclosure statement marked as Ext P145(a) that if he is taken he will show the place where he he waited in a black Indica car, and lead the investigation team to the Irumalappady canal junction and shown a place near it, and the mahazar of the said place is marked as Ext P145. According to the learned prosecutor, the above evidence satisfactorily prove the third circumstance.

346. It appears that the circumstantial evidence of cooperation relied upon by the prosecution is insufficient to have a conclusive inference in this regard. As rightly pointed out by the learned defence counsel, the forensic expert's report only prove blood stains in the sample collected from the car. But the expert was not able to say it is of human organ. More importantly, the samples were collected only on 09.01.2014, after almost 4 years, that too when this vehicle was in the possession of PW122 who purchased it in the year 2013. As far as the phone calls and pointing out mahazars, this would have helped the prosecution, if there is other evidence to prove that A5 was found at Irumalappady with this car. The sequence of the phone calls are genuinely suspicious and it leads to an inference of conspiracy but it cannot be said these calls were specifically intended to plan the harboring of the assailants using the Tata Indica car. That means, prosecution does not succeed in proving the third circumstance.

347. Coming to the fourth circumstance, A5 was arrested by PW225 from a shop by name 'Best Bag' at Coimbatore on 10.04.2015. PW116 is the owner of the building. PW124 is the relative of Abdul Hameed the tenant of the shop. PW124 was working in the said shop at that time. Their evidence will convincingly prove that A5 Najeeb was staying there introducing himself as 'Navas' under the pretext that he is baniyan exporter. There is nothing to disbelieve these witnesses. All these evidence will prove that A5 Najeeb had concealed himself and he was residing there under a Pseudo name. Before that A5 Najeeb was found staying in Daffodils flat at Thrissur along with Younus (A8 in SC 1/2013) and A9 Noushad herein immediately after the incident. PW54 Toni was the then interior designer working at Daffodils. He had given the sub contract of the carpentry work to PW50 Muhammed Iqbal a close relative of A5 Najeeb. PW54 identified A5 Najeeb and A9 Noushad as the persons found staying along with Younus and others as workers of PW50 Iqbal. The said Iqbal even though turned hostile to the prosecution admitted that A5 Najeeb stayed in the flat as a worker of him. A5 cannot take a position that he bonafidely stayed there as a worker for two reasons. Firstly he was seen along with two other accused persons. Secondly he changed hide out and continued to abscond until his arrest from Coimbatore where he lived under a false name. His intention was nothing but to screen himself from legal punishment. This constitute a relevant fact to prove his conduct.

348. In this context, one cannot miss out the enormous calls A5 had with A3 during the period upto 03.07.2010. In one number there were 50 incoming calls and 28 outgoing calls (Ext. P482 and Ext. P593). In another number 51 incoming calls

and 24 out going calls (Ext. P482 and Ext. P6190) and in another number 1 incoming call and 2 outgoing calls (Ext. P482 and Ext. P32). Most importantly there were 14 calls on 03.07.2010 in between 07:46:34 and 23:24:12 hours. It shall not be lost sight that on the next day morning the attack on PW26 took place. No explanation is forthcoming from A5 Najeeb in this regard especially the long conversation they had on the eve of the incident. He was always with his master A3 Nasar intentionally aiding and assisting him in all the activities undertaken in pursuance to the conspiracy agreement. From these circumstantial evidence of co-operation it stands proved that A5 Najeeb was a party to the conspiracy and played an active part in furtherance of the said conspiracy and after the incident he concealed himself to screen from legal punishment.

349. To sum up, it is proved beyond doubt that A5 Najeeb was a party to the conspiracy agreement as well as a member of the gang constituted by the conspirators to do the homicidal attack on PW26, and had actively participated in acts preparatory to the commission of the homicidal attack on PW26. Further, he concealed himself with an intention to screen from legal punishment.

A6 Azeez Odakkali

350. Since the material witnesses cited by the prosecution to prove the participation of this accused in the pre-incident conspiracy meetings turned hostile to the prosecution, what remains is only the indirect evidence by way of CDR and other related documents. The prosecution was only able to prove through Ext. P549 CDR that during the relevant period he had maintained close contacts over phone with A1 Savad (46 calls in 80 call out), with K.K. Ali (A12 in SC 1/13) (19 calls in 16

call out), with Shiyas (A13 in SC 1/13)(7 call in 6 call out), with Kasim (A29 in SC 1/130 (1 call in), with Shobin (A3 in SC 1/13) (8 call in 7 call out), with Manauf (A32 in SC 1/13) (17 call in 38 call out), with A2 Sajil (2 call in 8 call out) With A10 Mansoor (29 call in 38 call out), with A11 Moideen Kunhu (2 call out), with A12 Ayoob (1 call out), with Yunous (A8 in SC.01/13) (101 call in 76 call out), with Jaffar (A9 in SC.01/2013) (3 call in 9 call out).

351. As observed earlier, proof regarding enormous calls in between the accused will be a step forward to prove their involvement in the conspiracy but to finally arrive at a finding on guilt it further requires proof of some acts on their part in a way encouraging, supporting, abetting or assisting the commission of the offence. The said additional requirement is not available in this case. The prosecution was only able to point out that this accused went on hiding after the incident and he came out only after the disposal of the parent case wherein he was arrayed as an accused. This can be taken as an additional link to lend assurance to an adverse finding already arrived at on the basis of the other materials on record, but it can never be the sole ground to find the accused guilty. In other words prosecution failed to prove its case against A6.

A7 Muhammed Rafi

352. On 03.07.2010 at 21:51:44 hrs, he made a call to A8 Subair. On 04.07.2010 at 04:00:48 hrs he received a call from A8 Subair. At that time his Cell ID location was at Paravur Kavala. Thereafter his phone become disfuncnt and it become functional only at 14:14 hrs.

353. The mobile phone of A8 Subair also become disfuncnt after making the

call to A7 at 04:00:48 hrs and it became functional only at 13:00 hrs. This will reveal that A7 and A8 were on a mission to do an illegal act.

354. There is evidence to prove that 3 Sims fraudulently obtained on 03.07.2010 in the name of Selvaraj were put in use on 04.07.2010 in between 06.00 a.m. and 09.00 a.m. for facilitating the commission of the crime by the members of the pilot team, and the respective CDRs will reveal that all these three mobile SIMs were under the tower location of Muvattupuzha cell ID, within its limits lie the scene of occurrence, Nirmala Matha Church and the house of PW26.

355. There is evidence to prove that A8 Subair was found during the relevant time near Nirmala Matha Church and further that he was using one of the mobile numbers (9645631249) in the name of Selvaraj.

356. On 04.07.2010 at about 06.15 a.m, A7 was spotted on the road in front of the gate of PW26's house, while PW26, PW27 and their mother left the house to the church to attend the Sunday mass.

357. It can legitimately be inferred, especially since no explanation is forthcoming from the side of A7, that as a member of the piloting team A7 Rafi reached Muvattupuzha on 04.07.2010 at 06.15 a.m. and he was using one of the remaining two mobile SIMs (9746855290) in the name of Selvaraj.

358. After the incident, A7 Rafi went on hiding, continued to abscond to screen himself from legal punishment, and came out only after the disposal of the parent case. He surrendered on 09.10.2018.

359. I will consider the evidence on record. It is to be noted that PW26 & PW27 disclosed the fact that they had seen A7 Rafi on 04.07.2010 at 06:15 a.m. on

the front side of their house, for the first time while giving evidence in SC.01/2013. The explanation given is that they recollected this incident from their memory when the prosecutor put a question whether any other untoward incident had taken place on 04.07.2010, which can be related to the main incident. This is quite possible hence we need not disbelieve the witnesses completely. Every time a witness had an occasion to think about a shocking incident witnessed in his life he revisits his memory of it and then he would have the tendency to recollect every previous events which could have a connection with that incident. (Ref: Decision of Hon'ble Apex Court in **State of Maharashtra v. Suresh (1999 Supp(5) SCR 215)**). This appears to be what really happened with PW26 and PW27. When they made this disclosure further investigation was going on. Immediately the investigating officer initiated steps for conducting a photo identification parade. In that proceedings PW26 and PW27 identified the photo of A7 Rafi. On that day itself the investigating officer recorded the statement of PW26. He had given a statement that on 04.07.2010 at about 6.15 AM he had seen A7 near from the gate of his house. Subsequently when examined in this case both PW26 and 27 identified A7 Rafi as the man found near the gate on 04.07.2010 at 6.15 AM. The question is that whether the identification of A7 from the court by PW26 and PW27 can safely be relied upon. If we go by the version of PW26, on 04.07.2010 at about 06.15 a.m., while they were coming out of the gate of their house in car, he saw a stranger coming walking through the road, when the said stranger saw the car, he took side and looked at PW26. PW26 would add that since the said man was not from that locality and further that the said man stared at him he noticed his face, and for this

reason he was able to identify this man as A7 during PIT held after six years on 08.12.2016 and before this court (on 03.11.2021). PW27 also gave a similar version. She would add that since police had given standing instructions to take note of any stranger found in that locality, he looked at his man closely, and for this reason she was able to identify A7 during PIT and also before the court.

360. The learned defence counsel would submit that, it will be wholly unsafe to rely upon the uncorroborated testimonies of PW26 and PW27 to prove that the person they had seen on 04.07.2010 near from the gate is A7 Rafi.

361. It is true that there is nothing to disbelieve PW26 and PW27 that they had seen a stranger near from the gate on 04.07.2010 at about 06.15 a.m. But I find it not safe to rely upon that part of their statement regarding the identity of A7 is concerned. The reasons are the following. Firstly they had seen this man only for a short time, just seconds. They had seen him while they were moving in a car. They never stopped the car so as to have a close look on him. It has come in evidence that the road on the front side of PW26's house lead to a pathway which connects another main road and people even strangers, use it as an easy access. Therefore, only for the reason that a stranger happens to pass through this road, normally, it will not catch the attention of PW26 or PW27. Now what PW26 deposed is that a person on the road, seeing his vehicle, had taken side and closely looked at him. It is not a case, wherein, this man took position at a conspicuous place and was found closely monitoring the movements of PW26. In this circumstance, it is quite possible that the witnesses only had a casual eye contact with this man. In such a case there is every chance for error in

identification at this lengthy point of time. The materials to support this finding is available in the evidence of PW27 itself. While giving evidence in SC.01/2013 she deposed that, though she had spotted a person on the front side road of their house, she cannot identify him. During PIP, she had identified the photo of A7 Rafi but with a rider that she suspect this man is involved. In this case, she first pointed out A8 Subair and after a moment shown A7 Rafi. When she was confronted with her statement made in SC.01/2013, she tried to get over it, by saying that what she meant was that since that man was not facing trial in that case, she cannot identify that man. This explanation cannot be accepted since in no uncertain terms she deposed that she cannot recognize and identify that man.

362. Now I will consider whether PIP will improve the situation. It was conducted after almost six years. It was conducted by Special Tahsildar and Addl. Tahsildar, Koothattukulam and one among them had given evidence as PW126 (proceedings marked as Ext.P217). Any way for the very same reasons stated above, I find it not safe to accept the identification without corroboration.

363. The prosecution would say that A7 had pointed out this place as evident from Ext.P764 the pointing out mahazar. It gets support from the evidence of PW225 the investigating office who took A7 to that place, and PW226 and PW227 the witnesses to the pointing out mahazar. It is well settled that the pointing out mahazars by its own doesn't carry any evidentiary value. Further it is not clear whether the place mentioned in the mahazar is the place spoken by PW26 and 27. To reiterate, corroboration from some independent source is highly required to safely accept the identification of A7 made by PW26 and PW27 from the court. For

want of corroboration I am not able to confirm that A7 was the person found on the front side road of the PW26' house at 06.15 a.m. on 04.07.2010.

364. Ext.P558 CDR of A7 (Mob No:9048488990) will reveal that on 04.07.2010 at about 04.00 a.m. A7 received a call from Mob No.9809730137 of A8. It is true that till 14:14 hrs no calls were made or received from the phone number of A7. Learned defence counsel would submit that such intervals are not uncommon as evident from the CDR itself and it doesn't generate suspicion. The Cell ID location pointed out is the nearby location of his house and not a place away from the house of A7. Even if it is assumed that A8, had used one Sim in the name of Selvaraj and that he was found at Muvatupuzha on 04.07.2010 in between 6.15AM and 8.50AM and that he had not used his phone from 4AM to 1PM on that day, it doesn't mean that the other Sim in the name of Selvaraj was in use by A7 Rafi on 04.07.2010 in between 6.15 AM to 8.50AM. According to the learned counsel this is only a wild guess.

365. Another aspect pointed out by the defence counsel is that A7 is an Insurance agent. This has come out in evidence. Be it so, only because A7 was found near from the house of PW26 on 04.07.2010 at 06.15 a.m, it cannot be said that he reached there as a member of the piloting team and that he was using the mobile number obtained in the name of Selvaraj. It is further pointed out that if PW26 and PW27 are believed, they saw A7 at 06.15 a.m. If A7 was a member of the piloting team, he would have immediately passed over the information over phone that PW26 had come out from his house and proceeded to the church. But phone calls in between the so called leader and the members of the piloting team

started only by 08.37 a.m. It cannot be believed for a moment that, the member of the piloting team took 15 minutes more to pass over this vital information.

366. The submission made by the learned defence counsel has its own relevance and be given due weightage. On evaluating the materials on record it appears to me that though the circumstances pointed out by the prosecution are sufficient to create strong suspicion against the conduct of A7, those circumstances doesn't constitute a complete chain of events to reach out to A7 and the many gaps in the chain pointed out by the defence counsel, entitles A7 to get the benefit of doubt. That means legal evidence is lacking to connect A7 with the phone used by the piloting team, consequently his involvement in the above crime. The prosecution was only able to point out that this accused went on hiding after the incident and he came out only after the disposal of the parent case. This can be taken as an additional link to lend assurance to an adverse finding already arrived at on the basis of the other materials on record, but it can never be the sole ground to find the accused guilty. Therefore, the prosecution cannot make use of this circumstance.

367. To sum up the discussions I find that the prosecution failed to prove the involvement of A7 Rafi in committing the crime in whatsoever manner.

A8 Subair

368. On 03.07.2010 at 21:51:44 hrs, A8 Subair received a call from A7 Rafi. On 04.07.2010 at 04:00:48 hrs he made a call to A7 Rafi. Thereafter his phone become disfunc and it become functional only at 13:00 hrs.

369. The mobile phone of A7 Rafi also become disfunc after receiving the

call at 04:00:48 hrs and it became functional only at 14:14 hrs. This will reveal that both A7 and A8 were together on a mission to do an illegal act.

370. There is evidence to prove that 3 Sims fraudulently obtained on 03.07.2010 in the name of Selvaraj were put in use on 04.07.2010 in between 06.00 a.m. and 09.00 a.m. among the members of the pilot team for facilitating the commission of the crime, and the respective CDRs will reveal that all these three mobile SIMs were under the tower location of Muvattupuzha cell ID, within its limits lie the scene of occurrence, Nirmala Matha Church and the house of PW26.

371. There is evidence to prove that A7 Rafi was found during the relevant time near the house of PW26.

372. On 04.07.2010 at about 06.00 a.m., A8 Subair was found sitting on a motor bike, wearing a raincoat, at Hostelpady junction on the way to Nirmala Matha Church.

373. At about 08.00 a.m., immediately after Prof. Joseph left the church, A8 Subair wearing the very same raincoat was found moving on his bike in the same direction, while so he was talking to someone on mobile.

374. After sometime A8 Subair was spotted coming back on the motor cycle.

375. A8 Subair handed over his certificates kept in a cover and also a mobile phone to PW199 his neighbour and thereafter he absconded.

376. The mobile phone handed over by him was the phone used to make calls using one of the SIM cards (9645631249) fraudulently obtained in the name of Selvaraj.

377. It can legitimately be inferred, especially since no explanation is

forthcoming from the side of A8, that as a member of the piloting team, A8 Subair reached Muvattupuzha on 04.07.2010 at 06.15 a.m.

378. After the arrest, as per the disclosure statement given by A8 Subair, MO20 raincoat was recovered from his house. It was the very same raincoat used by him on 04.07.2010.

379. After the incident A8 Subair went on hiding, continued to abscond to screen himself from legal punishment and he came out only after the disposal of the parent case. He surrendered on 05.11.2014. His another set of certificate and mark list were recovered from one of the hideouts.

380. I will now consider the evidence available on record to prove these facts. Prosecution examined PW205 to prove the presence of A8 at 06.00 a.m. on 04.07.2010 at Hostelpady junction. He turned hostile to the prosecution. It is to be noticed that he is the only person participated in the TIP conducted to identify A8 Subair after his arrest. TIP proceedings is marked as Ext.P766. At that time also he failed to identify A8. During cross examination he would say that at the time of TIP his pressure shoot up and felt uneasiness. The proceedings prepared by the learned Judicial First Class Magistrate-I, Ernakulam doesn't prove the same. Anyway, it doesn't make any difference since he failed to identify A8 from the court also.

381. The next witness who had spoken on this aspect is PW51 Sr.Jessy Tressia. She was the Head Mistress of Nirmala Public School. On 04.07.2010 She attended the Sunday mass at Nirmala Matha Church. After the mass she had met Prof.Joseph and in fact he had offered a lift to her but she opted to go by walk. She

would depose that when she reached the gate of Jeeva Jyothi she saw a bike coming from the back side, it over took her and gone to the front. She noticed that the bike rider was wearing a rain coat and he was talking over phone. She was also able to say that it was a red colour bike and its registration Number starts with KL-08. When she reached ITC junction, she saw that person returning on his bike from the place of incident. From the court she identified MO20 as the rain coat worn by that person. When she was asked whether she will be able to identify the rider of the bike, she went near to the dock and pointed out A8 Subair and said that she suspect this man. Thereafter on her request she was permitted to have a close look on the accused persons. On that day six accused persons were present. PW54 observed them closely for about five minutes, and again pointed out A8 Subair and said that she suspect this man. PW51 is now aged 75 years.

382. The learned defence counsel would submit that it is wholly unsafe to believe her to fix the identity of the so called bike rider on A8 Subair. It is pointed out that the Investigating Officer attached to Kerala Police recorded the statement of this witness on 07.07.2010 itself. At that time she had not given any clue regarding the colour of the bike, its registration number or about the identity of the rider of the bike. All those omissions were brought out in evidence. She just avoided it by saying that she doesn't remember. More importantly she specifically told the Investigating officer that she failed to notice the registration number of the bike and further she had not seen the face of the bike-rider . This contradiction was marked as Ext.D32(a). She doesn't disown this statement.

383. No further statement of PW51 was recorded by the police. Later, she

gave evidence before the court in SC.01/2013. At that time also she failed to disclose that she had noticed the colour or the registration number of the bike or had seen the face of the rider.

384. After the arrest of A8 Subair, NIA conducted TIP. But for the reasons best known to the prosecution, she was not called upon to participate in TIP. Subsequently, PW225 the investigating officer had taken Subair near to the church and had shown him to PW51. PW225 would depose that while in custody Subair made a disclosure statement that if he is taken, he will show the place where he stood and accordingly as led by Subair they reached the place near Jeeva Jyothi Hostel, Muvattupuzha and then A8 pointed out the road margin on that side. Ext.P42 is the mahazar prepared by the investigating officer and Ext.P42(a) is the disclosure statement given by A8 Subair. PW225 would say that at that time PW51 Jessy Tressia and PW205 came there and both of them identified A8 Subair as the person found at that place on 04.07.2010. The defence counsel would submit that PW225 had really shown A8 Subair to these witnesses to make them believe that he was the person who drove the bike on that day. During cross examination PW51 would say that only because the investigating officer brought Subair and shown to her, she was able to point out Subair in the court. In Re-examination the learned public prosecutor put a question to PW51, is it the NIA who had shown Subair to her or is it she who identified Subair and shown him to NIA. To that question she raised a counter question that without showing the accused how can she identify the accused. Considering the whole evidence, it appears to me that her evidence is reliable to prove that she had seen a person on bike wearing a raincoat but I

don't find it safe to rely upon the first time identification of the accused in court after a long gap of 12 years.

385. Learned prosecutor would submit that the oral testimony of PW51 itself provide corroboration on three aspects and that will ensure the credibility to identification of the accused in court. They are the colour of the bike, the registration number of the bike even though she had stated only a part of it and the wearing of raincoat and its identification. It is submitted that the subsequent recovery of MO20 raincoat from the house of A8 Subair furnish additional corroboration.

386. It s to be taken note that she had spoken about the colour of the bike and the starting alphabet and numerical of the registration number of the bike for the first time while giving evidence in this case. When examined in SC.01/2013 she never stated the colour of the bike. Needless to say that it doesn't find a place in her 161 statement. In this circumstance an improvement made in evidence by the witness herself cannot be taken as a corroborative piece of evidence to support the testimony of the very same witness. Now comes the recovery of MO20 raincoat. The learned defence counsel heavily relied upon a contradiction brought out in evidence in her 161 statement as well as in the deposition in SC.01/2013, that on all earlier occasions she referred this object as a jacket. Only now she says that it is a raincoat. In evidence she made it clear that she knows the difference in between a jacket and a raincoat and MO20 is a raincoat. I don't find it a material contradiction because her earlier statement itself will give an indication that whatever be the name used she took it only as a raincoat. It is stated in her 161

statement that even though it was not raining this man was wearing jacket. This clearly indicate that the jacket she referred is a raincoat. Anyway MO20 is only a normal raincoat common in use. This fact is admitted by PW225 the investigating officer. Now the question is that how far this recovery is reliable. PW225 the investigating officer visited the house of A8 Subair on two occasions. The first visit was on 29.04.2014, in fact it was a house search. If we go by the disclosure statement given by A9 M.K.Noushad, he had handed over mobile phones to A8 Subair to give it to A3 Nasar and since Nasar was not available Subair had kept it in his house. PW225 searched the house of Subair and recovered one mobile phone, the Election ID card of Subair and one VCD from the bedroom on the north-eastern side which was kept in a plastic cover. Ext.P183 is the search list prepared and Ext.P765 is the disclosure statement. A8 Subair was arrested on 05.11.2014. PW225 would say that on 30.11.2014 he made a disclosure statement that he had kept the raincoat in his house and if he is taken to the house he will took the raincoat and hand over the same, and as lead by A8 Subair, the investigating officer and party reached the house of Subair and then A8 pointed out a raincoat which was kept at a storage place at the upper portion of the toilet attached to his bedroom. Accordingly MO20 raincoat was recovered. Further an insurance paper was also recovered from the bedroom which is marked as Ex.P45 and the mahazar is marked as Ext.P46. The mahazar will reveal that MO20 and Ext.P45 were seized from the bedroom situated on the south-eastern side.

387. Learned defence counsel would submit that the said recovery doesn't inspire confidence. PW25 visited the house on 29.04.2014 for carrying out a

thorough house search. Even if the disclosure statement of A9 is believed, A9 was unaware about the exact place where those mobile phones were kept. Therefore search if any conducted would have been a complete search. If MO20 raincoat was there at that time, PW225 would have seized it especially since the investigating agency was well aware that the man found near to the church was wearing a raincoat. Therefore it is sure that this raincoat was planted later to create false evidence. Secondly, brother of A8 was also staying in the same house and he was having a bike. Unfortunately he died in a bike accident in the year 2016. Materials on record points out a finger of suspicion against his brother. There is nothing in evidence to show that this raincoat was recovered from the bedroom of A8. The deposition of PW225 will also give indication in this regard. During cross examination PW225 admitted that the recovery of mobile phone effected on 29.04.2014 was from the bedroom of A8 Subair. He admitted that MO20 raincoat was recovered from another room. He has no case that Subair was occupying two bedrooms. No enquiry was made by him to the family members to find out who was using the said room. None of the family member is a witness to Ext.P46 mahazar. According to the learned defence counsel, the sec.27 recovery of MO20 raincoat is not at all credible and it cannot be relied upon.

388. The submission made by the learned counsel is to be accepted. PW225 would say that on 29.04.2014 they went for the sole purpose of recovering the mobile phone and therefore no search was conducted for rain coat. This statement cannot be accepted especially since raincoat is a material object which they were looking for and we cannot expect that investigating officer will not make

use an opportunity to recover it particularly when they had gone there for a house search. It is to be noted that along with the mobile phone two other items were also recovered. Nextly, PW225 admit that the raincoat and mobile phone were recovered from two different rooms. It is also admitted that Subair was having one brother and he was staying there at the time of search. He is one of the witness to Ext.P183 search list. Therefore I don't find it safe to rely upon the recovery of MO20 raincoat. That be so the disclosure statement cannot be read in evidence. Consequently the first time identification of A8 by PW51 from the court also lost its relevance.

389. Now I will consider the evidence on the recovery of MO114 mobile phone. This is the phone in which one of the SIMs purchased in the name of Selvaraj was inserted and used at the time of commission of the offence. PW225 took custody of this phone from PW199 the neighbour of A8 Subair. This phone was kept in the house of PW199. It was taken into custody on 04.01.2016 by way of Ext.P565 seizure mahazar. That means the recovery was effected almost six years after the incident. It is an admitted case that PW199 had used this phone by inserting his mobile Sim and detecting this, NIA reached to PW199. He then informed to the NIA that this mobile phone was handed over to him by A8 Subair along with a packet containing his certificates and thereafter he left the place. Subsequently when his phone got damaged he used this phone by inserting his SIM card. As per the 161 statement Shihab the brother of Subair later came and taken back the certificates. PW199 had given 164 statement before JFCM. But when examined before the court he turned hostile to the prosecution. He would say

that as tutored by NIA he had given statement before the JFCM. He deposed that it was Shihab who handed over the phone to him and not Subair.

390. Learned defence counsel would submit that whatever it be it is dangerous to use this evidence against A8 Subair. It is quite easy to create such evidence. A8 Subair cannot be made liable for the recovery of a phone from the house of PW199 only because that he happened to be a neighbour of Subair. If go by the prosecution version Subair handed over his certificate along with the phone No certificate was recovered from the hands of PW199. It is easy to say that the certificate alone was taken back by the brother of Subair leaving the phone in the hands of PW199. If it was really taken back by Suhaib NIA would have recovered it from Suhaib. But no such recovery was seen effected. Prosecution doesn't say what happened to that certificate. In this circumstance, the learned defence counsel forcefully submitted that A8 Subair cannot be made liable or answerable for the recovery of MO114 phone from the possession of PW199.

391. The submissions made by the defence counsel cannot be easily brushed aside. since PW199 turned hostile to the prosecution it needs evidence from some other source to connect Subair with the phone recovered from PW199. It is true that if we believe the statement given by PW199 in court the phone came to his hands from the house of Subair. But that itself is not sufficient to fix criminal liability on Subair without any further evidence in this regard. There were other adult members residing in the said at that particular point of time. Therefore the benefit has to go to the accused.

392. Ext.P558 CDR of A7 will reveal that on 04.07.2010 at about 04.00 a.m.,

he received a call from Mob No.9809730137 which was the number in use by A8. Its CDR is Ex.P291. At that time Subair was in use of another Mob No.9846007605, taken in his own name. Ext.P559 is the CDR of the said mobile number. These CDRs will reveal that after the call at 04.00 a.m. till 13:00 hrs no calls were made or received from the phone numbers of A8. Learned defence counsel would submit that such intervals are not uncommon as evident from the CDR itself and it doesn't generate suspicion. Even if it is assumed that A7, had used one Sim in the name of Selvaraj and that he was found at Muvatupuzha on 04.07.2010 in between 06.15 AM and 08.50 AM and that he had not used his phone from 4.00 AM to 2.00 PM on that day, it doesn't mean that the other Sim in the name of Selvaraj was in use by A8 especially since the prosecution failed to prove the recovery of MO114 phone. According to the learned counsel it is only a wild guess. There is force in the submission made by the defence counsel. The most important link evidence relied upon by the prosecution was the evidence of PW199. Since he had turned hostile no other evidence is available to connect A8 with the SIM obtained in the name of Selvaraj used by the conspirators on the date of incident. Here, it is also to be noted that in SC.01/2013 the definite case put forward by the prosecution was that the Mob No.9746855290 (the mobile number in the name of Selvaraj) said to be used by A8 Subair was used by accused P.V.Noushad said to be the third member in the pilot team. Learned prosecutor would submit that it was only a mistake which has been corrected in the supplement final report. Whatever it be since the link evidence is missing it is not possible to have a finding that A8 Subair was the person who made calls from the

mobile number obtained in the name of Selvaraj on 04.07.2010 in between 08.37 hrs and 08.50 hrs.

393. The prosecution was only able to point out that this accused went on hiding after the incident and he came out only after the disposal of the parent case. It has also come in evidence that on the basis of the disclosure statement given by P.V.Noushad (A37 in SC.01/2013) and as led by him PW225 the investigating officer reached the rented accommodation of PW76 Ameer at Tirur and on inspection recovered a cover which contained the certificate and mark list of A8 Subair. The said certificate and mark list are marked as Ext.P757 and P758. The mahazar is marked as Ext.P759. To the most, this recovery will only prove that A8 Subair had stayed in that premise. This fact can be taken only as an additional link to lend assurance to an adverse finding already arrived at on the basis of the other materials on record, but it can never be the sole ground to find the accused guilty. Therefore prosecution cannot bank upon this evidence.

394. To sum up the discussions I find that the prosecution failed to prove the involvement of A8 Subair in committing the crime in whatsoever manner.

A9 M. K. Noushad

1. On 04.07.2010 he took position at Irumalapady along with A5 Najeeb and rescued the injured A1 Savad and Shamsudhin (A5 in SC.01/13) in KL09 R 754 black Indica car owned by the wife of Anwar Sadiq (A34 in SC.01/2013), Thottakkattukara and then shifted them to another car to reach the hideout.
2. After the incident as directed by A3 M.K. Nasar, A9 M.K. Noushad

met Yunous (A8 in SC.01/2013) along with Manaf (A32 in SC.01/2013) at Sait Masjid Aluva, and harboured Yunous in the residential flat named Daffodils at Thrissur and stayed there along with Yunous.

395. The available evidence is not sufficient to prove the involvement of A9 in rescuing injured A1 Savad and Shamsudhin from Irumalapady to Aluva as alleged by the prosecution. The evidence on this aspect were discussed in detail while considering the involvement of A5 Najeeb. Therefore no further discussion is required on this point. Ext.P627 is the CDR of A9 Noushad. It will prove that he was in contact with Shanavas (A6 in SC.01/2013), Yunous (A8 in SC.01/2013), Siyad (A14 in SC.01/2013), Reneef (A15 in SC.01/2013) with Abdul Salam (A16 in SC.01/2013) with Kamarudeen (A17 in SC.01/2013) with A3 Nasar with Abdul Latheef (A25 in SC.01/2013), Shajeer (A27 in Sc.01/2013), Kasim (A29 in SC.01/2013), A5 Najeeb with Manaf (A32 in SC.01/2013, A6 Azeez Odali, Anwar Sadiq (A34 in Sc.2013), A11 Moideen Kunhu & A12 Ayoob. The most important calls are the four calls he had with M. K. Nasar immediately after the incident. These calls are relevant as far as his involvement in the alleged post incident conspiracy and activities that followed later. This I will consider at a later stage. Right now it is to be concluded that the prosecution failed to adduce any convincing evidence to prove his involvement in any activities carried out before the incident.

A10 Mansoor

1. At the post incident stage, A10 Mansoor hatched a conspiracy at Perumbavoor in the house of Anas (RA/1284 of Vengola Grama

Panchayath) along with Shiyas, Anas, Muhammedali, Manaf A11, Moideen Kunhu and others and entered into an agreement for harbouring the accused persons, causing disappearance of evidence and providing financial assistance to the family members, and in furtherance to that conspiracy, provided hideouts to the accused persons including Shanavas, Sajil and Pareed.

396. In fact the prosecution also allege that A10 Mansoor participated in the pre-incident conspiracy meetings on 28.03.2010 at Seema's Auditorium Perumbavoor, 03.07.2010 at Kakkanad in the house of PW45 Ansari. The prosecution failed to prove these conspiracy meetings and the evidence in this regard were discussed earlier. Merely from the contacts he maintained with the accused over phone it is not possible to draw any definite conclusions. The Prosecution failed to prove the involvement of A10 in any of the activities in relation to this crime at any stage before the commission of the offence. His involvement in the post incident conspiracy meetings and his activity in furtherance of that conspiracy will be considered later. Right now it is to be concluded that the prosecution failed to adduce any convincing evidence to prove his involvement in any activities carried out before the incident.

A11 P.P. Moideen Kunhu

1. After the incident on 04.07.2010 night, A11 Moideen Kunhu had a meeting in the house of PW12 Raihanath at Mannam (8/533 of Chittattukara Grama Panchayath) along with Siyad, A3 Nasar, Kasim and Manaf and arranged mobile phones, SIM Cards and Maruthi alto car with Reg No.KL08 AB 5597

belonging to PW70 Ansar for the escape of the accused, thereafter at Perumbavoor in the house of A20 Anas and entered into a conspiracy agreement for harbouring the accused persons, causing disappearance of evidence and providing financial assistance to their family members and in furtherance of that conspiracy provided hideouts to the accused persons including assailants Sajil, Shanavas and Pareed.

397. In fact the prosecution also alleged that A11 P.P. Moideen Kunhu participated in the pre-incident conspiracy meetings held on 28.03.2010 at Seema's Auditorium Perumbavoor, on 03.07.2010 at Kakkanad in the house of PW45 Ansari. The prosecution failed to prove these conspiracy meetings and the evidence in this regard were discussed earlier.

398. It is also alleged that A11 along with A3 Nasar, Yunous, Manaf and A12 Ayooob had conspired for the purpose of raising money for the purchase of Maruthi van and in furtherance of this conspiracy agreement Ayooob borrowed ₹1 lakh from PW206 and handed it over to Nasar. The prosecution rely upon the call details and the tower location to prove this allegation. It is pointed out that on 14.06.2010 Manaf contacted A3 Nasar and A11 Moideen Kunhu, thereafter A11 contacted A12 Ayooob. It is pointed out that the call pattern itself is so evidently discreet and the urgency is clear. Ext.P668 is the CDR of the phone number of Manaf. It will disclose that on 14.06.2010 at 20:11:43, 20:15:27, 20:45:45, 20:53:02, 21:06:52 hrs he contacted A3 Nasar. The learned prosecutor would submit that this type of frequent call pattern is never noted between Manaf and Nasar. Ext.P630 is the CDR of A11. It will disclose that at 10:54:17 hrs he made an outgoing call having

duration of 15 seconds to Manaf and he received a call back at 20:50:31 hrs from Manaf and the duration of the call was 46 seconds. On the same day at 17:49:11 hrs and 20:57:17 hrs, A11 received incoming calls having duration of 81 seconds and 88 seconds respectively from Ayoob. At 21:01:57 A11 made a call to A12, its duration was 54 seconds. Further it is pointed out that the mobile numbers of Ayoob and Nasar were found at Aluva Bank Junction on that day. The learned prosecutor would submit that these calls and the Cell ID locations proves a conspiracy in between these accused person and the purpose was to raise funds for the purchase of Maruthi Omni van. It is pointed out that the van was purchased on the next day.

399. It is to be bear in mind that all the persons involved are the leaders of the same party. They are all from Aluva and nearby places. More importantly the jewellery shop of A12 is near to Bank Junction, Aluva. Therefore their presence at that area is quite normal. Their mobile phones were found in that location not at odd hours. More importantly the specific case of the prosecution is that PW206 provided the fund to A12 Ayoob and the said fund was used for the purchase of Omni van. PW206 turned hostile to the prosecution. In this circumstance merely from the phone calls no inference can be drawn that there occurred a conspiracy meeting and in furtherance of that conspiracy meeting the amount was raised for the purchase of the omni van on the very next day. In other words prosecution failed to prove the involvement of A11 at a pre-incident level. Prosecution failed to prove the involvement of A11 in any of the activities in relation to this crime at any stage before the commission of the offence. His involvement in the post incident

conspiracy meetings and his activity in furtherance of that conspiracy, will be considered later. Right now it is to be concluded that prosecution failed to adduce any convincing evidence to prove his involvement in any activities carried out before the incident.

A12 Ayoob

1. After the incident A12 Ayoob hatched a conspiracy on the same day night in the house of Anas along with Anas, A11 Moideen Kunju, A10 Mansoor, and others and entered into an agreement for harbouring the accused persons, causing disappearance of evidence and providing financial assistance to their family members and in furtherance of that conspiracy provided hideouts to accused persons including assailants Sajil, Shanavas and Pareed.

400. The prosecution would allege that A12 Ayoob was also a conspirator at pre-incident level. It is alleged that A12 along with A3 Nasar, Yunous, Manaf and A11 had conspired for the purpose of raising money for the purchase of Maruthi van and in furtherance of this conspiracy agreement Ayoob borrowed ₹1 lakh from PW206 and handed it over to Nasar. Since PW206 turned hostile. The prosecution rely upon the call details and the tower location to prove this allegation. I had already discussed the evidence on records and come to a conclusion that the call details and the cell ID location relied upon by the prosecution is not sufficient to prove a conspiracy to raise fund for the purchase of Omni van. In other words prosecution failed to prove the involvement of A12 in any of the activities in relation to this crime at any stage before the commission of the offence. His involvement in

the post incident conspiracy meetings and his activity in further of that conspiracy, will be considered later. Right now it is to be concluded that prosecution failed to adduce any convincing evidence to prove his involvement in any activities carried out before the incident.

Post – Incident conspiracy

401. I will now come to post incident conspiracy meetings. The prosecution case is that in order to plan the future movements, A3 Nasar the leader, after the successful completion of the attack on Prof. Joseph, called A12 Ayoob and asked him to arrange a place to meet. The said Ayoob through Siyad (A14 in SC.01/2013) get in touch with PW71 Shihab and his wife PW12 Raihanath and made a request for the use of their house at Mannam for a conspiracy meeting. They agreed for the same, accordingly A3 Nasar and Kasim (A29 in SC.01/2013) who were together at Angamaly moved to Aluva and then reached Mannam. Before proceeding to Mannam, Kasim gave a call to Moideen Kunhu to attend the conspiracy meeting. Accordingly, A3 Nasar, Kasim, A11 Moideen Kunhu and others had a conspiracy meeting at Mannam from the house of PW12 & PW71. It was from Mannam A3 procured two mobile phones through others for the purpose of giving instructions with regard to the harbouring of the offenders. Thereafter upon the directions of A3 Nasar, Yunus (A8 in SC.01/2013) met A9 M.K. Noushad at Sait Masjid, Aluva. Later, Yunous was taken to a flat at Thrissur by name Daffodils. Along with Yunous A5 Najeeb and A9 Noushad stayed there for harbouring Yunous and to conceal themselves to screen them from legal punishment. Later, another round of conspiracy meeting was held at the house of A20 Anas on the same day at

Perumbavoor, attended by A11 P.P.Moideen Kunju, Manaf (A32 in SC.01/2013), A12 Ayooob and A10 Mansoor. This conspiracy meeting was held at about 18 hrs. The further case of prosecution is that on the night of 04.07.2010, A3 Nasar reached the house of PW93 Sirajudeen at Chandiroor, stayed there and left on the next day. A12 Ayooob and A11 P.P.Moideen Kunhu also reached there and thereafter had discussions on future plans. At that place A3 Nasar kept concealed two SIM cards and later left the place and moved out to the other hideouts. This is the sum and substance of the post incident conspiracy meetings connecting the accused who are facing trial in this case.

402. Needless to say, it is very difficult to get direct evidence to prove conspiracy. Judgment on conspiracy is essentially a judgment on inference. Moreover, these conspiracies being hatched after the incident knowing fully about the crime committed, long deliberations with key conspirators or meeting them at different places at a stretch will provide a safe premise to infer a conspiracy and its object will be nothing but harbouring the prime accused persons. Keeping in this mind, I will consider the evidence on record. It stands proved from the data available in the CDR, that A3 Nasar who was in and around Angamaly at the time of commission of offence had reached Mannam through Aluva by 12.00 noon. Ext.P473, P546, P620 & P621 CDRs together with the de-coded Cell ID locations will prove the same. On that day, two mobile SIMs were purchased in the name of PW106 and PW80 from Mannam and it reached the hands of Nasar. The mobile phones and SIMs were later recovered from the house of Nasar. These aspects were discussed earlier. By that time A3 Nasar had stopped using all his regular

phone numbers. Anyway the CDRs of the new numbers will reveal that he was at Mannam from 12:36:32 to 13:24:19. Ext.P664 is the CDR of Kasim. It will reveal that at 09:00:05 a.m. he made a phone call to A11 P.P. Moideen Kunhu. After that Moideen Kunhu also reached Mannam. Ext.P532 is the CDR of A11 Moideen Kunhu. It will reveal that on 04.07.2010 in between 10:21:09 and 12:25:46 he was at Mannam. Neither A3 Nasar nor A11 Moideen Kunhu offered any explanation for their visit to Mannam. Eventhough, PW12 & PW71 the wife and husband as well as PW109 and PW80 the persons who purchased the SIM from Mannam on 04.07.2010 turned hostile and failed to support the prosecution, the CDR records provide a reliable information that they were on contact over phone and later they reached Mannam. The circumstantial evidence of co-operation in between A3 the master conspirator and A11, lead to a positive inference that they really met at Mannam and deliberated on the future plans in connection with the crime already committed. The future plans can be nothing but harbouring of the prime accused. Otherwise they have to explain it.

403. The evidence brought on record will further prove that A11 had gone to Chandiroor a place where A3 Nasar had concealed SIM cards in order to cause disappearance of evidence. The presence of A11 at Chandiroor on early morning hours of 05.07.2010 at about 07:59:60 stands proved. After the arrest of A3 as per the disclosure statement given by him, PW225 the investigating officer recovered two SIM cards from the house of PW93 at Chandiroor. The two SIM cards seized were marked as MO48 and MO49. MO49 is the SIM with Mob No.9048686611. The above evidence will convincingly prove that after the incident Nasar had gone

to the house of PW93 Sirajudhin even though PW93 failed to support the prosecution. The learned defence counsel would submit that A11 was at Chandiroor on earlier occasions also, and his travel to that place doesn't generate suspicion. The said submission cannot be accepted. It is not at Chandiroor alone both Nasar and A11 Moideen Kunhu were found together. They were also found together at Mannam. These two locations have absolutely no connection to each other. They lie in different directions. The only connection is that A3 the key conspirator had gone to both these places. From the first place he obtained two set of mobile phones and SIM cards and at the second place he concealed two SIM Cards. A visit by A11 to these two places in continuation, at a time when A3 was there is sufficient to infer a conspiracy in between them. It is to be noted that A11 Moideen Kunhu went to Mannam after getting a call from the mobile number of Kasim ie. 9567712600. The said SIM card was also seized from the house of Sirajudhin at Chandiroor as per the disclosure statement given by A3 Nasar. This will indicate that the call A11 Moideen Kunhu received at 09:00:14 a.m., is a call made as instructed by A3 Nasar. It provides an additional link to fortify the case against A11. These circumstances are sufficient to draw a conclusive inference that A3 Nasar and A11 Moideen Kunhu had conspired each other on 04.07.2010 afternoon and later at Chandiroor. A post incident conspiracy meeting in between A3 and A11 stands proved.

404. Now I will come to A9 M. K. Noushad. Ext.P627 is the CDR of A9 Noushad, Ext.P673 is the CDR of the Mob No.9037220794 used by A3 M. K. Nasar and Ext.P663 is the CDR of the phone used by Yunous. A close scrutiny of the

calls made in between, will reveal that immediately after the incident, at about 08:18:02 hrs Yunous received a call from A3 Nasar. After that there were four calls in between A3 Nasar and A9 Noushad and the last one received was at 10:09:14. Immediately, Nasar called Yunous at 10:11:01 hrs. It is after this call both Yunous and A9 Noushad met at Aluva near Sait Masjid. The CDR of A9 Noushad will prove that at 13:26:48 hrs he was at Aluva. PW75 though a hostile witness, would say that the distance in between Aluva Bank Junction and Sait Masjid is only 50-100 meters. This will prove that the location of the mobile phone of A9 Noushad is at Aluva near to Sait Masjid. Prosecution would say that Manaf (A32 in SC.01/2013) was also present there and Ex.P22 CDR of Manaf will prove that at 11:19:20 hrs he was at Mannam and later from 13:39:52 hrs to 14:01:06 hrs he was at Aluva near to Sait Masjid. It doesn't end there. Later, Yunous and M.K. Noushad together with A5 Najeeb were found in the flat named Daffodils at Thrissur. Evidence on record will prove that they were in the flat for days. PW54 is Tony the interior designer who had undertaken work of the flat No.7-B of Daffodils. He had given sub contract of carpentry work to PW50 Muhammed Iqbal a relative of A5 Najeeb. PW54 used to undertake supervision visits at regular intervals. He had seen Yunous, A9 Noushad & A5 Najeeb in the said flat. They were staying in the flat as workers of PW50 Iqbal. PW50 identified Najeeb from the court. He doesn't say anything about Yunous and Noushad. Anyway he has no case that he had employed Yunous and Noushad as employees. Yunous is a person who had played an active role in hatching criminal conspiracy to plan and execute the attack on Prof. Joseph. He was taken care by M.K. Noushad by staying along with him in the Daffodils flat at

Thrissur which he would have no occasion to visit and stay in the normal course of events. No explanation is forthcoming from his side. A9 Nousad was arrested by PW223 on 12.06.2011. PW223 deposed that, while in custody the accused led him to the front-yard of Sait Masjid at Aluva and then took him to Thrissur and pointed out the Flat No.7B of Daffodils apartment. PW69 is the witness to the pointing out mahazars. He supported the version given by PW223. Since it stands proved from the other evidence that A9 was in Aluva near to Sait Masjid and also stayed in Daffodils Flat, this pointing out mahazar lend assurance to the other evidence available on record. In this circumstance it can legitimately inferred that he is a party to the post incident conspiracy and in furtherance of the said conspiracy, he, a a person assigned with the duty to harbour the main accused persons, had visited Aluva, met Yunous near to Sait Masjid, and stayed along with Yunous in Daffodils flat at Thrissur taking care of him.

405. The other accused persons said to be co-conspirators in post incident criminal conspiracy are A10 Mansoor & A12 Ayoob. According to the prosecution they along with A11 P.P. Moideen Kunhu and others met from the house of A20 Anas at Perumbavoor on the same day in between 08.00 to 10.00 p.m. Material witnesses cited to prove this meeting turned hostile. What is available is only indirect evidence through CDRs. Ext.P630 is the CDR of A11 Moideen Kunhu. He was found at Perumbavoor at 20:59:19 hrs. Ext.P631 is the CDR of A12 Ayoob. His phone was found at Perumbavoor from 20:56:48 to 22:43:41 hrs. Ext.P562 is the CDR of A10 Mansoor. His phone was found at Perumbavoor from 20:51:49 to 22:59:02 hrs. The above evidence will prove that all of them were at Perumbavoor

in between 8.00 p.m. to 10.00 p.m. A3 was not a participant of the said meeting. Be it so, a mere one time gathering doesn't prove any conspiracy. It requires something more to have such an inference. There is nothing on record to prove that A10 Mansoor was closely in touch with A3 Nasar or other key players on 04.07.2010 immediately after this incident. At the same time, the case of A12 Ayoob is different. Records reveal that in between 08:28:14 and 08:56:01 hrs, there were five phone calls in between A3 Nasar and A12 Ayoob. No explanation is forthcoming from the side of A12 Ayoob under what circumstances they contacted each other at this crucial point of time by way of five calls both incoming and outgoing. More importantly, A12 Ayoob was found at Chandiroor on early morning on 05.07.2010 in between 05:22:45 to 08:57:49 hrs. CDR will further reveal that at odd hrs he had gone to Chandiroor. He was spotted at 00:00:08 hrs at Ernakulam at 00:12:58 hrs near Lakeshore hospital and then crossed to Chandiroor in Alleppey District. It is further revealed that he left Chandiroor back to Ernakulam at 08:57:49 hrs. At 09:09:36 hrs he was found near to Lakeshore hospital. His contacts with PW202 who is said to be the person who had taken A3 Nasar to Chandiroor in car is also suspicious. It is true that PW202 turned hostile to the prosecution. But the CDR of his phone (Ext.P550) will go to show that there were two calls in between them on 04.07.2010 at 23:02:57 and 23:02:48 hrs and in continuation of that, three calls on 05.07.2010 at odd hrs at 00:00:08, 00:01:22 and 00:01:41. The other crucial material is the tower location of the phone of PW202. At 00:00:09 his phone was at Vennala Bypass, Ernakulam. It reached Chandiroor at 03:18:46. The said phone continued to be there till 08:12:45. After that, return journey started. At

about 10:10:08, he reached back Vennala Bypass. I had already discussed the evidence against A11 Moideen Kunhu. The said Moideen Kunhu had also travelled to Chandiroor and his phone was located there at early hours on 05.07.2010. He also returned back at about 08.00 a.m. No explanation was given by him about this particular journey, which was in continuation of his meeting with A3 at Mannam. The journey undertaken by A11 & A12 to Chandiroor was really a positive act on their side to assist the key conspirator to find out ways for harbouring the assailants. Here, it is also to be taken note that A11 also contacted PW202. The call was at 10:12:16 a.m. on 04.07.2010. The circumstantial evidence on co-operation is sufficient to infer a conspiracy in between A12, A11 and others including the key conspirator Nasar. Therefore it stands proved that A9, A11 and A12 were parties to the post conspiracy meetings initiated under the direction of A3 the master conspirator for evolving ways and means to harbour the assailants and all these accused had acted in furtherance of the said conspiracy agreement to encourage and assist harbouring of the assailants. It is true that there is no evidence to prove that A11 & A12 had provided any hideout to any of the accused persons. That is not of much relevance. Conspiracy itself is a substantive offence. Moreover it cannot be lost sight that A1 is still at large. A5 was arrested only on 11.04.2015, A2 surrendered only on 03.08.2016 and A3 on 06.11.2015. Therefore it is clear that the plan to harbour the accused had given effect to. This will further prove that these accused person who are having clear knowledge about the offence committed, intentionally omitted to give information of the offence, and they are liable for the legal consequence that follows. At the same time there is no

evidence to prove that A10 participated in any post incident criminal conspiracy meeting and had done anything to abet or assist in giving effect to the conspiracy agreement. To that extent, the prosecution has succeeded in proving its case regarding post incident conspiracy agreements.

406. To sum up the prosecution has succeeded in proving the involvement of A9, A11 and A12 in the post incident conspiracy meetings, and they are liable for the offences for harbouring the offender and their failure to give information of the offence.

407. The factual discussions to identify the role played by each one of the accuse who are facing trial in this case is now complete. It is well settle that conspirators are equally liable for the completed crime. The extent of the conspirators liability is well explained by the Hon'ble Supreme Court in **Firozuddin Basheeruddin and ors v. state of Kerala (AIR 2001 SC 3488)** as follows ;-

“Conspiracy is not only a substantive crime. It also serves as a basis for holding one person liable for the crimes of others, in cases where application of the usual doctrines of complicity would not render that person liable. Thus, one who enters into a conspiratorial relationship is liable for every reasonably foreseeable crime committed by every other member of the conspiracy in furtherance of its objectives, whether or not he knew of the crimes or aided in their commission.” To that extent, all the conspirators are liable.

408. Before identifying what are all the offences committed by the accused whose complicity stands proved, I will look into the offences charged in this case. The most grievous offences charged against the accused are the offences

punishable u/s.16, 18 & 20 of the UA(P) Act, Sec.307 IPC and Sec.3 of Explosive Substances Act. The learned defence counsel would submit that none of these penal sections apply to this case.

Was it a terrorist Act

409. According to the learned defence counsel, the penal offences under the UA(P) Act were included with a malafide intention to deny the protection guaranteed under the Constitution of India. To bring it in the realm of the UA(P) Act, a false allegation is seen made that the accused conspired and decided to attack Prof. Joseph, with intent to strike terror in a section of people. The defence counsel would say that these are all the imagination of the prosecution and the incident did not create any impact on the society. If we go by the evidence it was only an attack on an individual. If it is only as a consequence of a criminal act that fear, terror/panic is caused but there was no intention to cause such fear, terror/panic, then the penal provisions under the UA(P) Act will not apply. This is the settled position It is equally settled that merely because the victim belongs to a particular community no inference could be drawn that the accused intended to strike terror in that section of the society. Otherwise invariably in all cases coming under Sections 324, 326 and 307 IPC, Section 15 r/w 16 of the UA(P) Act can readily be incorporated. If such is the situation, all the offences under the Indian Penal Code and other special enactments will become redundant. To substantiate his contention the learned defence counsel relied upon the decisions of the Hon'ble Apex Court in **Bonkya @ Bharath Siavji mana and ors v. state MP (1996SC257**, in **Hitandra Vishnu Takur and ors v. State of Mah (AIR1994SC2623)**, in **Niranjan Singh**

Karam Singh Punjabi v. Jithendra Bhimraj Bijja and ors (AIR1990 SC1962) and in Pulindas @ Pannakoch v. State of Assam (2008 (2) KLT Suppl 1200).

Learned defence counsel would submit that the following factual aspects will make it clear that the alleged incident was only an attack on a individual. It is pointed out that even according to the prosecution the assailants targeted PW26 alone. Prosecution would say that PW1 attacked A1 Savad with a chopper. Still no counter attack was made by the assailants. PW1 was just forcibly removed from the place. In the same way only minimum force was exercised on PW27 who attempted to rescue PW26. None of the people gathered there were attacked by the assailants in any manner. Even according to the prosecution the so called explosive substances were not thrown at any person but it was exploded on the road causing absolutely no injuries to the person or property. All these will make it clear that the alleged incident was just an individual attack on Prof. Joseph and there is absolutely nothing to infer that the assailants ever intended to strike terror in the minds of the people or a section of the people.

410. The learned special public prosecutor would submit that the intention of the accused was nothing but to strike terror in the minds of the people and to achieve the said object they attacked and chopped the right hand of Prof. Joseph in public vicinity in broad daylight and had thrown the severed hand into a house compound. The assailants decided to attack Prof. Joseph on a Sunday while he was returning to church after attending the holly mass. They had many occasions to attack PW26 from his house itself. They even avoided attacking him on his way to the church. That means assailants were so particular that the attack shall go on

in the vicinity of the public especially in the presence of the persons who are coming from the church after attending the Sunday mass. The learned prosecutor made reference to the stand taken by PFI and SDPI on this issue. According to the learned prosecutor all these will bring out the real intention of the assailants, the intention was nothing but to strike terror in the minds of a section of the people. The learned prosecutor would submit that some of the accused in this crime had earlier approached the Hon'ble High Court contending that the penal offences under the UA(P) Act doesn't apply to the facts of this case. The Hon'ble High Court for valid reasons rejected those contentions and the said finding still holds good.

411. Under Section 15 of the UA(P) Act, any act likely to strike terror in the mind of the people by bomb explosion or by use of explosives, lethal weapons or other substances in the process of causing murder or causing injury or causing damage or destruction of property amounts to a terrorist act.

412. The legal position is well settled. What is important is the intention not the consequence of the crime. Thus If a person goes on a shooting spree and kills a number of persons, it is bound to create terror and panic in the locality but if it was not committed with the requisite intention as contemplated by the section, the offence would not attract the penal provisions under the UA(P) Act. On the other hand, if a crime was committed with the intention to cause terror or panic or to alienate a section of the people or to disturb the harmony etc. it would be punishable under UA(P) Act, even if no one is killed and there has been only some person who has been injured or some damage has been caused to the property.

413. Intention is a state of mind which is to be gathered from the attending

facts and circumstances. Here is a case wherein the victim was in no manner directly connected to any of the accused. The accused party did not know the whereabouts of the victim earlier. The individual accused persons did not have any personal animosity towards the victim. The organisation to which the accused belongs to never took it as an individual issue but addressed it as a communal issue. It addressed its cadres to wake up and to take up a fight against the rival section of the society. The victim was referred as a Christian terrorist. Thereafter a criminal conspiracy was hatched whose aftermath was the homicidal attack on PW26. Even though the accused had many occasions to attack Prof. Joseph from inside premises but they avoided it and scheduled it on a Sunday, from a public road that too at a time when the people are on their way back after attending the Sunday mass. All these will make it clear that Prof. Joseph was attacked with a clear intention to strike terror, panic and fear among the section of the people.

414. Two accused Kamarudheen and Sikkander Ali Khan (faced trial in SC1/2013) approached the Hon'ble High court contending that the provisions under the UA(P) Act will not attract to the facts of this case. On both occasions the Hon'ble High Court held that a crime of this nature had a terrorizing effect on the persons who witnessed this incident and also a far reaching impact on the nation itself.

415. In **Kamarudheen v. SHO Muvattupuzha Police Station (2011 (1) KLT 342)** our Hon'ble High Court held:- "The offences alleged were committed in broad day light on the public road, giving a feeling of insecurity among the public at large and thereby perpetrators could strike terror in mind of the people. The crime alleged

could give a feeling that those who do any act which the people like the perpetrators doesn't like or tolerate would be dealt in a brutal manner. Such a feeling is more than sufficient to threaten the security of the people and the Nation. Having due regard to the nature of crime, we find that it had a terrorizing effect on those who had witnessed the incident. The terror, fear and panic which the victim, his wife, mother, son and those who witnessed is unfathomable and tend to demoralize the ordinary man as observed by the Apex Court in an identical case, reported in ***Ravindra Shantram Sawant v. State of Maharashtra*** (AIR 2002 SC 2461). The crime had created far reaching consequences and would affect the society at large. It may even disturb the harmony in the society and even the public life. In the above circumstances, we find that the offences alleged against the appellants would come within the definition of 'Terrorist act' under S.15 of the UA(P) Act, 1967 and is punishable under S.16 of the said Act.”

416. By making specific reference to the fact of the case Hon'ble High Court further observed as “Here, in this case, the allegation against the appellants would show that appellants along with others hatched conspiracy pursuant to which seven assailants formed into an unlawful assembly and armed with lethal weapons like hatchet, chopper, explosive substance etc. and with the lethal weapons they caused bodily injury to Prof. Joseph and his right palm was amputated. The motive as stated earlier, is that the victim had prepared a question paper in Malayalam for the internal examination of B.Com students ridiculing Prophet Mohammed. Though the assailants who are aggrieved of such question paper had not chosen to assail the so called ridiculing of Prophet Mohammed through the procedure established

by law, they took law in their own hands and chopped away the hand with which the question paper was drafted.”

417. All the above discussions will make it clear that the objection taken up by the defence against the applicability of sec.15 r/w 16 of the UA(P) Act is not sustainable.

418. The remaining offences charge under UA(P) Act are those under Section 18 and 20. Sec.18 prescribes the punishment for conspiracy to commit a terrorist act and sec.20 prescribes the punishment for being member of a terrorist gang. Section 2(l) defines “terrorist gang”. It means any association other than the terrorist organization whether systematic or otherwise which is concerned with or involved in terrorist act. The word used “is concerned with or involved in terrorist act”. Here, the terrorist act was committed not by an individual but a group of persons. Every member of this group who had contributed for accomplishing the intended terrorist act are liable to be punished for being a member of the terrorist gang, though only the persons who had actually participated in the terrorist act can be punished for the offence u/s.16 of the Act. Since it is found that the crime committed by the accused is a terrorist act, Sec.18 the penal provision for the conspiracy behind it and Sec.20 the penal provision for membership in a terrorist gang equally applies to this case.

Was it an Attempt to murder

419. Next grievous offence included in the charge is sec.307 IPC. The said section prescribes the punishment for an attempt to commit murder.

420. The learned defence counsel would submit that even if we go by the

prosecution case, the intention of the assailants were only to chop the right hand of PW26. The injuries sustained by PW26 are only on his limbs. Here all the assailants are said to be armed with dangerous weapons. If the assailants had a real intention to commit murder, they would have easily done it. One or two blows on the head or neck would have served the purpose. Absolutely, no injuries were inflicted on the vital parts of the body. All these will give a clear indication of absence of any intention on the part of the assailants to commit murder. Under Sec.307 IPC, a court is punishing a person for his intention and not for any injury caused by him. The learned defence counsel would submit that to the most Sec. 308 will apply but under no circumstance Sec.307 is attracted. To substantiate his contention he relied upon the following decisions of the Hon'ble Supreme court and Hon'ble High Court of Kerala. 1) **John @ Kunjukutty v. State of Kerala)(1969 KHC 104)** 2) **Mangal Singh v. Krishna Singh (2009 (2) KLT Suppl 1399)**, 3) **Benny Paul v. State of Kerala (2016 (2) KLT SN27)**.

421. The learned prosecutor would submit that the intention of the assailants was nothing but to kill PW26. It is pointed out that among the assailants only A1 was armed with an axe. He inflicted the injuries the assailants really intended to inflict on PW26. The major injuries inflicted by him are 1) chopping of the right hand at wrist level using the axe. 2) cutting of the sole surface of the left feet with the axe causing cut on the bones of four fingers of the feet. The corresponding injuries noted by the doctor are multiple deep lacerated injuries on the left leg lower 1/3rd and lacerated wound on the left foot.

422. In fact PW26 had sustained more injuries. The learned prosecutor

would submit that the only reason for inflicting injury on the left wrist is that A1 mistook it as right hand. This is evident from the conversation between the accused persons during the commission of the crime. The other injuries seen on the victim were inflicted on him to avoid the victim from escaping while he tried to escape. According to the learned public prosecutor the corresponding injuries on the right hand and left leg were inflicted with a specific purpose as deposed in evidence by PW225 Abdul Khader the Chief Investigating Officer, that it is as prescribed by the religious text. The learned prosecutor quoted the verse contained in Surah Al-Maidah 5..33 which is as follows:- *“The recompense of those who wage war against Allah and His Messenger and do mischief in the land only that they shall be killed or crucified or their hands and their feet be cut off on the opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter.”* According to the learned public prosecutor this proves the intention of the accused that they wanted to Kill PW26, hence 307 IPC is readily attracted.

423. The learned prosecutor also wanted to look it from another point of view. It is submitted that since the assailants had a clear intention to inflict those particular injuries referred above and the medical evidence is to the effect that those injuries are sufficient to cause death in the ordinary course of nature, it falls well within the third clause to sec.300 IPC and in such cases it is not necessary that the accused shall have the knowledge that the injury they intended to cause is sufficient to cause death. That means the accused cannot take up a contention that they had no intention to cause death. For the said reason also, sec.307 IPC

squarely apply.

424. To have a better understanding sec.300 IPC is extracted hereunder:-

Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or

2ndly – if it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or

3rdly – If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or

4thly – If a person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

425. The authority on Sec.300 3rd clause is the celebrated judgment of Hon'ble Supreme Court decision in **Virsa Singh v. State of Punjab (AIR 1958 SC 465)**. The Hon'ble Apex Court held that to bring a case under Section 300 of IPC “thirdly, first it must establish, quite objectively, that a bodily injury is present, Secondly, the nature of injury must be proved; these are purely objective investigations. Thirdly, it must be proved that there was an intention to inflict that particular bodily injury, that is to say, that it was not accidental or unintentional or that some other kind of injury was intended. Once, these three elements are proved to be present, the enquiry proceeds further and, Fourthly, it must be proved that the injury of the type just described made up of three elements set out above is sufficient to cause death in the ordinary course of nature. This part of the

enquiry is purely objective and inferential and has nothing to do with the intention of the offender.

426. The Apex court further held that : Once these four elements are established by the prosecution (and, of course, the burden is on the prosecution throughout) the offence is murder under S.300 "thirdly". It does not matter that there was no intention to cause death. It does not matter that there was no intention even to cause an injury of a kind that is sufficient to cause death in the ordinary course of nature (not that there is any real distinction between the two). It does not even matter that there is no knowledge that an act of that kind will be likely to cause death. Once the intention to cause the bodily injury actually found to be present is proved, the rest of the enquiry is purely objective and the only question is whether, as a matter of purely objective inference, the injury is sufficient in the ordinary course of nature to cause death. No one has a license to run around inflicting injuries that are sufficient to cause death in the ordinary course of nature and claim that they are not guilty of murder. If they inflict injuries of that kind, they must face the consequences; and they can only escape if it can be shown, or reasonably deduced, that the injury was accidental or otherwise unintentional".

427. In considering whether the intention was to inflict the injury found to have been inflicted, the Honorable Apex Court made the following observations; "the enquiry necessarily proceeds on broad lines as, for example, whether there was an intention to strike at a vital or a dangerous spot, and whether with sufficient force to cause the kind of injury found to have been inflicted. It is, of course, not necessary to enquire into every last detail as, for instance, whether the prisoner

intended to have the bowels fall out, or whether he intended to penetrate the liver or the kidneys or the heart. Otherwise, a man who has no knowledge of anatomy could never be convicted, for, if he does not know that there is a heart or a kidney or bowels, he cannot be said to have intended to injure them. Of course, that is not the kind of enquiry. It is broad based and simple and based on commonsense: the kind of enquiry that "twelve good men and true" could readily appreciate and understand.

428. Therefore, it is clear from the above decision that to bring out a case under Section 300 of IPC 'thirdly', factually, the prosecution need to prove only that the accused intentionally inflicted that particular bodily injuries, that is to say, that it was not accidental or unintentional or that some other kind of injury was intended. If the said fact is proved, the 4th ingredient that the injury of the type inflicted is sufficient to cause death in the ordinary course of nature, can be proved through medical evidence.

429. The evidence in this case convincingly prove that the assailants came with a clear idea on the injuries to be inflicted on PW26. The learned prosecutor is right in pointing out that the assailants concentrated on the left leg and the right hand of PW26. As deposed by PW225 Abdul Khader, it appears that the assailants were putting in practice the penal punishment prescribed in the religious text. Anyway one thing is clear that there was a clear intention on the part of the assailants to inflict that particular injuries they inflicted on the right hand and left leg of PW26.

430. The decisions cited by the learned defence counsel are not on sec.300,

third clause. In none of those cases there is any finding that accused attacked the victim with a specific intention to cause any particular bodily injuries, hence if find it not necessary to make any reference to those decisions.

431. Now two questions require answer from the court. First one is that whether the assailants did had an intention to commit the murder of PW26. Second question is that whether the intended injuries inflicted by them are sufficient to cause death in the ordinary course of nature. Coming to the first question the statement made by A1 while chopping the hand that “you didn't write with this hand again” is taken as an indication of the intention of the assailants, it can be argued that they had no intention to kill PW26, but if the subsequent act done by them (they had taken away the severed hand and thrown it to a house compound) is also taken into consideration, the intention to kill PW26 can be legitimately inferred. It is to be taken note that death is also a punishment prescribed as per the religious text referred above.

432. The second question posed can be answered only through medical evidence. PW158 is the Head of the Department, Plastic and Micro Vascular Surgery, Specialist's hospital, Ernakulam having an experience of 30 years in this field. He deposed that PW26 was almost dead when he was brought to the hospital. During operation the whole blood, packed cell, plasma, platelets and fluids were substituted. He would explain that when a human body is subjected to one major trauma such as this he loses blood and the loss of massive amount of blood put life in danger and in this case Prof. Joseph had lost massive amount of blood and was in a state of shock and almost died. In cross examination he

explained the situation with more details. To a question - that most often bleeding can be controlled by pressure - he explained that it is not practical to do this especially where multiple injuries are present. To the question that by placing arm or forearm at an elevated position, bleeding can be controlled to some extent, he answered that if a major artery is cut, it is not possible. He would further add that veins had negative pressure. There is absolutely nothing to discredit the medical opinion given by the doctor who is well experienced. It is to be taken note that, to save the life of PW26 and to replant the severed palm, a team of doctors took much pain in conducting a marathon operation which started at 11.00 a.m on 04.07.2010 and continued till 3.00 am on 05.07.2010. The above evidence will convincingly prove that the injuries inflicted on PW26 is sufficient in the ordinary course of nature to cause death. All the above discussions will prove that, either way, it is a clear case of an attempt to commit murder. To quote once again, what the Hon'ble Apex court observed "*No one has a license to run around inflicting injuries that are sufficient to cause death in the ordinary course of nature and claim that they are not guilty of murder. If they inflict injuries of that kind, they must face the consequences*". For all these reasons I find no hesitation to hold that sec.307 IPC rule the field.

Applicability of Sec.3 of the Explosive Substance Act

433. Next grave offence included in the charge is sec.3 of the Explosive Substance Act. It penalise the act of causing explosion likely to endanger life or property. Any person who unlawfully and maliciously causes by any explosive substance – an explosion of a nature likely to endanger life or to cause serious

injury to property shall be liable for this offence irrespective of the fact that no injury to person or property has been actually caused.

434. "Likely to endanger life" is a flexible expression which gains different meaning in different context. If construed in a narrow sense, is to put someone in a situation where there is a risk or danger of him dying. In wider sense, is to put someone in a situation which would hurt the concept of life, means the quality which people have when they are not dead. Causing explosion using explosive substances during the course of committing terrorist act, spring up terror, fear and panic in the mind of the people amidst whom the explosion took place, though not physically hurt. In that sense it is an act likely to endanger the life of persons.

435. Learned prosecutor would submit that in the present case there is overwhelming evidence to prove that, during the course of committing terrorist act, assailants hurled explosive substance and caused explosion after giving a clear warning that if anybody advance further, they will be killed. They created terror in the mind of the people gathered there and ultimately they succeeded in their attempt and nobody was dare enough to advance forward and interfere. PW1, PW26, PW27 had given direct evidence in this regard and PW2 to PW8, PW10 and PW24 gave corroborative evidence. All of them heard the striking sound of the explosion and seen thick smoke arising out from the site of explosion. From the sound they heard some of them put it as bomb explosion and others put it as bursting sound of crackers but they are uniform in their submission that it created a big sound. Expert report is available in this regard. After examining the remnants collected from the scene of the crime, PW100 the expert reported that she detected

Potassium chlorate, Aluminum powder and Sulphur in the remnants and these chemicals together constitute an explosive mixture used for making bombs and using the same, substantive explosion can be made and this mixture is dangerous to life. In cross examination she deposed that the impact of the explosion depends upon the quantity of the explosive mixture used. Learned prosecutor would submit that since expert had given a clear opinion that the explosive mixture detected is dangerous to life, this opinion together with the oral evidence tendered by the witnesses and the attending facts and circumstance convincingly prove that the explosion caused in this case is of the nature likely to endanger life. It is pointed out that the accused came there fully equipped carrying lethal weapons and explosive substances dangerous to life, and their intention was to strike causality if anyone come in their way while attacking PW26. In this given factual situation, the only inference that can be drawn is that the explosion they made was not done for fun but with a clear knowledge that their act could cause death or such bodily injuries to the persons gathered there. As such sec.3 squarely apply to the facts of this case submitted the prosecutor. To substantiate her contention the learned prosecutor relied upon the decision of Hon'ble Madras High Court in **State v. Sundar in Cri.A.No.180 of 2017, 367, 642 and 760 of 2016 dated 16.07.2021**. In that decision Hon'ble High Court observed that *"it is normally presumed that a man committing an imminently dangerous act like hurling a bomb, would have the knowledge that his act could cause death or such bodily injuries as are likely to cause death."*

436. On the other hand learned defence counsel would submit that mere

proof of explosion using explosive substances is not sufficient to attract sec.3 of the Explosive Substance Act. The prosecution has to convincingly prove that the so called explosion was of a nature likely to endanger life or to cause serious injury to property. It is pointed out that either in the final report or in the court charge it is stated that explosion carried out using explosive substance was of such a nature likely to endanger life. On the other hand what is seen stated is that the said explosion was intended to cause terror in the minds of the people. It is argued that the expert's evidence doesn't help the prosecution since she made it clear that without determining the quantity of explosive substance used, its impact cannot be assessed and in the present case there is absolutely no evidence to prove the extent of the quantity of the explosive substance used. The learned counsel also pointed out that absolutely no injury was caused to anyone or to the property. According to him, sec.3 is not at all applicable to this case. To substantiate his contention the learned counsel relied upon the decision of our Hon'ble High court in **Manu G. Rajan v. State of Kerala (2021 (5KHC) 767)** and also the decision of Hon'ble High court of Calcutta in **Nemai Adak v. the State (AIR 1965 Calcutta 89)**.

437. In the case dealt with by the Hon'ble High Court of Kerala there occurred a clash inside the compound of M.G. College, Thiruvananthapuram in between the members of two rival students union and in that clash the accused who belonged to one of the union exploded crackers at the members of the rival union. The Hon'ble High Court taking note of the fact that such fire crackers are generally used in connection with celebrations etc., held that these crackers cannot be said to be of such a nature likely to endanger the life. For these reasons the

Hon'ble High Court passed an order of acquittal of the accused. While so, the Hon'ble High Court agreed with the decision of the Hon'ble Calcutta High Court in Nema Adak's case referred above. In the decision of the Hon'ble Calcutta High Court it is observed that *"the explosions that were caused might very well have been caused by bombs and not by crackers, but that fact alone would not satisfy the requirement of the Act. The position appearing from the evidence is want of proof that the explosions actually caused by them were of a nature likely to endanger life or to cause serious injury to property and such being the case the conviction of the concerned appellants under Section.3 of the Act although based on the Expert's evidence that a bomb of the type examined by him would be capable of endangering life on explosion is not justified, particularly, in view of his positive evidence in cross examination which shows that although a chemical examination of the remnants of a country-made bomb indicated existence of potash chlorate and arsenic sulphide therein, it is on the quantity and proportion of the said ingredients about which, there is no evidence, that the mischief-making power of a bomb depends. We find that in face of the positive evidence as to the nature of the explosions caused by the bombs in this case, the conviction of the concerned appellants under Section 3 of the Explosive Substances Act and the sentence passed thereunder cannot be sustained and must be set aside."*

438. The legal principle that can be deduced from the decisions cited above is that, mere explosion using explosive substance is not sufficient to attract sec.3, otherwise there must be proof to the effect that the explosion actually caused by them were of a nature likely to endanger life or to cause serious injury to property. If

that evidence is missing, a mere report of the expert indicating existence of Potash Chlorate and Arsenic Sulphide cannot justify the opinion of the expert that a bomb made out of this chemical mixture would be capable of endangering life on explosion.

439. Whether there exist sufficient proof in this regard is purely a question of fact. Since the assailants had exploded the bomb in their possession, the bombs as such was not available for examination. What was made available was only the remnants. No missiles or similar materials were recovered from the scene of occurrence. Only for that reason no finding can be rendered that the explosion caused will never endanger the life. The remnants recovered from the scene of occurrence were forwarded to FSL for chemical examination. I had already made reference to the report of the expert. The expert detected explosive substances and further reported that the detected explosive materials together constitute a dangerous mixture, which if used is sufficient to endanger life. In fact this finding is not in dispute. Only thing is that from the samples provided, the expert was not in a position to measure the impact of the explosion since it directly depends upon the quantity of the explosive mixture used, and the quantity was not determinable from the provided sample.

440. Explosive materials especially dangerous combinations, are inherently hazardous. There can be no doubt about it. Explosions caused using such combination of explosive materials, presumably carry the risk of causing danger to life. But to have a final decision on this point, it requires something more than the report of the expert. It appears to me that the required further proof is available

from the oral evidence as well as from the attending facts and circumstances PW1 Mithun is the person who directly faced the said explosion. He deposed before the court that when he and his mother approached the scene of crime, one of the assailants who was carrying a bomb with him had given a warning that if approached further he will explode the bomb. Then PW1 rushed back to his house, came with a chopper in order to rescue his father who was being brutally attacked by the assailants. On seeing him, the assailant hurled a bomb in front of him, which exploded generating high sound and thick fumes. Since his father was under attack, he took the risk and advanced further to the scene of crime amidst the smoke spread due to the explosion. PW26 deposed that he had seen his son approaching to the place of occurrence through the area covered with smoke. There is nothing to disbelieve these witnesses. That means the oral evidence gives a clear indication that the assailants used explosive substances to cause explosion with an intention to endanger the life of PW1 and further as a warning to anyone else who dare to come in their way while committing terrorist act. This is further clear from the attending facts and circumstance. As rightly pointed out by the learned public prosecutor the assailants came there to carry out a violent terrorist activity. They came there well prepared and fully equipped to meet any eventuality, ready to strike causality on any one who dare to come in their way. All these evidence together with the finding given by PW100 the chemical expert will convincingly prove that the explosion caused by the assailants using explosive substance was of such a nature likely to endanger life. I find that the decision cited by the defence can be distinguished on facts. Moreover since the accused caused

explosion using explosive substances during the commission of a terrorist act, it appears to me justifiable to give a wider meaning to the expression "likely to endanger life". Either way it stands proved that the explosion caused using explosive substance was of a nature likely to endanger life.

441. Learned defence counsel would argue that the charge framed against the accused doesn't say that the explosion caused by using explosive substance was of a nature likely to endanger life, but only says that it was carried out to cause terror in the mind of the people. It doesn't appear to be fully correct. A2 is the only person who directly participated in the crime committed on 04.07.2010. In charge no.7 framed against him, it is specifically mentioned that the assailant Shanavas who hurled explosives made an open threat that "do not approach, otherwise you will be killed". All other accused are said to be the conspirators. In the charge framed against them also there is specific mention about the explosion caused by using explosive substance. Therefore the said contention is not sustainable. The final outcome of the above discussion is that sec.3 of the Explosive Substances Act squarely apply to this case.

Was there a formation of unlawful assembly at the place of occurrence

442. Next offences are those connected with Sec.143 series. Prosecution would say that the execution team members seven in number acted hand in hand in prosecuting the common object of the group to commit the murder of PW26 hence sec.143 to 149 IPC squarely applies to this case and the members of the said group are liable for the individual offences committed by each one of the members as provided u/s.149 of IPC. In **Ramachandran and and ors v. State of**

Kerala reported in (2011(9) SCC 257) the Hon'ble Supreme court held that *“it is not necessary that there should be a prior concert in the sense of a meeting of minds of the members of the unlawful assembly. The common object may form on the spur of the moment. It is enough if it is then adopted by all the members and is shared by all of them.”*

443. Sec.149 IPC says that if an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly or such of that object, every person who, at the time of committing that offence is a member of the same assembly is guilty of that offence.

444. Here, there is clear evidence to prove that all the members of the execution team shared a common object and were doing acts assisting and aiding each other in prosecution of the common object. It is to be noted that when Savad started chopping the wrong hand, one of the assailants corrected him and thereafter all of them firmly hold the hand of Prof. Joseph in order to accomplish their common object to chop off the right hand of Prof. Joseph. Therefore A2 Sajil who is a member of the execution team is liable for all the individual acts done by the other member of the unlawful assembly. Since he was carrying a knife a dangerous weapon with him at the time of commission of offence sec.148 IPC is also attracted. That means sec.143 to 149 applies to A2 Sajil.

Discussions on the remaining offences

445. The other offences included in the charge are the following. Sec.120B which prescribes the punishment for hatching criminal conspiracy. Since it stands proved that a criminal conspiracy was hatched whose aftermath was the attack on

Prof. Joseph, this section applies to the accused persons whose participation in the conspiracy stands proved. Sec.341 IPC is equally applicable since it stands proved that PW26 and PW27 were wrongly restrained from proceeding to their house. Sec.427 IPC is equally applicable since mischief was committed causing damage to the Wagon-R car owned by PW26 to an extent of ₹8,000/-. Sec.323 IPC equally applies since the accused cause simple hurt to PW1 and PW27. Sec.324 & 326 IPC equally applies since the assailants caused simple and grievous hurt using dangerous weapons to PW26. Sec.506(ii) IPC equally applies since there was threat from the side of assailants to cause death and grievous hurt. Sec.201 and 212 IPC equally applies since it stands proved that in furtherance of the conspiracy entered into, the accused caused disappearance of evidence as well as harbouring. In this regard it is to be noted that sec.201 is not restricted to the case of a person who screens the actual offender. It can be applied even to a person guilty of the main offence and the offence under this section (ref: decision of the Hon'ble High Court in Shinoj v. State of Kerala (2019 (4) KLT SN62)). It equally applies to sec.212 also. Since there is intentional omission to give information of offence sec.202 is also attracted.

446. Sec.153 A IPC is equally applicable since it stands proved that the accused carried out the attack on PW26 not treating him as an individual, but a Christian terrorist projecting it as a communal issue.

Offences proved against accused – Conviction and acquittal.

447. Back to the individual accused whose complicity stands proved, I will now identify which all offences these accused have committed.

A2 Sajil

448. This accused is charged for the offences punishable under 143, 148, 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 IPC, Section 3 of the Explosive Substance Act with the aid of sec.120B and 149 IPC, besides Section 15 r/w.16, sec.18 and sec.20 of the UA(P) Act.

449. Being found that A2 Sajil was a party to the conspiracy agreement as well as the member of the terrorist gang constituted by the conspirators to do the homicidal attack on PW26 and had actively participated in the acts preparatory to the commission of homicidal attack on PW26 which was executed on 04.07.2010 and that he was a direct participant in the said attack as an active member of seven member execution team, (unlawful assembly) which carried out the attack with a common object, he is guilty of all the offences committed in furtherance of the conspiracy agreement as well as the common object of the unlawful assembly with the aid of sec.149 and 120B IPC, and further he is guilty of all the offences committed by him individually such as being a member of unlawful assembly, rioting armed with knife a deadly weapon, causing disappearance of evidence by concealing the knife he was carrying at the time of the incident, harbouring himself with an intention to screen him from legal punishment, committing the terrorist act, conspiring the commission of a terrorist act and being a member of a terrorist gang. At the same time he cannot be punished for intentional omission to give information of offence since as held by the Hon'ble High Court in the decision of **Muhammed Aslam v. State of Kerala (2016 4 KHC 387)** that there is no law which cast duty on a person who has committed the offence to give intimation which would implicate

himself to an offence. Therefore, he is to be found not guilty of the offence punishable under sec.212 IPC. It follows that A2 is guilty of the following offences and he is convicted thereunder.

Section 15 r/w 16 of the UA(P) Act

Section 18 of the UA(P) Act

Section 20 of the UA(P) Act

Section 143 of IPC,

Section 148 of IPC,

Section 201 of IPC,

Section 212 of IPC,

Section 341 r/w 149 and 120B of IPC,

Section 427 r/w 149 and 120B of IPC,

Section 323 r/w 149 and 120B of IPC,

Section 324 r/w 149 and 120B of IPC,

Section 326 r/w 149 and 120B of IPC,

Section 506(ii) r/w 149 and 120B of IPC,

Section 307 r/w 149 and 120B of IPC,

Section 153A r/w 149 and 120B of IPC,

Section 3 of the Explosive Substances Act r/w149 & 120B IPC,

He is found not guilty

The offence punishable under Section 202 IPC and he is acquitted of the said offence.

A3 Nasar

This accused is charged for the offences punishable under 143, 341, 427, 323,

324, 326, 506(ii), 153A, 201, 307 of IPC, Section 3 of the Explosive Substance Act with the aid of sec.120B, besides Section 15 r/w.16, and sec.20 of the UA(P) Act.

Being found that A3 Nasar was a party to the conspiracy agreement as well as a member of the terrorist gang constituted by the conspirators to do the homicidal attack on PW26, and as the key conspirator and the leader of the terrorist gang who controlled the entire activities which continued even to the post conspiracy stage also, is guilty of all the offences committed in furtherance of the conspiracy agreement with the aid of 120B IPC and further he is guilty of the offences committed by him individually such as being the member of terrorist gang and causing disappearance of evidence by concealing the most of the mobile sims and mobile phones used for the commission of the offence. At the same time since he is not a party to the commission of the terrorist act and also there being no evidence to prove that he was a member of the unlawful assembly, he is to be found not guilty of the offence punishable under Sec.143 IPC and Sec.16 of the UA(P) Act. It follows that A3 is guilty of the following offences and he is convicted thereunder.

Section 20 of the UA(P) Act.

Section 201 of IPC,

Section 341 r/w 120B of IPC,

Section 427 r/w 120B of IPC,

Section 323 r/w 120B of IPC,

Section 324 r/w 120B of IPC,

Section 326 r/w 120B of IPC,

Section 506(ii) r/w 120B of IPC,

Section 307 r/w 120B of IPC,

Section 153A r/w 120B of IPC,

Section 3 of the Explosive Substances Act r/w 120B IPC,

He is found not guilty

The offence punishable under Section 15 r/w 16 of UA(P) Act and 143 of IPC and he is acquitted of the said offence.

A5 Najeeb

This accused is charged for the offences punishable under 143, 341, 427, 323, 324, 326, 506(ii), 153A, 212, 307 of IPC, Section 3 of the Explosive Substance Act with the aid of sec.120B, besides Section 15 r/w.16, and sec.20 of the UA(P) Act.

Being found that A5 Najeeb was a party to the conspiracy agreement as well as a member of the terrorist gang constituted by the conspirators to do the homicidal attack on PW26, and had actively participated in acts preparatory to the commission of the homicidal attack on PW26, is guilty of all the offences committed in furtherance of the conspiracy agreement with the aid of 120B IPC and further he is guilty of the offence committed by him individually such as being the member of terrorist gang and concealing himself with an intention to screen from legal punishment. At the same time since he is not a party to the commission of the terrorist act and also there being no evidence to prove that he was a member of an unlawful assembly, he is to be found not guilty of the offence punishable under Sec.143 IPC and Sec.16 of the UA(P) Act. It follows that A5 is guilty of the

following offences and he is convicted thereunder.

Section 20 of the UA(P) Act.

Section 212 of IPC,

Section 341 r/w 120B of IPC,

Section 427 r/w 120B of IPC,

Section 323 r/w 120B of IPC,

Section 324 r/w 120B of IPC,

Section 326 r/w 120B of IPC,

Section 506(ii) r/w 120B of IPC,

Section 307 r/w 120B of IPC,

Section 153A r/w 120B of IPC,

Section 3 of the Explosive Substances Act r/w 120B IPC.

He is found not guilty

The offence punishable under Section 15 r/w 16 of UA(P) Act and 143 of IPC and he is acquitted of the said offence.

A9 Noushad, A11 P.P. Moideen Kunhu, A12 Ayoob

These accused are charged for the offences punishable under 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 of IPC, Section 3 & 6 of the Explosive Substance Act with the aid of sec.120B, besides Section 15 r/w.16, 18 and sec.20 of the UA(P) Act.

Since prosecution succeeded in only proving their involvement and participation in the post incident conspiracy meetings, these accused are found guilty only of the offences, is guilty of all the offences committed in furtherance of the post conspiracy agreement which includes only the offence under 212 IPC and

the offence individually committed by them which is under section 202 IPC that is intentional omission to give information of offence which was known to them. They are to be found not guilty of all the other offences charged against them. It follows that A9, A11, 12 are guilty of the following offences and they are convicted thereunder.

1. Section 202 of IPC
2. Section 212 r/w 120B of IPC.

They are found not guilty

The offences punishable under 341, 427, 323, 324, 326, 506(ii), 153A, 201, 307, 120B of IPC, Section 3 & 6 of the Explosive Substance Act and Section 15 r/w.16, 18 and sec.20 of the UA(P) Act and they are acquitted of the said offences.

A4 Shefeeq

This accused is charged for the offences punishable under 143, 341, 427, 323, 324, 326, 506(ii), 153A, 201, 307 of IPC, Section 3 of the Explosive Substance Act with the aid of sec.120B, besides Section 15 r/w.16 and sec.20 of the UA(P) Act.

Since prosecution failed to prove his involvement in the commission of the crime in whatsoever manner he is found not guilty of all the offences charged against him and he is acquitted of the said offences.

A6 Azeez Odakali, A7 Muhammed Rafi, A8 Subair & A10 Mansoor

These accused are charged for the offences punishable under 341, 427, 323, 324, 326, 506(ii), 153A, 201, 202, 212, 307 of IPC, Section 3 & 6 of the Explosive Substance Act with the aid of sec.120B, besides Section 15 r/w.16, 18 and sec.20 of the UA(P) Act. In addition to that A7 & A8 are also charged for the offence under

sec.118 IPC.

Since prosecution failed to prove their involvement in the commission of the crime in whatsoever manner they are found not guilty of all the offences charged against them and are acquitted of the said offences. The points taken up for discussion answered accordingly.

450. Considering the gravity of the offence committed by the accused, I find that this is not a fit and proper case to apply the benevolent provision of Probation of Offenders Act. Therefore before imposing sentence, the accused is to be heard as provided u/s.235(II) of Cr.P.C. Heard the accused. Both sides made detailed submissions. For pronouncing sentence, adjourned to 13.07.2022.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 12th day of July, 2023.

Sd/-
Anil K. Bhaskar
Judge, Special Court for NIA Cases.

451. **Point No.25:-** Heard the convicted accused on the sentence question under Section 235(2) Cr.P.C. A2 Sajil is aged 42 years. His father is no more, and his mother is ailing. He has a wife and children. He is financially weak and recently put up a house utilising Government Grant. He is a chronic heart patient. He underwent aortic valve replacement surgery on 20.10.2017 from Govt. Medical College, Kottayam. He requires lifelong medication and follow-up treatment. He has to undergo prescribed medical tests every fortnight. He was in judicial custody for one year, a month, and 12 days. Considering his critical health condition, this court was pleased to grant bail on medical grounds. A2 Sajil submitted that he is

taking care of his aged mother. Considering his critical health condition, he pleaded to the court to show maximum leniency in awarding a sentence.

452. A3 Nasar is aged 55 years. His family consist of his wife and young son. He has been in judicial custody last seven years. He is under financial constraints. His family is pulling their life from the meagre amount his wife earns from small jobs. He also pleaded for leniency. He is also having health issues.

453. A5 Najeeb is aged 47 years. His family consist of an 86-year-old mother, his wife and four children. The younger ones are twins, just ten months old. They have serious health issues due to premature birth. The whole family depends upon him for livelihood. He is also having health problems. His disk is in the complaint. He also pleaded for leniency.

454. All the above three accused requested that the imprisonment imposed on them be confined to the period of detention already undergone by them.

455. Convicted accused A9 M.K. Noushad, A11 P. P. Moideen Kunhu, and A12 Ayoob also pleaded for leniency.

456. The learned special public prosecutor and the defence counsel were heard in detail on the sentence to be imposed.

457. Learned prosecutors forcefully argued against any show of leniency to the convicted accused and called upon the court to award punishment at its maximum, so that sentence must reflect an assurance to the society that our legal system takes such things very seriously. The prosecutor further contended that the courts owe a duty to the Nation to combat terrorism and should not show undue sympathy to the convicts. The learned prosecutor also pointed out that the court

should rise to the expectations of the common person, who understands the rule of deterrence better than reformation.

458. The learned defence counsel appearing for the convicted accused pointed out that these accused have no criminal antecedents, and an opportunity for reformation is to be given. Highlighting the health issues and their family background, the learned defence counsel earnestly submitted to show maximum leniency in awarding sentences.

459. Here is a case wherein a Professor's hand was chopped off and thrown out in broad daylight in the presence of his relatives and neighbours, striking terror in the mind of a section of people. The situation was really horrible. As prescribed in their religious text, the accused were delivering sentences on Prof. Joseph for the alleged blasphemy of Prophet Mohammed and Islam in the question paper set by the said Professor. The mental trauma and physical pain suffered by the Professor is terrific. His wife, who had witnessed this incident, could not withhold the trauma for long and committed suicide.

460. The true purposes of penal treatment have to take into consideration the satisfaction of the victim also. The Hon'ble Supreme Court in **Jaswinder Singh v. Navjot Singh Sidhu and Ors (AIR 2022 SC 2441)** observed that *"punishment to be awarded for a crime must not be irrelevant, but it should conform to and be consistent with the atrocity and brutality with which the crime has perpetrated."* Therefore, from the standpoint of the victim, the sentence to be imposed shall definitely be a deterrent, and the convicts don't deserve any leniency.

461. What has been committed is a terrorist act. The Nation and its citizenry

also suffered a lot. Terrorism has been recognised as one of the six most severe threats to civilisation, security and humanity. The act of the accused is a challenge to the secular fabric of our Nation. It attempts to establish a parallel religious judicial system which is absolutely illegal, illegitimate and unconstitutional. It has no place in independent India under our constitutional scheme. A country governed by the rule of law cannot fathom it.

462. In the nine-bench decision of the **Hon'ble Supreme Court in S. R. Bommai V. Union of India (1994 (3) SCC 1)**, which explains the concept of secularism, **Justice K. Ramaswamy** observed that *"there can be no democracy if anti-secular forces are allowed to work dividing followers of different religious faith flying at each other's throats. The secular Government should negate the attempt and bring order in the society"*. The learned judge had explained what religion means in the positive sense. It is explained that *"religion is an active instrument to allow the citizen full development of his person, not merely in the physical and material but in the non-material and non-secular life"*. One of the most relevant conclusions drawn in that case is that *"the constitution prohibits the establishment of a theocratic State"*.

463. In the very same decision, **Justice B. P. Jeevan Reddy** observed that *"while the citizens of this country are free to profess, practice and propagate, such religion, faith or belief as they choose, so far as the State is concerned, i.e., from the point of view of the State, the religion, faith or belief of a person is immaterial"*.

464. A nine Judge Bench in **Ahmedabad St.Xavier's Colleges Society v. State of Gujarat, 1974(1) SCC717** explained the secular character of the Indian

Constitution by observing that "*there is no mysticism in the secular character of the State. Secularism is neither anti-God nor pro-God; it treats alike the devout, the agnostic and the atheist. It eliminates God from the matters of the State and ensures that no one shall be discriminated against on the ground of religion*".

465. In a subsequent judgment in **Abhiram Singh v. C.D. Commachen, 2017 (2), SCC629** observed, "*suffice it to say that the constitutional ethos forbids mixing of religions or religious considerations with the secular functions of the State*".

466. Hon'ble Justice Dr D. Y. Chandrachud in **Navtej Singh Johar and Others v. Union of India, Through Secretary, Ministry of Law and Justice and Others,(2018 KHC 6661)** observed that "*Constitutional morality requires that all the citizens need to have a closer look at, understand and imbibe the broad values of the constitution, which are based on liberty, equality and fraternity. Constitutional morality is thus the guiding spirit to achieve the transformation which, above all, the constitution seeks to achieve*".

467. It would thus be clear that the Indian constitution made demarcation between the religious part - personal to the individual, and the secular part thereof - for the State to interfere. It only concerns a little (to the State) what an individual believes inwardly. But a person's relationship with another creates society. This is a concern for the State. Adjudication of disputes is essentially the function of a sovereign state which can never be abdicated or parted with. Establishing a parallel religious judicial system goes counter to the policy of our constitution.

468. Here the state suo moto registered a criminal case against the

Professor for performing an act prejudicial to maintaining harmony. However, the accused were not ready to leave it to the court of law to adjudicate the matter. They took the law into their own hands and declared it an act of blasphemy; they then themselves delivered the sentence as per the religious text and executed the sentence by chopping off the right hand of the Professor, the hand by which he had penned the question. This most uncivilised act cannot be countenanced at all. The Hon'ble Supreme Court in **Vishwa Lochan Madan v. Union of India and Ors (AIR 2014 SC 2957)** stated, "*Faith cannot be used as dehumanising force*".

469. Therefore, from the Nation's standpoint, the sentence to be imposed shall be a deterrent, and the convicts don't deserve any leniency.

470. The citizenry has a 'fundamental' and 'human right' from any kind of psycho-fear, threat, danger or insecurity at the hands of anti-social elements. Otherwise, they cannot strive towards excellence in all spheres of their individual and collective activity. The accused, by their violent terrorist activity, had really struck terror in the people's minds. To avoid repeating similar incidents, imposing stringent punishment on the accused is highly necessary. The Hon'ble Supreme Court in Para-50 of its judgment in **Ravi v. The State of Maharashtra (Crl.A.Nos.1488-1489 of 2018 dated 03.10.2019)**, observed, "*It is noteworthy that the object and purpose of determining the quantum of the sentence have to be 'society centric' without being influence by a 'judge's' own views, for society is the biggest stakeholder in the administration of criminal justice system. A civic society has a 'fundamental' and 'human' right to live free from any kind of psycho fear, threat, danger or insecurity at the hands of anti-social elements. The society*

legitimately expects the Courts to apply the doctrine of proportionality and impose suitable and deterrent punishment commensurate(s) with the gravity of the offence.” Therefore, from the citizenry's standpoint, the sentence to be imposed shall be a deterrent, and the convicts don't deserve any leniency.

471. The Hon'ble Supreme Court in **Sahebrao Arjun Hon v. Raosaheb and Ors (Crl. A. No.1499 of 2022 dated 06.09.2022)** observed, *"If undue sympathy is shown by reducing the sentence to the minimum, it may adversely affect the faith of people in efficacy of law. It is the gravity of crime which is the prime consideration for deciding what should be the appropriate punishment."*

472. The Hon'ble Supreme Court in **Soman v. State of Kerala (2012 (11) SCR 1155)** stated hereunder the relevant and important rationales related to the sentencing policy;

- "1. Courts ought to base sentencing decisions on various different rationales – most prominent amongst which would be proportionality and deterrence.*
- 2. The question of the consequences of criminal action can be relevant from both a proportionality and deterrence standpoint.*
- 3. Insofar as proportionality is concerned, the sentence must be commensurate with the seriousness or gravity of the offence.*
- 4. One of the factors relevant for judging the seriousness of the offence is the consequences resulting from it."*

473. Coming to the health issues of the accused, especially that of A2 Sajil, this court has serious concern over his health, but it cannot be read as a mitigating circumstance in deciding the quantum of sentence in a case of this nature which challenges the existence of 'rule of law', one of the basic structure of our

constitution. The health issues can be met adequately by giving directions to the Jail Superintendent to do all the needed things.

474. The most grievous offences for which the accused stands convicted are those punishable under Sections 16, 18 (only against A2), Sec.20 of UA(P) Act, sec.307 IPC and Sec.3 of the Explosive Substance Act. For all these offences, the maximum punishment prescribed is imprisonment for life. As per Sec.16 & 18 of the UA(P) Act, the period of imprisonment shall not be less than five years, and as per Sec. 3 of the Explosive Substance Act, it shall not be less than ten years.

475. I had already found that the convicted accused deserved no leniency. The learned prosecutor submitted that the accused had no feeling of remorse. The said submission gets confirmation from the evidence of PW201, a protected witness in whose marital house A2 had taken shelter while he was absconding. It was at that time Professor's wife committed suicide. PW201 deposed before the court that as and when the news about the suicide of Professor's wife came out, A2 Sajil was in a celebrating mood. The factual circumstance doesn't disclose any remorse on the accused's side. Therefore I don't find any possibility for the reformation of the accused. Considering all these aspects, I find it justifiable to award the maximum punishment prescribed for one of the five offences mentioned above and to impose rigorous imprisonment for 10 years for the remaining offences. To have uniformity among the accused, imprisonment for life is to be awarded for sec.20 of the UA(P) Act and imprisonment for 10 years is to be awarded for the offence u/s.16 & 18 of the UA(P) Act, Sec.307 of IPC and Sec.3 of Explosive Substance Act with a further direction to pay a fine of ₹50,000/- each.

476. In view of this finding, the sentence imposed on each one of the accused is hereby fixed as follows:-

A2 Sajil

1. Sentenced to undergo imprisonment for life and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 20 of the UA(P) Act, in default of payment of fine, to undergo rigorous imprisonment for six months.
2. Sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 15 r/w 16 of the UA(P) Act, in default of payment of fine, to undergo rigorous imprisonment for six months.
3. Sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 18 of the UA(P) Act, in default of payment of fine, to undergo rigorous imprisonment for six months.
4. Sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 307 r/w 149 and 120B of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
5. Sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 3 of the Explosive Substances Act r/w 149 & 120B IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
6. Sentenced to undergo Rigorous imprisonment of three months under Section 143 of IPC.
7. Sentenced to undergo Rigorous imprisonment of two years under

Section 148 of IPC.

8. Sentenced to undergo Rigorous imprisonment of three years and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 201 of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
9. Sentenced to undergo Rigorous imprisonment of three years and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 212 of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
10. Sentenced to undergo Rigorous imprisonment of one month under Section 341 r/w 149 and 120B of IPC.
11. Sentenced to undergo Rigorous imprisonment of one year under Section 427 r/w 149 and 120B of IPC.
12. Sentenced to undergo Rigorous imprisonment of three months under Section 323 r/w 149 and 120B of IPC.
13. Sentenced to undergo Rigorous imprisonment of one year under Section 324 r/w 149 and 120B of IPC.
14. Sentenced to undergo Rigorous imprisonment of five years and to pay a fine of ₹15,000/- (Rupees fifteen thousand only), under Section 326 r/w 149 and 120B of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
15. Sentenced to undergo Rigorous imprisonment of two years under Section 153A r/w 149 and 120B of IPC.
16. Sentenced to undergo Rigorous imprisonment of two years under Section 506(ii) r/w 149 and 120B of IPC.

1. Sentenced to undergo imprisonment for life and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 20 of the UA(P) Act, in default of payment of fine, to undergo rigorous imprisonment for six months.
2. Sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 307 r/w 149 and 120B of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
3. Sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 3 of the Explosive Substances Act r/w 149 & 120B IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
4. Sentenced to undergo Rigorous imprisonment of three years and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 201 of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
5. Sentenced to undergo Rigorous imprisonment of one month under Section 341 r/w 149 and 120B of IPC.
6. Sentenced to undergo Rigorous imprisonment of one year under Section 427 r/w 149 and 120B of IPC.
7. Sentenced to undergo Rigorous imprisonment of three months under Section 323 r/w 149 and 120B of IPC.
8. Sentenced to undergo Rigorous imprisonment of one year under Section 324 r/w 149 and 120B of IPC.
9. Sentenced to undergo Rigorous imprisonment of five years and to pay a fine of ₹15,000/- (Rupees fifteen thousand only) under Section 326 r/

w 149 and 120B of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.

10. Sentenced to undergo Rigorous imprisonment of two years under Section 153A r/w 149 and 120B of IPC.
11. Sentenced to undergo Rigorous imprisonment of two years under Section 506(ii) r/w 149 and 120B of IPC.

A5 Najeeb

1. Sentenced to undergo imprisonment for life and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 20 of the UA(P) Act, in default of payment of fine, to undergo rigorous imprisonment for six months.
2. Sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 307 r/w 149 and 120B of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
3. Sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of ₹50,000/- (Rupees fifty thousand only) under Section 3 of the Explosive Substances Act r/w149 & 120B IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
4. Sentenced to undergo Rigorous imprisonment of three years and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 212 of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
5. Sentenced to undergo Rigorous imprisonment of one month under Section 341 r/w 149 and 120B of IPC.
6. Sentenced to undergo Rigorous imprisonment of one year under

Section 427 r/w 149 and 120B of IPC.

7. Sentenced to undergo Rigorous imprisonment of three months under Section 323 r/w 149 and 120B of IPC.
8. Sentenced to undergo Rigorous imprisonment of one year under Section 324 r/w 149 and 120B of IPC.
9. Sentenced to undergo Rigorous imprisonment of five years and to pay a fine of ₹15,000/- (Rupees fifteen thousand only) under Section 326 r/w 149 and 120B of IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.
10. Sentenced to undergo Rigorous imprisonment of two years under Section 153A r/w 149 and 120B of IPC.
11. Sentenced to undergo Rigorous imprisonment of two years under Section 506(ii) r/w 149 and 120B of IPC.

A9 M. K. Noushad

1. Sentenced to undergo Rigorous imprisonment of six months and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 202 of IPC, in default of payment of fine, to undergo rigorous imprisonment for one month.
2. Sentenced to undergo Rigorous imprisonment of three years and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 212 r/w 120B IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.

A11 P. P. Moideen Kunhu

1. Sentenced to undergo Rigorous imprisonment of six months and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 202 of IPC, in default of payment of fine, to undergo rigorous

imprisonment for one month.

2. Sentenced to undergo Rigorous imprisonment of three years and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 212 r/w 120B IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.

A12 P. M. Ayoob

1. Sentenced to undergo Rigorous imprisonment of six months and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 202 of IPC, in default of payment of fine, to undergo rigorous imprisonment for one month.
2. Sentenced to undergo Rigorous imprisonment of three years and to pay a fine of ₹10,000/- (Rupees ten thousand only) under Section 212 r/w 120B IPC, in default of payment of fine, to undergo rigorous imprisonment for six months.

477. It is made clear that the substantive sentence of imprisonment shall run concurrently. The convicts are entitled to get set off of the period undergone by them in custody u/s.428 of Cr.P.C. Out of the fine amount recovered ₹4,00,000/- (Rupees four lakhs only) shall be paid to PW26 u/s.357(1) of Cr.P.C. The bail bonds executed by the accused (except A3 Nassar) stands discharged. No order is made for the disposal of properties since the case against absconding accused is pending.

478. Before parting with the case, I must place on record my most profound appreciation for how both the Prosecution and Defence demonstrated their capability in conducting the case. Adv. Sindhu Ravisankar, the Learned Special Public Prosecutor, had meticulously studied law and facts and conducted the

prosecution with eminence. Adv. Noushad, the learned defence counsel, showed his complete mastery of facts. He was fair in his submissions, conceding where contesting was unnecessary. The submissions made by him were specific to the point.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 13th day of July 2023.

Sd/-
Anil K. Bhaskar
Judge, Special Court for NIA Cases.

APPENDIX

List of Prosecution/Defence/Court witnesses

A. Prosecution Witnesses:-

| Rank | Date | Name | Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness. |
|-------------|-------------|-----------------|---|
| PW1 | 12.07.2021 | Midhun.T.Joseph | Eye witness |
| PW2 | 06.08.2021 | P.J.Thomas | Eye witness |
| PW3 | 06.08.2021 | Nibin | Eye witness |
| PW4 | 12.08.2021 | Betty Shaji | Eye witness |
| PW5 | 13.08.2021 | George Varghese | Eye witness |
| PW6 | 13.08.2021 | Molly George | Eye witness |
| PW7 | 17.09.2021 | M.C.Joseph | Eye witness |
| PW8 | 17.09.2021 | Freddy Pereira | Other witness |
| PW9 | 22.09.2021 | Mani | Other witness |
| PW10 | 23.09.2021 | John @ Joy | Eye witness |

| | | | |
|------|--|-------------------------------------|------------------|
| PW11 | 23.09.2021 | Thomas.C.J | Other witness |
| PW12 | 29.09.2021 | Raihanath.K.K | Other witness |
| PW13 | 29.09.2021 | Khader.K.B | Other witness |
| PW14 | 30.09.2021 | Mary | Other witness |
| PW15 | 30.09.2021 | Joby | Other witness |
| PW16 | 06.10.2021 | Latha Abraham | Other witness |
| PW17 | 06.10.2021 | Father George | Other witness |
| PW18 | 07.10.2021 | Moosa.K.P | Other witness |
| PW19 | 07.10.2021 | Mujeeb | Other witness |
| PW20 | 07.10.2021 | Moideen | Other witness |
| PW21 | 20.10.2021 | Habeeb.P.B | Other witness |
| PW22 | 20.10.2021 | Shanavas | Other witness |
| PW23 | 21.10.2021 | Antony. E.J. | Other witness |
| PW24 | 29.10.2021 | Mini Paul | Eye witness |
| PW25 | 29.10.2021 | Savio John | Other witness |
| PW26 | 03.11.2021 10.11.2021 11.11.2021 | Prof. T.J. Joseph | Eye witness |
| PW27 | 16.11.2021 17.11.2021 | Sister Marie Stella @ Lillykutty | Eye witness |
| PW28 | 06.12.2021 | Sakeena.A.K | Other witness |
| PW29 | 15.12.2021 | Thasni.V.A. | Other witness |
| PW30 | 16.12.2021 | Nasser.K.K. | Official witness |
| PW31 | 16.12.2021 | Anilkumar.K.S | Other witness |
| PW32 | 23.12.2021 | Jobi Thomas | Other witness |
| PW33 | 23.12.2021 | Bijo | Other witness |
| PW34 | 23.12.2021 | Jomy Antony | Other witness |

| | | | |
|------|------------|-------------------------|------------------|
| PW35 | 04.01.2022 | Meerankunju.M. | Official witness |
| PW36 | 04.01.2022 | E.J. Paulose | Other witness |
| PW37 | 05.01.2022 | Sumith Mathew | Official witness |
| PW38 | 05.01.2022 | Kasim | Other witness |
| PW39 | 12.01.2022 | Prasad.V.R | Other witness |
| PW40 | 12.01.2022 | Libu Thomas | Police witness |
| PW41 | 12.01.2022 | Aboobacker | Other witness |
| PW42 | 13.01.2022 | Nissar.M.A. | Other witness |
| PW43 | 18.01.2022 | Renjith. T.U. | Other witness |
| PW44 | 18.01.2022 | V.M. Anwar Sadath | Other witness |
| PW45 | 18.01.2022 | Mohamed Ansari | Other witness |
| PW46 | 19.01.2022 | Shalikkar Muhammaed Ali | Other witness |
| PW47 | 20.01.2022 | Rejoy | Other witness |
| PW48 | 20.01.2022 | Shereena | Other witness |
| PW49 | 25.01.2022 | Ramakrishnan.K.N | Other witness |
| PW50 | 25.01.2022 | Iqbal.K.A | Other witness |
| PW51 | 27.01.2022 | Sister Jessy Thressia | Other witness |
| PW52 | 27.01.2022 | Majeed.M.M. | Other witness |
| PW53 | 27.01.2022 | Amanulla.K.H. | Other witness |
| PW54 | 01.02.2022 | Tony.P.V. | Other witness |
| PW55 | 01.02.2022 | Navas | Other witness |
| PW56 | 01.02.2022 | Shaji | Official witness |
| PW57 | 02.02.2022 | Saju | Official witness |
| PW58 | 02.02.2022 | Viswappan | Other witness |
| PW59 | 03.02.2022 | K.M. Shaji | Official witness |
| PW60 | 03.02.2022 | Shakkir.V.P | Official witness |

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| PW61 | 03.02.2022 | Dr. T.M. Joseph | Medical witness |
| PW62 | 03.02.2022 | Sreedharan Kartha | Other witness |
| PW63 | 08.02.2022 | Abdul Jaleel | Other witness |
| PW64 | 08.02.2022 | Shijad.K.A. | Other witness |
| PW65 | 09.02.2022 | Pareed | Official witness |
| PW66 | 09.02.2022 | Jojoy.P. Jose | Official witness |
| PW67 | 09.02.2022 | M. Suresh | Official witness |
| PW68 | 16.02.2022 | Roy Mathew | Official witness |
| PW69 | 16.02.2022 | Sajeevan.K.R. | Official witness |
| PW70 | 16.02.2022 | Ansal.O.M. | Other witness |
| PW71 | 16.02.2022 | Shihabudeen | Other witness |
| PW72 | 17.02.2022 | Rajesh.P.K. | Official witness |
| PW73 | 17.02.2022 | Sivan | Other witness |
| PW74 | 17.02.2022 | K.H. Khader | Other witness |
| PW75 | 17.02.2022 | P.M. Abdul Nazar | Other witness |
| PW76 | 17.02.2022 | Ameer @ Manikyam | Other witness |
| PW77 | 22.02.2022 | N.R. Vijayam | Official witness |
| PW78 | 22.02.2022 | Dennis Correya | Official witness |
| PW79 | 22.02.2022 | Haris.M.A. | Other witness |
| PW80 | 22.02.2022 | Shibahudheen.C.A. | Other witness |
| PW81 | 23.02.2022 | K.G. Biju | Official witness |
| PW82 | 23.02.2022 | Prakashan.K.S | Official witness |
| PW83 | 23.02.2022 | Sajeev.K.R. | Other witness |
| PW84 | 23.02.2022 | Antony.C.J. | Other witness |
| PW85 | 23.02.2022 | K.N.Gopi. | Other witness |
| PW86 | 23.02.2022 | K.A. Haris | Other witness |

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| PW87 | 28.02.2022 | Dennis Konnully | Other witness |
| PW88 | 28.02.2022 | Sheljo.C.J. | Other witness |
| PW89 | 28.02.2022 | Biju.K.D. | Official witness |
| PW90 | 02.03.2022 | Shaji Madhavan | Official witness |
| PW91 | 02.03.2022 | Meherunnisa | Other witness |
| PW92 | 02.03.2022 | Mohammed Ashraf | Other witness |
| PW93 | 02.03.2022 | Sirajudheen.K.S. | Other witness |
| PW94 | 02.03.2022 | Haris.C.A. | Other witness |
| PW95 | 03.03.2022 | Soosan Antony | Expert witness |
| PW96 | 03.03.2022 | Rasheed.P.A | Other witness |
| PW97 | 09.03.2022 | Jojose Baiju | Official witness |
| PW98 | 09.03.2022 | Santhosh Kumar.M.P. | Official witness |
| PW99 | 09.03.2022 | T.T. Vijayan. | Expert witness |
| PW100 | 16.03.2022 | Molly George. | Expert witness |
| PW101 | 16.03.2022 | Dr. S.P. Sunil | Expert witness |
| PW102 | 17.03.2022 | Dr. Thomas Alexander | Expert witness |
| PW103 | 17.03.2022 | M.T. Anilkumar | Official witness |
| PW104 | 17.03.2022 | Jameela | Other witness |
| PW105 | 23.03.2022 | A.V. Abraham | Official witness |
| PW106 | 23.03.2022 | Vahishad.P.H | Other witness |
| PW107 | 23.03.2022 | Sanooja | Other witness |
| PW108 | 24.03.2022 | Rahila | Expert witness |
| PW109 | 24.03.2022 | K.P. Suresh | Other witness |
| PW110 | 24.03.2022 | Anilkumar.S. | Official witness |
| PW111 | 30.03.2022 | Vinodkumar.O. | Official witness |
| PW112 | 30.03.2022 | Shyni Cleetus | Other witness |

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| PW113 | 30.03.2022 | Vinodkumar.B. | Official witness |
| PW114 | 31.03.2022 | Vipin.M. | Other witness |
| PW115 | 31.03.2022 | Annie Jisha | Other witness |
| PW116 | 05.04.2022 | R. Dhanapal | Other witness |
| PW117 | 05.04.2022 | M. Sivakumar | Other witness |
| PW118 | 06.04.2022 | Vijayakumar.S.S. | Other witness |
| PW119 | 06.04.2022 | Abdul Ragoof @ Shanavas | Other witness |
| PW120 | 07.04.2022 | Dr. K.P. Jayakumar | Expert witness |
| PW121 | 07.04.2022 | Mary Sherin.P.N | Other witness |
| PW122 | 07.04.2022 | Badar Dariz | Other witness |
| PW123 | 19.04.2022 | Dr. P.S. Sureshkumar | Medical witness |
| PW124 | 19.04.2022 | Shamsudheen.V.K. | Other witness |
| PW125 | 29.04.2022 | M.Sivakumar | Police witness |
| PW126 | 29.04.2022 | N.K.Kripa | Official witness |
| PW127 | 29.04.2022 | Abdul Azeez.A.A | Other witness |
| PW128 | 29.04.2022 | Safiya Asharaf | Other witness |
| PW129 | 04.05.2022 | K.K. Anilkumar | Police witness |
| PW130 | 05.05.2022 | Davis.A.A. | Police witness |
| PW131 | 05.05.2022 | Babu V. Jose | Police witness |
| PW132 | 05.05.2022 | Ansar.E.M. | Police witness |
| PW133 | 17.05.2022 | Raheema.K.A. | Other witness |
| PW134 | 17.05.2022 | Shameer.C.K | Other witness |
| PW135 | 17.05.2022 | Adam | Other witness |
| PW136 | 22.06.2022 | Suhara.M.P | Other witness |
| PW137 | 23.06.2022 | Dr. T.P. Poulose | Medical witness |
| PW138 | 23.06.2022 | Muneer.M.B | Other witness |

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| PW139 | 24.06.2022 | Najathulla Sidhique | Other witness |
| PW140 | 24.06.2022 | Noushad.A.M | Other witness |
| PW141 | 29.06.2022 | Manojkumar | Police witness |
| PW142 | 29.06.2022 | George Joseph | Police witness |
| PW143 | 30.06.2022 | James Zacharia | Police witness |
| PW144 | 30.06.2022 | V.J. George | Police witness |
| PW145 | 01.07.2022 | Anthru | Other witness |
| PW146 | 01.07.2022 | Saneesh.M.R | Other witness |
| PW147 | 06.07.2022 | Anoop.C.Nair | Police witness |
| PW148 | 06.07.2022 | P.K.Koyan | Other witness |
| PW149 | 07.07.2022 | Shaji.S.Nair | Police witness |
| PW150 | 07.07.2022 | P.J.Paul | Police witness |
| PW151 | 07.07.2022 | George Francis | Police witness |
| PW152 | 07.07.2022 | Binoy.K.G | Police witness |
| PW153 | 22.07.2022 | Shinto Kurian | Police witness |
| PW154 | 22.07.2022 | Muhammed Hashique | Other witness |
| PW155 | 27.07.2022 | Raju.P.R. | Other witness |
| PW156 | 27.07.2022 | Dixon | Police witness |
| PW157 | 27.07.2022 | Shibu.P.Paul | Official witness |
| PW158 | 04.08.2022 | Dr. Jayakumar | Medical witness |
| PW159 | 04.08.2022 | M.V. Roy | Official witness |
| PW160 | 04.08.2022 | Judy Joseph | Official witness |
| PW161 | 11.08.2022 | Thomas.C. Markose | Police witness |
| PW162 | 11.08.2022 | P.K. Dineshan | Police witness |
| PW163 | 11.08.2022 | Mansoor | Other witness |
| PW164 | 11.08.2022 | Arulkumar.P. | Official witness |

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| PW165 | 12.08.2022 | K.V. Joy | Police witness |
| PW166 | 12.08.2022 | C. Jayakumar | Police witness |
| PW167 | 12.08.2022 | G.D. Vijayakumar | Police witness |
| PW168 | 14.09.2022 | Biju John Lukose | Police witness |
| PW169 | 14.09.2022 | Yesudas | Police witness |
| PW170 | 13.10.2022 | P.I.Sheikh Pareed | Official witness |
| PW171 | 13.10.2022 | Famous Varghese | Police witness |
| PW172 | 13.10.2022 | Sajan Koyikkal | Police witness |
| PW173 | 14.10.2022 | Paul.P.G. | Other witness |
| PW174 | 14.10.2022 | P. Manoj | Police witness |
| PW175 | 14.10.2022 | P.A. Muhammed | Police witness |
| PW176 | 14.10.2022 | Sreekumaran Nair | Police witness |
| PW177 | 19.10.2022 | K.A. Abdul Salam | Police witness |
| PW178 | 19.10.2022 | Selvaraj | Other witness |
| PW179 | 19.10.2022 | Joseph.T.K. | Other witness |
| PW180 | 20.10.2022 | P.V. Baby | Official witness |
| PW181 | 20.10.2022 | K.Bijumon | Police witness |
| PW182 | 21.10.2022 | K. Jayanath | Police witness |
| PW183 | 28.10.2022 | Dr. M. Beena | Official witness |
| PW184 | 28.10.2022 02.03.2023 | Marshal D'Cunha | Official witness |
| PW185 | 03.11.2022 | K. Muhammad Y. Safirulla | Official witness |
| PW186 | 03.11.2022 | Raja Raja Varma | Official witness |
| PW187 | 11.11.2022 31.01.2023 10.02.2023 | Sajeev.P.K. | Official witness |

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| PW188 | 16.11.2022 | K. Jayakumar | Official witness |
| PW189 | 16.11.2022 | Sainaba | Other witness |
| PW190 | 17.11.2022 | Rasiya Beevi | Other witness |
| PW191 | 17.11.2022 | T.D. Gineesh | Other witness |
| PW192 | 17.11.2022 | Unaise.K.A. | Other witness |
| PW193 | 18.11.2022 | Faisal.P. Khader | Police witness |
| PW194 | 18.11.2022 | Sajan.K.G. | Police witness |
| PW195 | 24.11.2022 | Madhu | Police witness |
| PW196 | 30.11.2022 | C. Ramachandran | Official witness |
| PW197 | 06.12.2022 24.03.2023 | Sheen Tharayil | Police witness |
| PW198 | 07.12.2022 23.12.2022 | Protected Witness - B | Other witness |
| PW199 | 07.12.2022 | Protected Witness - A | Other witness |
| PW200 | 08.12.2022 | Protected Witness - D | Other witness |
| PW201 | 16.12.2022 23.12.2022 | Protected Witness - J | Other witness |
| PW202 | 16.12.2022 | Protected Witness - E | Other witness |
| PW203 | 21.12.2022 | Protected Witness - F | Other witness |
| PW204 | 04.01.2023 | Protected Witness - G | Other witness |
| PW205 | 18.01.2023 | Protected Witness - H | Other witness |
| PW206 | 18.01.2023 | Protected Witness - C | Other witness |
| PW207 | 25.01.2023 | Sajeevkumar.C. | Official witness |
| PW208 | 27.01.2023 | Swayam Prakash Pane | Official witness |
| PW209 | 10.02.2023 20.02.2023 21.02.2023 | Sanal.V.R. | Official witness |

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| PW210 | 10.02.2023 | Sabu Mathew | Police witness |
| PW211 | 17.02.2023 | Sajimon | Police witness |
| PW212 | 17.02.2023 | Suraj | Official witness |
| PW213 | 22.02.2023 | Nabeel Koya | Expert witness |
| PW214 | 24.02.2023 | P.N. Ramakrishnan | Expert witness |
| PW215 | 28.02.2023 | Ramesh Kumar | Police witness |
| PW216 | 01.03.2023 | Mohanan.K.T. | Official witness |
| PW217 | 01.03.2023 | Ananthakrishnan | Official witness |
| PW218 | 03.03.2023 31.03.2023 | Vasudevan.K. | Official witness |
| PW219 | 09.03.2023 | Noble Manuel | Police witness |
| PW220 | 13.03.2023 | Bisht.N.S. | Official witness |
| PW221 | 22.03.2023 27.03.2023 28.03.2023 12.04.2023 | P.P. Shams | Police witness |
| PW222 | 23.03.2023 | Sunil Emmanuel | Police witness |
| PW223 | 24.03.2023 | Muhammed Thajuddin Ahammed | Police witness |
| PW224 | 05.04.2023 | Lawrence.B.A. | Other witness |
| PW225 | 11.04.2023 12.04.2023 18.04.2023 25.04.2023 26.04.2023 | Abdul Khader | Police witness |
| PW226 | 13.04.2023 | Reji John | Official witness |
| PW227 | 13.04.2023 | Rejith Kumar | Official witness |
| PW228 | 17.04.2023 | Sainaba | Other witness |

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| PW229 | 15.06.2023 | Vipul Alok | Official witness |
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B. Defence Witness:- Nil.

C. Court Witness:- Nil.

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:-

| Sl. No. | Exhibit Number | Date | Description |
|---------|----------------|------------|--|
| 1. | P1/PW1 | Nil | Photo of A2 Sajil |
| 2. | P1(a)/PW26 | Nil | Photo of Savad (A1) |
| 3. | P1(b)/PW103 | Nil | Photo of M.K. Nassar (A3) |
| 4. | P2/PW1 | Nil | Photo of white Maruthi Omni van. |
| 5. | P3/PW1 | 02.09.2016 | Report of test identification parade of A2 Sajil. |
| 6. | P3(a)/PW1 | 01.09.2016 | Deposition of witness No. 3 in SC 1/2013 Sri. Midhun.T. Joseph. |
| 7. | P3(b)/PW9 | 01.09.2016 | Deposition of witness No. 4 in SC 1/2013 Sri. Mani (Annexure -12). |
| 8. | P3(c)/PW26 | 01.09.2016 | Annexure- 7 (Position chart of the suspect and non-suspect of witness No. 1 Prof. T.J. Joseph) |
| 9. | P4/PW9 | 05.07.1999 | Copy of driving license of K.K. Ali. |
| 10. | P5/PW9 | 15.06.2010 | Copy of sale agreement of vehicle No. KL 07-AH-8768 Maruthi Omni van. |
| 11. | P6/PW9 | Nil | Certified copy of entire album. |
| 12. | P6(a)/PW9 | Nil | Certified copy of one photo of A2 Sajil. |
| 13. | P6(b)/PW9 | Nil | Certified copy of one photo of A3 Nasar. |
| 14. | P7/PW9 | 17.11.2015 | Pointing out Mahazar prepared by DySP, |

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| | | | NIA, Kochi. |
| 15. | P7(a)/PW225 | 17.11.2015 | Extract of the confession statement of M.K. Nasser in Ext. P7 “കടയേയും കടക്കാരുനെയും ഞാൻ കാണിച്ചു തരാം” |
| 16. | P8/PW12 | 26.07.2010 | Relevant portion of certified copy of 161 statement given by Raihanath (PW12) to SI of police, Vazhakulam, from “ 04.07.2010 തീയതി ഹാൾ മുറി ശരിയാക്കി കൊടുത്തു.” |
| 17. | P8(a)/PW12 | 26.07.2010 | Relevant portion of certified copy of 161 statement given by Raihanath (PW12) to SI of police, Vazhakulam, from “ ഞാൻ അവർക്കും നാസ്സറും മറ്റും യോഗം കൂടിയ ഹാൾ മുറി കാണിച്ചു കൊടുത്തു. “ |
| 18. | P9/PW13 | 10.08.2010 | Relevant portion of certified copy of 161 statement given by Khader (PW13) to CI of police, Muvattupuzha, from “ തൊടുപുഴ ന്യൂമാൻ കണ്ടൽ തറയിലുള്ള അനസ്തായിരുന്ന ”. |
| 19. | P9(a)/PW13 | 10.08.2010 | Relevant portion of certified copy of 161 statement given by Khader (PW13) to CI of police, Muvattupuzha, from “ ആ സംഭവത്തിനു മൂന്നു ദിവസം എന്തൊക്കെയോ സംസാരിക്കുന്നത് കണ്ടു ”. |
| 20. | P9(b)/PW13 | 10.08.2010 | Relevant portion of certified copy of 161 statement given by Khader (PW13) to CI of police, Muvattupuzha, “ ഇയാളുടെ കൂടെയുണ്ടായിരുന്ന മറ്റുള്ളവരെയും എനിക്ക് കണ്ടാലറിയാം ” |
| 21. | P10/PW18 | 25.08.2010 | Relevant portion of certified copy of 161 statement given by Moosa (PW18) to DySP, Muvattupuzha, from “ 02.07.2010 തീയതി ഞാൻ പള്ളിയിൽ ഉണ്ടായിരുന്ന സജീലിനെ എനിക്ക് |

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| | | | നേരത്തെ പരിചയമുണ്ട്". |
| 22. | P11/PW18 | 25.08.2010 | Relevant portion of certified copy of deposition of Moosa (PW19) in SC 1/2013 NIA of this court, from " ഒരാളെ കൊണ്ടു വന്നതായിരിക്കാം " |
| 23. | P11(a)/PW18 | 25.08.2010 | Relevant portion of certified copy of deposition of PW19 Moosa in SC 1/2013 NIA of this court, from " അവർ മുഖ് പള്ളിയിൽ കേട്ടിരുന്നു. " |
| 24. | P12/PW18 | 30.08.2010 | Relevant portion of certified copy of 161 statement given by Moosa (PW18) to DySP, Muvattupuzha, from " 02.07.2010 തീയതി ഞാൻ കൂടെയുണ്ടായിരുന്നയാളാണ് " |
| 25. | P13/PW19 | 17.07.2010 | Relevant portion of certified copy of 161 statement of PW19 (Mujeeb) "എന്റെ മൊബൈൽ നമ്പർ 9846441055". |
| 26. | P13(a)/PW19 | 17.07.2010 | Relevant portion of 161 statement of Mujeeb (PW19) to CI of Police, Muvattupuzha, " 06.07.10 തീയതി രാവിലെ 7.19 മണിക്ക് എന്റെ മൊബൈലിലേക്ക് ഒരു മെസ്സേജ് വന്നു." |
| 27. | P13(b)/PW19 | 17.07.2010 | Relevant portion of 161 statement of Mujeeb (PW19) to CI of Police, Muvattupuzha, from " അബു ഉബൈദിനെ അറിയുമോ അബു ഉബൈദുമാരല്ലേ " |
| 28. | P13(c)/PW19 | 17.07.2010 | Relevant portion of 161 statement of Mujeeb (PW19) to CI of Police, Muvattupuzha, from " മൂവാറ്റുപുഴയിൽ അദ്ധ്യപകനെ മൊബൈലിൽ നിന്നും ഡിലീറ്റ് ചെയ്തില്ല " |
| 29. | P14/PW19 | 09.09.2013 | Relevant portion in the Certified copy of the |

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| | | | deposition of PW20 in SC 1/2013 of this Court “ ഞാൻ മുൻ മൂവാറ്റുപുഴ NDF ന്റെ എന്നു പറഞ്ഞാൽ ശരിയല്ല ” |
| 30. | P15/PW20 | 16.07.2010 | Certified copy of seizure mahazar in SC 1/2013 (medical prescription sheet of Al-Ameen Dental Clinic, Aluva) prepared by CI of Muvattupuzha P.S. |
| 31. | P16/PW20 | 04.07.2010 | Prescription of Medicine of Al-Ameen Multy Speciality Dental Clinic, Aluva. |
| 32. | P17/PW21 | 17.07.2010 | Relevant Portion of the copy of 161 statement of PW21 prepared by CI of police, Muvattupuzha “ അവൻ പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യയുടെ ആലുവ ഡിവിഷൻ സെക്രട്ടറിയാണ് ” |
| 33. | P17(a)/PW21 | 17.07.2010 | Relevant Portion of the copy of 161 statement of PW21 prepared by CI of police, Muvattupuzha “ കല്യാണത്തിനു പോരുന്നില്ലേ കാരിൽ കയറി ഞങ്ങൾ കല്യാണത്തിനു പോയി ” |
| 34. | P17(b)/PW21 | 17.07.2010 | Relevant Portion of the copy of 161 statement of PW21 prepared by CI of police, Muvattupuzha “ അതനുസരിച്ച് അന്ന് രാവിലെ..... അയാളെ എനിക്ക് മുൻ പരിചയമില്ലായിരുന്നു ” |
| 35. | P18/PW22 | 15.07.2010 | Certified copy of Seizure Mahazar of Medical equipments of Al- Ameen Dental Clinic, Aluva, prepared by CI of police, Muvattupuzha. |
| 36. | P19/PW22 | Nil | Ida – Indian Dental Association-Membership certificate of Dr. Reneef. |
| 37. | P20/PW22 | 04.01.2011 | Certified copy of Seizure Mahazar of membership certificate, prepared by DySP, NIA. |
| 38. | P21/PW23 | Nil | Certified copy of Booking Register of IB of Kerala Water Authority, Muvattupuzha Sub Division. |

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| 39. | P21(a)/PW23 | Nil | Entry in page No. 56 of Ext. P21. |
| 40. | P22/PW23 | 15.03.2010 | Certified copy of Collection Statement of Kerala Water Authority, Muvattupuzha PH Division, KWA, Piravom. |
| 41. | P22(a)/PW23 | 15.03.2010 | Separate entry in Collection Statement (Ext. P22) of KWA, Muvattupuzha PH Division, KWA, Piravom (Receipt No. 32581). |
| 42. | P23/PW26 | Nil | Certified copy of question paper ' ഗദ്യവും രചനയും ' set for Bcom Internal Examination conducted at Newman College, Thodupuzha. |
| 43. | P23(a)/PW26 | Nil | Question No. 11 in Ext. P23. |
| 44. | P24/PW26 | Nil | Answer sheet of Thasni.V.A. |
| 45. | P24(a)/PW26 | Nil | Answer No. 11 in Ext. P24. |
| 46. | P25/PW26 | 28.05.2010 | Certified copy of Complaint submitted by Prof. T.J. Joseph to DySP, Muvattupuzha. |
| 47. | P26/PW26 | Nil | Photo Album. |
| 48. | P26(a)/PW26 | Nil | One photo of Muhammed Raffi. |
| 49. | P27/PW26 | 09.04.2007 | Certified copy of Registration certificate of KL 17 E 1795. |
| 50. | P27(a)/PW58 | 23.11.2006 | Certified copy of tax receipt No. 043534 of KL 17 E 1795. |
| 51. | P28/PW26 | 14.11.2009 | Certified copy of Insurance certificate of KL 17 E 1795. |
| 52. | P29/PW26 | 07.08.2007 | Driving license of Prof. T.J. Joseph |
| 53. | P30/PW26 | 04.07.2010 | FI statement given by Salomy, W/o. Prof. T.J. Joseph in SC 1/2013 NIA. |
| 54. | P31/PW28 | 05.10.2010 | Certified copy of relevant portion of 161 statement of PW28 "ഇക്കാ പോപ്പുലർ ഫ്രണ്ട് ഓഫ് ഇന്ത്യയുടെ പ്രവർത്തകനാണ്" |

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| | | | prepared by DySP of Police, Muvattupuzha. |
| 55. | P31(a)/PW28 | 05.10.2010 | Certified copy of relevant portion of 161 statement of PW28 "03.07.2010 തീയതി ഇക്ക ഏനെ മനത്തുള്ള വീട്ടിൽ കൊണ്ടു ചെന്നാക്കി" prepared by DySP of Police, Muvattupuzha. |
| 56. | P31(b)/PW28 | 05.10.2010 | Certified copy of relevant portion of 161 statement of PW28 "01.07.2010 തീയതി ഇരുനു സംസാരിക്കുന്നുണ്ടായിരുന്നു" prepared by DySP of Police, Muvattupuzha. |
| 57. | P31(c)/PW28 | 05.10.2010 | Certified copy of relevant portion of 161 statement of PW28 "എനിക്ക് ഒരു മൊബൈൽ ഫോൺ ഉണ്ടായിരുന്നു. അത് വെള്ളത്തിൽ വീണതിനു ശേഷം ഉപയോഗിക്കാറില്ല" prepared by DySP of Police, Muvattupuzha. |
| 58. | P31(d)/PW28 | 05.10.2010 | Certified copy of relevant portion of 161 statement of PW28 "ഇക്കായ്ക്ക് ഫോൺ ഉണ്ട്. അതിന്റെ നമ്പർ 9745003256 എന്നാണ്" prepared by DySP of Police, Muvattupuzha. |
| 59. | P32/PW28 | 01.07.2009 | Copy of Vodafone Customer pre-paid application form in the name of Sainaba. |
| 60. | P32(a)/PW228 | 10.08.1997 | Certified copy of election ID card of Sainaba (No. KL/11/070/372088). |
| 61. | P33/PW28 | Nil | Copy of HUTCH Prepaid application form in the name of Sakkeena. |
| 62. | P33(a)/PW28 | 10.08.1997 | Copy of Voters ID card of Sakkeena (No. KL/11/070/372086). |
| 63. | P34/PW30 | 13.08.2010 | Certified copy of Seizure Mahazar (records of Mulavoor village office) prepared by CI of police, Muvattupuzha. |

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| 64. | P35/PW32 | 22.08.2010 | Certified copy of pointing out Mahazar (Muvattupuzha municipal park) prepared by Dy.Suptd. Of Police, Muvattupuzha. |
| 65. | P36/PW33 | 23.08.2010 | Certified copy of pointing out Mahazar (Muvattupuzha municipal park) prepared by Dy.Suptd. Of Police, Muvattupuzha. |
| 66. | P37/PW34 | 23.08.2010 | Certified copy of pointing out Mahazar (Muvattupuzha municipal park) prepared by Dy.Suptd. Of Police, Muvattupuzha. |
| 67. | P38/PW35 | 17.03.2016 | Certified copy of pointing out Mahazar (near Seemas auditorium) prepared by Deputy Supdt. of Police, NIA, Kochi. |
| 68. | P38(a)/PW225 | 17.03.2016 | Extract of the confession statement of Abdul Azeez @ Azeez Odakkali in Ext. P38. |
| 69. | P39/PW35 | 17.03.2016 | Pointing out Mahazar (Kerala water authority IB) prepared by Deputy Supdt. Of Police, NIA, Kochi. |
| 70. | P39(a)/PW225 | 17.03.2016 | Extract of the confession of Abdul Azeez @ Azeez Odakkali in Ext. P39. |
| 71. | P40/PW36 | Nil | Certified copy of booking diary of Seemas Auditorium, Perumbavoor. |
| 72. | P40(a)/PW36 | 28.03.2010 | Separate entry in Ext. P40. |
| 73. | P41/PW36 | 30.07.2010 | Certified copy of pointing out mahazar of Hut in the Seemas Auditorium, Perumbavoor prepared by CI, Muvattupuzha P.S. |
| 74. | P42/PW37 | 30.11.2014 | Pointing out mahazar (near Jeevajothe hostel) prepared by DySP, NIA, Kochi |
| 75. | P42(a)/PW225 | 28.11.2014 | Extract of the confession of T.P. Subair in Ext. P42. |
| 76. | P43/PW37 | 30.11.2014 | Pointing out mahazar (bus shelter near Erumathala post office) prepared by DySP, NIA, Kochi |
| 77. | P43(a)/PW225 | 28.11.2014 | Extract of the confession of T.P. Subair in Ext. P43. |

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| 78. | P44/PW37 | 30.11.2014 | Pointing out mahazar (NIHCO fibre door manufacturing unit, West Veliyathunadu) prepared by DySP, NIA, Kochi. |
| 79. | P44(a)/PW225 | 28.11.2014 | Extract of the confession statement of T.P. Subair in Ext. P44. |
| 80. | P45/PW37 | 27.04.2009 | Original insurance certificate issued by National Insurance Company Ltd. North Paravur branch (No. 4779752). |
| 81. | P46/PW37 | 30.11.2014 | Seizure mahazar of Brown colour plastic rain coat prepared by DySP, NIA, Kochi |
| 82. | P46(a)/PW225 | 28.11.2014 | Extract of the confession statement of T.P. Subair in Ext. P46. |
| 83. | P46(b)/PW225 | 28.11.2014 | Extract of the confession of T.P. Subair in Ext. P46. |
| 84. | P47/PW38 | 30.07.2010 | Certified copy of scene mahazar of OP section, Kothamangalam govt. hospital, prepared by CI police, Muvattupuzha P.S. |
| 85. | P48/PW39 | 30.07.2010 | Certified copy of the scene mahazar of the room in the building at Kothamangalam substationpady owned by Pallikkal Meeran, prepared by CI police, Muvattupuzha P.S. |
| 86. | P49/PW40 | 04.07.2010 | Certified copy of seizure mahazar of MOs collected by Susan Antony, Scientific Assistant from KL 07 AH 8768 Maruthi omni van and KL 17 E 1795 Wagon R car, prepared by CI police, Muvattupuzha P.S. |
| 87. | P50/PW40 | 13.07.2010 | Certified copy of arrest memo of Dr. Reneef prepared by CI police, Muvattupuzha P.S. |
| 88. | P51/PW40 | 13.07.2010 | Certified copy of seizure mahazar of car (Reg. No. TN 01 P 7555) prepared by CI police, Muvattupuzha P.S. |
| 89. | P52/PW40 | 13.07.2010 | Certified copy of paper printed as 'First Aid' |
| 90. | P53/PW40 | 05.10.2010 | Certified copy of question paper " ഗദ്യവും രചനയും " Set for B.com internal exam |

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| | | | conducted at Newman College, Thodupuzha. |
| 91. | P54/PW40 | 06.07.2010 | Certified copy of paper cutting of Siraj News paper. |
| 92. | P55/PW40 | 06.07.2010 | Certified copy of one sheet of Siraj News paper. |
| 93. | P56/PW40 | 05.10.2010 | Certified copy of paper cutting |
| 94. | P57/PW40 | 05.10.2010 | Pamphlet of Edavanakad Juma Ath പള്ളി "ബിസ്മില്ലാഹി റഹ്മാനി റഹീം " |
| 95. | P58/PW40 | 05.10.2010 | Popular Front of India Freedom Parade 15 th August 2010, Aluva Organising committee. |
| 96. | P59/PW40 | 05.10.2010 | Certified copy of Booklet "വിചാരതീരം " |
| 97. | P60/PW40 | 26.07.2010 | Scene Mahazar of the house No. VIII/533 of Chittattukara Grama Panchayath, prepared by SI of Police, Muvattupuzha P.S. |
| 98. | P61/PW40 | 22.11.2010 | Seizure mahazar of the sale agreement of Maruthi car bearing Regn. No. KL 10 M 8044 prepared by CI of police, Muvattupuzha P.S. |
| 99. | P62/PW40 | Nil | Sale agreement of maruthi car bearing Regn. No. KL 10 M 8044 executed between Muhammed Sajad and Moideen kuty. |
| 100. | P63/PW40 | 05.01.2011 | Certified copy of seizure mahazar of BDS certificate and Dental Counsel Registration Certificate of Dr. Reneef, prepared by DySP, Muvattupuzha. |
| 101. | P64/PW41 | 18.07.2010 | Relevant portion of certified copy of 161 statement of PW41, "ചേട്ടൻ അലി നേരത്തെ NDF സജീവപ്രവർത്തകനാണ് " prepared by CI |

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| | | | of police, Muvattupuzha P.S. |
| 102. | P64(a)/PW41 | 18.07.2010 | Relevant portion of certified copy of 161 statement of PW41, “ ചേട്ടന്റെ ഫോൺ നമ്പർ 9567693209 എന്നാണ് ” prepared by CI of police, Muvattupuzha P.S. |
| 103. | P64(b)/PW41 | 18.07.2010 | Relevant portion of certified copy of 161 statement of PW41, “തൊടുപുഴ സൂമാൻ കോളേജിലെ പ്രതിഷേധങ്ങളും കൊണ്ടു വന്നിരുന്നു ” prepared by CI of police, Muvattupuzha P.S. |
| 104. | P64(c)/PW41 | 18.07.2010 | Relevant portion of certified copy of 161 statement of PW41, “ 01.07.2010 തീയതി കൊണ്ടു പോയി വിട്ടു ” prepared by CI of police, Muvattupuzha P.S. |
| 105. | P64(d)/PW41 | 18.07.2010 | Relevant portion of certified copy of 161 statement of PW41, “ ചേട്ടൻ വീട്ടിൽ നിന്ന്..... ഫോൺ സിച്ച് ഓഫ് ചെയ്യാറില്ല ” prepared by CI of police, Muvattupuzha P.S. |
| 106. | P65/PW42 | 24.04.2009 | Certified copy of SDPI member ship form in the name of Nissar. M.A. |
| 107. | P66/PW42 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW42 “In the year..... I joined PFI” prepared by SP, NIA. |
| 108. | P66(a)/PW42 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW42 “ On 03.04.2010 PFI/SDPI activists..... I left for my home” prepared by SP, NIA. |
| 109. | P66(b)/PW42 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW42 “On 04.04.2010 morning..... at about 6 pm” prepared by SP, NIA. |

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| 110. | P67/PW43 | 30.07.2010 | Certified copy of scene mahazar of IVth floor of Revenue tower, Kothamangalam taluk prepared by CI of police, Muvattupuzha. |
| 111. | P68/PW44 | 06.11.2012 | Relevant portion of certified copy of 161 statement given by PW44 “1995 മുതൽ ഞാൻ കമ്മിറ്റി അംഗമാണ് ” prepared by DySP, NIA. |
| 112. | P68(a)/PW44 | 06.11.2012 | Relevant portion of certified copy of 161 statement given by PW44 “മുവാറ്റുപുഴയിലെ പ്രൊഫസ്സറുടെ..... പങ്കെടുത്തിരുന്നു ” prepared by DySP, NIA. |
| 113. | P68(b)/PW44 | 06.11.2012 | Relevant portion of certified copy of 161 statement given by PW44 “PFI ജില്ലാ പ്രസിഡന്റായിരുന്ന ഞാൻ യോഗത്തിന് വന്നത് ” prepared by DySP, NIA. |
| 114. | P68(c)/PW44 | 06.11.2012 | Relevant portion of certified copy of 161 statement given by PW44 “യോഗത്തിന് എന്റെ ബൈക്കിലാണ് ” prepared by DySP, NIA. |
| 115. | P68(d)/PW44 | 06.11.2012 | Relevant portion of certified copy of 161 statement given by PW44 “ഞാനും നൗഷാദ്ദും ഞാൻ ആ യോഗത്തിൽ പങ്കെടുത്തു ” prepared by DySP, NIA. |
| 116. | P68(e)/PW44 | 06.11.2012 | Relevant portion of certified copy of 161 statement given by PW44 “ഞാൻ പുറത്തിറങ്ങുമ്പോൾ മൻസൂർ എന്നിവർ അവിടെ ഉണ്ടായിരുന്നു” prepared by DySP, NIA. |
| 117. | P69/PW45 | 20.10.2012 | Relevant portion of certified copy of 161 statement given by PW45 “ഞാൻ 1995 മുതൽ ഭാരവാഹിത്വം വഹിച്ചിട്ടില്ല ” prepared by DySP, NIA. |

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| 118. | P69(a)/PW45 | 20.10.2012 | Relevant portion of certified copy of 161 statement given by PW44 “2006-2007 കാലയളവിൽ ഞാൻ നാസ്സറിനെ കണ്ടിട്ടില്ല ” prepared by DySP, NIA. |
| 119. | P69(b)/PW45 | 20.10.2012 | Relevant portion of certified copy of 161 statement given by PW44 “ഞാൻ മുഖ് 9048020781..... ഉപയോഗിച്ചിട്ടില്ല” prepared by DySP, NIA. |
| 120. | P69(c)/PW45 | 20.10.2012 | Relevant portion of certified copy of 161 statement given by PW44 “03.07.2010 ന് ഒരു യോഗം ഉണ്ട് നൗഷാദ് എന്നിവർ യോഗത്തിൽ പങ്കെടുത്തിരുന്നു ” prepared by DySP, NIA. |
| 121. | P69(d)/PW45 | 20.10.2012 | Relevant portion of certified copy of 161 statement given by PW44 “7 മണിയോടു കൂടി..... മുകളിൽ ഹാളിൽ ഉണ്ടായിരുന്നു ” prepared by DySP, NIA. |
| 122. | P70/PW45 | 05.07.2006 | Certified copy of driving license of Muhammed Ansari. |
| 123. | P71/PW45 | 31.12.2013 | Certified copy of witness summons issued to Muhammed Ansari. |
| 124. | P72/PW45 | 11.05.2017 | Relevant portion of certified copy of 161 statement given by PW45 “03.07.2010 ന് എനിക്ക് മനസ്സിലായി ” prepared by DySP, NIA. |
| 125. | P72(a)/PW45 | 11.05.2017 | Relevant portion of certified copy of 161 statement given by PW45 “വണ്ടി രണ്ടു ദിവസം കഴിഞ്ഞാണ് 2008 ലാണ് ഞാൻ ആ വണ്ടി എടുത്തത് ” prepared by DySP, NIA. |
| 126. | P73/PW46 | 06.01.2014 | Relevant portion of certified copy of deposition of PW154 in SC 1/2013 NIA of this court “മീറ്റിംഗിനോടനുബന്ധിച്ച് |

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| | | | എന്ന നിലയിൽ സൂക്ഷിച്ചിരുന്നത് " prepared by DySP, NIA. |
| 127. | P73(a)/PW46 | 06.01.2014 | Relevant portion of certified copy of deposition of PW154 in SC 1/2013 NIA of this court "05.07.2010 ന് നടന്ന എനിയ്ക്കറിയില്ല" prepared by DySP, NIA. |
| 128. | P74/PW46 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW46 "After one week..... from 21.03.2010 to 03.04.2010" prepared by SP, NIA. |
| 129. | P74(a)/PW46 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW46 "In the last week organized by PFI" prepared by SP, NIA. |
| 130. | P74(b)/PW46 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW46 "On 03.04.2010 evening than PFI/SDPI" prepared by SP, NIA. |
| 131. | P74(c)/PW46 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW46 "PFI leaders the gathering" prepared by SP, NIA. |
| 132. | P74(d)/PW46 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW46 "While I was I left for my house" prepared by SP, NIA. |
| 133. | P74(e)/PW46 | 06.03.2012 | Relevant portion of certified copy of 161 statement given by PW46 "In the year 2008 was started" prepared by SP, NIA. |
| 134. | P75/PW46 | Nil | Certified copy of pamphlet of SDPI "ജനകേരള യാത്ര" |
| 135. | P75(a)/PW46 | Nil | Page No. 11 entry in Ext. P75. |

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| 136. | P76/PW46 | Nil | Certified copy of PFI membership forms (26 Nos.) |
| 137. | P76(a)/PW46 | Nil | Certified copy of pledge portion of PFI membership forms (26 Nos.) |
| 138. | P76(b)/PW46 | Nil | Certified copy of PFI membership form in the name of Subair |
| 139. | P76(c)/PW182 | Nil | SDPI membership form in the name of Siyad. |
| 140. | P77/PW46 | Nil | Certified copy of PFI membership forms (25Nos.) |
| 141. | P77(a)/PW46 | Nil | Certified copy of membership form in the name of Shalikkar Muhammed |
| 142. | P77(b)/PW46 | Nil | Pledge portion of PFI membership form in the name of Shalikkar Muhammed |
| 143. | P78/PW46 | Nil | Certified copy of PFI membership forms (13 Nos.) |
| 144. | P78(a)/PW46 | Nil | Certified copy of PFI membership form in the name of Mansoor. |
| 145. | P79/PW46 | Nil | Certified copy of PFI membership forms (32 Nos.) |
| 146. | P79(a)/PW46 | Nil | Certified copy of PFI membership form in the name of Muhammed Ansari. |
| 147. | P80/PW46 | Nil | Certified copy of PFI membership forms (30 Nos.) |
| 148. | P80(a)/PW46 | Nil | Certified copy of membership form in the name of Ayoob. |
| 149. | P81/PW46 | Nil | Certified copy of PFI membership forms |
| 150. | P81(a)/PW46 | Nil | Certified copy of membership form in the name of Noushad. |

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| 151. | P81(b)/PW46 | Nil | Certified copy of membership form in the name of M.K. Nassar |
| 152. | P81(c)/PW46 | Nil | Certified copy of membership form in the name of Najathulla Siddikh. |
| 153. | P82/PW46 | Nil | Certified copy of PFI membership forms (22 Nos.) |
| 154. | P82(a)/PW46 | Nil | Certified copy of membership form in the name of Abdul Salam (A16). |
| 155. | P83/PW46 | Nil | Certified copy of PFI membership forms (15 Nos.) |
| 156. | P83(a)/PW46 | Nil | Certified copy of membership form in the name of Savad (A1) |
| 157. | P84/PW46 | Nil | Certified copy of PFI membership forms (14 Nos.) |
| 158. | P84(a)/PW46 | Nil | Certified copy of membership form in the name of Shobin (A) |
| 159. | P85/PW46 | Nil | Certified copy of PFI membership forms (25 Nos.) |
| 160. | P85(a)/PW46 | Nil | Certified copy of membership form in the name of Abdul Shafeeque (A4) |
| 161. | P86/PW46 | Nil | Certified copy of PFI membership forms (15 Nos.) |
| 162. | P86(a)/PW46 | Nil | Certified copy of membership form in the name of Muhammed Luthufulla (A) |
| 163. | P87/PW46 | Nil | Certified copy of PFI membership forms (18 Nos.) |
| 164. | P87(a)/PW46 | Nil | Certified copy of membership form in the name of Younus Aliyar (A) |
| 165. | P88/PW46 | Nil | Certified copy of PFI membership forms (9 Nos.) |

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| 166. | P88(a)/PW46 | Nil | Certified copy of membership form in the name of Shanavas (A) |
| 167. | P89/PW46 | Nil | Certified copy of PFI membership forms (12 Nos.) |
| 168. | P89(a)/PW46 | Nil | Certified copy of membership form in the name of Jamal (A) |
| 169. | P90/PW46 | Nil | Certified copy of PFI membership forms (36 Nos.) |
| 170. | P90(a)/PW46 | Nil | Certified copy of membership form in the name of Anwar Sadique (A) |
| 171. | P91/PW46 | Nil | Certified copy of PFI membership forms (60 Nos.) |
| 172. | P91(a)/PW46 | Nil | Certified copy of membership form in the name of Abdul Azeez (A6) |
| 173. | P92/PW46 | Nil | Certified copy of PFI membership forms (33 Nos.) |
| 174. | P92(a)/PW46 | Nil | Certified copy of membership form in the name of Muhammed Rafi (A7) |
| 175. | P93/PW47 | 27.07.2010 | Certified copy of seizure mahazar of MO21 and MO22 prepared by CI of police, Muvattupuzha. |
| 176. | P94/PW48 | 14.09.2010 | Relevant portion of certified copy of 161 statement given by PW48 to DySP, Muvattupuzha from " കഴിഞ്ഞ ജൂലൈ മാസം നാലാം തീയതി പ്രവർത്തകനാണ് എന്നറിയാം " |
| 177. | P94(a)/PW48 | 14.09.2010 | Relevant portion of certified copy of 161 statement given by PW48 to DySP, Muvattupuzha from " മൂവാറ്റുപുഴയിൽ അറസ്റ്റ് ചെയ്തതെന്ന് കേട്ടു " |
| 178. | P94(b)/PW48 | 14.09.2010 | Copy of portion of certified copy of 161 |

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| | | | statement given by PW48 to DySP, Muvattupuzha from “മുവാറ്റുപുഴക്കാരനായ വീട് ചെലവിനായി തന്നതാണ് ” |
| 179. | P94(c)/PW48 | 14.09.2010 | Copy of portion of certified copy of 161 statement given by PW48 to DySP, Muvattupuzha from “ കൂറെ കാലമായി കൊണ്ടു വന്നു തന്നത് ” |
| 180. | P95/PW48 | 04.11.2013 | Relevant portion of certified copy of deposition of PW78 in SC 1/2013 NIA of this court from “ എനിക്കു റബ്ബർ വെട്ട് മാർഗ്ഗമോ ഇല്ല ” |
| 181. | P96/PW48 | Nil | Certified copy of Election ID card of Jaffer. |
| 182. | P96(a)/PW48 | Nil | Certified copy of CAF of mobile No. 9605785296 in the name of Jaffar. |
| 183. | P97/PW48 | 22.08.2007 | Certified copy of Airtel prepaid enrollment form in the name of Meeran. |
| 184. | P97(a)/PW48 | Nil | Certified copy of Election ID card of Meeran. |
| 185. | P98/PW49 | 10.10.2010 | Certified copy of scene mahazar of parking place of Maruthi Omni van at Irumalappady prepared by DySP, Muvattupuzha. |
| 186. | P99/PW50 | 26.11.2013 | Relevant portion of certified copy of deposition in page No. 9 of PW146 in SC 1/2013 NIA of this court from “ NIA Office ൽ വെച്ച് ശരിയാണ് ” |
| 187. | P100/PW50 | 18.06.2011 | Relevant portion of certified copy of 161 statement of PW50 prepared by DySP, NIA from “ In the second a day or two ” |
| 188. | P100(a)/PW50 | 18.06.2011 | Relevant portion of certified copy of 161 statement of PW50 prepared by DySP, NIA “ I got a doubt wood designing ” |
| 189. | P100(b)/PW50 | 18.06.2011 | Relevant portion of certified copy of 161 |

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| | | | statement of PW50 prepared by DySP, NIA " They could not from the flats" |
| 190. | P100(c)/PW50 | 18.06.2011 | Relevant portion of certified copy of 161 statement of PW50 prepared by DySP, NIA "As per the information wooden designer" |
| 191. | P101/PW52 | 29.08.2010 | Relevant portion of certified copy of 161 statement given by PW52 to DySP, Muvattupuzha from "PFI പ്രവർത്തകനായ വാങ്ങിയത് " |
| 192. | P101 (a)/PW52 | 29.08.2010 | Relevant portion of certified copy of 161 statement given by PW48 to DySP, Muvattupuzha from " ആ ഫോൺ കൊടുത്തതായി പറഞ്ഞിട്ടുണ്ട് " |
| 193. | P102/PW53 | 30.08.2010 | Relevant portion of 161 statement given by PW53 to DySP, Muvattupuzha from "2 വർഷമായി ഞാൻ മനഘമാണ് " |
| 194. | P102(a)/PW53 | 30.08.2010 | Relevant portion of 161 statement given by PW53 to DySP, Muvattupuzha from "PFI പ്രവർത്തകനായ എനിക്കറിയാം " |
| 195. | P102(b)/PW53 | 30.08.2010 | Relevant portion of 161 statement given by PW53 to DySP, Muvattupuzha from "15.06.2010 തീയതി ഞാൻ പറഞ്ഞു " |
| 196. | P102(c)/PW53 | 30.08.2010 | Relevant portion of 161 statement given by PW53 to DySP, Muvattupuzha from "അലി എന്റെ കൈയിൽ ഫോണിലും ബന്ധപ്പെട്ടിട്ടില്ല " |
| 197. | P103/PW55 | 04.07.2010 | Copy of Vodafone prepaid application form in the name of Vahishad. |
| 198. | P104/PW55 | Nil | Copy of driving license of Vahishad. |

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| 199. | P105/PW56 | 09.09.2010 | Certified copy of scene mahazar of the house No. XVIII/617 Edathala Panchayath, Aluva prepared by DySP, Muvattupuzha |
| 200. | P106/PW56 | 09.09.2010 | Relevant portion of certified copy of 161 statement given by PW56 to DySP, Muvattupuzha from "പോലീസ് പറക്കാട്ട് വീട്ടിലേക്ക് കൂടിയാണ് വന്നത്" |
| 201. | P106(a)/PW56 | 09.09.2010 | Relevant portion of certified copy of 161 statement given by PW48 to DySP, Muvattupuzha from "അലി എന്റെ കൈയിൽ ഫോണിലും ബന്ധപ്പെട്ടിട്ടില്ല " |
| 202. | P106(b)/PW56 | 09.09.2010 | Relevant portion of certified copy of 161 statement given by PW48 to DySP, Muvattupuzha from "മൂവാറ്റുപുഴയിൽ പോലീസ് പറഞ്ഞു" |
| 203. | P106(c)/PW56 | 09.09.2010 | Relevant portion of certified copy of 161 statement given by PW48 to DySP, Muvattupuzha from "മൊത്തം 7 പ്രതികൾ പറഞ്ഞറിഞ്ഞു" |
| 204. | P107/PW57 | 04.07.2010 | Certified copy of scene mahazar of scene of crime in Crime No. 704/2010 of Muvattupuzha Police station prepared by CI of Police, Muvattupuzha. |
| 205. | P108/PW58 | 02.08.2010 | Certified copy of seizure mahazar of driving license of Prof. T.J. Joseph and RC records of KL 17 E 1795 Wagon R car. |
| 206. | P109/PW58 | Nil | Certified copy of Kaichit given by Viswappan for receiving the driving license and RC records of KL 17 E 1795 Wagon R car. |
| 207. | P110/PW59 | 12.05.2014 | Certified copy of RC particulars of KL 10 M 8044 Maruthi 800 issued by Joint RTO, Thirur. |

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| 208. | P111/PW60 | 07.01.2011 | Certified copy of inspection report of Maruthi Omni van prepared by V.P. Sakkir, Asst. Motor Vehicle Inspector, Regional Transport Office, Muvattupuzha. |
| 209. | P112/PW61 | Nil | Certified copy of the threatening letters received by Newman College, Thodupuzha. |
| 210. | P113/PW62 | 09.07.2010 | Certified copy of seizure mahazar of number plate prepared by CI of police, Muvattupuzha. |
| 211. | P113(a)/PW221 | 09.07.2010 | Portion of the disclosure statement made by Jaffer in Ext. P113. |
| 212. | P114/PW63 | 11.09.2010 | Certified copy of seizure mahazar of KL 07 AG 2766 Hero Honda Passion Motor bike prepared by DySP, Muvattupuzha. |
| 213. | P115/PW64 | 26.07.2010 | Relevant portion of 161 statement given by PW64 to SI of Police, Vazhakkulam from "ഞാൻ മന്ദ്രത്തുള്ള ഞാൻ ഉണ്ടായിരുന്നു" |
| 214. | P115(a)/PW64 | 26.07.2010 | Relevant portion of 161 statement given by PW64 to SI of Police, Vazhakkulam from "അവിടെ PFI പ്രവർത്തകരായ ഒപ്പു വെച്ചിട്ടുണ്ട്" |
| 215. | P116/PW65 | 06.01.2011 | Certified copy of site plan prepared by Village Officer, Muvattupuzha. |
| 216. | P117/PW66 | 12.08.2010 | Certified copy of RC particulars of Maruthi Ritz car bearing Regn. No. KL 42 C 4700 issued by MVI, North Paravur. |
| 217. | P118/PW67 | 13.08.2010 | Certified copy of RC particulars of Lancer car bearing Regn. No. KL 07 AH 1515 issued by Joint RTO, Aluva. |
| 218. | P119/PW67 | 13.08.2010 | Certified copy of RC particulars of Motor cycle bearing Regn. No. KL 41 A 3068 |

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| | | | issued by Joint RTO, Aluva. |
| 219. | P120/PW67 | 04.11.2010 | Certified copy of RC particulars of Tata Indica bearing Regn. No. KL 07 AP 1613 issued by Joint RTO, Aluva. |
| 220. | P121/PW67 | 22.09.2010 | Certified copy of RC particulars of Scorpio bearing Regn. No. KL 03 J 3883 issued by Joint RTO, Aluva. |
| 221. | P122/PW67 | 04.11.2010 | Certified copy of Registration certificate of Tata Indica, bearing Regn No. KL 09 R 7541 issued by Asst. RA, Aluva. |
| 222. | P123/PW68 | 11.08.2010 | Certified copy of Registration particulars of KL-17-F 5760 Autorikshaw issued by Joint RTO, Muvattupuzha. |
| 223. | P124/PW68 | 11.08.2010 | Certified copy of Registration particulars of KL-17-E 1795 Maruthi Wagon R car issued by Joint RTO, Muvattupuzha. |
| 224. | P125/PW69 | 16.06.2011 | Certified copy of pointing out memo of Seemas Auditorium, Perumbavoor prepared by DySP, NIA. |
| 225. | P126/PW69 | 16.06.2011 | Certified copy of pointing out memo of Saith Mosque, Bank Jn., Aluva prepared by DySP, NIA. |
| 226. | P127/PW69 | 16.06.2011 | Certified copy of pointing out memo of Flat No. 7B, Daffodle Apartment, Thrissur prepared by DySP, NIA. |
| 227. | P128/PW70 | 12.11.2011 | Relevant portion of 161 statement given by PW70 to DySP, NIA Camp, Kochi from “ On 04.07.2010 at the earliest”. |
| 228. | P128(a)/PW70 | 12.11.2011 | Relevant portion of 161 statement given by PW70 to DySP, NIA Camp, Kochi from “ But I waited till spread all over”. |
| 229. | P128(b)/PW70 | 12.11.2011 | Relevant portion of 161 statement given by PW70 to DySP, NIA Camp, Kochi from “ Repeatedly I was |

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| | | | Thykkattukara Village”. |
| 230. | P129/PW71 | 06.01.2014 | Relevant portion of certified copy of deposition of PW153 in SC 1/2013 of this court from “ എന്നാൽ പത്രം ചെയ്തതായി അറിയാം” |
| 231. | P130/PW71 | 12.11.2011 | Relevant portion of 161 statement given by PW71 to DySP, NIA Camp, Kochi from “ I am an activethem any assistance”. |
| 232. | P130(a)/PW71 | 12.11.2011 | Relevant portion of 161 statement given by PW71 to DySP, NIA Camp, Kochi from “ 04.07.2010 meetingthe accused ”. |
| 233. | P131/PW72 | 07.09.2016 | Scene mahazar of shop No. XVII/603 prepared by DySP of police, NIA, Kochi. |
| 234. | P131(a)/PW225 | 07.09.2016 | Relevant portion of Ext. P131 “എന്റെ കൂടെ വന്നാൽ കാണിച്ചു തരാം” |
| 235. | P132/PW74 | 28.07.2015 | Relevant portion of 161 statement given by PW74 to DySP, NIA Camp, Kochi from “ഇപ്പോൾ എന്നെ കാണിച്ചു ചെയ്തതായി കാണുന്നുണ്ട്” |
| 236. | P132(a)/PW74 | 28.07.2015 | Relevant portion of 161 statement given by PW74 to DySP, NIA Camp, Kochi from “കടയിലേക്ക് ഫോൺ വന്നപ്പോൾ തിരിച്ചറിഞ്ഞ് പറഞ്ഞു” |
| 237. | P133/PW75 | 15.01.2013 | Relevant portion of 161 statement given by PW75 to DySP, NIA Camp, Kochi from “ കണ്ടുണ്ണിക്കരക്കാരൻ പ്രദേശത്ത് കണ്ടിട്ടില്ല ”. |
| 238. | P134/PW76 | – | Certified copy of visiting card of Juki Ameer, Alfa Tailoring Machine repairing, Tirur. |
| 239. | P135/PW76 | 02.11.2012 | Relevant portion of 161 statement given by |

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| | | | PW76 to DySP, NIA Camp, Kochi from “തിരൂർ താഴെപാലത്ത് സക്കീറിന്റെ നമ്പർ ”. |
| 240. | P135(a)/PW76 | 02.11.2012 | Relevant portion of 161 statement given by PW76 to DySP, NIA Camp, Kochi from “ഇപ്പോൾ എന്നെ കാണിച്ച സുനീർ എന്നാണ് എന്നോട് പറഞ്ഞിരുന്നത്”. |
| 241. | P135(b)/PW76 | 02.11.2012 | Relevant portion of 161 statement given by PW76 to DySP, NIA Camp, Kochi from “16.10.2002 ന് ഇസ്ലാം അസ്സോസിയേഷന്റെതാണ്”. |
| 242. | P136/PW77 | 14.12.2015 | Ownership certificate issued by Secretary, Chittattukara Grama Panchayath, Paravur (Building No. VIII/507 of Mr. Shihabudeen). |
| 243. | P137/PW78 | 23.05.2017 | Ownership certificate issued by Secretary, Choornikkara Grama Panchayath, Paravur (Building No.XVII/603 of Mr. P.B. Asharaf). |
| 244. | P138/PW79 | 22.05.2015 | Relevant portion of 161 statement given by PW79 to DySP, NIA Camp, Kochi from “ ഈ കേസിലെ പ്രതിയായ സജിലിനെ ഒരേ സമയം മെമ്പർമാർ ആയിരുന്നു” |
| 245. | P138(a)/PW79 | 22.05.2015 | Relevant portion of 161 statement given by PW79 to DySP, NIA Camp, Kochi from “ കൈ വെട്ട് സംഭവത്തിനു ശേഷം മൂന്നാല് പ്രാവശ്യം സജിലിനെ കണ്ടിട്ടുണ്ട്” |
| 246. | P138(b)/PW79 | 22.05.2015 | Relevant portion of 161 statement given by PW79 to DySP, NIA Camp, Kochi from “ രണ്ടു പ്രാവശ്യം കോഴിക്കോട് സജിൽ എന്നോട് പറഞ്ഞിരുന്നു” . |
| 247. | P138(c)/PW79 | 22.05.2015 | Relevant portion of 161 statement given by PW79 to DySP, NIA Camp, Kochi from “ അക്കാലത്ത് അവൻ താടി വെച്ചിരുന്നു |

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| | | | 2-3 ദിവസം കഴിഞ്ഞ് ഞങ്ങൾ പോയത്" |
| 248. | P138(d)/PW79 | 22.05.2015 | Relevant portion of 161 statement given by PW79 to DySP, NIA Camp, Kochi from " ഫഹദിനെ വെള്ളൂർക്കുന്നത്തെ ഫഹദിന്റെ ഫോൺ നമ്പർ " |
| 249. | P139/PW80 | 04.07.2010 | Copy of Vodafone CAF of mobile No. 9946609011 in the name of Shihabudeen. |
| 250. | P139(a)/PW80 | 30.06.2003 | Copy of SSLC certificate of Shihabudeen. |
| 251. | P140/PW80 | 25.05.2017 | Relevant portion of 161 statement given by PW80 to DySP, NIA Camp, Kochi from " 04.07.2010 ന് രാവിലെ ഞാൻ മനത്ത് ഫോട്ടോയും ഒപ്പും എന്റേതാണ്". |
| 252. | P141/PW81 | 03.12.2014 | RC particulars of KL.08.S 7190 Hero Honda Passion Motor cycle issued by MVI, SRT office, N. Paravur. |
| 253. | P142/PW82 | 11.12.2015 | Ownership certificate of building No. VII/276 of Sri. Nasser.M.K., issued by Secretary, Kadungalloor Grama Panchayath. |
| 254. | P143/PW83 | 15.12.2014 | Seizure mahazar of KL. 08. S 7190 Hero Honda Passion Motor cycle prepared by DySP, NIA, Kochi. |
| 255. | P144/PW83 | – | Photo of Hero Honda Passion motor cycle Reg. No. KL 08 S 7190. |
| 256. | P145/PW85 | 14.04.2015 | Observation mahazar prepared at Irumalappady, Kothamangalam on 14.04.2015 at the instance of Najeeb (A31) prepared by DySP, NIA, Kochi. |
| 257. | P145(a)/ PW225 | 14.04.2015 | Portion of Ext. P145 "13.4.15 തീയതി എന്ന് പറഞ്ഞ അറിവിന്മേൽ " |
| 258. | P146/PW88 | 26.07.2015 | Seizure Mahazar of Zen Estilo car (Regn. No. KL 40 B 3061) prepared by DySP, NIA. |

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| 259. | P147/PW89 | 24.07.2015 | Observation Mahazar prepared at the house of P.A. Rasheed at the instance of A45 prepared by DySP, NIA, Kochi. |
| 260. | P147(a)/PW225 | 24.07.2015 | Portion of Ext. P147 "എന്റെ കൂടെ വന്നാൽ കാണിച്ചു തരാം " |
| 261. | P148/PW89 | 24.07.2015 | Observation Mahazar prepared at Muthalakkuzhy, Aluva at the instance of A45 prepared by DySP, NIA, Kochi. |
| 262. | P148(a)/PW225 | 24.07.2015 | Portion of Ext. P148 "സുൽഫിയുടെ വീട്ടിൽ ഞാൻ കാണിച്ചു തരാം " |
| 263. | P149/PW90 | 06.08.2015 | RC particulars of Matuthi Zen LXi Estilo Reg. No. KL 40 B 3061 issued by JRTO, Sub RT office, Perumbavoor. |
| 264. | P150/PW92 | 22.07.2015 | Relevant portion of 161 statement given by PW92 to DySP, NIA , Kochi from "2005 മുതൽ NDF ലും തുടർന്ന് PFI യിലും പ്രവർത്തിച്ചു വരുന്നു". |
| 265. | P150(a)/PW92 | 22.07.2015 | Relevant portion of 161 statement given by PW92 to DySP, NIA , Kochi from "കൈവെട്ട് സംഭവത്തിന് അവർ തിരിച്ചു പോയി". |
| 266. | P150(b)/PW92 | 22.07.2015 | Relevant portion of 161 statement given by PW92 to DySP, NIA , Kochi from "സംഭവത്തിനു കുറച്ച് മുമ്പ് കീ കൂടി വാങ്ങി വെച്ചു ". |
| 267. | P150(c)/PW92 | 22.07.2015 | Relevant portion of 161 statement given by PW92 to DySP, NIA , Kochi from "11 മണിക്കൾ ശേഷം ഭാര്യ വീട്ടിലേക്ക് പോയി ". |
| 268. | P150(d)/PW92 | 22.07.2015 | Relevant portion of 161 statement given by PW92 to DySP, NIA , Kochi from "ഭാര്യ വീട്ടിൽ വെച്ച് ടി.വി. കണ്ട പരിചയമുണ്ട്". |
| 269. | P150(e)/PW92 | 22.07.2015 | Relevant portion of 161 statement given by PW92 to DySP, NIA , Kochi from "ആ |

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| | | | വീട്ടിൽ ആയിരിക്കുമ്പോൾ ഞാൻ നമ്പർ മാറ്റിയത്". |
| 270. | P151/PW93 | 16.06.2016 | Relevant portion of 161 statement given by PW93 to DySP, NIA , Kochi from "04.07.2010 ന് രാവിലെ ഞാൻ അറിയുന്നത്". |
| 271. | P151(a)/PW93 | 16.06.2016 | Relevant portion of 161 statement given by PW93 to DySP, NIA , Kochi from "ഉച്ചയോടെ ഞാൻ ഉപയോഗിച്ചിരുന്നു ". |
| 272. | P151(b)/PW93 | 16.06.2016 | Relevant portion of 161 statement given by PW93 to DySP, NIA , Kochi from "വീടിന്റെ മുകളിൽ ഒരു മുറിയും ഉണ്ട് ". |
| 273. | P152/PW94 | Nil | Four sheet paper containing name and address with phone numbers of 42 persons of Tejus Publish Charitable Trust, Media City, Kozhikode. |
| 274. | P153/PW94 | 15.11.2010 | Reply given by C.A. Haris, Secretary, Thejus Publications to DySP, Muvattupuzha in response to the letter No. 704/CR/10/MS dtd. 04.11.2010 to 11.11.2010. |
| 275. | P154/PW94 | Nil | Details of phone numbers in the name of Tejus Publishing Charitable Trust, Media City, Kozhikode. |
| 276. | P155/PW94 | Nil | Name and address of trustees in Tejus Publishing Charitable Trust, Media City, Kozhikode. |
| 277. | P156/PW94 | 04.11.2010 | Notice U/s. 43F Unlawful Activities (Prevention) Act, issued by DySP, NIA to C.A. Haris, Thayyil House, V.V Road, Vadakode. |
| 278. | P157/PW94 | 15.11.2010 | 161 Statement given by PW94 to CI of Police, Muvattupuzha from " മനാഫ്, മൻസൂർ ഇപ്പോഴും അവരുടെ പക്കലാണ് " |

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| 279. | P158/PW94 | 16.09.2010 | 161 Statement given by PW94 to CI of Police, Muvattupuzha from “ മൊയ്തീൻകുഞ്ഞിനെ മനാഹാണ്” |
| 280. | P159/PW95 | 04.07.2010 | Certified copy of report of Susan Antony, Scientific Assistant, Ernakulam. |
| 281. | P160/PW95 | 04.07.2010 | Certified copy of report of Susan Antony, Scientific Assistant, Ernakulam regarding Wagon R car. |
| 282. | P161/PW95 | 04.07.2010 | Certified copy of report of Susan Antony, Scientific Assistant, Ernakulam after examination of Maruthi Omni van. |
| 283. | P162/PW96 | 27.07.2015 | 161 Statement given by PW96 to DySP, NIA, Kochi from “ ഞാനും കുടുംബവും എന്റെ കാർ വാങ്ങിച്ചത്” |
| 284. | P162(a)/PW96 | 27.07.2015 | 161 Statement given by PW96 to DySP, NIA, Kochi from “ അയ്യൂബ് PFI എന്ന സംഘടനയിൽ പ്രവർത്തിക്കുന്നതായി അറിയാം” |
| 285. | P162(b)/PW96 | 27.07.2015 | 161 Statement given by PW96 to DySP, NIA, Kochi from “ ക്വാളിസ് തിരിച്ചു കൊടുക്കുവാൻ ക്വാളിസ് എടുത്തു കൊണ്ടു പോയി” |
| 286. | P162(c)/PW96 | 27.07.2015 | 161 Statement given by PW96 to DySP, NIA, Kochi from അവൻ PFI നേതാവായതുകൊണ്ട് വീട്ടിൽ നിന്നും പോയി” |
| 287. | P162(d)/PW96 | 27.07.2015 | 161 Statement given by PW96 to DySP, NIA, Kochi from “ ഫസിഹത്ത് ആ ആഴ്ചയിലാണ് പിന്നീട് അയ്യൂബിനെ കണ്ടിട്ടില്ല” |
| 288. | P162(e)/PW96 | 27.07.2015 | 161 Statement given by PW96 to DySP, NIA, Kochi from “ വണ്ടി വീട്ടിൽ നിന്ന് കൊണ്ടു പോയതിനു ശേഷം അയ്യൂബ് എന്റെ വീട്ടിൽ വന്നിട്ടില്ല ” |

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| 289. | P162(f)/PW96 | 27.07.2015 | 161 Statement given by PW96 to DySP, NIA, Kochi from " 24.07.2015 വെള്ളിയാഴ്ച ഞാൻ അന്ന് പറഞ്ഞിരുന്നു" |
| 290. | P163/PW97 | 14.12.2015 | Ownership certificate of Saithalavi issued from Secretary, Aroor Grama Panchayath (Building No. 11/38). |
| 291. | P164/PW97 | 14.12.2015 | Residential certificate issued from issued from Secretary, Aroor Grama Panchayath (Building No. 11/38). |
| 292. | P165/PW98 | 08.09.2016 | Pointing out mahazar prepared at the place Vazhayur panchayath 1/100 number house pointed out by accused Sajil, prepared by DySP, NIA. |
| 293. | P165(a)/PW225 | 08.09.2016 | Portion of Ext. P165 " എന്റെ കൂടെ വന്നാൽ ആ വീട് ഞാൻ കാണിച്ചു തരാം" |
| 294. | P166/PW99 | 21.12.2010 | Certified copy of expert opinion of T.T. Vijayan, Finger Print Expert. |
| 295. | P167/PW99 | Nil | Certified copy of Finger print slip of Pareed.K.A. |
| 296. | P167(a)/PW99 | Nil | Thump impression marked as 'S' in Ext. P167. |
| 297. | P167(b)/PW99 | Nil | Left thumb impression marked as 'S' in Ext. P167. |
| 298. | P168/PW99 | Nil | Copy of Ext. P167. |
| 299. | P169/PW99 | Nil | Photograph of thumb impression. |
| 300. | P170/PW99 | Nil | Photograph of thumb impression. |
| 301. | P171/PW100 | 11.01.2011 | Certified copy of the chemical examination report of Smt. Molly George, Scientific Assistant (Chemistry), Forensic Science Laboratory, Police Department, Govt. of Kerala, Trivandrum (Report No. B1-5229/FSL/2010). |
| 302. | P172/PW101 | 14.02.2011 | Certified copy of FSL report of Dr. Sunil.S.P, Scientific Assistant (Documents), |

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| | | | FSL, Trivandrum (Report No. AS-09/11). |
| 303. | P172(a)/ PW101 | 14.02.2011 | Certified copy of covering letter of Ext. P172 report. |
| 304. | P173/PW101 | Nil | Certified copy of Route sketch. |
| 305. | P174/PW101 | Nil | Certified copy of Standard writing. |
| 306. | P175/PW101 | Nil | Certified copy of Notebook of Sikkender Ali Khan. |
| 307. | P176/PW101 | 01.07.2010 | Daily statement of account of Bus No. KL 6B 8226. |
| 308. | P177/PW101 | 01.07.2010 | Certified copy of Standard writing (2 sheet). |
| 309. | P178/PW101 | 14.02.2011 | Certified copy of Specimen writing (7 sheet) |
| 310. | P179/PW102 | 20.01.2011 | Certified copy of Chemical Examination report of Dr. Thomas Alexander, Asst. Director (Serology), Forensic Science Laboratory, Police Dept, Govt. of Kerala, Trivandrum (Report No. B1-5229/FSL/2010). |
| 311. | P179(a)/ PW120 | 28.01.2011 | Covering letter from JFCM-I, Muvattupuzha to the District and Sessions Judge, Ernakulam reg. the chemical examination report. |
| 312. | P180/PW102 | 24.02.2014 | FSL report of Dr. Thomas Alexander, Asst. Director (Serology), Forensic Science Laboratory, Police Dept, Govt. of Kerala, Trivandrum (Report No. B1-752/FSL/14). |
| 313. | P180(a)/ PW102 | 24.02.2014 | Covering letter of Ext. P180 (From Dr. Thomas Alexander to the Judge, Special Court for NIA Cases). |
| 314. | P181/PW103 | 25.02.2012 | Certified copy of proceedings of photo identification parade conducted at Thayamankunnel veetil, Hostelpady, Muvattupuzha in RC 1/11 NIA prepared by SP, NIA, Hyderabad, camp at Muvattupuzha. |

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| 315. | P182/PW104 | 29.08.2010 | Certified copy of Relevant portion of 161 statement given by PW104 to DySP of Police, Muvattupuzha from “ എന്റെ മകൻ വഹിച്ചാദ് 9946617241 എന്നാണ്” |
| 316. | P183/PW105 | 22.11.2012 | Certified copy of search list of the house of T.P. Subair prepared by DySP, NIA, Kochi. |
| 317. | P184/PW105 | Nil | Certified copy of Voters ID card of Subair, S/o. Pareed Pillai (No. HVK 1126069). |
| 318. | P185/PW106 | 14.11.2011 | Relevant portion of 161 statement given by PW106 to DySP, NIA camp at Kochi, from “ I am active member of PFI phone and sim card” |
| 319. | P185(a)/ PW106 | 14.11.2011 | Relevant portion of 161 statement given by PW106 to DySP, NIA camp at Kochi, from “ But subsequently after logistical support” |
| 320. | P186/PW107 | 15.01.2013 | Certified copy of notice u/s. 43(f) of the Unlawful Activities (Prevention) Act, 1967 issued by DySP, NIA to Smt. Sanooja. |
| 321. | P187/PW107 | 17.01.2013 | Certified copy of Reply of Sanooja. |
| 322. | P187(a)/ PW107 | 17.01.2013 | Relevant portion of Ext. P187 reply notice of Sanooja, from “ എന്നാൽ ആ കാർ ഉപയോഗിച്ചിരുന്നത് എങ്ങനെയോ നഷ്ടപ്പെട്ടു എന്നാണ് എനിക്കറിയാൻ കഴിഞ്ഞത്” |
| 323. | P188/PW107 | 18.07.2012 | Relevant portion of certified copy of 161 statement of PW107 to SP, NIA, camp at Kochi, from “During that period he joined PFI” |
| 324. | P188(a)/ PW107 | 18.07.2012 | Relevant portion of certified copy of 161 statement of PW107 to SP, NIA, camp at Kochi, from “My husband PFI programmes” |
| 325. | P188(b)/ PW107 | 18.07.2012 | Relevant portion of certified copy of 161 statement of PW107 to SP, NIA, camp at Kochi, from “On 03.07.2010 PFI party” |

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| 326. | P188(c)/ PW107 | 18.07.2012 | Relevant portion of certified copy of 161 statement of PW107 to SP, NIA, camp at Kochi, from "On 04.07.2010 woke up early" |
| 327. | P188(d)/ PW107 | 18.07.2012 | Relevant portion of certified copy of 161 statement of PW107 to SP, NIA, camp at Kochi, from "After our breakfast to my husband" |
| 328. | P188(e)/ PW107 | 18.07.2012 | Relevant portion of certified copy of 161 statement of PW107 to SP, NIA, camp at Kochi, from "When I discussed with my husband by M.K. Nassar" |
| 329. | P188(f)/ PW107 | 18.07.2012 | Relevant portion of 161 statement of PW107 to SP, NIA, camp at Kochi, from "I along with my husband ask my questions" |
| 330. | P188(g)/ PW107 | 18.07.2012 | Relevant portion of 161 statement of PW107 to SP, NIA, camp at Kochi, from "My husband left function on my own" |
| 331. | P188(h)/ PW107 | 18.07.2012 | Relevant portion of 161 statement of PW107 to SP, NIA, camp at Kochi, from "I heard about the news comment on that" |
| 332. | P188(i)/PW107 | 18.07.2012 | Relevant portion of 161 statement of PW107 to SP, NIA, camp at Kochi, from "After this I did not Black Indica car" |
| 333. | P189/PW108 | 11.01.2011 | Certified copy of Expert report of Rahila.R., Scientific Assistant, (Physics), FSL, Police Dept., Govt. of Kerala, Trivandrum (Report No. B1- 5229/FSL/2010). |
| 334. | P190/PW108 | 16.06.2014 | Certified copy of Expert Report No. B1-4403/FSL/2014 of Rahila.R, Scientific Assistant, (Physics), FSL, Police Dept., Govt. of Kerala, Trivandrum. |
| 335. | P191/PW108 | 16.06.2014 | Certified copy of Covering letter of Ext. P190 report. |
| 336. | P192/PW109 | 18.02.2013 | Certified copy of Seizure Mahazar of |

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| | | | Vodafone activation tracker register and Nokia mobile phone (No. 9645631249) used in the shop of Surya, Penta Menaka, prepared by DySP, NIA. |
| 337. | P193/PW109 | Nil | Certified copy of Vodafone activation tracker register. |
| 338. | P193(a)/PW109 | Nil | Portion marked in page No. 11 of Ext. P193. |
| 339. | P194/PW109 | 03.07.2010 | Certified copy of Vodafone prepaid application form in the name of Selvaraj. |
| 340. | P195/PW109 | Nil | Certified copy of passport No. G5289191 of P. Selvaraj. |
| 341. | P196/PW110 | 25.11.2015 | Pointing out mahazar prepared by DySP, NIA reg. the SIM and house at Chandirur. |
| 342. | P196(a)/PW225 | 25.11.2015 | Portion of Ext. P196 "എന്റെ കൂടെ വന്നാൽ ഞാൻ കാണിച്ചു തരാം" |
| 343. | P197/PW111 | 25.05.2017 | Ownership certificate of Vadakke veettil Ismail, New No. 1/100, Old 1/56, year 2017-18 issued by Secretary, Vazhayoor Grama Panchayath, Karadparamba P.O, Malappuram (No. B2/2776/17). |
| 344. | P198/PW114 | 04.05.2016 | Seizure mahazar for KL 07 BH 9807 of Maruthi Swift car of Sri. Vipin.M, prepared by DySP, NIA. |
| 345. | P199/PW116 | 16.04.2015 | Seizure mahazar of digital video recorder, Registration certificate, Visiting card prepared by DySP, NIA, Kochi. |
| 346. | P200 Series/PW116 | 31.12.2007 | Rent receipts issued by VKR DHANAM Tower (No. 276-Rs. 7500/-), Raja Street, Coimbatore. |
| 347. | P200(a)/PW116 | 01.09.2008 | Rent receipts issued by VKR DHANAM Tower (No. 352-Rs. 7500/-), Raja Street, Coimbatore. |
| 348. | P201/PW117 | 16.04.2015 | Seizure mahazar prepared by DySP, NIA (reg. The seizure of laptop, mobile phone, purse, debit card, shopping card, PAN card, visiting card, SIM, sandisk, cash, |

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| | | | adaptor) |
| 349. | P202/PW117 | 08.02.2006 | RC registration certificate of Vehicle No. TN 37 AP 4961 of Hero Honda Splender Plus issued by RTO, Coimbatore (South). |
| 350. | P203/PW117 | 29.04.2014 | Insurance certificate of National Insurance Co. Ltd of vehicle No. TN 37 AP 4961. |
| 351. | P204/PW117 | 06.02.2015 | Rent receipt of No. 9560 for Rs. 5500/- issued by Dharussalam, Sunnath Jumath Masjid and Matharass, Coimbatore. |
| 352. | P205/PW119 | Nil | Certified copy of vodafone prepaid application form in the name of Selvaraj. |
| 353. | P206/PW119 | 27.04.2016 | Relevant portion of certified copy of 161 statement of PW119 prepared by DySP, NIA, Kochi, from " ഈ സിം വിൽപ്പന നടത്തുന്ന ഇനിഷ്യൂൽ ചെയ്തിട്ടുള്ളതാണ് " |
| 354. | P206(a)/PW119 | 27.04.2016 | Relevant portion of certified copy of 161 statement of PW119 prepared by DySP, NIA, Kochi, from " 9746964611 എന്ന നമ്പർ ആ കടയിൽ ശരത്ത് ഉപയോഗിച്ചിരുന്നതാണ് " |
| 355. | P206(b)/PW119 | 27.04.2016 | Relevant portion of certified copy of 161 statement of PW119 prepared by DySP, NIA, Kochi, from " ആ നമ്പരും എടുത്തിരുന്നതാണ് " |
| 356. | P207/PW121 | 09.01.2014 | Certified copy of seizure mahazar prepared by DySP, NIA reg. the cotton swab, cotton gauze (MO37 to 40) from KL 09 R 7541 Indica car. |
| 357. | P208 Series /PW121 | Nil | Photographs of KL 09 R 7541 TATA Indica car (7 Nos.) (mahazar attached). |
| 358. | P209/PW122 | 07.11.2013 | Certified copy of Form -29 for the transfer of ownership of the Indica car bearing Reg. No. KL 09 R 7541 from Sanooja to Badar Darees.P. |

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| 359. | P209(a)/ PW194 | 07.11.2013 | Carbon copy of Ext. P209. |
| 360. | P210 /PW122 | Nil | Report of transfer of ownership of the motor vehicle (Form -30) of Indica car bearing Reg. No. KL 09 R 7541. |
| 361. | P211/PW122 | Nil | Certified copy of Adhar card of Badar Darees.P. |
| 362. | P212/PW122 | 08.01.2014 | Seizure mahazar of Indica car (black colour) Regn. No. KL 09 R 7541, prepared by DySP, NIA. |
| 363. | P213/PW122 | 24.10.2014 | Kaichitt (Form No. 53) issued by this court. |
| 364. | P214/PW123 | 04.07.2010 | Certified copy of wound certificate of Prof. T.J. Joseph issued by Dr. P.S. Suresh Kumar, Nirmala Medical centre, Muvattupuzha. |
| 365. | P215/PW124 | 10.04.2015 | Arrest memo of Najeeb.K.A. prepared by DySP, NIA, Kochi. |
| 366. | P215(a)/ PW125 | Nil | Details of articles found on personal search. |
| 367. | P216/PW125 | 30.07.1997 | Copy of driving license of Najeeb.K.A. |
| 368. | P217/PW126 | 16.12.2016 | Proceedings of photo identification parade in Crime No. RC 1/2011/NIA/DLI (SC 1/2015/NIA) prepared by Sri. N.K. Kripa and Vijayan K.V., Spl. Tahsildar (LA) MVIP, Koothattukulam and Addl. Tahsildar, Kothamangalam Taluk. |
| 369. | P218/PW127 | 03.04.2002 | Copy of RC particulars of KL 07 AH 1515 Lancer car. |
| 370. | P219 Series /PW127 | Nil | Photos of lancer car (6 Nos) |
| 371. | P220/PW128 | 04.07.2010 | Copy of medical prescription Al- Ameen Multispeciality dental clinic, Aluva. |
| 372. | P221/PW128 | 16.07.2010 | Relevant portion of certified copy of 161 statement of PW128 to CI of Police, Muvattupuzha from “അപ്ലോൾ ഉദ്ദേശം |

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| | | | കൈയിൽ കൊടുത്തയച്ചു" |
| 373. | P221(a)/ PW128 | 16.07.2010 | Relevant portion of certified copy of 161 statement of PW128 to CI of Police, Muvattupuzha from "ഞാൻ സിസ്റ്ററോട് സിസ്റ്റർ പറഞ്ഞു" |
| 374. | P221(b)/ PW128 | 16.07.2010 | Relevant portion of certified copy of 161 statement of PW128 to CI of Police, Muvattupuzha from "കുറെ നേരം എന്ന് വിളിച്ചു" |
| 375. | P222/PW130 | 07.07.2010 | Certified copy of mahazar of log book of Aluva police tele – communication, prepared by SI of Police, Vazhakkulam. |
| 376. | P223/PW133 | 16.07.2010 | Relevant portion of certified copy of 161 statement of PW133 to CI of police, Muvattupuzha "സിസ്റ്റർ അവിടെ ഇരുന്ന ഓരോരുത്തരെയും വിളിച്ചു". |
| 377. | P223(a)/ PW133 | 16.07.2010 | Relevant portion of certified copy of 161 statement of PW133 to CI of police, Muvattupuzha from "അന്ന് ഡോക്ടറെ ഞാൻ വീട്ടിലെത്തിയത്". |
| 378. | P223(b)/ PW133 | 16.07.2010 | Relevant portion of certified copy of 161 statement of PW133 to CI of police, Muvattupuzha from "കുറച്ചു നേരം കഴിഞ്ഞപ്പോൾ ഡോക്ടർ വന്നു". |
| 379. | P224/PW134 | 28.06.2005 | Copy of IDEA subscription form in the name of Semeer. |
| 380. | P225/PW134 | 11.09.2010 | Relevant portion of certified copy of 161 statement of PW134 to DySP, police, Muvattupuzha from "അതുകൊണ്ട് ഞാൻ ഷാനവാസാണ് ഉപയോഗിക്കുന്നത്". |
| 381. | P226/PW135 | 01.04.2011 | True copy of voters ID card of Adam, S/o. Muhammed. |
| 382. | P227/PW135 | 07.08.2010 | Copy of IDEA subscription form in the name of Adam. |

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| 383. | P228/PW135 | 30.09.2010 | Relevant portion of certified copy of 161 statement of PW135 to DySP, Muvattupuzha, from “ ഉദ്ദേശം 5 വർഷം മുമ്പ് സിയാദിന് കൊടുത്തു” |
| 384. | P228(a)/PW135 | 30.09.2010 | Relevant portion of certified copy of 161 statement of PW135 to DySP, Muvattupuzha, from “ എന്റെ തിരിച്ചറിയൽ കാർഡ് ഇപ്പോഴാണറിയുന്നത്” |
| 385. | P228(b)/PW135 | 30.09.2010 | Relevant portion of certified copy of 161 statement of PW135 to CI of police, Muvattupuzha, from “ എന്റെ പേരിലെടുത്ത ഇപ്പോഴാണ് അറിഞ്ഞത്” |
| 386. | P229/PW136 | 26.07.2010 | Relevant portion of certified copy of 161 statement of PW136 to CI, Muvattupuzha, from “ എനിക്ക് ഗൃഹജോലിയാണ്..... കൊടുത്തു” |
| 387. | P229(a)/PW136 | 26.07.2010 | Relevant portion of certified copy of 161 statement of PW136 to CI, Muvattupuzha, from “ അവരുടെ ഞങ്ങളുടെ എടുത്തുകൊണ്ടു വന്നു” |
| 388. | P230/PW136 | 02.04.2013 | Kychit of Maruthi Alto car KL 08 AB 5597 prepared by SI of police, Muvattupuzha. |
| 389. | P231/PW137 | 15.07.2010 | Certified copy of wound cum discharge certificate of Prof. T.J. Joseph, issued by Dr. T.P. Poulouse, Specialists Hospital, Ernakulam. |
| 390. | P232/PW137 | 18.01.2011 | Certified copy of Treatment summary of Prof. T.J. Joseph, issued by Dr. T.P. Poulouse, Specialists Hospital, Ernakulam. |
| 391. | P233/PW138 | 24.05.2017 | Certified copy of relevant portion of 161 statement of PW138 (CW373) to DySP, NIA, Kochi, “കൈവെട്ട് കേസിലെ പ്രതി റാഫി എന്റെ ജ്യേഷ്ഠനാണ്. റാഫി PFI പ്രവർത്തകനാണ്” |
| 392. | P233(a)/PW138 | 24.05.2017 | Certified copy of relevant portion of 161 statement of PW138 (CW373) to DySP, |

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| | | | NIA, Kochi, from "PFI പ്രവർത്തകരും ബന്ധവസിലെടുത്തിരുന്നു" |
| 393. | P233(b)/ PW138 | 24.05.2017 | Certified copy of relevant portion of 161 statement of PW138 (CW373) to DySP, NIA, Kochi, from "കൈവെട്ട് സംഭവം കൈവശം തന്നെയായിരുന്നു" |
| 394. | P234/PW139 | Nil | Certified copy of PFI membership form of Najathulla Siddique. |
| 395. | P235/PW139 | 04.09.2010 | Certified copy of relevant portion of 161 statement of PW139 (CW114) to DySP, Muvattupuzha, from "ഓൻ Campus Front ആയിരുന്നു" |
| 396. | P235(a)/ PW139 | 04.09.2010 | Certified copy of relevant portion of 161 statement of PW139 (CW114) to DySP, Muvattupuzha, "അബൂൾ ലത്തീഫ് PFI യുടെ പ്രവർത്തകനാണ്" |
| 397. | P235(b)/ PW139 | 04.09.2010 | Certified copy of relevant portion of 161 statement of PW139 (CW114) to DySP, Muvattupuzha, from "ലത്തീഫിനു വേണ്ടി സാമ്പത്തിക ഇടപാടുകൾ" |
| 398. | P235(c)/ PW139 | 04.09.2010 | Certified copy of relevant portion of 161 statement of PW139 (CW114) to DySP, Muvattupuzha, from "എന്റെ മൊബൈൽ ഫോൺ നമ്പർ എനിക്ക് തന്നതാണ്" |
| 399. | P235(d)/ PW139 | 04.09.2010 | Certified copy of relevant portion of 161 statement of PW139 (CW114) to DySP, Muvattupuzha, from "അൻവറിന്റെ പേരിൽ കൊടുത്തത്" |
| 400. | P236/PW139 | 06.10.2010 | Certified copy of kychit of the ration card of Najathulla Siddique. Prepared by DySP, NIA. |
| 401. | P237/PW139 | Nil | Certified copy of reply given by Najathulla Siddique to DySP, Muvattupuzha regarding the Ritz car KL 42C 4700. |

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| 402. | P238/PW140 | 27.03.2010 | Certified copy of sale agreement of motor bike reg. No. KL 7 AG 2766 executed between Noushad and Shobin. |
| 403. | P239/PW140 | 16.09.2010 | Certified copy of relevant portion of 161 statement of PW140 (CW124) to DySP, Muvattupuzha, from "ഞാൻ പിന്നീടാണ് അറിഞ്ഞത് ഞാൻ അറിഞ്ഞു" |
| 404. | P239(a)/PW140 | 16.09.2010 | Certified copy of relevant portion of 161 statement of PW140 (CW124) to DySP, Muvattupuzha, "ഔദ്യോഗികമായി എനിക്കറിയാം" |
| 405. | P240/PW141 | 24.07.2010 | Certified copy of FIR prepared by SI of police, Muvattupuzha. |
| 406. | P241/PW141 | 17.07.2010 | Certified copy of seizure mahazar prepared by SI of police, Muvattupuzha for the seizure of mobile phone from Mujeeb. |
| 407. | P242/PW142 | 04.07.2010 | Certified copy of seizure mahazar of Wagon R car bearing regn. no. KL 17 E 1795 prepared by CI of police, Muvattupuzha. |
| 408. | P243/PW142 | 15.07.2010 | Certified copy of scene mahazar of the house of Abdul Salam prepared prepared by CI of police, Muvattupuzha. |
| 409. | P244/PW142 | 24.07.2010 | Certified copy of seizure mahazar of notebook of Sikkender Ali Khan prepared by CI of police, Muvattupuzha. |
| 410. | P245/PW143 | 04.07.2010 | Certified copy of seizure mahazar prepared by CI of police, Muvattupuzha for the seizure of bus daily statement, mobile phone and currency notes from Jaffer. |
| 411. | P246/PW143 | 05.07.2010 | Certified copy of seizure mahazar of number plates prepared by CI of police, Muvattupuzha. |
| 412. | P246(a)/PW221 | 05.07.2010 | Disclosure statement of Jaffer in Ext. P246, "ഇരുമലപ്പടിയിൽ നിന്നും കാണിച്ചു തരാം" |
| 413. | P247/PW144 | 09.07.2010 | Certified copy of seizure mahazar of the |

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| | | | carbon copy of sale agreement of Maruthi Omni van, copy of ration card of Lawrence and copy of driving license of K.K. Ali prepared by CI, Muvattupuzha. |
| 414. | P248/PW144 | 31.08.2010 | Certified copy of seizure mahazar of Ext. P249 (accounts register of park) prepared by DySP, Muvattupuzha. |
| 415. | P249/PW144 | Nil | Certified copy of Accounts book of Kothamangalam Municipal Park. |
| 416. | P249(a)/PW179 | Nil | One entry of page No. 109 in Ext. P249. |
| 417. | P250/PW145 | 10.08.2010 | Certified copy of scene mahazar prepared by CI, Mutattupuzha reg. House No. 11/291, Mazhuvannur grama panchayath, Pathalapparambu. |
| 418. | P251/PW145 | 10.08.2010 | Certified copy of relevant portion of 161 statement of PW145 (CW172) to CI, from "അവിടെ കുറച്ച ദിവസങ്ങൾക്ക് മുമ്പ് ഇപ്പോഴാണ് അറിയുന്നത്" |
| 419. | P251(a)/PW145 | 10.08.2010 | Certified copy of relevant portion of 161 statement of PW145 (CW172) to CI, from "ഇവർ കൂടിയ യോഗം ഞാനും ഒപ്പിട്ടിട്ടുണ്ട്" |
| 420. | P252/PW146 | Nil | Photo of Hero Honda Passion Bike (KL 07 AG 2766). |
| 421. | P253/PW147 | 29.07.2010 | Certified copy of seizure mahazar prepared by SI of Police, Aluva for the seizure of motor cycle bearing regn. No. KL 41 A 3068. |
| 422. | P254/PW147 | Nil | Photograph of motor cycle bearing regn. No. KL 41 A 3068. |
| 423. | P255/PW147 | 29.07.2010 | Certified copy of seizure mahazar of black lancer car bearing regn. No. KL 07 AH 1515, prepared by SI, Aluva. |
| 424. | P256/PW147 | 08.07.2010 | Certified copy of FIR in Crime No. 1824/10. |

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| 425. | P257/PW147 | 09.07.2010 | Certified copy of FIR in Crime No. 1836/10. |
| 426. | P258/PW147 | 19.07.2010 | Certified copy of FIR in Crime No. 1964/10. |
| 427. | P259/PW148 | 06.07.2010 | Certified copy of relevant portion of 161 statement of PW148 (CW162) prepared by CI, Muvattupuzha , from "05.07.2010 തീയതി രാവിലെഞാൻ അങ്ങോട്ട് ചെന്നു" |
| 428. | P259(a)/ PW148 | 06.07.2010 | Certified copy of relevant portion of 161 statement of PW148 (CW162) prepared by CI, Muvattupuzha , "പൂവത്തുക്കാരൻ ജാഹദും കൂടെയുണ്ടായിരുന്നു" |
| 429. | P259(b)/ PW148 | 06.07.2010 | Certified copy of relevant portion of 161 statement of PW148 (CW162) prepared by CI, Muvattupuzha , from "എന്റെ വീടിന് കിഴക്കുവശം CI സാറിന്റെ കൈയിൽ കൊടുത്തു" |
| 430. | P259(c)/ PW148 | 06.07.2010 | Certified copy of relevant portion of 161 statement of PW148 (CW162) prepared by CI, Muvattupuzha , from "അതിൽ ഒരു കഷ്ണത്തിൽ എന്ന് എഴുത്തു ഉള്ളതുമായിരുന്നു" |
| 431. | P259(d)/ PW148 | 06.07.2010 | Certified copy of relevant portion of 161 statement of PW148 (CW162) prepared by CI, Muvattupuzha , from "ആ നമ്പർ പ്ലേറ്റിന്റെ കഷ്ണങ്ങൾ ഞാൻ ഒപ്പിട്ടിട്ടുണ്ട്" |
| 432. | P260/PW150 | 17.07.2010 | Certified copy of seizure mahazar of MO17, MO18 and MO19 prepared by CI of police, Muvattupuzha. |
| 433. | P261/PW150 | 22.07.2010 | Certified copy of seizure mahazar of KL 42 C 4700 Ritz car prepared by CI of police, Muvattupuzha. |
| 434. | P262/PW150 | 24.07.2010 | Certified copy of seizure mahazar of sketch prepared by CI of police, Muvattupuzha. |

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| 435. | P263/PW150 | 24.07.2010 | Certified copy of seizure mahazar of KL 17 F 5760 Autorikshaw prepared by CI of police, Muvattupuzha. |
| 436. | P264/PW151 | 05.07.2010 | Certified copy of seizure mahazar of the dress of Prof. T.J. Joseph prepared by CI of police, Piravom. |
| 437. | P265/PW152 | 24.08.2010 | Certified copy of seizure mahazar of MO 70, MO71 prepared by DySP, Muvattupuzha. |
| 438. | P266/PW152 | 24.08.2010 | Certified copy of seizure mahazar of MO 74 prepared by DySP, Muvattupuzha. |
| 439. | P267/PW152 | 18.09.2010 | Certified copy of seizure mahazar of registration deed of Thejus publishing charitable trust prepared by DySP, Muvattupuzha. |
| 440. | P268/PW152 | 03.05.1999 | Certified copy of Thejus publishing charitable trust, deed No. 161/99. |
| 441. | P269/PW152 | 08.10.2010 | Certified copy of Seizure mahazar of MO72 prepared by DySP, Muvattupuzha. |
| 442. | P270/PW152 | 30.10.2010 | Certified copy of seizure mahazar of Nokia mobile phone of Fasruddeen prepared by DySP, Muvattupuzha. |
| 443. | P271/PW153 | 26.03.2010 | Certified copy of FIR in Crime No. 327/10 filed by SI of Police, Thodupuzha. |
| 444. | P272/PW153 | 26.03.2010 | Certified copy of FIR in Crime No. 329/10 filed by SI of Police, Thodupuzha. |
| 445. | P273/PW153 | 26.03.2010 | Certified copy of FIR in Crime No. 330/10 filed by SI of Police, Thodupuzha. |
| 446. | P274/PW153 | 27.03.2010 | Certified copy of FIR in Crime No. 333/10 filed by SI of Police, Thodupuzha. |
| 447. | P275/PW153 | 26.03.2010 | Certified copy of FIR in Crime No. 331/10 filed by SI of Police, Thodupuzha. |
| 448. | P276/PW154 | 05.01.2010 | Copy of Airtel customer application form in the name of Mohammed Hashique C.M. Managing Partner, Metro Builders. |

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| 449. | P277/PW154 | 05.01.2010 | Copy of Voters ID card of Mohammed Hashique. |
| 450. | P278/PW154 | 27.01.2010 | Copy of letter given by Metro Builders to Airtel. |
| 451. | P279/PW154 | 23.12.2010 | Relevant portion of certified copy of 161 statement of PW154 (CW169) to DySP of Police, Muvattpuzha, from "പോഞ്ഞാശ്ശേരിക്കാരൻ പണിയാണ് ചെയ്തിരുന്നത്" |
| 452. | P279(a)/ PW154 | 23.12.2010 | Relevant portion of certified copy of 161 statement of PW154 (CW169) to DySP of Police, Muvattpuzha, "അതിൽ ഷംസുവിന് 8129101103 നമ്പർ കൊടുത്തിട്ടുണ്ട്" |
| 453. | P279(b)/ PW154 | 23.12.2010 | Relevant portion of certified copy of 161 statement of PW154 (CW169) to DySP of Police, Muvattpuzha, from "ഷംസു കേസിൽ വിളിച്ചു പറഞ്ഞു" |
| 454. | P279(c)/ PW154 | 23.12.2010 | Relevant portion of certified copy of 161 statement of PW154 (CW169) to DySP of Police, Muvattpuzha, "ഷംസു Popular Front of India എന്ന പാർട്ടിയിൽ പ്രവർത്തിച്ചതായി അറിയാം" |
| 455. | P280/PW154 | Nil | Accounts register of Metro Builders. |
| 456. | P281/PW157 | 26.07.2011 | Certified copy of pointing out memo of ATM, South Indian Bank, Perumbavoor. |
| 457. | P282/PW157 | 26.07.2011 | Copy of seizure mahazar of the LG mobile phone and one Reliance SIM card, prepared by SI, NIA. |
| 458. | P283/PW158 | Nil | Certified copy of case sheet of Prof. T.J. Joseph of Specialists Hospital, Ernakulam. |
| 459. | P284/PW159 | 04.12.2012 | Certified copy of Observation mahazar of front side of Angamaly Juma Masjid prepared by DySP, NIA. |
| 460. | P285/PW160 | 30.11.2011 | Certified copy of pointing out memo ' Sthuthi House, House No. 8/533, Mannam, |

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| | | | Paravur' prepared by DySP, NIA. |
| 461. | P286/PW160 | 30.11.2011 | Certified copy of pointing out memo of ' Bank Junction i.e. Eastern side of junction, in front of Krishna temple, Aluva. |
| 462. | P287/PW160 | 30.11.2011 | Certified copy of pointing out memo of the place of ' Nanethan House, Kandanthara, Perumbavoor' |
| 463. | P288/PW160 | 30.11.2011 | Certified copy of pointing out memo of ' Mattappallil House, Puchatta Road, Kovunkal Kara, Velloorkunnam'. |
| 464. | P289/PW163 Series/PW163 | 06.07.2010 | Certified copies of daily statements of accounts of bus bearing Regn. No. KL 6 B 8226. |
| 465. | P289(a)/ PW163 | 07.07.2010 | Certified copies of daily statements of accounts of bus bearing Regn. No. KL 6 B 8226. |
| 466. | P289(b)/ PW163 | 19.07.2010 | Certified copies of daily statements of accounts of bus bearing Regn. No. KL 6 B 8226. |
| 467. | P290/PW163 | 06.01.2011 | Certified copy of relevant portion portion of 161 statement of PW163 (CW...) to DySP, Muvattupuzha, from "01.07.2010 തീയതി ജാഹറിനെയാണ് ഏൽപ്പിച്ചത്" |
| 468. | P291/PW164 | 29.05.2017 | Certified copy of CDR of mobile number 9809092001 for the period from 03.07.2010 to 21.07.2010 with print out. |
| 469. | P291(a) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 15, line NO. 31. |
| 470. | P291(b) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 15, line NO. 39. |
| 471. | P291(c) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 9, line NO. 30. |
| 472. | P291(d) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 14, line NO. 15. |
| 473. | P291(e) | 29.05.2017 | Separate entry in Ext. P291, page 16, line |

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| | /PW164 | | NO. 3. |
| 474. | P291(f) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 16, line NO. 42. |
| 475. | P291(g) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 17, line NO. 1. |
| 476. | P291(h) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 4, line NO. 8. |
| 477. | P291(i) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 4, line NO. 3. |
| 478. | P291(j) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 15, line NO. 37. |
| 479. | P291(k) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 10, line NO. 25. |
| 480. | P291(l) /PW164 | 29.05.2017 | Separate entry in Ext. P291, page 5, line NO. 26. |
| 481. | P291(m)/ PW164 | Nil | Certified copy of 65B certification (CDR of mobile No. 9809092001 for the period from 03.07.2010 to 21.07.2010) |
| 482. | P292/PW164 | 29.05.2017 | Certified copy of CDR of mobile number 9809730713 for the period from 20.07.2010 to 23.07.2010 with print out. |
| 483. | P292(a)/ PW164 | 29.05.2017 | Separate entry in Ext. P292, page 4, line No.41 |
| 484. | P292(b)/ PW164 | 29.05.2017 | Separate entry in Ext. P292, page 3, line No.30. |
| 485. | P292(c)/ PW164 | 29.05.2017 | Separate entry in Ext. P292, page 4, line No.35 |
| 486. | P292(d)/ PW164 | Nil | Certified copy of 65B certification (CDR of mobile No. 9809730713 for the period from 01.06.2010 to 26.07.2010). |
| 487. | P293/PW164 | 01.10.2007 | Certified copy of Airtel customer application form of mobile number 9809926230 in the name of Shalikkaar. |
| 488. | P293(a)/ | Nil | Copy of Election ID card of Shalikkaar. |

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| | PW164 | | |
| 489. | P294/PW164 | Nil | Cell ID data print out of security agencies sites on AIR as on May, 2011. |
| 490. | P294(a)/ PW164 | 12.08.2022 | 65B certification of the Cell ID data of Cochin Legal Service Area for the month of May, 2011. |
| 491. | P295/PW165 | 03.09.2010 | Certified copy of seizure Mahazar of driving license of Ali prepared by DySP, Muvattupuzha. |
| 492. | P296/PW165 | 10.09.2010 | Certified copy of seizure mahazar of Nokia mobile phone with IMEI No. 357092001391263 and Idea SIM card prepared by DySP, Muvattupuzha. |
| 493. | P297/PW165 | 04.01.2011 | Certified copy of Mahazar of daily statements dated 06.07.2010, 07.07.2010 and 19.07.2010 of the Bus bearing Regn. No. KL 6 B 8226 prepared by DySP, Muvattupuzha. |
| 494. | P298/PW166 | 04.07.2010 | Certified copy of seizure mahazar of Maruthi Omni van No. KL 7 AH 8768 prepared by SI of police, Perumbavoor. |
| 495. | P299/PW166 | 04.07.2010 | Certified copy of FIR in crime No. 666/2010 of Perumbavoor police station. |
| 496. | P300/PW166 | 21.08.2010 | Report filed by SI of police, Perumbavoor for incorporating the offence in Ext. P299. |
| 497. | P301/PW166 | Nil | Search memo prepared by SI of police, Perumbavoor for the search of Hiba Jewellery. |
| 498. | P302/PW166 | 20.07.2010 | Search list regarding the search of Hiba Jewellery prepared by SI of police, Perumbavoor. |
| 499. | P303/PW166 | Nil | Telephone index diary of Hiba jewellery. |
| 500. | P304/PW166 | Nil | Wall poster of Hiba jewellery. |
| 501. | P305/PW169 | 05.11.2014 | Arrest memo of Subair.T.P. prepared by DySP, NIA, Kochi. |

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| 502. | P306/PW169 | 05.11.2014 | Personal search memo of Subair.T.P. prepared by DySP, NIA, Kochi. |
| 503. | P307/PW170 | 14.01.2013 | Sanction order for prosecution issued by the District Collector and District Magistrate, Ernakulam. |
| 504. | P308/PW171 | 10.07.2010 | Certified copy of search list of the house of Abdul Salam, Padinjareveettil, Choornikkara Panchayath prepared by CI of police, Kothamangalam. |
| 505. | P309/PW171 | 10.07.2010 | Certified copy of search memorandum of Ext. P308 search list. |
| 506. | P310/PW171 | 29.10.2010 | Certified copy of search memorandum of the house of Sulfikkar, H. No. X/612 of Kalamassery Municipality prepared by CI of police, Kothamangalam PS. |
| 507. | P311/PW171 | 29.10.2010 | Certified copy of search list of the house of Sulfikkar, H. No. X/612 of Kalamassery Municipality prepared by CI of police, Kothamangalam PS. |
| 508. | P312/PW171 | Nil | Certified copy of Photograph of Sulfikkar. |
| 509. | P312(a)/PW171 | Nil | Certified copy of Photograph of Sulfikkar. |
| 510. | P313/PW171 | Nil | Certified copy of Visiting card in the name of Sulfikkar. |
| 511. | P314/PW171 | Nil | Personal index diary in the name of Alapatt Fashion Jewellery. |
| 512. | P315/PW171 | Nil | Certified copy of a book of "മതം മാറ്റം, പ്രചാരണവും യാഥാർത്ഥ്യവും" |
| 513. | P316/PW171 | 05.07.2010 | Certified copy of complaint filed by Famous Varghese, CI of police, Kothamangalam to SHO, Kothamangalam. |
| 514. | P317/PW172 | 13.07.2010 | Certified copy of search list of the house of Nassar, Puthuval parambu veetti, Eramam kara, Kadungalloor village prepared by CI of police, Vadakkekara. |

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| 515. | P318/PW172 | 13.07.2010 | Certified copy of search memorandum of Ext. P317 search list prepared by CI of police, Vadakkekara. |
| 516. | P319/PW172 | 15.03.2010 | Certified copy of Insurance policy certificate of New India Insurance of KL 01 Y 7121 Toyota Qualis in the name of P.M. Ayoob. |
| 517. | P320/PW172 | Nil | Attested copy of license of Ayub.P.M. |
| 518. | P321/PW172 | 11.03.2010 | Certified copy of complaint filed by P.M. Ayoob to CI of police, Kadakkavoor. |
| 519. | P322/PW172 | Nil | Certified copy of one sheet paper with heading of "സഹകരിക്കാവുന്ന മേഖലകൾ". |
| 520. | P323/PW172 | 13.07.2010 | Certified copy of search list for the search of the house of Abdul Salam, Kelamparambu, Eramamkara, Kadungalloor Village prepared by CI of police, Vadakkekara. |
| 521. | P324/PW172 | Nil | Certified copy of Book "ഗുജറാത്ത് സ്ത്രീ വേട്ടയുടെ സാക്ഷ്യങ്ങൾ" |
| 522. | P325/PW172 | 21.07.2010 | Certified copy of Search list of M.K. Traders prepared by CI of police, Vadakkekara. |
| 523. | P326/PW172 | 21.07.2010 | Search memorandum prepared by CI of police, Vadakkekara for Ext. P325 search. |
| 524. | P327/PW172 | Nil | Photocopy of newspaper cutting. |
| 525. | P327(a)/ PW172 | Nil | Photocopy of newspaper cutting. |
| 526. | P327(b)/ PW172 | Nil | Photocopy of newspaper cutting. |
| 527. | P327(c)/ PW172 | Nil | Photocopy of newspaper cutting. |
| 528. | P327(d)/ PW172 | Nil | Photocopy of newspaper cutting. |
| 529. | P327(e)/ | Nil | Photocopy of newspaper cutting. |

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| | PW172 | | |
| 530. | P327(f)/ PW172 | Nil | Photocopy of newspaper cutting. |
| 531. | P328/PW174 | 13.07.2015 | Arrest memo of Ayub.P.M. prepared by DySP, NIA, Kochi. |
| 532. | P329/PW174 | 13.07.2015 | Personal search memo of Ayub.P.M. prepared by DySP, NIA, Kochi. |
| 533. | P330/PW175 | 07.07.2010 | Certified copy of Search memo prepared by SI of police, Oonnukal police station for the search of the house of Younus Aliyar. |
| 534. | P331/PW175 | 07.07.2010 | Copy of Search list prepared by SI of police, Oonnukal police station for the search of the house of Younus Aliyar. |
| 535. | P332/PW175 | Nil | Certified copy of Booklet "ജിഹാദ് പ്രചോദനങ്ങളും നിർദ്ദേശങ്ങളും" |
| 536. | P333/PW175 | Nil | Certified copy of Booklet "നമ്മുടെ രാഷ്ട്രീയം" |
| 537. | P334/PW175 | Nil | Certified copy of Notice of PFI - "ആർക്ക് വോട്ട് ചെയ്യാണം" |
| 538. | P335/PW175 | Nil | Certified copy of Four sheets of paper with heading "എക്സ്പാൻഷൻ ക്ലാസ്-3" |
| 539. | P336/PW175 | Nil | Certified copy of 17 sheet of paper with heading of "Freedom Parade 2009". |
| 540. | P337/PW175 | Nil | Certified copy of 5 sheets of paper with heading of "Orange Test – Dec - 2009". |
| 541. | P338/PW175 | Nil | Certified copy of 14 sheets of paper with heading of Arabi writing. |
| 542. | P339/PW175 | Nil | Certified copy of 13 sheets of paper with heading of "Muvattupuzha". |
| 543. | P340/PW175 | Nil | Certified copy of One sheet of paper with heading of Gulf Contact numbers. |
| 544. | P341/PW175 | Nil | Certified copy of 3 sheets of paper with heading of Popular Front of India political conference Kawath Final list. |

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| 545. | P342/PW175 | 07.07.2010 | Certified copy of Search memorandum prepared by SI of police, Oonnukal Police station for the search of the house of Younus Aliyar. |
| 546. | P343/PW175 | 07.07.2010 | Certified copy of Search list prepared by SI of police, Oonnukal Police station for the search of the house of Younus Aliyar. |
| 547. | P344/PW175 | 11.10.2010 | Certified copy of Search memorandum prepared by SI of police, Oonnukal Police station for the search of the house of Younus Aliyar. |
| 548. | P345/PW175 | 11.07.2010 | Certified copy of Search list prepared by SI of police, Oonnukal Police station for the search of the house of Younus Aliyar. |
| 549. | P346/PW175 | 12.07.2010 | Certified copy of Search memorandum prepared by SI of police, Oonnukal Police station for the search of the house of Younus Aliyar. |
| 550. | P347/PW175 | 12.07.2010 | Certified copy of Search list prepared by SI of police, Oonnukal Police station for the search of the house of Younus Aliyar. |
| 551. | P348/PW175 | 08.01.2011 | Copy of Report of SI of police, Oonnukal police station to DySP, Muvattupuzha regarding the details of hospitals from Muvattupuzha to Aluva. (Subject to objection) |
| 552. | P349/PW176 | 21.07.2010 | Certified copy of Search memorandum prepared by SI of police, North Paravoor P.S, for the search of the house of Siyad, Chouthiparambu, Kottuvally village. |
| 553. | P350/PW176 | 21.07.2010 | Certified copy of Search list prepared by SI of police, North Paravoor P.S, for the search of the house of Siyad, Chouthiparambu, Kottuvally village. |
| 554. | P351/PW176 | Nil | Certified copy of A book "മുസ്ലീം യുവാക്കൾക്കൊരു തുറന്ന മറുപടി" |
| 555. | P352/PW176 | 15.09.2009 | Certified copy of Phamphlet of PFI. |

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| 556. | P353/PW176 | Nil | Certified copy of Booklet of PFI "ശാക്തീകരണത്തിന്റെ ചുവടുകൾ " |
| 557. | P354/PW176 | Nil | Certified copy of Thejus Fort nightly. |
| 558. | P355/PW176 | Nil | Certified copy of Thejus Fortnightly. |
| 559. | P356 Series/PW176 | 31.08.2005 | Certified copy of Cash receipt No. 9325 of Inter Media Publishing Ltd. for Rs. 200/- |
| 560. | P356(a)/ PW176 | 15.09.2005 | Certified copy of Cash receipt No. 9343 of Inter Media Publish Ltd. for Rs. 700/- |
| 561. | P356(b)/ PW176 | 15.09.2005 | Certified copy of Cash receipt No. 9344 of Inter Media Publish Ltd. for Rs. 200/- |
| 562. | P356(c)/ PW176 | 18.09.2005 | Certified copy of Cash receipt No. 9349 of Inter Media Publish Ltd. for Rs. 100/- |
| 563. | P356(d)/ PW176 | 22.07.2005 | Certified copy of Cash receipt No. 2748of Inter Media Publish Ltd. for Rs. 200/- |
| 564. | P356(e)/ PW176 | 22.06.2005 | Certified copy of Cash receipt No. 2721 of Inter Media Publish Ltd. for Rs. 100/- |
| 565. | P357/PW176 | Nil | Certified copy of Notice of PFI "ശാക്തീകരണത്തിന്റെ ചുവടുകൾ " |
| 566. | P358/PW176 | Nil | Certified copy of Two pages writing with red and blue ink. |
| 567. | P359/PW176 | Nil | Certified copy of Booklet of Hiba Jewellery. |
| 568. | P360/PW176 | Nil | Certified copy of a paper containing slogans of NDF March. |
| 569. | P361/PW176 | Nil | Document list (Form 15) by SI of police, North Paravoor. |
| 570. | P362/PW177 | 29.07.2010 | Certified copy of search memorandum prepared by CI of police, Kunnathunadu for the search of the house of Muhammed Ansari, Kakkanad. |
| 571. | P363/PW177 | 29.07.2010 | Certified copy of search list prepared by CI of police, Kunnathunadu for the search of the house of Muhammed Ansari, Muriyankara veedu, Kakkanad. |

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| 572. | P364/PW177 | Nil | Certified copy of book "മതം മാറ്റം പ്രചാരണവും യാഥാർത്ഥ്യവും" |
| 573. | P365/PW177 | Nil | Certified copy of book "മുസ്ലീങ്ങൾ ഇന്ത്യയിൽ" |
| 574. | P366/PW177 | Nil | Certified copy of book "കർക്കരയെ കൊന്നതാർ" |
| 575. | P367/PW177 | Nil | Certified copy of book "ഞങ്ങൾ മുസ്ലീങ്ങളായി " |
| 576. | P368/PW178 | Nil | Certified copy of vodafone prepaid application form in the name of Selvaraj. |
| 577. | P369/PW178 | Nil | Certified copy of passport of Selvaraj. |
| 578. | P370/PW181 | 08.07.2010 | Certified copy of search memorandum prepared by CI of police, Piravom for the search of the house of Ansari, Muriyankara veedu, Kakkanad. |
| 579. | P371/PW181 | 08.07.2010 | Certified copy of search list prepared by CI of police, Piravom for the search of the house of Ansari, Muriyankara veedu, Kakkanad. |
| 580. | P372/PW181 | 30.12.1998 | Letter by K.H. Nassar, Organizing Secretary of National Development Front. |
| 581. | P373/PW181 | Nil | Certified copy of phamphlet of PFI "മഅദിനി വേട്ട, വിവേചനത്തിന് കൂട്ടുനിൽക്കരുത്". |
| 582. | P374/PW181 | Nil | Certified copy of booklet containing the Inauguration speech of E.M. Abdul Rahman, Chairman, PFI. |
| 583. | P375/PW181 | Nil | Certified copy of phamphlet "പോലീസും നിങ്ങളും " |
| 584. | P376/PW181 | Nil | Certified copy of handbook of PFI "കൈത്തിരി, പ്രവർത്തകർക്കുള്ള കൈപ്പുസ്തകം" |

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| 585. | P377/PW181 | Nil | Certified copy of book of PFI "ജിഹാദ് പ്രചോദനങ്ങളും നിർദ്ദേശങ്ങളും"- ശൈഖ് സൈനുദ്ദീൻ മുഖ്ദൂം. |
| 586. | P378/PW181 | Nil | Certified copy of book "ആർ. എസ്. എസിനെ അറിയുക" |
| 587. | P379/PW181 | Nil | Certified copy of green colour file- "റമളാനിൽ പ്രാർത്ഥിക്കാൻ " |
| 588. | P380/PW181 | Nil | Certified copy of driving license of Muhammed Ansari. |
| 589. | P381/PW181 | 19.07.2010 | Certified copy of search list of the house of Ashraf, S/o. Khader, Mattappilly, Velloorkunnam village prepared by CI of police, Piravom. |
| 590. | P382/PW181 | Nil | Certified copy of A book with heading of "നിശാ ക്ലബ്ബ് മാർച്ച് -2008". |
| 591. | P383/PW181 | Nil | Certified copy of Personal diary 2008. |
| 592. | P384/PW181 | Nil | Certified copy of Photograph. |
| 593. | P385/PW182 | 04.07.2010 | Certified copy of Search memorandum prepared by ASP, Aluva for the search of the house of Mansoor, Kanjirathunkal veetil, Aluva west village. |
| 594. | P386/PW182 | 04.07.2010 | Certified copy of Search list as per Ext. P385 prepared by ASP, Aluva for the search of the house of Mansoor, Kanjirathunkal veetil, Aluva west village. |
| 595. | P387/PW182 | Nil | Certified copy of Details of PFI district leaders with phone numbers and e-mail ID upto January 2010. |
| 596. | P388/PW182 | Nil | Certified copy of NWF election schedule. |
| 597. | P389/PW182 | Nil | Certified copy of PFI Annual report from 17 th January 2009 to Dec 31 st . |
| 598. | P390/PW182 | Nil | Certified copy of Phamphlet "തൊടുപുഴയിൽ സംഭവിച്ചതെന്ത്" |

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| 599. | P390(a)/ PW182 | Nil | Portion of Certified copy of phamphlet “ചോദ്യപ്പേപ്പറിൽ കണ്ടില്ലെന്ന് നടിക്കുന്നവർക്ക് കാലം കനൽ നിലങ്ങളിൽ മറുപടി നൽകുക തന്നെ ചെയ്യും” |
| 600. | P391/PW182 | Nil | Certified copy of Publication containing the details of some temples. |
| 601. | P392/PW182 | Nil | Certified copy of Phamphlet “ഉത്തരവാദിത്ത നിർവ്വഹണം”(4 sheets). |
| 602. | P393/PW182 | Nil | Certified copy of 4 sheets of paper with heading “ചില സംഭവ വികാസങ്ങൾ” |
| 603. | P394/PW182 | Nil | Certified copy of Muvattupuzha division study report. |
| 604. | P395/PW182 | Nil | Certified copy of Name of president and secretary of various unit. |
| 605. | P396/PW182 | 03.01.2010 | Certified copy of Minutes of District committee (6 sheets). |
| 606. | P397/PW182 | 03.02.2010 | Certified copy of Minutes of District committee (4 sheets). |
| 607. | P398/PW182 | 07.02.2010 | Certified copy of Minutes of District committee (3 sheets). |
| 608. | P398(a)/ PW182 | 28.04.2010 | Certified copy of Minutes of District committee (1 sheets). |
| 609. | P398(b)/ PW182 | 03.05.2010 | Certified copy of Minutes of District committee (5 sheets). |
| 610. | P398(c)/ PW182 | 08.06.2010 | Certified copy of Minutes of District committee (8 sheets). |
| 611. | P399/PW182 | Nil | PFI Ernakulam committee working report for the month of May. |
| 612. | P399(a)/ PW182 | 29.05.2010 | PFI Muvattupuzha division committee report. |
| 613. | P399(b)/ PW182 | 30.05.2010 | PFI Kalamassery division committee report. |
| 614. | P400/PW182 | 17.04.2006 | OP registration card in the name of Sajitha |

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| | | | Mansoor. |
| 615. | P400(a)/PW182 | Nil | OP registration card in the name of Mansoor. |
| 616. | P400(b)/PW182 | 30.04.2006 | OP registration card in the name of Mansoor. |
| 617. | P401/PW182 | Nil | Certified copy of Visiting card of K.A. Mansoor. |
| 618. | P401(a)/PW182 | Nil | Certified copy of Visiting card of K.A. Mansoor. |
| 619. | P402/PW182 | Nil | Certified copy of Diary of Sajitha Mansoor. |
| 620. | P403/PW182 | Nil | Certified copy of Diary of K.A. Mansoor. |
| 621. | P404/PW182 | Nil | Certified copy of Telephone index book. |
| 622. | P405/PW182 | Nil | Certified copy of Note book. |
| 623. | P406/PW182 | Nil | Certified copy of Diary. |
| 624. | P407/PW182 | Nil | Certified copy of Sketch. |
| 625. | P408/PW182 | Nil | Certified copy of Album. |
| 626. | P409/PW182 | 08.07.2010 | Certified copy of Search list of the house of Ayoob Panikkaruveetil, Aluva, West village prepared by ASP, Aluva. |
| 627. | P410/PW182 | Nil | Certified copy of Phamphlet "ജന കേരള യാത്ര" |
| 628. | P411/PW182 | Nil | Certified copy of Diary |
| 629. | P412/PW182 | 05.07.2010 | Certified copy of Thejus News paper. |
| 630. | P413/PW182 | 10.07.2010 | Certified copy of Search list of the house of Kasim Kappoori veedu, Kadungalloor village prepared by DSP, Aluva. |
| 631. | P414/PW182 | Nil | Certified copy of SSLC book of Kasim |
| 632. | P415/PW182 | Nil | Certified copy of Ration card |

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| 633. | P416/PW182 | Nil | Certified copy of Diary of Subaida. |
| 634. | P417/PW182 | Nil | Certified copy of Telephone index diary. |
| 635. | P418/PW182 | Nil | Certified copy of Phamphlet "നമ്മുടെ രാഷ്ട്രീയം" |
| 636. | P418(a)/ PW182 | Nil | Certified copy of Phamphlet of PFI containing Inauguration speech of E.M. Abdul Rahman in "വിചാരതീരം നേതൃസംഗമം" at Aluva. |
| 637. | P418(b)/ PW182 | Nil | Certified copy of Booklet "കൈത്തിരി" |
| 638. | P419/PW182 | Nil | Certified copy of Notice of NWF. |
| 639. | P420/PW182 | Nil | Certified copy of Notice of All India Imams Counsel. |
| 640. | P421/PW182 | Nil | Certified copy of 13 sheet papers containing the details of the participants in the meeting of at various dates. |
| 641. | P422/PW182 | Nil | Certified copy of Phamphlet "സമുദായത്തിന്റെ സ്വന്തം സുരക്ഷാ സേന" |
| 642. | P423/PW182 | Nil | Certified copy of Details of PFI Freedom Parade on 15.08.2010 of Aluva Organizing committee. |
| 643. | P424/PW182 | Nil | Certified copy of Phamphlet "ബാബറി മസ്ജിദ് തകർച്ചയുടെ നൊമ്പരം ഉയിർപ്പിന്റെ അടയാളം" |
| 644. | P425/PW182 | 10.07.2010 | Certified copy of search list of the house of M.K. Nassar prepared by ASP, Aluva. |
| 645. | P426/PW182 | Nil | Certified copy of Phamphlet of NWF "കുടുംബത്തിന്റെ ശക്തി സമൂഹത്തിന്റെ കരുത്ത്" |
| 646. | P426(a)/ PW182 | Nil | Certified copy of Phamphlet of NWF "കുടുംബത്തിന്റെ ശക്തി സമൂഹത്തിന്റെ കരുത്ത്" |

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| 647. | P426(b)/ PW182 | Nil | Certified copy of Phamphlet of NWF “കുടുംബത്തിന്റെ ശക്തി സമൂഹത്തിന്റെ കരുത്ത്” |
| 648. | P427/PW182 | Nil | Certified copy of Phamphlet “തൊടുപുഴയിൽ സംഭവിച്ചതെന്ത്” |
| 649. | P428/PW182 | Nil | Certified copy of Thejus Fortnightly. |
| 650. | P428(a)/ PW182 | Nil | Certified copy of Thejus Fortnightly. |
| 651. | P429/PW182 | Nil | Certified copy of Shahab weekly (ശബാബ് വാരിക). |
| 652. | P430/PW182 | 13.07.2010 | Certified copy of Search memorandum prepared by ASP, Aluva for the search of the clinic of Dr. Reneef. |
| 653. | P431/PW182 | 13.07.2010 | Certified copy of Search list as per Ext. P430 search. |
| 654. | P432/PW182 | 28.06.2010 | Certified copy of Receipt of BSNL Ltd. issued to Dr. Reneef. |
| 655. | P432(a)/ PW182 | 07.06.2010 | Certified copy of BSNL telephone bill No. 90015385 issued to Dr. Reneef. |
| 656. | P432(b)/ PW182 | 07.06.2010 | Certified copy of BSNL telephone bill No. 90019288 issued to Dr. Reneef. |
| 657. | P433/PW182 | 13.07.2010 | Certified copy of Search memorandum prepared by ASP, Aluva for the search at the house of Dr. Reneef. |
| 658. | P434/PW182 | 13.07.2010 | Certified copy of Search list prepared as per Ext. P433 search. |
| 659. | P435/PW182 | Nil | Certified copy of Index telephone diary. |
| 660. | P436/PW182 | 13.07.2010 | Certified copy of Search memorandum prepared by ASP, Aluva for the search at the house of Noushad Kunjunnikkara. |
| 661. | P437/PW182 | 13.07.2010 | Certified copy of Search list as per Ext. P436 search. |
| 662. | P438/PW182 | Nil | Certified copy of Phamphlet “ ബാബറി |

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| | | | മസ്ജിദ് തകർച്ചയുടെ നൊമ്പരം ഉയർപ്പിന്റെ അടയാളം" |
| 663. | P439/PW182 | Nil | Certified copy of Publicaiton of PFI "ശാക്തീകരണത്തിന്റെ ചുവടുകൾ" |
| 664. | P440/PW182 | 25.08.2010 | Certified copy of Search list of the house of Shanavas, prepared by ASP, Aluva. |
| 665. | P441/PW182 | 25.08.2010 | Certified copy of Search memorandum for Ext. P440 search. |
| 666. | P442/PW182 | 29.07.2010 | Certified copy of Search list of the house of Moideenkunju, Kunjunnikkara, prepared by ASP, Aluva. |
| 667. | P443/PW182 | 11.05.2009 | Certified copy of SDPI membership form of Pared.K.A. |
| 668. | P443(a)/ PW182 | Nil | Certified copy of SDPI membership form of Shamsudheen.V.M. |
| 669. | P443(b)/ PW182 | Nil | Certified copy of SDPI membership form of Ashraf. |
| 670. | P443(c)/ PW182 | Nil | Certified copy of SDPI membership form of Savad. |
| 671. | P444/PW182 | Nil | Certified copy of Diary |
| 672. | P445/PW182 | Nil | Certified copy of Publication of PFI "ശാക്തീകരണത്തിന്റെ ചുവടുകൾ" |
| 673. | P446 series/PW182 | Nil | Certified copy of Badge of PFI (12 Nos). |
| 674. | P447/PW182 | Nil | Certified copy of Booklet of NDF "പരിവർത്തനത്തിന്റെ പാദമുദ്രകൾ" |
| 675. | P448/PW182 | Nil | Certified copy of Details of PFI District leaders with phone Nos. and e-mail ID. |
| 676. | P449/PW182 | Nil | Certified copy of Phamphlets. |
| 677. | P449(a)/ PW182 | Nil | Certified copy of Phamphlet "ചെറുത്തുനിൽപ്പ് വിവിധ വാദമുഖങ്ങൾ". |
| 678. | P449(b)/ | Nil | Certified copy of Phamphlet "മുസ്ലീം |

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| | PW182 | | വ്യക്തിത്വം". |
| 679. | P449(c)/ PW182 | – | Certified copy of Phamphlet. |
| 680. | P450/PW182 | Nil | Certified copy of SDPI membership forms (18 Nos.) |
| 681. | P450(a)/ PW182 | Nil | Certified copy of SDPI membership form of Sri. K.A. Ali. |
| 682. | P451/PW182 | Nil | Certified copy of SDPI membership forms (14 Nos.) |
| 683. | P451(a)/ PW182 | Nil | Certified copy of SDPI membership form of Sri. Shajeer.K.H. |
| 684. | P452/PW182 | Nil | Certified copy of SDPI membership forms (28 Nos.) |
| 685. | P452(a)/ PW182 | Nil | Certified copy of SDPI membership form of Sri. Rasheed.P.K. |
| 686. | P452(b)/ PW182 | Nil | Certified copy of SDPI membership form of Sri. Mahinkutty.M.A. |
| 687. | P453/PW182 | Nil | Certified copy of SDPI membership forms (15 Nos) |
| 688. | P453(a)/ PW182 | Nil | Certified copy of SDPI membership form of Sri.Shiyas.K.K. |
| 689. | P453(b)/ PW182 | Nil | Certified copy of SDPI membership form of Sri. Ali.K.K. |
| 690. | P454/PW182 | Nil | SDPI membership forms (18 Nos) |
| 691. | P454(a)/ PW182 | Nil | SDPI membership form of Sri.K.M. Ali. |
| 692. | P455/PW182 | Nil | SDPI membership forms (18 Nos) |
| 693. | P455(a)/ PW182 | Nil | SDPI membership form of Sri.C.S. Siyad |
| 694. | P456/PW182 | Nil | SDPI membership forms (6 Nos) |
| 695. | P456(a)/ PW182 | Nil | SDPI membership form of Sri. Niyas.M.M. |

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| 696. | P457/PW182 | Nil | SDPI membership forms (4 Nos) |
| 697. | P457(a)/ PW182 | Nil | SDPI membership form of Sri.Manau |
| 698. | P458/PW182 | Nil | SDPI membership forms (14 Nos) |
| 699. | P458(a)/ PW182 | Nil | SDPI membership form of Sri.Sajil.T.M. |
| 700. | P458(b)/ PW182 | Nil | SDPI membership form of Sri. Nizar.M.A. |
| 701. | P459/PW182 | Nil | SDPI membership forms (9 Nos) |
| 702. | P459(a)/ PW182 | Nil | SDPI membership form of Sri. Haris. |
| 703. | P460/PW182 | Nil | SDPI membership forms (12 Nos) |
| 704. | P460(a)/ PW182 | Nil | SDPI membership form of Sri. Ashraf. |
| 705. | P461/PW182 | Nil | SDPI membership forms (21 Nos) |
| 706. | P461(a)/ PW182 | Nil | SDPI membership form of Sri. Mansoor. |
| 707. | P462/PW182 | Nil | SDPI membership forms (19 Nos) |
| 708. | P462(a)/ PW182 | Nil | SDPI membership form of Sri. Abdul Azeez. |
| 709. | P463/PW182 | Nil | SDPI membership forms (13 Nos) |
| 710. | P463(a)/ PW182 | Nil | SDPI membership form of Sri. Shafeeq. |
| 711. | P464/PW182 | Nil | SDPI membership forms (5 Nos) |
| 712. | P464(a)/ PW182 | Nil | SDPI membership form of Sri. |
| 713. | P465/PW182 | Nil | SDPI membership forms (8 Nos) |
| 714. | P465(a)/ PW182 | Nil | SDPI membership form of Sri. Shamnad. |

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| 715. | P466/PW182 | Nil | SDPI membership forms (24 Nos) |
| 716. | P466(a)/ PW182 | Nil | SDPI membership forms (7 Nos) |
| 717. | P466(b)/ PW182 | Nil | SDPI membership forms (24Nos) |
| 718. | P466(c)/ PW182 | Nil | SDPI membership forms (22 Nos) |
| 719. | P466(d)/ PW182 | Nil | SDPI membership forms (21 Nos) |
| 720. | P466(e)/ PW182 | Nil | SDPI membership forms (10 Nos) |
| 721. | P466(f)/ PW182 | 10.05.2009 | SDPI membership forms (16 Nos) |
| 722. | P466(g)/ PW182 | Nil | SDPI membership forms (8 Nos) |
| 723. | P466(h)/ PW182 | Nil | SDPI membership forms (24 Nos) |
| 724. | P466(i)/PW182 | Nil | SDPI membership forms (52 Nos) |
| 725. | P466(j)/PW182 | Nil | SDPI membership forms (6 Nos) |
| 726. | P466(k)/ PW182 | Nil | SDPI membership forms (11 Nos) |
| 727. | P466(l)/PW182 | Nil | SDPI membership forms (27 Nos) |
| 728. | P466(m)/ PW182 | Nil | SDPI membership forms (15 Nos) |
| 729. | P466(n)/ PW182 | Nil | SDPI membership forms (11 Nos) |
| 730. | P466(o)/ PW182 | Nil | SDPI membership forms (23 Nos) |
| 731. | P466(p)/ PW182 | Nil | SDPI membership forms (15 Nos) |
| 732. | P466(q)/ PW182 | Nil | SDPI membership forms (14 Nos) |

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| 733. | P466(r)/ PW182 | Nil | SDPI membership forms (6 Nos) |
| 734. | P466(s)/ PW182 | Nil | SDPI membership forms (10 Nos) |
| 735. | P466(t)/ PW182 | Nil | SDPI membership forms (22Nos) |
| 736. | P466(u)/ PW182 | Nil | SDPI membership forms (20 Nos) |
| 737. | P466(v)/ PW182 | Nil | SDPI membership forms (21 Nos) |
| 738. | P466(w)/ PW182 | Nil | SDPI membership forms (5 Nos) |
| 739. | P466(x)/ PW182 | Nil | SDPI membership forms (28Nos) |
| 740. | P466(y)/ PW182 | Nil | SDPI membership forms (28 Nos) |
| 741. | P466(z)/ PW182 | Nil | SDPI membership forms (12 Nos) |
| 742. | P466(aa)/ PW182 | Nil | SDPI membership forms (12 Nos) |
| 743. | P466(ab)/ PW182 | Nil | SDPI membership forms (15 Nos) |
| 744. | P466(ac)/ PW182 | Nil | SDPI membership forms (13 Nos) |
| 745. | P466(ad)/ PW182 | Nil | SDPI membership forms (9 Nos) |
| 746. | P466(ae)/ PW182 | Nil | SDPI membership forms (14 Nos) |
| 747. | P466(af)/ PW182 | Nil | SDPI membership forms (18 Nos) |
| 748. | P466(ag)/ PW182 | Nil | SDPI membership forms (12 Nos) |
| 749. | P466(ah)/ PW182 | Nil | SDPI membership forms (10 Nos) |

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| 750. | P466(ai)/ PW182 | Nil | SDPI membership forms (24 Nos) |
| 751. | P466(aj)/ PW182 | Nil | SDPI membership forms (60 Nos) |
| 752. | P466(ak)/ PW182 | Nil | SDPI membership forms (14 Nos) |
| 753. | P466(al)/ PW182 | Nil | SDPI membership forms (33 Nos) |
| 754. | P466(am)/ PW182 | Nil | SDPI membership forms (21Nos) |
| 755. | P466(an)/ PW182 | Nil | SDPI membership forms (11 Nos) |
| 756. | P466(ao)/ PW182 | Nil | SDPI membership forms (9 Nos) |
| 757. | P466(ap)/ PW182 | Nil | SDPI membership forms (12 Nos) |
| 758. | P466(aq)/ PW182 | Nil | SDPI membership forms (7 Nos) |
| 759. | P466(ar)/ PW182 | Nil | SDPI membership forms (8 Nos) |
| 760. | P466(as)/ PW182 | Nil | SDPI membership forms (13 Nos) |
| 761. | P466(at)/ PW182 | Nil | SDPI membership forms (21 Nos) |
| 762. | P466(au)/ PW182 | Nil | SDPI membership forms (13 Nos) |
| 763. | P466(av)/ PW182 | Nil | SDPI membership forms (18 Nos) |
| 764. | P466(aw)/ PW182 | Nil | SDPI membership forms (12 Nos) |
| 765. | P466(ax)/ PW182 | Nil | SDPI membership forms (7 Nos) |
| 766. | P466(ay)/ PW182 | Nil | SDPI membership forms (7 Nos) |

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| 767. | P466(az)/ PW182 | Nil | SDPI membership forms (28 Nos) |
| 768. | P466(ba)/ PW182 | Nil | SDPI membership forms (23 Nos) |
| 769. | P466(bb)/ PW182 | Nil | SDPI membership forms (13 Nos) |
| 770. | P466(bc)/ PW182 | Nil | SDPI membership forms (7 Nos) |
| 771. | P466(bd)/ PW182 | Nil | SDPI membership forms (10 Nos) |
| 772. | P466(be)/ PW182 | Nil | SDPI membership forms (7 Nos) |
| 773. | P467/PW182 | Nil | Certified copy of a sheet of paper containing details of members who were participated in the meeting. |
| 774. | P468/PW182 | Nil | Certified copy of Report of ASP, Aluva to SP, Aluva. |
| 775. | P469/PW182 | 29.07.2010 | Certified copy of report of Jayanath, ASP, Aluva to SP, Aluva. |
| 776. | P470/PW183 | 11.01.2011 | Certified copy of Proceedings of District collector, Ernakulam. |
| 777. | P471/PW184 | Nil | Certified copy of CDR of (TATA) mobile 8089230639 in the name of Shanavas for the period from 25.03.2010 to 30.08.2010. |
| 778. | P471(a)/ PW184 | 12.06.2010 | Portion of Ext. P471 (call details of mobile No. 8089230639) |
| 779. | P472/PW184 | 07.10.2009 | Certified copy of TATA CAF of mobile No. 8089230639 in the name of Shanavas. |
| 780. | P472(a)/ PW184 | Nil | Copy of election ID card of Shanavas. |
| 781. | P473/PW184 | Nil | Certified copy of CDR of (TATA) mobile No. 9037220794 in the name of Kamarudheen for the period from 01.07.2010 to 06.07.2010. |

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| 782. | P474/PW184 | 08.07.2009 | Certified copy of TATA prepaid CAF of mobile No. 9037220794 in the name of Kamarudheen. |
| 783. | P474(a)/PW184 | Nil | Certified copy of voters ID card of Kamarudheen. |
| 784. | P475/PW184 | Nil | Certified copy of BTS list of TATA Tele service Ltd. (124 pages) |
| 785. | P475(a)/PW184 | Nil | Certified copy of Cell ID BTS List. |
| 786. | P476/PW184 | Nil | Certified copy of CDR of (TATA) mobile No. 9249738696 in the name of Kamarudheen for the period from 25.03.2010 to 05.07.2010. |
| 787. | P477/PW184 | 25.01.2011 | Certified copy of TATA CAF of mobile No. 9249738696 in the name of Kamarudheen. |
| 788. | P477(a)/PW184 | Nil | Certified copy of Copy of voters ID card of Kamarudheen. |
| 789. | P478/PW184 | Nil | Certified copy of CDR of (TATA) mobile No. 9037294544 in the name of Shajeer (A27) for the period from 25.03.2010 to 05.07.2010. |
| 790. | P479/PW185 | 15.05.2017 | Sanction order issued by District Collector, Ernakulam |
| 791. | P480/PW186 | Nil | Certified copy of call details of Reliance mobile No. 9387787170 in the name of Shamsudheen for the period from 25.03.2010 to 27.08.2010. |
| 792. | P481/PW186 | Nil | Certified copy of CAF of mobile No. 9387787170 in the name of Shamsu. |
| 793. | P481(a)/PW186 | Nil | Certified copy of passport of Shamsu. |
| 794. | P482/PW186 | Nil | Certified copy of call details of Reliance mobile No. 9349187696 in the name of Najeeb for the period from 25.03.2010 to 07.07.2010. |

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| 795. | P482(a)/ PW186 | Nil | Certified copy of relevant portion of Ext. P482 page No. 116 (Sl. No. 28 to 38) deposition of PW186. |
| 796. | P482(b)/ PW186 | Nil | Certified copy of relevant portion of Ext. P482 page No. 117 (Sl. No. 11) deposition of PW186. |
| 797. | P482(c)/ PW186 | Nil | Certified copy of relevant portion of Ext. P482 page No. 117 (Sl. No. 1 to 7) deposition of PW186. |
| 798. | P483/PW186 | 29.12.2010 | Certificate of Reliance Communications regarding Ext. P482 (mobile No. 9349187696). |
| 799. | P483(a)/ PW186 | Nil | Copy of passport of Najeeb. |
| 800. | P484/PW186 | Nil | Certified copy of CDR Reliance mobile No. 9387269173 in the name of Niyas from 25.03.2010 to 30.08.2010. |
| 801. | P485/PW186 | 16.09.2008 | Certified copy of Reliance CAF of mobile No. 9387269173 in the name of Niyas. |
| 802. | P486/PW186 | Nil | Certified copy of Call details of Reliance mobile No. 9388007283 in the name of P.V. Noushad for the period from 25.03.2010 to 30.08.2010. |
| 803. | P486(a)/ PW186 | Nil | Copy of CAF of Reliance mobile No. 9388007283 in the name of P.V. Noushad.P.V. |
| 804. | P487/PW186 | 02.06.2009 | Certified copy of Reliance CAF of mobile no. 9387037375 in the name of Ali.K.A, Kolambel House, Uliyannoor.P.O, Aluva – 8. |
| 805. | P487(a)/ PW186 | Nil | Copy of voters ID card of Ali.K.A. |
| 806. | P488/PW186 | Nil | Certified copy of Reliance CAF of mobile no. 9387467977 in the name of Manu. |
| 807. | P488(a)/ PW186 | Nil | Certified copy of voters ID card of Manu. |

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| 808. | P489/PW186 | 16.02.2009 | Certified copy of Reliance prepaid application form for the mobile No. 9387086242 in the name of Kunjathu. |
| 809. | P489(a)/PW186 | Nil | Copy of voters ID card of Kunjathu. |
| 810. | P490/PW186 | 18.04.2010 | Certified copy of Phone bill of Reliance phone No. 0484 3277500 in the name of Ayoob.P.M. |
| 811. | P491/PW186 | 25.01.2010 | Certified copy of Phone bill of mobile No. 9349187696 of Reliance communication in the name of Najeeb.K. |
| 812. | P492/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9446519213 in the name of Najumudheen. |
| 813. | P493/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9495220963 in the name of Hassan.K.P. |
| 814. | P494/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9447196842 in the name of Ashraf.M.K. |
| 815. | P495/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9447623404 in the name of Aliyar. |
| 816. | P496/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9446334404 in the name of Aliyar. |
| 817. | P497/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9446419908 in the name of Abdul Rahman. |

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| 818. | P498/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9446720090 in the name of Samad.K.M. |
| 819. | P499/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9447798692 in the name of Muhammed.M.K. |
| 820. | P500/PW187 | 25.03.2011 | Certified copy of certificate issued by the Alternate Nodal officer, LED, BSNL mobile services, Ernakulam regarding the mobile No. 9446935639 in the name of Salam.P.B. |
| 821. | P501/PW187 | 16.09.2006 | BSNL CAF of mobile No. 9495220963 in the name of Hassan.K.P. |
| 822. | P501(a)/PW187 | 16.09.2006 | Copy of voters ID card of Hassan. |
| 823. | P502/PW187 | 28.05.2007 | BSNL CAF of mobile No. 9446720090 in the name of K.M. Samad. |
| 824. | P502(a)/PW187 | 28.05.2007 | Copy of voters ID card of K.M. Samad. |
| 825. | P503/PW187 | 21.09.2004 | BSNL CAF of mobile No. 9447798692 in the name of M.K. Muhammed. |
| 826. | P503(a)/PW187 | Nil | Copy of voters ID card of M.K. Muhammed. |
| 827. | P504/PW187 | 09.11.2009 | BSNL CAF of mobile No. 9447121795 in the name of Muhammed Ansari. |
| 828. | P504(a)/PW187 | Nil | Copy of voters ID card of Muhammed Ansari. |
| 829. | P505/PW187 | 14.07.2004 | BSNL CAF of mobile No. 9447196852 in the name of M.K. Ashraf . |
| 830. | P505(a)/PW187 | Nil | Copy of passport of M.K. Ashraf (Thamar Ashraf). |
| 831. | P506/PW187 | 05.01.2010 | BSNL CAF of mobile No. 9447180995 in the name of Shaji. |

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| 832. | P506(a)/ PW187 | Nil | Copy of voters ID card of Shaji. |
| 833. | P507/PW187 | Nil | BSNL cell ID data. |
| 834. | P508/PW188 | 13.01.2011 | Certified copy of sanction order GO(Rt) 109/2011/Home dated 13.01.2011 of Govt. of Kerala. |
| 835. | P509/PW188 | 13.01.2011 | Certified copy of sanction order GO(Rt) 108/2011/Home dated 13.01.2011 of Govt. of Kerala. |
| 836. | P510/PW189 | 28.08.2009 | Certified copy of MTS prepaid customer application form in the name of Basheer. |
| 837. | P511/PW189 | Nil | Certified copy of voters ID card of Basheer. |
| 838. | P512/PW189 | 15.03.2010 | Certified copy of portion of 161 statement of PW189 (CW70) prepared by CI of police, Muvattupuzha "സാധാരണ ഞായറാഴ്ച രോഗികളും വന്നു" |
| 839. | P512(a)/ PW189 | 15.03.2010 | Certified copy of portion of 161 statement of PW189 (CW70) prepared by CI of police, Muvattupuzha "ഡോക്ടർ എന്ന് പറഞ്ഞു" |
| 840. | P512(b)/ PW189 | 15.03.2010 | Certified copy of portion of 161 statement of PW189 (CW70) prepared by CI of police, Muvattupuzha "ഡോക്ടറുടെ ഫോണിൽ വിളിച്ചത്" |
| 841. | P512(c)/ PW189 | 15.03.2010 | Certified copy of portion of 161 statement of PW189 (CW70) prepared by CI of police, Muvattupuzha "അൽപം കഴിഞ്ഞപ്പോൾ കൊടുത്തയച്ചു " |
| 842. | P513/PW190 | 03.09.2010 | Certified copy of 161 statement of PW190 (CW103) prepared by DySP, Muvattupuzha "ഭർത്താവ് പി.എഫ്. ഐ യുടെ പ്രവർത്തകനാണ്" |
| 843. | P513(a)/ PW190 | Nil | Certified copy of 161 statement of PW190 (CW103) prepared by DySP, Muvattupuzha |

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| | | | “ഭർത്താവിന്റെ എന്നാണ്” |
| 844. | P514/PW190 | 17.06.2009 | Certified copy of driving license of Ali.K.K. |
| 845. | P515/PW192 | Nil | Certified copy of portion of 161 statement of PW192(CW111) prepared by DySP, Muvattupuzha “അളിയന്റെ ഡ്രൈവിങ്ങ് ലൈസൻസ് വീട്ടിലിരുന്നതാണ് ഞാൻ ഹാജരാക്കി തന്നത്” |
| 846. | P516/PW193 | 09.07.2010 | Certified copy of seizure mahazar of the carbon copy of sale agreement of Maruthi omni van, copy of ration card of Lawrence and copy of driving license of K.K. Ali prepared by CI of police, Muvattupuzha. |
| 847. | P517/PW193 | 13.07.2010 | Certified copy of seizure mahazar of scorio bearing No. KL 03 J 3883 prepared by CI of police, Muvattupuzha. |
| 848. | P518/PW194 | 17.01.2014 | Certified copy of seizure mahazar of Ext. P209, 209(a), 210, 211, 519 and 122 prepared by ASI, NIA. |
| 849. | P519/PW194 | 17.01.2014 | Certified copy of receipt of Friend Janasevana Kendram. |
| 850. | P520/PW194 | 18.01.2017 | Seizure mahazar in RC 01/2011/NIA/DLI (Articles – Sl.No. 1. Xiaomi mobile phone model 2015116) and visiting card of Abdul Hameed.M, DySP, NIA, Kochi. |
| 851. | P521/PW195 | 10.07.2010 | Certified copy of search list of the house of Shine Muhammed, Chittethukudi veedu, Thrikkariyoor village prepared by SI of police, Kothamangalam. |
| 852. | P522/PW195 | 10.07.2010 | Certified copy of search memorandum of Ext. P521 search. |
| 853. | P523/PW195 | Nil | Photograph |
| 854. | P524/PW195 | Nil | Certified copy of phamphlet “മുസ്ലീം വേട്ട അവസാനിപ്പിക്കുക” |
| 855. | P525/PW195 | 19.07.2010 | Certified copy of search list of Thamar curry powder factory, Varappetty village |

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| | | | prepared by SI of police, Kothamangalam. |
| 856. | P526/PW195 | 01.09.2010 | Certified copy of search list of the house of Meerankutty, Muthuvassery veedu, Ashamannur village prepared by SI of police, Kothamangalam. |
| 857. | P527/PW195 | Nil | Ration card No. 1738039787 in the name of Meerakutty, Muthuvassery, Neeleli, Ashamannoor.P.O. |
| 858. | P528/PW195 | 17.10.2010 | Certified copy of search list of Thamar curry powder factory at Karukodam Varappetty village prepared by SI of police, Kothamangalam. |
| 859. | P529/PW195 | Nil | Diary 2010 of M.K. Ashraf. |
| 860. | P530/PW195 | 05.07.2010 | Certified copy of FIR in crime No. 512/2010 filed by SI of police, Kothamangalam. |
| 861. | P531/PW196 | Nil | Certified copy of CDR of Idea Mob. No. 9947594068 in the name of Savad for the period from 25.03.2010 to 06.07.2010. |
| 862. | P531(a)/ PW196 | 04.07.2010 | Separate entry in Ext. P531 (Sl.No. 210) Page No. 21. |
| 863. | P532/PW196 | 27.07.2007 | Certified copy of Idea CAF of mobile No. 994757694068 in the name of Savad. |
| 864. | P532(a)/ PW196 | Nil | Certified copy of voters ID card of Savad. |
| 865. | P533/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9847573387 in the name of Muhammed Shobin for the period from 25.03.2010 to 06.07.2010. |
| 866. | P533(a)/ PW196 | Nil | Certified copy of CAF and ID proof of Muhammed Shobin. |
| 867. | P534/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9847738642 in the name of Sajil.T.M for the period from 25.03.2010 to 06.07.2010. |
| 868. | P534(a)/ PW196 | 26.01.2008 | Certified copy of CAF (IDEA) of mobile No. 9847738642 in the name of Sajil.T.M. |

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| 869. | P534(b)/ PW196 | Nil | Certified copy of Driving license of Sajil.T.M. |
| 870. | P534(c)/ PW196 | Nil | Separate entry of Ext. P534 (page No. 10 Sl.No. 1876) |
| 871. | P534(d)/ PW196 | Nil | Separate entry of Ext. P534 (page No. 10 Sl.No. 1877) |
| 872. | P535/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9847542062 in the name of Shanavas for the period from 25.03.2010 to 06.07.2010. |
| 873. | P535(a)/ PW196 | 28.06.2005 | Certified copy of CAF of mobile No. 9847542062 in the name of Sameer. |
| 874. | P535(b)/ PW196 | Nil | Certified copy of voters ID cad of Sameer. |
| 875. | P536/PW196 | Nil | Certified copy of CDR of Idea Mobile No. 9605300950 in the name of Akhil for the period from 25.03.2010 to 06.07.2010. |
| 876. | P537/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9605785296 in the name of Jaffer for the period from 25.03.2010 to 04.07.2010. |
| 877. | P537(a)/ PW196 | Nil | Certified copy of CAF of mobile No. 9605785296 in the name of Jaffer. |
| 878. | P537(b)/ PW196 | Nil | Certified copy of voters ID card of Jaffer. |
| 879. | P538/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9562450880 in the name of Ashraf for the period from 25.03.2010 to 04.08.2010. |
| 880. | P538(a)/ PW196 | Nil | Certified copy of CAF and ID card of Ashraf. |
| 881. | P539/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9961839801 in the name of Sikkander Ali Khan for the period from 25.03.2010 to 04.07.2010. |
| 882. | P539(a)/ PW196 | Nil | Certified copy of CAF of mobile No. 9961839801 in the name of Sikkander Ali Khan. |

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| 883. | P539(b)/ PW196 | Nil | Certified copy of voters ID card of Sikkander Ali Khan. |
| 884. | P540/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9847345611 in the name of Adam for the period from 25.03.2010 to 20.07.2010. |
| 885. | P540(a)/ PW196 | Nil | Certified copy of Idea CAF of mobile No. 9847345611 in the name of Adam. |
| 886. | P540(b)/ PW196 | Nil | Certified copy of Election ID card of Adam. |
| 887. | P541/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9744139003 in the name of Anas for the period from 25.03.2010 to 10.07.2010. |
| 888. | P541(a)/ PW196 | Nil | Certified copy of Idea CAF of mobile No. 9744139003 in the name of Anas. |
| 889. | P541(b)/ PW196 | Nil | Certified copy of Election ID card of Anas. |
| 890. | P542/PW196 | Nil | Certified copy of CDR of Idea mobile No. 9544869060 in the name of Rasheed for the period from 25.03.2010 to 06.07.2010. |
| 891. | P542(a)/ PW196 | 19.08.2009 | Certified copy of Idea CAF of mobile No. 9544869060 in the name of Rasheed. |
| 892. | P542(b)/ PW196 | Nil | Certified copy of Election ID card of Rasheed. |
| 893. | P543/PW196 | 29.08.2009 | Certified copy of Idea CAF of mobile No. 9562874315 in the name of Navas. |
| 894. | P543(a)/ PW196 | Nil | Certified copy of Election ID card of Navas. |
| 895. | P544/PW196 | 31.01.2010 | Certified copy of Idea CAF of mobile No. 9747046423 in the name of Romy.A.K. |
| 896. | P544(a)/ PW196 | Nil | Certified copy of driving license of Romy.A.K. |
| 897. | P545/PW196 | Nil | Certified copy of Idea BTS list. |
| 898. | P545(a)/ PW196 | Nil | Certified copy of Idea BTS list. |

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| 899. | P546/PW197 | Nil | Certified copy of CDR of mobile No. 9744528638 for the period from 03.07.2010 to 09.07.2010. |
| 900. | P546(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 9744528638 (3 sheets) |
| 901. | P546(b)/PW197 | Nil | Copy of e-mail sent by Idea Cellular Ltd. |
| 902. | P547/PW197 | Nil | Certified copy of CDR of mobile No. 9567031777 for the period from 01.07.2010 to 14.07.2010. |
| 903. | P547(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 9567031777. |
| 904. | P547(b)/PW197 | 15.07.2010 | Copy of e-mail sent by Nodal officer, Airtel Kerala. |
| 905. | P548/PW197 | Nil | Certified copy of CDR of mobile No. 9747151067 for the period from 01.05.2010 to 20.07.2010. |
| 906. | P548(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 9747151067. |
| 907. | P548(b)/PW197 | 20.07.2010 | Copy of e-mail sent by Idea Cellular Ltd. |
| 908. | P549/PW197 | Nil | Certified copy of CDR of mobile No. 99645500548 for the period from 01.04.2010 to 30.04.2010. |
| 909. | P549(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 99645500548. |
| 910. | P549(b)/PW197 | 23.07.2010 | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 911. | P550/PW197 | Nil | Certified copy of CDR of mobile No.9746948460 for the period from 01.07.2010 to 07.07.2010. |
| 912. | P550(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 9746948460 . |
| 913. | P550(b)/PW197 | Nil | Copy of e-mail sent by Nodal officer, Airtel Kerala. |

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| 914. | P551/PW197 | Nil | Certified copy of CDR of mobile No. 9846007286 for the period from 01.06.2010 to 25.07.2010. |
| 915. | P551(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 9846007286. |
| 916. | P551(b)/PW197 | 26.07.2010 | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 917. | P552/PW197 | 13.07.2010 | Address details of Muhammed Ansari. |
| 918. | P552(a)/PW197 | 13.07.2010 | 65B certification of IE Act of mobile No. 9048020781. |
| 919. | P552(b)/PW197 | 13.07.2010 | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 920. | P553/PW197 | 15.07.2010 | Address details of mobile Nos. 9846782344 (Shanavas), 8086739040 (Saidu Muhammed) and 9946406099. |
| 921. | P553(a)/PW197 | 15.07.2010 | 65B certification of IE Act of mobile No. 9846782344. |
| 922. | P553(b)/PW197 | 15.07.2010 | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 923. | P554/PW197 | 17.07.2010 | Address details. |
| 924. | P554(a)/PW197 | 17.07.2010 | 65B certification of IE Act of mobile No.9446375538 and 9447175538. |
| 925. | P554(b)/PW197 | 17.07.2010 | Copy of e-mail sent by BSNL. |
| 926. | P555/PW197 | Nil | Certified copy of CDR of mobile No. 9745004911 for the period from 23.03.2010 to 15.04.2010. |
| 927. | P555(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 9745004911. |
| 928. | P555(b)/PW197 | Nil | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 929. | P556/PW197 | Nil | Certified copy of CDR of mobile No. 9746855290 for the period from |

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| | | | 01.07.2010 to 09.07.2010. |
| 930. | P556(a)/ PW197 | Nil | 65B certification of IE Act of mobile No. 9746855290. |
| 931. | P556(b)/ PW197 | Nil | Copy of e-mail sent by Nodal officer, Airtel Kerala. |
| 932. | P557/PW197 | Nil | Certified copy of CDR of mobile No. 9048488990 for the period from 01.07.2010 to 03.07.2010. |
| 933. | P557(a)/ PW197 | Nil | 65B certification of IE Act of mobile No. 9048488990. |
| 934. | P557(b)/ PW197 | Nil | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 935. | P558/PW197 | Nil | Certified copy of CDR of mobile No. 9048488990 for the period from 03.07.2010 to 15.07.2010. |
| 936. | P558(a)/ PW197 | Nil | 65B certification of IE Act of mobile No. 9048488990. |
| 937. | P558(b)/ PW197 | Nil | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 938. | P559/PW197 | 26.07.2010 | Certified copy of CDR of mobile No. 9846007605 for the period from 03.07.2010 to 15.07.2010. |
| 939. | P559(a)/ PW197 | Nil | 65B certification of IE Act of mobile No. 9846007605. |
| 940. | P559(b)/ PW197 | Nil | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 941. | P560/PW197 | Nil | Certified copy of CDR of mobile No. 9037844420 for the period from 01.07.2010 to 16.07.2010. |
| 942. | P560(a)/ PW197 | Nil | 65B certification of IE Act of mobile No. 9037844420. |
| 943. | P560(b)/ PW197 | Nil | Copy of e-mail sent from Tata Tele services. |
| 944. | P560(c)/ | 14.08.2009 | Copy of prepaid customer application form |

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| | PW184 | | of Muhammed Ansari issued by TATA Docomo (mobile No. 9037844420). |
| 945. | P561/PW197 | Nil | Certified copy of CDR of mobile No. 9447121795 for the period from 01.07.2010 to 09.07.2010. |
| 946. | P561(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 9447121795. |
| 947. | P561(b)/PW197 | Nil | Copy of e-mail sent from BSNL. |
| 948. | P562/PW197 | Nil | Certified copy of CDR of mobile No. 9745004911 for the period from 01.07.2010 to 22.07.2010. |
| 949. | P562(a)/PW197 | Nil | 65B certification of IE Act of mobile No. 9745004911, 9846042930 and 9846722220. |
| 950. | P562(b)/PW197 | Nil | Copy of e-mail sent by Nodal officer, Vodafone ESSR Cellular. |
| 951. | P563/PW198 | Nil | Old register with green colour cover having page numbered from 1 to 84. |
| 952. | P563(a)/PW198 | Nil | Separate entry of Ext. P563 (Page 51, Sl. No. 1383). |
| 953. | P564/PW198 | 26.11.2015 | Seizure mahazar of Ext.P563 prepared by DySP, NIA, Kochi. |
| 954. | P564(a)/PW225 | 26.11.2015 | Extract of the confession statement of M.K. Nassar in Ext. P564. |
| 955. | P565/PW199 | 04.01.2016 | Certified copy of Seizure mahazar of white colour Nokia mobile phone (Model No. 1203-2, IMEI No. 352004042317491) prepared by DySP, NIA. |
| 956. | P566/PW199 | 17.02.2016 | Relevant Portion of the certified copy of 164 statement prepared by JFCM-I, Kochi "കൈവെട്ട് കേസിലെ പ്രതിയായ date ഓർമ്മയില്ല" |
| 957. | P566(a)/PW199 | 17.02.2016 | Relevant Portion of the certified copy of 164 statement prepared by JFCM-I, Kochi |

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| | | | “സുബൈറിന്റെ വീടിന്റെ ഫയൽ ആയിരുന്നു” |
| 958. | P566(b)/ PW199 | 17.02.2016 | Relevant Portion of the certified copy of 164 statement prepared by JFCM-I, Kochi “കൈവെട്ട് സംഭവം എന്ന് സുബൈർ പറഞ്ഞത്” |
| 959. | P567/PW199 | 04.01.2016 | Relevant Portion of the certified copy of 161 statement of PW199 prepared by DySP, NIA, Kochi “കൈവെട്ട് സംഭവത്തിനെതിരെ ഷിഹാബിന് കൊടുത്തു” |
| 960. | P567(a)/ PW199 | 04.01.2016 | Relevant Portion of the certified copy of 161 statement of PW199 prepared by DySP, NIA, Kochi “എന്റെ ഫോൺ കേടായ save ചെയ്തിട്ടുണ്ട്” |
| 961. | P568/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi “9567031777 ഞാൻ ഉപയോഗിച്ചിരുന്നത്” |
| 962. | P568(a)/ PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi “കൈവെട്ട് സംഭവത്തിന് മുമ്പ് എന്ന് പറഞ്ഞിരുന്നു ” |
| 963. | P568(b)/ PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi “അശ്രഫ് ഇക്ക PFI SDPI നേതാവാണ്” |
| 964. | P568(c)/ PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi “പിന്നീട് പറവൂരിൽ ഞങ്ങൾ വിളിക്കാറുള്ളത്” |
| 965. | P568(d)/ | 03.06.2013 | Relevant Portion of the certified copy of |

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| | PW200 | | 161 statement of PW200 prepared by DySP, NIA, Kochi "അടുത്ത ദിവസം തന്നെ നാസറിനോട് പറഞ്ഞു" |
| 966. | P568(e)/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "02.07.2010 ന് രാത്രി എന്ന് പറഞ്ഞു" |
| 967. | P568(f)/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "04.07.2010 ൽ താക്കോൽ എനിക്കു് തന്നു" |
| 968. | P568(g)/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "9 മണി കഴിഞ്ഞപ്പോൾ എന്ന് കാസിം പറഞ്ഞു " |
| 969. | P568(h)/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "നാസർ പറഞ്ഞ സമയത്ത് M.K. എന്നെ വിളിച്ചു" |
| 970. | P568(i)/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "കുറച്ചു നേരത്തെ നജീബ് വേറെയും ആളുണ്ടായിരുന്നു" |
| 971. | P568(j)/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "10 മണിയോടെ എത്താമെന്ന് ഞാൻ പറഞ്ഞു " |
| 972. | P568(k)/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "കമ്പനിപ്പടിയിൽ എത്തി അഷ്റഫിക്കാടെ വീട്ടിലെത്തിച്ചു" |
| 973. | P568(l)/PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "ജമാൽ, ഷംസു, എനിക്കു് മനസിലായതു്" |

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| 974. | P568(m)/ PW200 | 03.06.2013 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "ഉച്ചയ്ക്ക് അവർക്ക് ബിരിയാണി കൊണ്ടു പോയി വിട്ടു " |
| 975. | P569/PW200 | 29.04.2014 | Relevant Portion of the certified copy of further 161 statement of PW200 prepared by DySP, NIA, Kochi "കൈവെട്ട് സംഭവകാലത്ത് ഞാൻ ഒപ്പ് വെച്ചിട്ടുണ്ട്" |
| 976. | P569(a)/ PW200 | 29.04.2014 | Relevant Portion of the certified copy of 161 statement of PW200 prepared by DySP, NIA, Kochi "കേസിനോട് ബന്ധപ്പെട്ട ഇതുവരെ മാറ്റിയിട്ടില്ല " |
| 977. | P570/PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi "2004 മുതൽ ഞാൻ രാഷ്ട്രീയ പാർട്ടിയാണ് SDPI" |
| 978. | P570(a)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi "2010 ൽ എന്റെ ഫോൺ നമ്പർ ഈ നമ്പർ മാറ്റിയതാണ്" |
| 979. | P570(b)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi "04.07.2010 തീയതി മനാഫ് വിളിക്കുന്നു എന്ന് പറഞ്ഞു" |
| 980. | P570(c)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi "ഞാൻ റെയ്ഹാനത്ത് ടീച്ചറെ സാഹിബും ഉണ്ടായിരുന്നു" |
| 981. | P570(d)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected |

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| | | | witness-E) prepared by DySP, NIA, Kochi “സിയാദ് അൻസിലിന്റെ കാസിമിനോട് പറയുന്നതുകേട്ടു” |
| 982. | P570(e)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi “കരുക്കടവ് പള്ളിയിൽ എത്തിയപ്പോൾ മനാഫ് ഫോൺ കട്ട് ചെയ്തു” |
| 983. | P570(f)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi “അബ്ദുൽ മിനിറ്റ് സിച്ച് ഓഫ് ചെയ്തു ” |
| 984. | P570(g)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi “7 മണിയോടെ കാസിമും 9 മണിയായിട്ടുണ്ട്” |
| 985. | P570(h)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi “വീട്ടിൽ എത്തിയ ശേഷമാണ് പ്രീമിയർ എത്തിയെന്ന് പറഞ്ഞു” |
| 986. | P570(i)/PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi “കുറച്ചു കഴിഞ്ഞു വാതിൽ അടച്ചു താഴേക്ക് പോയി” |
| 987. | P570(j)/PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi “രാവിലെ ഞാൻ പൊയ്ക്കോളാൻ മനാഫ് പറഞ്ഞു” |
| 988. | P570(k)/ PW202 | 21.07.2015 | Relevant Portion of the certified copy of 161 statement of PW202 (protected witness-E) prepared by DySP, NIA, Kochi “വൈകുന്നേരം മൂവാറ്റുപുഴയിൽ |

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| | | | വാങ്ങി കൊടുക്കുകയും ചെയ്തിരുന്നു " |
| 989. | P571/PW204 | 03.07.2010 | CAF of Selvaraj issued by Airtel. |
| 990. | P571(a)/ PW204 | Nil | Copy of passport of P. Selvaraj. |
| 991. | P571(b)/ PW197 | Nil | 65B certification of Ext. P571 (CAF) of P. Selvaraj, Airtel mobile No. 9746855290 prepared by Superintendent of police, District Crime Records Bureau, Ernakulam (R), Aluva. |
| 992. | P572/PW205 | 30.11.2014 | Relevant Portion of the certified copy of 161 statement of PW205 (protected witness-H) prepared by DySP, NIA, Kochi "ഞാൻ ഇപ്പോൾ ബൈക്കിൽ ഇരിക്കുന്നതായി കണ്ടത്" |
| 993. | P572(a)/ PW205 | 30.11.2014 | Relevant Portion of the certified copy of 161 statement of PW205 (protected witness-H) prepared by DySP, NIA, Kochi "അന്ന് ഇയാൾ തിരിച്ചറിയാൻ പറ്റും" |
| 994. | P573/PW206 | Nil | Relevant Portion of the certified copy of 161 statement of PW206 (protected witness-C) prepared by DySP, NIA, Kochi "2010 ജൂൺ 14 രൂപ തരാൻ" |
| 995. | P573(a)/ PW206 | Nil | Relevant Portion of the certified copy of 161 statement of PW206 (protected witness-C) prepared by DySP, NIA, Kochi "പണം തിരികെ കിട്ടാൻ ഒരു ഫോൺ ഡയറിയിലാണ്" |
| 996. | P574/PW207 | 26.11.2015 | Seizure mahazar of mobile phones (3 Nos), one sim (Tata Docomo), plastic cover (2 Nos.) prepared by DySP, NIA, Kochi. |
| 997. | P574(a)/ PW225 | 26.11.2015 | Extract of the confession statement of M.K. Nassar in Ext. P574. |

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| 998. | P575/PW207 | 26.11.2015 | Pointing out mahazar (house at Mannam) prepared by DySP, NIA, Kochi. |
| 999. | P575(a)/ PW225 | 26.11.2015 | Extract of the confession statement of M.K. Nassar in Ext. P575. |
| 1000. | P576/PW207 | 26.11.2015 | Pointing out mahazar of Asokapuram textile shop prepared by DySP, NIA, Kochi. |
| 1001. | P576(a)/ PW225 | 26.11.2015 | Extract of the confession statement of M.K. Nassar in Ext. P576. |
| 1002. | P577/PW207 | 26.11.2015 | Pointing out mahazar of shop 'Originates 3 ladies collections', Padivattom. |
| 1003. | P577(a)/ PW225 | 26.11.2015 | Extract of the confession statement of M.K. Nassar in Ext. P577. |
| 1004. | P578/PW208 | 04.04.2011 | Certified copy of FIR in RC 1/2011 NIA. |
| 1005. | P579/PW187 | Nil | CDR of mobile No. 9847814869 for the period from 01.12.2014 to 30.12.2015 issued by Nodal officer, BSNL, Trivandrum. |
| 1006. | P579(a)/ PW187 | 19.01.2016 | 65B certification issued by Nodal officer, BSNL, Trivandrum. |
| 1007. | P580/PW187 | Nil | Subscriber data record of mobile No. 9847814869 of Shihab issued by BSNL, Trivandrum. |
| 1008. | P581/PW187 | 17.01.2014 | Certified copy of CAF (BSNL) of Shihab.P.K. |
| 1009. | P582/PW209 | Nil | CDR of mobile No. 9946304017 in the name of Jamal for the period from 25.03.2010 to 31.07.2010. |
| 1010. | P583/PW209 | Nil | Hutch CAF of mobile No. 9946304017 in the name of Jamal. |
| 1011. | P584/PW209 | 02.12.2010 | 65B certification issued by Nodal officer, Vodafone. |

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| 1012. | P585/PW209 | Nil | Vodafone BTS list (Decoded list of Cell ID). |
| 1013. | P586/PW209 | Nil | CDR of Vodafone mobile No. 9846508555 in the name of Younus Aliyar for the period from 25.03.2010 to 06.07.2010. |
| 1014. | P587/PW209 | 31.07.2009 | Vodafone CAF of mobile No. 9846508555 in the name of Younus Aliyar. |
| 1015. | P587(a)/ PW209 | Nil | Copy of driving license of Younus Aliyar. |
| 1016. | P588/PW209 | Nil | CDR of Vodafone mobile No. 9846003789 in the name of Christopher for the period from 25.03.2010 to 15.07.2010. |
| 1017. | P589/PW209 | 24.09.2007 | Vodafone CAF of mobile No. 9846003789 in the name of Christopher. |
| 1018. | P590/PW209 | Nil | CDR of mobile No. 9946855461 in the name of K.M Ali for the period from 25.03.2010 to 15.07.2010. |
| 1019. | P591/PW209 | 25.08.2007 | Vodafone CAF of mobile No. 9946855461 in the name of K.M Ali. |
| 1020. | P591(a)/ PW209 | Nil | Certified Copy of election ID card of K.M. Ali. |
| 1021. | P592/PW209 | Nil | CDR of vodafone mobile No. 9745003256 in the name of M.K. Nassar for the period from 25.03.2010 to 08.06.2010. |
| 1022. | P593/PW209 | 13.10.2009 | Vodafone CAF of mobile No. 9745003256 in the name of M.K. Nassar. |
| 1023. | P593(a)/ PW209 | Nil | Certified copy of Election ID card of M.K. Nassar. |
| 1024. | P594/PW210 | 21.08.2010 | Certified copy of the search list of the house of Abdul Salam, VI/119, Choornikkara panchayath, Thaikkattukara, prepared by DySP, Muvattupuzha. |

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| 1025. | P595/PW210 | 13.09.2010 | Copy of ownership certificate of Dr.P.M. Kadheeja , XIV/429 (New XVIII/617A) issued by Secretary, Edathala Grama Panchayath. |
| 1026. | P596/PW210 | 11.09.2010 | Certified copy of seizure mahazar of KL-7 AG 2766 Hero Honda Passion bike, prepared by DySP, Muvattupuzha. |
| 1027. | P597/PW210 | 16.09.2010 | Certified copy of seizure mahazar of sale agreement of KL-7 AG 2766 Hero Honda Passion bike, prepared by DySP, Muvattupuzha. |
| 1028. | P598/PW210 | 27.09.2010 | List of documents (Form No. 15) prepared by DySP, Muvattupuzha. |
| 1029. | P599/PW210 | 20.09.2010 | RC particulars of KL 07 AG 2766 Hero Honda passion bike issued by Joint RTO, Mattanchery. |
| 1030. | P600/PW210 | 22.09.2010 | Copy of RC particulars of KL 03 J 3883 Mahindra Scorpio 2WDAC issued by Joint RTO, Aluva. |
| 1031. | P601/PW210 | 06.10.2010 | Certified copy of seizure mahazar of Ration card No. 1737063850 of Najathulla Siddique, prepared by DySP, Muvattupuzha. |
| 1032. | P602/PW210 | 14.10.2010 | Certified copy of Residential ownership certificate of building No. II-156B (VII-246) in the name of M.K. Nassar, issued by Secretary, Kadungallur Grama panchayath. |
| 1033. | P603/PW210 | 17.10.2010 | Certified copy of Seizure mahazar of Ext.P529 (Organiser diary), prepared by DySP, Muvattupuzha. |
| 1034. | P604/PW210 | 30.10.2010 | Certified copy of Seizure mahazar of Nokia 1661 model mobile phone (IMEI No. |

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| | | | 351943035608641) prepared by DySP, Muvattupuzha. |
| 1035. | P605/PW210 | 11.11.2010 | Certified copy of Seizure mahazar of deeds and books of Thejus charitable trust, prepared by DySP, Muvattupuzha. |
| 1036. | P606/PW210 | 20.11.2010 | Certified copy of Seizure mahazar of Nokia mobile Phone model 1600 (IMEI No. 352049023622724) prepared by DySP, Muvattupuzha. |
| 1037. | P607/PW210 | 25.11.2010 | Certified copy of Seizure mahazar of 2010 Half yearly account statement of PFI prepared by DySP, Muvattupuzha. |
| 1038. | P608/PW210 | 25.11.2010 | Certified copy of Seizure mahazar of expenditure statement, balance sheet as September 30,2010, Cash flow statement, reconciliation of excess expenditure of PFI prepared by DySP, Muvattupuzha. |
| 1039. | P609/PW210 | 02.12.2010 | Certified copy of correction report in FIR in crime No. 704/10 of Muvattupuzha police station filed by DySP, Muvattupuzha. |
| 1040. | P610/PW210 | 29.07.2010 | Certified copy of FIR No. 2094/2010 of Aluva Police station. |
| 1041. | P611/PW210 | 10.05.2014 | Certified copy of RC particulars of KL 07 AH 8768 of Maruthi omni van issued by Joint RTO, Thrissur. |
| 1042. | P612/PW210 | 04.01.2011 | Certified copy of Correction report for the correction in the seizure mahazar as Perumbavoor Municipal station in the place of Municipal park, prepared by DySP, Muvattupuzha. |
| 1043. | P613/PW210 | 16.09.2010 | Certified copy of Seizure mahazar of Ext. P154 and P155 (name and phone numbers of Thejus publishing charitable trust, Media |

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| | | | city) prepared by DySP, Muvattupuzha. |
| 1044. | P614/PW211 | 05.08.2017 | Certified copy of Arrest memo of K.A. Mansoor, prepared by Arresting officer, NIA, Kochi. |
| 1045. | P615/PW211 | 05.08.2017 | Certified copy of Personal search memo of K.A. Mansoor, prepared by Arresting officer, NIA, Kochi. |
| 1046. | P616/PW212 | 08.07.2019 | Certified copy of Mahazar at the instance of Abdul Shafeeq (A4) at Muvattupuzha along with extract of statement dt. 07.07.2019 (4 sheets) prepared by DySP, NIA, Kochi. |
| 1047. | P616(a)/ PW225 | 08.07.2019 | Extract statement of Abdul Shafeeq "എന്റെ കൂടെ വന്നാൽ മൂവാറ്റുപുഴയിലെ ആ സ്ഥലം ഞാൻ കാണിച്ചു തരാം" |
| 1048. | P616(b)/ PW225 | 08.07.2019 | Extract statement of Abdul Shafeeq "എന്റെ കൂടെ വന്നാൽ മൂവാറ്റുപുഴയിലെ ആ സ്ഥലം ഞാൻ കാണിച്ചു തരാം" |
| 1049. | P616(c)/ PW225 | 08.07.2019 | Extract statement of Abdul Shafeeq "എന്റെ കൂടെ വന്നാൽ പാലത്തിനടുത്തുള്ള സ്ഥലം ഞാൻ കാണിച്ചു തരാം" |
| 1050. | P616(d)/ PW225 | 08.07.2019 | Extract statement of Abdul Shafeeq "എന്റെ കൂടെ വന്നാൽ ഇരുമലപ്പടിയിലെ ആ സ്ഥലം ഞാൻ കാണിച്ചു തരാം" |
| 1051. | P616(e)/ PW225 | 08.07.2019 | Extract statement of Abdul Shafeeq "എന്റെ കൂടെ വന്നാൽ ആയുധങ്ങൾ കഴിച്ചിട്ടു എന്റെ വീടിനടുത്തുള്ള സ്ഥലം ഞാൻ കാണിച്ചു തരാം" |
| 1052. | P617/PW209 | Nil | Certified copy of CDR of vodafone mobile No. 9846182913 in the name of Sainaba for the period from 25.03.2010 to 30.08.2010. |
| 1053. | P618/PW209 | Nil | Certified copy of CDR of vodafone mobile |

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| | | | No. 9048686611 in the name of M.K. Nassar for the period from 25.03.2010 to 04.07.2010. |
| 1054. | P619/PW209 | 21.05.2010 | Certified copy of Vodafone CAF mobile No. 9048686611 in the name of M.K. Nassar. |
| 1055. | P619(a)/PW209 | Nil | Certified copy of Voters ID card of M.K. Nassar. |
| 1056. | P620/PW209 | Nil | Certified copy of CDR of vodafone mobile No.9946609011 in the name of Shihabuddin for the period from 25.03.2010 to 06.07.2010. |
| 1057. | P621/PW209 | Nil | Certified copy of CDR of vodafone mobile No.9946617241 in the name of Vahishad for the period from 04.07.2010 to 23.07.2010. |
| 1058. | P622/PW209 | Nil | Certified copy of CDR of vodafone mobile No.9846722220 in the name of Abdul Manaf for the period from 25.03.2010 to 14.07.2010. |
| 1059. | P623/PW209 | Nil | Certified copy of Vodafone CAF of mobile No. 9846722220 in the name of Abdul Manaf. |
| 1060. | P623(a)/PW209 | Nil | Certified copy of Copy of driving license of Moideen. |
| 1061. | P624/PW209 | Nil | Certified copy of CDR of vodafone mobile No.9946406099 in the name of Anwar Sadiq for the period from 25.03.2010 to 30.07.2010. |
| 1062. | P625/PW209 | 20.04.2010 | Certified copy of Vodafone CAF of mobile No.9946406099 in the name of Anwar Sadiq. |
| 1063. | P625(a)/ | Nil | Certified copy of Copy of driving license of |

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| | PW209 | | Anwar Sadiq. |
| 1064. | P626/PW209 | 08.05.2004 | Certified copy of SDR of mobile No. 9846007286 issued by DySP, Cyber Cell, Ernakulam. |
| 1065. | P626(a)/PW197 | Nil | 65B certification of Ext. P626 SDR issued by Vodafone Essar Cellular Ltd. |
| 1066. | P627/PW209 | Nil | Certified copy of CDR of vodafone mobile No.8086735173 in the name of Noushad for the period from 25.03.2010 to 10.07.2010. |
| 1067. | P628/PW209 | 29.01.2010 | Certified copy of Vodafone CAF of mobile No.8086735173 in the name of Noushad. |
| 1068. | P628(a)/PW209 | Nil | Certified copy of Election ID card of Noushad. |
| 1069. | P629/PW209 | Nil | Certified copy of CDR of vodafone mobile No.9745004911 in the name of Mansoor for the period from 25.03.2010 to 30.08.2010. |
| 1070. | P630/PW209 | Nil | Certified copy of CDR of vodafone mobile No.9745004910 in the name of Moideenkunju for the period from 25.03.2010 to 30.08.2010. |
| 1071. | P631/PW209 | Nil | Certified copy of CDR of vodafone mobile No.9846042930 in the name of Ayoob for the period from 25.03.2010 to 30.08.2010. |
| 1072. | P632/PW209 | 04.07.2006 | Hutch CAF of mobile No. 9846042930 in the name of P.M.Ayoob. |
| 1073. | P632(a)/PW209 | Nil | Copy of driving license of P.M.Ayoob. |
| 1074. | P633/PW209 | Nil | Certified copy of CDR of mobile No.9645631249 in the name of Selvaraj for the period from 01.07.2010 to 09.07.2010. |

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| 1075. | P633(a)/ PW209 | 30.05.2013 | Letter No. VECL/KEL/NODAL (regarding the call details of the mobile Nos. 9946055745 for the period from 01.07.2010 to 08.07.2010 and 9645631249 for the period from 01.07.2010 to 09.07.2010), issued by Nodal officer, Vodafone to DySP, NIA, Kochi. |
| 1076. | P633(b)/ PW209 | Nil | 65B certification of mobile Nos. 9946055745 and 9645631249 issued by Manager, Vodafone. |
| 1077. | P634/PW209 | Nil | Certified copy of CDR of mobile No.9946055745 in the name of Selvaraj for the period from 01.07.2010 to 08.07.2010. |
| 1078. | P635/PW209 | 01.03.2010 | Certified copy of Vodafone customer application form of mobile No. 9048020781 in the name of Muhammed Ansari. |
| 1079. | P635(a)/ PW209 | Nil | Certified copy of voters ID card of Muhammed Ansari. |
| 1080. | P636/PW209 | 23.07.2010 | Certified copy of Vodafone customer application form of mobile No. 9846002534 in the name of Fahad. |
| 1081. | P636(a)/ PW209 | Nil | Copy of voters ID card of Fahad. |
| 1082. | P637/PW209 | Nil | Certified copy of CDR of mobile No.9745004920 in the name of Haris (Thejus) for the period from 25.03.2010 to 30.08.2010. |
| 1083. | P638/PW209 | 01.01.2008 | Certified copy of Vodafone customer application form in the name of Thejus publishing charitable trust. |
| 1084. | P639/PW209 | 28.12.2007 | Certified copy of Vodafone customer application form of mobile No. 9946667255 in the name of Thejus publishing charitable trust. |

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| 1085. | P640/PW213 | 03.05.2016 | Cyber forensic analysis report No. (1) in SC 1/2015 NIA. |
| 1086. | P640(a)/PW213 | Nil | CD containing Ext. P640 report. |
| 1087. | P641/PW213 | 30.06.2016 | Cyber forensic analysis report No. (2) in SC 1/2015 NIA. |
| 1088. | P641(a)/PW213 | Nil | CD containing Ext. P641 report. |
| 1089. | P642/PW213 | 24.04.2015 | Cyber forensic analysis report No. (3) in SC 1/2015 NIA. |
| 1090. | P642(a)/PW213 | Nil | CD containing Ext. P642 report. |
| 1091. | P643/PW213 | 29.02.2016 | Cyber forensic analysis report No. (4) in SC 1/2015 NIA. |
| 1092. | P643(a)/PW213 | Nil | Hard disk containing Ext. P643 report. |
| 1093. | P644/PW213 | 07.07.2014 | Cyber forensic analysis report No. (5) in SC 1/2015 NIA. |
| 1094. | P644(a)/PW213 | Nil | DVD containing Ext. P644 report. |
| 1095. | P645/PW213 | 28.11.2022 | Cyber forensic analysis report No. (6) in SC 1/2015 NIA. |
| 1096. | P645(a)/PW213 | Nil | Pendrive containing Ext. P645 report. |
| 1097. | P646/PW213 | 23.01.2023 | Cyber forensic analysis report No. (7) in SC 1/2015 NIA. |
| 1098. | P646(a)/PW213 | Nil | Pendrive containing Ext. P646 report. |
| 1099. | P647/PW213 | 01.05.2013 | Examination report of Sri. P.N. Ramakrishnan, Sr. Scientific Officer, Central Forensic Laboratory, Directorate of Forensic Science Services computer, |

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| | | | Forensic unit, Hyderabad. |
| 1100. | P647(a)/ PW213 | 21.06.2013 | Covering letter of Ext. P647. |
| 1101. | P647(b)/ PW213 | Nil | Work sheet of Ext. P647 report. |
| 1102. | P648/PW213 | Nil | Hard disk of Ext. P647. |
| 1103. | P649/PW213 | 20.06.2014 | Certified copy of expert report of P.N. Ramakrishnan, Sr. Scientific officer. |
| 1104. | P649(a)/ PW213 | Nil | Covering letter of Ext. P649 report. |
| 1105. | P650/PW215 | 15.07.2010 | Certified copy of search list of the house of Rahim, Ilikkal veetil, Thaikkattukara, Aluva West village prepared by CI of police, Aluva. |
| 1106. | P651/PW215 | 15.07.2010 | Certified copy of Search memorandum of Ext. P650 search list prepared by CI of police, Aluva. |
| 1107. | P652/PW215 | 15.07.2010 | Certified copy of Search memo of the house of Najeeb, Karimbayil veedu, House No. VII/578, Kadungallur village prepared by CI of police, Aluva. |
| 1108. | P653/PW215 | 15.07.2010 | Certified copy of Search list as per Ext. P652 search prepared by CI of police, Aluva. |
| 1109. | P654/PW215 | Nil | Certified copy of phamphlet of Popular Front of India "ശാക്തീകരണത്തിന്റെ ചുവടുക്കൾ " |
| 1110. | P655/PW215 | Nil | Certified copy of Membership book of SDPI. |
| 1111. | P656/PW215 | 20.07.2010 | Certified copy of Search list of Hiba jewellery prepared by CI of police, Aluva. |

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| 1112. | P657/PW215 | Nil | Certified copy of Telephone index diary of Hiba jewellery. |
| 1113. | P658/PW215 | 01.04.2010 | Copy of Notice in the name of Nazeer Babu, Salim Kousari and Ali. |
| 1114. | P658(a)/PW215 | Nil | Certified copy of question paper of II Semester B.Com programme of Newman college, Thodupuzha. |
| 1115. | P659/PW217 | 27.09.2001 | RC particulars of the Santro car bearing Reg. No. KL 07 AD 7201. |
| 1116. | P659(a)/PW217 | 24.03.2006 | Copy of "Change of ownership - Within Region " of KL 07 AD 7201 Hyundai Santro car in the name of Aboobacker.C.A. |
| 1117. | P660/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 9567693209 in the name of K.K. Ali for the period from 25.03.2010 to 30.08.2010. |
| 1118. | P660(a)/PW218 | Nil | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1119. | P660(b)/PW218 | Nil | Incoming call from 9847380528 to 9567693209 on 04.07.2010 at the time of 09:43:25 with a duration of 29 seconds. |
| 1120. | P661/PW218 | Nil | Airtel CAF of mobile No. 9567693209 in the name of K.K. Ali. |
| 1121. | P661(a)/PW218 | 17.06.2009 | Copy of driving license of K.K. Ali. |
| 1122. | P662/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 9746026660 in the name of Reneef for the period from 25.03.2010 to 06.07.2010. |
| 1123. | P662(a)/PW218 | Nil | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1124. | P663/PW218 | 06.05.2008 | Copy of Airtel CAF of mobile No. 9746026660 in the name of Reneef. |

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| 1125. | P663(a)/ PW218 | 20.07.1999 | Copy of passport of Dr. Reneef. |
| 1126. | P664/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 9567712600 in the name of Kasim for the period from 25.03.2010 to 30.08.2010. |
| 1127. | P664(a)/ PW218 | Nil | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1128. | P665/PW218 | Nil | Copy of Airtel prepaid enrollment form of mobile No. 9567712600 in the name of Mohammed Kasim. |
| 1129. | P665(a)/ PW218 | 04.09.2007 | Copy of driving license of Kasim. |
| 1130. | P666/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 9995227345 in the name of Shiyas for the period from 25.03.2010 to 06.07.2010. |
| 1131. | P666(a)/ PW218 | 06.11.2010 | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1132. | P667/PW218 | Nil | Copy of Airtel prepaid enrollment form of Airtel mobile No. 9995227345 in the name of Shiyas. |
| 1133. | P667(a)/ PW218 | 12.05.2002 | Copy of voters ID card of Shiyas. |
| 1134. | P668/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 9995954555 in the name of Younus Aliyar for the period from 25.03.2010 to 20.07.2010. |
| 1135. | P668(a)/ PW218 | 06.11.2010 | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1136. | P668(b)/ PW218 | Nil | Incoming call from the mobile No. 8086735173 to 9995954555 on 04.07.2010 at 05:58:31 with a duration of 38 seconds. |
| 1137. | P669/PW218 | 29.08.2008 | Copy of Airtel subscriber enrollment form |

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| | | | of Airtel mobile No. 9995954555 in the name of Younus Aliyar. |
| 1138. | P669(a)/ PW218 | Nil | Copy of driving license of Younus Aliyar. |
| 1139. | P670/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 9995921500 in the name of Meeran for the period from 25.03.2010 to 04.07.2010. |
| 1140. | P670(a)/ PW218 | 06.11.2010 | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1141. | P671/PW218 | 22.08.2007 | Copy of Airtel prepaid enrollment form of Airtel mobile No. 9995921500 in the name of Meeran. |
| 1142. | P671(a)/ PW218 | 20.09.1997 | Copy of voters ID card of Meeran. |
| 1143. | P672/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 9995377187 in the name of Kamarudhin for the period from 25.03.2010 to 06.07.2010. |
| 1144. | P672(a)/ PW218 | 06.11.2010 | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1145. | P673/PW218 | 09.11.2006 | Copy of Airtel customer application form of mobile No. 9995377187 in the name of Kamarudhin. |
| 1146. | P673(a)/ PW218 | 15.03.2001 | Copy of voters ID card of Kamarudheen. |
| 1147. | P674/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 9746477689 in the name of Thejus for the period from 25.03.2010 to 06.07.2010. |
| 1148. | P674(a)/ PW218 | 06.11.2010 | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1149. | P675/PW218 | 22.07.2008 | CAF (subscriber enrollment form) in the name of Thejus. |

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| 1150. | P675 (a)/PW218 | Nil | Copy of ID proof of Kamal K.P, issued from Govt. High school, Pattikkad, Malappuram (SSLC book 1 st page) |
| 1151. | P675(b)/ PW218 | 26.04.2004 | Certificate of registration of Thejus Fortnightly. |
| 1152. | P675(c)/ PW218 | Nil | Pancard in the name of Kamal. |
| 1153. | P676/PW218 | Nil | Certified copy of CDR of Airtel mobile No. 8129101103 in the name of Muhammed Hashik Managing partner, Metro Builders from 25.03.2010 to 31.07.2010. |
| 1154. | P676(a)/ PW218 | 06.11.2010 | 65B certification issued by Nodal officer, Bharati Airtel Ltd. |
| 1155. | P677/PW218 | 05.01.2008 | Certified copy of Airtel customer application form in the name of Muhammed Hashik.C.M. |
| 1156. | P677(a)/ PW218 | 11.05.2002 | Certified copy of voters ID card in the name of Muhammed Hashik, Managing partner, Metro builders. |
| 1157. | P677(b)/ PW218 | Nil | Certified copy of List of mobile numbers. |
| 1158. | P677(c)/ PW218 | Nil | Certified copy of PAN card in the name of Metro builders. |
| 1159. | P677(d)/ PW218 | 18.12.2009 | Certified copy of partnership deed of Metro Builders. |
| 1160. | P677(e)/ PW218 | 27.01.2010 | Purchase order of Metro builders. |
| 1161. | P678/PW218 | Nil | Certified copy of BTS list of Airtel mobile company. |
| 1162. | P679/PW219 | 04.07.2010 | Certified copy of FIR in crime No. 704/2010 of Muvattupuzha police station. |

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| 1163. | P680/PW219 | 20.07.2010 | Search memorandum prepared by SI of police, Vazhakkulam for the search of the house of Nissar, Malayakudy, Muvattupuzha village. |
| 1164. | P681/PW219 | 20.07.2010 | Search list of the house of Nissar, Malayakudy, Muvattupuzha village, prepared by SI of police, Vazhakkulam. |
| 1165. | P682/PW219 | 20.07.2010 | Search memorandum prepared by SI of Police, Muvattupuzha village for the search of the house of Sajil, Thottathikkudy veetil, Muvattupuzha village. |
| 1166. | P683/PW219 | 20.07.2010 | Search list as per Ext. P682 prepared by SI of police, Vazhakkulam. |
| 1167. | P684/PW220 | 17.04.2017 | Sanction order for prosecution issued by Under Secretary, to the Govt. of India, Ministry of Home affairs (Crime No. RC 01/2011/NIA/DLI of NIA) |
| 1168. | P685/PW220 | 16.05.2017 | Sanction order for prosecution issued by Under Secretary, to the Govt. of India, Ministry of Home affairs (Crime No. RC 01/2011/NIA/DLI of NIA) |
| 1169. | P686/PW220 | 18.12.2012 | Sanction order for prosecution issued by Under Secretary, to the Govt. of India, Ministry of Home affairs (Crime No. RC 01/2011/NIA/DLI of NIA). |
| 1170. | P687/PW221 | 04.07.2010 | Certified copy of inspection memo of Jaffer prepared by CI of police, Muvattupuzha. |
| 1171. | P688/PW221 | 05.07.2010 | Report submitted to JFCM-I for getting sanction for inclusion, prepared by CI of police, Muvattupuzha. |
| 1172. | P689/PW221 | 04.07.2010 | Covering letter forwarding to JFCM, Muvattupuzha along with documents. |
| 1173. | P690/PW221 | 07.07.2010 | Search list of the house of Veerakutty, S/o. |

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| | | | Moitheen, Panachiyamkara, Ashamannoor village, prepared by CI of police, Kuruppampady. |
| 1174. | P691/PW221 | 02.01.2001 | Voters ID card of Savad, S/o. Veerakutty. |
| 1175. | P692/PW221 | Nil | Diary of "തേജസ് ദിനപത്രം " |
| 1176. | P693/PW221 | Nil | Booklet of PFI "കൈത്തിരി" |
| 1177. | P694/PW221 | Nil | Booklet containing Inauguration speech of E.M. Abdul Rahaman, Chairman, PFI. |
| 1178. | P695/PW221 | Nil | A book of PFI "ജിഹാദ് പ്രചോദനങ്ങളും നിർദ്ദേശങ്ങളും" |
| 1179. | P696/PW221 | Nil | A book " നമ്മുടെ രാഷ്ട്രീയം " PFI state committee of Kerala. |
| 1180. | P697/PW221 | Nil | Phamphlet " ഇൻഫോ ബുള്ളറ്റിൻ മാർച്ച് 2010" |
| 1181. | P698/PW221 | Nil | Phamphlet " എക്സ്പാൻഷൻ ക്ലാസ്സ് 1 ശാക്തീകരണം " |
| 1182. | P699/PW221 | Nil | Phamphlet " മതം മാറ്റം തെറ്റും ശരിയും" (സെമിനാർ) of all India Imams council, Kerala state committee. |
| 1183. | P700/PW221 | 07.07.2010 | Search list of the house of Ibrahim chittethukudi veedu, Ashamannur village prepared by CI of police, Kuruppampadi. |
| 1184. | P701/PW221 | Nil | Search list of the house of Bava,Kizhakkanayi veettil, prepared by CI of police, Kuruppampadi. |
| 1185. | P702/PW221 | Nil | Search list of the house of Basheer, Parayiveettil, Pindimana prepared by CI of police, Kuruppampadi. |
| 1186. | P703/PW221 | 08.07.2010 | Search list of the search at Periyar valley building prepared by CI of police, |

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| | | | Muvattupuzha. |
| 1187. | P704/PW221 | 08.07.2010 | Search warrant of Ext. P703 search. |
| 1188. | P705/PW221 | Nil | Publication of അവർണ്ണ വിചാരവേദി, കൊല്ലം "നായരീഴവ ഐക്യം സവർണ്ണ തന്ത്രം" |
| 1189. | P706/PW221 | Nil | Phamphlet of PFI " ബാബറി മസ്ജിദ് തകർച്ചയുടെ നൊമ്പരം ഉയിർപ്പിന്റെ അടയാളം" |
| 1190. | P706 (a)/PW221 | Nil | Phamphlet of PFI " ബാബറി മസ്ജിദ് തകർച്ചയുടെ നൊമ്പരം ഉയിർപ്പിന്റെ അടയാളം" |
| 1191. | P707/PW221 | Nil | Phamphlet of PFI Ernakulam District committee " പ്രവാചക നിന്ദ ഗൂഡാലോചനയ്ക്ക് പിന്നിൽ സഭയോ, പോലീസോ " |
| 1192. | P707 (a)/PW221 | Nil | Phamphlet of PFI Ernakulam District committee " പ്രവാചക നിന്ദ ഗൂഡാലോചനയ്ക്ക് പിന്നിൽ സഭയോ, പോലീസോ " |
| 1193. | P708 series/PW221 | Nil | SDPI membership forms (18 Nos.) |
| 1194. | P709 series/PW221 | Nil | SDPI membership forms (15 Nos.) |
| 1195. | P710 series/PW221 | Nil | SDPI membership forms (18 Nos.) |
| 1196. | P711 series/PW221 | Nil | SDPI membership forms (9 Nos.) |
| 1197. | P712/PW221 | Nil | A publication of Kerala Imams council "ഇന്ത്യയിലെ മുസ്ലീം രാഷ്ട്രീയം" |
| 1198. | P713/PW221 | Nil | Thejus Fortnightly "വായിക്കുക ചകിതരാവുക" |
| 1199. | P714/PW221 | Nil | Book of Thejus publication "വായിക്കുക ചകിതരാവുക" |

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| 1200. | P715/PW221 | Nil | Kerala Imams council publication "വിമോചനം പ്രവാചകനിലൂടെ" |
| 1201. | P716/PW221 | Nil | "യൂണിറ്റ് ഇൻ ചാർജ്ജ്, പ്രവർത്തന മാർഗ്ഗരേഖ" of Thejus News paper. |
| 1202. | P717/PW221 | Nil | Copy of Ledger book. |
| 1203. | P717(a)/PW221 | Nil | Copy of Ledger book. |
| 1204. | P718/PW221 | 08.07.2010 | Accused inclusion report of K.K. Ali, Younus, Nassar filed by CI of police, Muvattupuzha. |
| 1205. | P719/PW221 | 08.07.2010 | Search list of the house of Abdul Rasheed, Velammavadi veettil, Eramalloor village, prepared by SI of Police, Kuttampuzha. |
| 1206. | P720/PW221 | 24.09.2003 | Copy of Ration card of Lawrence. |
| 1207. | P721/PW221 | 10.07.2010 | Certified copy of Seizure mahazar of petition register of Muvattupuzha police station prepared by CI of police, Muvattupuzha. |
| 1208. | P722/PW221 | 10.07.2010 | Certified copy of Search list of the house of Abdul Salam, Padinjareveettil, Choornikkara panchayath prepared by CI of police, Kothamangalam. |
| 1209. | P723/PW221 | 12.07.2010 | Certified copy of Seizure mahazar of MO166 prepared by CI of police, Muvattupuzha. |
| 1210. | P724/PW221 | 12.07.2010 | Certified copy of Accused inclusion report of Abdul Salam prepared by CI of police, Muvattupuzha. |
| 1211. | P725/PW221 | 13.07.2010 | Certified copy of Seizure mahazar of scorio bearing Reg. No. KL 03 J 3883 prepared by CI of police, Muvattupuzha. |

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| 1212. | P726/PW221 | 14.07.2010 | Certified copy of Report for incorporating the offence u/s. 202 IPC prepared by CI of police, Muvattupuzha. |
| 1213. | P727/PW221 | 15.07.2010 | Certified copy of Scence mahazar of the house of Abdul Salam prepared by CI of police, Muvattupuzha. |
| 1214. | P728/PW221 | 17.07.2010 | Certified copy of Accident cum wound certificate of Sister Marie Stella issued by Dr. P.B. Raju, Assistant Surgeon, Taluk Head quarters hospital, Muvattupuzha. |
| 1215. | P729/PW221 | 17.07.2010 | Certified copy of Accident cum wound certificate of Mithun issued by Dr. P.B. Raju, Assistant Surgeon, Taluk Head quarters hospital, Muvattupuzha. |
| 1216. | P730/PW221 | 19.07.2010 | Certified copy of Report for correcting the address of Abdul Salam prepared by CI of police, Muvattupuzha. |
| 1217. | P731series /PW221 | Nil | Photographs of Ritz car bearing Reg. No. KL 42 C 4700. |
| 1218. | P731(a)/ PW221 | Nil | Photograph of Ritz car bearing Reg. No. KL 42 C 4700. |
| 1219. | P731(b)/ PW221 | Nil | Photograph of Ritz car bearing Reg. No. KL 42 C 4700. |
| 1220. | P731(c)/ PW221 | Nil | Photograph of Ritz car bearing Reg. No. KL 42 C 4700. |
| 1221. | P731(d)/ PW221 | Nil | Photograph of Ritz car bearing Reg. No. KL 42 C 4700. |
| 1222. | P731(e)/ PW221 | Nil | Photograph of Ritz car bearing Reg. No. KL 42 C 4700. |
| 1223. | P732/PW221 | 22.07.2010 | Certified copy of Report for incorporating the offence u/s. 212 IPC prepared by CI of police, Muvattupuzha. |

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| 1224. | P733/PW221 | 23.07.2010 | Certified copy of Accused inclusion report of Siyad prepared by CI of police, Muvattupuzha. |
| 1225. | P734/PW221 | 24.07.2010 | Certified copy of Accused inclusion report of Kassim and Najeeb prepared by CI of police, Muvattupuzha. |
| 1226. | P735/PW221 | 24.07.2010 | Certified copy of Search list of the house of Ashraf, Mattapilli veetil, Velloorkunnam village prepared by SI of police, Muvattupuzha. |
| 1227. | P736/PW221 | 25.07.2010 | Certified copy of Seizure mahazar of KL 8 AB 5597 Maruthi alto car prepared by CI of police, North Paravur. |
| 1228. | P737/PW221 | 27.07.2010 | Certified copy of Seizure mahazar of Maruthi car bearing Regn. No. KL 10 M 8044 of Moideenkutty prepared by CI of police, Muvattupuzha. |
| 1229. | P738/PW221 | Nil | Certified copy of Notice "നണകൾ കൊണ്ട് മുസ്ലീം ശാക്തീകരണത്തെ തകർക്കാനാവില്ല പോപ്പുലർ ഫ്രണ്ട്" |
| 1230. | P738(a)/PW221 | Nil | Certified copy of Notice "നണകൾ കൊണ്ട് മുസ്ലീം ശാക്തീകരണത്തെ തകർക്കാനാവില്ല പോപ്പുലർ ഫ്രണ്ട്" |
| 1231. | P739/PW221 | 30.07.2010 | Certified copy of Scene mahazar of the hut in the Seemas Auditorium, Perumbavoor prepared by CI of police, Muvattupuzha. |
| 1232. | P740/PW221 | 30.07.2010 | Certified copy of Seizure mahazar of Ext. P40 prepared by CI of police, Muvattupuzha. |
| 1233. | P741/PW221 | 30.07.2010 | Certified copy of Scene mahazar of front side of the mosque at Kothamangalam-Muvattupuzha road prepared by CI of police, Muvattupuzha. |

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| 1234. | P742/PW221 | 31.07.2010 | Certified copy of Scene mahazar of IB, Muvattupuzha Water authority prepared by CI of police, Muvattupuzha. |
| 1235. | P743/PW223 | 12.06.2011 | Arrest memo of M.K. Noushad (A9) in RC 1/2011/NIA prepared by DySP, NIA, Hyderabad. |
| 1236. | P743(a)/PW223 | 12.06.2011 | Personal search memo of M.K. Noushad (A9) in RC 1/2011/NIA prepared by DySP, NIA, Hyderabad. |
| 1237. | P744/PW223 | 28.11.2011 | Arrest memo of P.P. Moideenkunju (A11) in RC 1/2011/NIA prepared by DySP, NIA, Hyderabad. |
| 1238. | P744(a)/PW223 | 28.11.2011 | Personal search memo of P.P. Moideenkunju (A11) in RC 1/2011/NIA prepared by DySP, NIA, Hyderabad. |
| 1239. | P745/PW221 | 02.08.2010 | Certified copy of Accused inclusion report of Manauf, Mansoor and P.P. Moitheenkunju prepared by CI of police, Muvattupuzha. |
| 1240. | P746/PW221 | 02.08.2010 | Certified copy of Accused inclusion report of Anwar Sadique, Sakkeer Hussain and P.M. Siyad prepared by CI of police, Muvattupuzha. |
| 1241. | P747/PW221 | 02.08.2010 | Certified copy of Accused inclusion report of Shobin, Sajil and Azeez Odakkali prepared by CI of police, Muvattupuzha. |
| 1242. | P748/PW221 | 02.08.2010 | Certified copy of Accused inclusion report of K.M. Ali prepared by CI of police, Muvattupuzha. |
| 1243. | P749/PW221 | 05.08.2010 | Certified copy of Accused inclusion report of Niyas Kalady and others prepared by CI of police, Muvattupuzha. |
| 1244. | P750/PW221 | 10.08.2010 | Certified copy of Scene Mahazar of the |

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| | | | house of VI/1284, Vengola Grama panchayath, Perumbavoor prepared by CI of police, Muvattupuzha. |
| 1245. | P751/PW221 | 11.08.2010 | Certified copy of Report for incorporating Unlawful Activities (Prevention) Act, 1967. |
| 1246. | P752/PW221 | 15.11.2010 | Certified copy of Seizure mahazar of Ext. P152, P153 prepared by CI of police, Muvattupuzha. |
| 1247. | P753/PW221 | 04.07.2010 | Certified copy of Report of C. Jayakumar, SI of police, Perumabavoor to CI of police, Muvattupuzha. |
| 1248. | P754/PW218 | 30.03.2023 | 65B certification issued by Circle Nodal Officer, Airtel. |
| 1249. | P755/PW196 | 02.03.2009 | IDEA CAF of mobile No. 9747151067 in the name of Noufal.N.M. |
| 1250. | P755(a)/PW196 | Nil | Certified copy of SSLC book of Noufal.N.M. |
| 1251. | P756/PW224 | 23.07.2010 | Certified copy of 164 statement of Lawrence recorded by JFCM, Kolenchery. |
| 1252. | P757/PW225 | 27.04.2012 | Certified copy of certificate of merit issued by G-Tech computer education to Subair.T.P. |
| 1253. | P758/PW225 | 27.04.2012 | Certified copy of Marks Transcript issued by G-Tech computer education to Subair.T.P. |
| 1254. | P759/PW225 | 30.10.2012 | Certified copy of Seizure mahazar of items seized from the house No. XVII/60 of Tirur Municipality, prepared by DySP, NIA. |
| 1255. | P760/PW225 | 20.10.2012 | Certified copy of Pointing out memo of the place of Muriyankara House, Kuzhikkattumoola, Kakkanad, H.No. 7/575, Thrikkakkara Municipality, Ernakulam |

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| | | | prepared by DySP, NIA. |
| 1256. | P761/PW225 | 29.04.2014 | Certified copy of Seizure mahazar in RC 1/2011/NIA/DLI of Nokia mobile phone model E71 (IMEI 354855023800203) Silver and gray colour with battery, prepared by DySP, NIA. |
| 1257. | P762/PW225 | 30.05.2017 | RC particulars of KL 07 BH 9807 Maruthi Swift LDI BS 111 of Shoukkathali. |
| 1258. | P763/PW225 | 01.11.2018 | Pointing out mahazar prepared by DySP, NIA, Kochi. |
| 1259. | P763(a)/PW225 | 01.11.2018 | Extract of confession statement of Mohammed Rafi, prepared by DySP, NIA, Kochi. |
| 1260. | P764/PW225 | 02.11.2018 | Pointing out mahazar prepared by DySP, NIA, Kochi. |
| 1261. | P764(a)/PW225 | 02.11.2018 | Extract of confession statement of Mohammed Rafi, prepared by DySP, NIA, Kochi. |
| 1262. | P765/PW225 | 21.11.2012 | Certified copy of portion of extract of the confession of P.V. Noushad prepared by DySP, NIA "നാസർ വരുമ്പോൾ എന്തോട് പറഞ്ഞിരുന്നു" |
| 1263. | P766/PW225 | 01.12.2014 | Proceedings of the TIP conducted by JFCM-I, Ernakulam Case No. 1/2011/NIA/DLI (SC 1/2013) Crime No. 704/10 of Muvattupuzha PS. |
| 1264. | P767/PW225 | Nil | Copy of lookout circular notice of Muhammed Rafi (A7). |
| 1265. | P768/PW229 | 05.12.2012 | Certified copy of sanction order No. 1-11011/62/2010-IS-IV, Govt. of India, Ministry of Home Affairs, Internal Security-I Division. |

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| 1266. | P769/PW229 | 16.11.2012 | Certified copy of letter from Under Secretary, MHA to Hon'ble Justice K. Ramamurthy (Retd.), Delhi High Court. |
| 1267. | P770/PW229 | 22.11.2012 | Certified copy of letter from Hon'ble Justice K. Ramamurthy (Retd.) to Under Secretary, MHA. |
| 1268. | P770(a)/PW229 | Nil | Date and diary number of MHA mentioned in the top portion of Ext. P770. |

B. Defence Exhibits:-

| Sl.No. | Exhibit Number | Date | Description |
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| 1. | D1/PW1 | 12.08.2013 | Relevant portion in the Certified copy of deposition of PW4 Mithun T. Joseph in SC 1/2013, "അച്ഛന്റെ കൈപ്പത്തി വെട്ടി മാറ്റുന്നത് ഞാൻ കണ്ടിട്ടില്ല" |
| 2. | D1(a)/PW1 | 12.08.2013 | Relevant portion in the Certified copy of deposition of PW4 Mithun T. Joseph in SC 1/2013, " അച്ഛനെ ആക്രമിക്കുന്ന സമയം ഞാൻ കേട്ടിട്ടില്ല " |
| 3. | D2/PW1 | 02.05.2011 | Relevant portion in the Certified copy of 161 statement of PW1 prepared by DySP, NIA, Hyderabad "I heard the sound cut the other hand". |
| 4. | D2(a)/PW1 | 02.05.2011 | Relevant portion in the Certified copy of 161 statement of PW1 prepared by DySP, NIA, Hyderabad "The assailants got up nearby school". |
| 5. | D2(b)/PW1 | 02.05.2011 | Relevant portion in the Certified copy of 161 statement of PW1 prepared by DySP, NIA, Hyderabad "All the assailants driver and fled the scene". |
| 6. | D3/PW1 | 05.07.2010 | Relevant portion in the Certified copy of 161 |

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| | | | statement of PW1 prepared by CI of police, Piravom, "നാല് പേർ അച്ഛനെ വലിച്ചിറക്കുന്നതും". |
| 7. | D3(a)/PW1 | 05.07.2010 | Relevant portion in the Certified copy of 161 statement of PW1 prepared by CI of police, Piravom, "ഞാൻ സൂളിന്റെ ഉൾപ്പെടെ വേർപെട്ടു". |
| 8. | D4/PW2 | 06.07.2010 | Relevant portion in the Certified copy of 161 statement of PW2 P.J.Thomas (CW8) prepared by CI of police, Muvattupuzha, "ആ സമയം തടഞ്ഞു നിർത്തിയിരിക്കുന്നത് കണ്ടു" |
| 9. | D4(a)/PW2 | 06.07.2010 | Relevant portion in the Certified copy of 161 statement of PW2 P.J.Thomas (CW8) prepared by CI of police, Muvattupuzha, "ഞങ്ങൾ ചെന്നപ്പോഴേക്കും എന്നാണറിഞ്ഞത്" |
| 10. | D5/PW2 | 20.08.2013 | Relevant portion in the certified copy of deposition of PW8 P.J.Thomas (CW8) in SC 1/2013, "കൂടാതെ കൈയ്യാലയോട് ചേർന്ന ഭാഗത്ത് തടഞ്ഞു നിർത്തിയതായും " |
| 11. | D5(a)/PW2 | 20.08.2013 | Relevant portion in the certified copy of deposition of PW8 P.J.Thomas (CW8) in SC 1/2013, "പിറ്റേന്ന് ഞാൻ എന്റെ ആവശ്യങ്ങൾക്ക് പുറത്ത് പോയതാണ്" |
| 12. | D5(b)/PW2 | 20.08.2013 | Relevant portion in the certified copy of deposition of PW8 P.J.Thomas (CW8) in SC 1/2013, "മടങ്ങിവരുമ്പോൾ ശബ്ദം കേട്ടു " |
| 13. | D6/PW5 | 14.08.2013 | Relevant portion in the certified copy of deposition of PW5 George Varghese in SC 1/2013 NIA, "കാർ ഏത് ഭാഗത്തേക്കാണ് ഓർമ്മയില്ല" |
| 14. | D7/PW14 | 03.09.2013 | Certified copy of deposition of PW14 Mary in SC 1/2013 NIA (PW14-CW25) in this Court. |

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| 15. | D8/PW14 | 07.07.2010 | Relevant portion of 161 statement of PW14 Mary (CW25) prepared by CI of police, Muvattupuzha, "അവരിൽ രണ്ടു പേർ എനിക്കറിയില്ല " |
| 16. | D9/PW15 | 03.09.2013 | Certified copy of deposition of PW15 Joby in SC 1/2013 NIA (CW26) of this Court. |
| 17. | D10/PW16 | 08.08.2010 | Relevant portion in the certified copy of the 161 statement of PW16 Latha Abraham (CW30) prepared by CI of police, Muvattupuzha, " എനിക്ക് ഗൃഹ ജോലിയാണ് " (Subject to proof). |
| 18. | D11/PW17 | 05.09.2013 | Certified copy of deposition of PW17 Fr. George (CW32) in SC 1/2013 NIA of this Court. |
| 19. | D11(a)/ PW17 | 05.09.2013 | Relevant Portion in the certified copy of deposition of PW17 in SC 1/2013 NIA of this Court "അന്നത്തെ ദിവസം ഞാൻ കണ്ടിട്ടില്ല" |
| 20. | D12/PW26 | 12.07.2010 | Certified copy of relevant portion of 161 statement of PW26 " സഹോദരിയും മകനും ഓർമ്മ വന്നത്" prepared by CI of police, Muvattupuzha. |
| 21. | D13/PW26 | 02.05.2011 | Relevant portion in the certified copy of the 161 statement of PW26 " On 25.03.2010 evening and its origin" prepared by DySP, NIA, filed Officer, Hyderabad. |
| 22. | D14/PW26 | 02.05.2011 | Certified copy of relevant portion of 161 statement of PW26 " Since the door was locked..... like that of a cracker" prepared by DySP, NIA, filed Officer, Hyderabad. |
| 23. | D15/PW26 | 16.12.2016 | Certified copy of relevant portion of 161 statement of PW26 " എന്റെ കൈ വെട്ടിയ സമയം കൂടുതൽ മുടി ഉണ്ടായിരുന്നു " prepared by DySP, NIA, Kochi. |
| 24. | D16/PW27 | 05.07.2010 | Certified copy of relevant portion of 161 statement of PW27 " അവർ വന്ന് പുറകുവശത്ത് |

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| | | | മാരുതി ഒമിനി വാനായിരുന്നു " prepared by CI of police, Piravom. |
| 25. | D17/PW27 | 05.07.2010 | Certified copy of relevant portion of 161 statement of PW27 " ഞാൻ കുതിരി തിരിഞ്ഞു നോക്കുമ്പോൾ മാറിമാറി വെട്ടുന്നത് കണ്ടു " prepared by CI of police, Piravom. |
| 26. | D18/PW27 | 05.07.2010 | Certified copy of relevant portion of 161 statement of PW27 " ഞാനും അമ്മയും ഉച്ചത്തിൽ നിലവിളിച്ചു.....പൊട്ടുന്ന ഒച്ചയും കേട്ടു" prepared by CI of police, Piravom. |
| 27. | D19/PW27 | 05.07.2010 | Certified copy of relevant portion of 161 statement of PW27 " ആളുകൾ ഓടിക്കൂടിയപ്പോഴേക്കും അവർ എട്ടോളം പേർ ഉണ്ടായിരുന്നു " prepared by CI of police, Piravom. |
| 28. | D20/PW27 | 05.07.2010 | Certified copy of relevant portion of 161 statement of PW27 " അപ്പച്ചനെ വെട്ടുന്ന സമയം അവർ എന്നോട് പറഞ്ഞു " prepared by CI of police, Piravom. |
| 29. | D21/PW27 | 17.07.2010 | Certified copy of relevant portion of 161 statement of PW27 " ഇപ്പോൾ എന്നെ വായിച്ചു കേൾപ്പിച്ചത് പറഞ്ഞ മൊഴിയാണ് " prepared by CI of police, Piravom. |
| 30. | D22/PW27 | 07.09.2010 | Relevant portion of the certified copy of 161 statement of PW27 " ഈ നിൽക്കുന്നവരിൽ ഇയാളാണ്. ഷാനവാസിനെയും, ഷോബിനെയും കണ്ടു തിരിച്ചറിഞ്ഞു " prepared by CI of police, Piravom. |
| 31. | D23/PW27 | Nil | Relevant portion of the certified copy of 161 statement of PW27 " During the identification parade..... with knife in the incident " prepared by SP, NIA, Camp at Muvattupuzha. |
| 32. | D24/PW27 | 02.05.2011 | Relevant portion of the certified copy of 161 statement of PW27 " Among the total six people..... I was sitting" prepared by DySP, NIA, filed Officer, Hyderabad. |
| 33. | D25/PW27 | 02.05.2011 | Relevant portion of the certified copy of 161 |

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| | | | statement of PW27 " The other two persons out of the car" prepared by DySP, NIA, filed Officer, Hyderabad. |
| 34. | D26/PW27 | 02.05.2011 | Relevant portion of the certified copy of 161 statement of PW27 " I noticed that same person I could not move " prepared by DySP, NIA, filed Officer, Hyderabad. |
| 35. | D27/PW27 | 02.05.2011 | Relevant portion of the certified copy of 161 statement of PW27 " I saw the omni..... direction of their entry" prepared by DySP, NIA, filed Officer, Hyderabad. |
| 36. | D28/PW27 | 02.05.2011 | Relevant portion of the certified copy of 161 statement of PW27 "A fair tall person..... person with the axe" prepared by DySP, NIA, filed Officer, Hyderabad. |
| 37. | D29/PW27 | 16.12.2016 | Relevant portion of the certified copy of 161 statement of PW27 "മൊഴി വായിച്ചു..... സാക്ഷി സമ്മതിച്ചു" prepared by DySP, NIA, Kochi. |
| 38. | D30/PW27 | 12.07.2013 | Relevant portion of the certified copy of deposition of PW3 in SC 1/13 (page No.3) " ആ സ്ഥലത്തെ ജോലിയിൽ നാട്ടിൽ വന്നതായിരുന്നു " of this court. |
| 39. | D30(a)/ PW27 | 12.07.2013 | Relevant portion of the certified copy of deposition of PW3 in SC 1/13 (page No.8)" വന്നവർ രണ്ടു ബെങ്കുകളിൽ കയറിപ്പോയി " of this court. |
| 40. | D30(b)/ PW27 | 12.07.2013 | Relevant portion of the certified copy of deposition of PW3 in SC 1/13 (page No.14) " എനിക്ക് ഇപ്പോൾ തിരിച്ചറിയാൻ പറ്റില്ല " of this court. |
| 41. | D30(c)/ PW27 | 12.07.2013 | Relevant portion of the certified copy of deposition of PW3 in SC 1/13 (page No.13) " അവർ PW2 വിനെ വലിച്ചു പുറത്തിറക്കി" of this court. |
| 42. | D30(d)/ PW27 | 12.07.2013 | Relevant portion of the certified copy of deposition of PW3 in SC 1/13 (page No.26) " |

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| | | | വലതു കൈ പിടിച്ച്..... മൂന്നാം പ്രതിയാണ് “ of this court. |
| 43. | D30(e)/ PW27 | 12.07.2013 | Relevant portion of the certified copy of deposition of PW3 in SC 1/13 (page No.27) “ കറച്ച മുഖ് തെറ്റു പറിയതാണ് “ of this court. |
| 44. | D31/PW27 | 05.07.2010 | Relevant portion of the certified copy of 161 statement of PW27 “2010 ഏപ്രിൽ മാസം..... VRS വാങ്ങിപ്പോന്നു " prepared by CI of police, Piravom. |
| 45. | D31(a)/ PW27 | 07.07.2010 | Relevant portion of the certified copy of 161 statement of PW27 “മോട്ടോർ സൈക്കിളിന്റെ ഞാൻ കണ്ടില്ല" prepared by CI of police, Piravom. |
| 46. | D32/PW51 | 07.07.2010 | Relevant portion of the certified copy of 161 statement given by PW51 prepared by CI of police, Muvattupuzha, from “കാർ ജീവജ്യോതിയുടെ ജാക്കറ്റ് ഇട്ടിട്ടുണ്ടായിരുന്നു" |
| 47. | D32(a)/ PW51 | 07.07.2010 | Relevant portion of the certified copy of 161 statement given by PW51 prepared by CI of police, Muvattupuzha, from “മോട്ടോർ സൈക്കിളിന്റെ ഞാൻ കണ്ടിട്ടില്ല" |
| 48. | D33/PW51 | 02.09.2013 | Certified copy of deposition of PW13 in SC 1/2013 of this court. |
| 49. | D33(a)/ PW51 | 02.09.2013 | Relevant portion of the certified copy of deposition of PW13 in SC 1/2013 of this court, from “ഓടിക്കുന്ന ആൾ ഓടിച്ചിരുന്നത്" |
| 50. | D33(b)/ PW51 | 02.09.2013 | Relevant portion of the certified copy of deposition of PW13 in SC 1/2013 of this court, from “ആ മോട്ടോർസൈക്കിൾ ചെയ്യുന്നത് കണ്ടു" |
| 51. | D34/PW54 | 27.07.2010 | Relevant portion of the certified copy of 161 statement of PW54 prepared by CI of police, Muvattupuzha “രണ്ടാഴ്ച മുഖ് ചൂണ്ടിക്കാണിച്ചു കൊണ്ടു" |

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| 52. | D35/PW116 | 16.04.2015 | Relevant portion of the certified copy of 161 statement of PW116 prepared by DySP, NIA, Kochi "The rent receipts residence of Hameed" |
| 53. | D36/PW198 | 27.11.2015 | Relevant portion of the certified copy of 161 statement of Protected witness (B) prepared by the Investigating officer, NIA "അയാൾ വാങ്ങിയ DySP എനോട് പറഞ്ഞു" |
| 54. | D37/PW224 | 30.12.2016 | Relevant portion of the certified copy of further 161 statement of PW224 (CW73) prepared by DySP, NIA, Kochi "വിൽപ്പന നടത്തിയതിന്റെ ഇപ്പോൾ എന്തെ കാണിച്ചത്" |

C. Court Exhibits :- Nil.

D. Material Objects:-

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| MO1 | Sickle |
| MO2 | Pair of Paragon chappals |
| MO3 | Glass- Spectacle (1 No). |
| MO4 | Black colour Pride chappal |
| MO5 | Paragon chappals |
| MO6 | Glass pieces |
| MO7 series | Two caps (black) |
| MO8 | Glass pieces |
| MO9 | കരിഞ്ഞ ചാക്കു ചരട്ടും കരിഞ്ഞ കടലാസും |
| MO10 | Two pieces of number plates. |
| MO11 | White colour Maruthi Omni van. |
| MO12 | Shirt of Prof. T.J. Joseph (PW26). |
| MO13 series | Black colour pants with black colour belt of Prof. T.J. Joseph (PW26). |
| MO14 | Baniyan of Prof. T.J. Joseph (PW26). |
| MO15 | Shuddy of Prof. T.J. Joseph (PW26). |
| MO16 | Two pieces of number plates. |
| MO17 | Saree of Sister Mary Stella (PW27). |

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| MO18 | Blouse of Sister Mary Stella (PW27) |
| MO19 | Skirt of Sister Mary Stella (PW27) |
| MO20 | Rain coat. |
| MO21 | Book Binder (with photocopy of insurance policy certificate inside). |
| MO22 | Computer CPU. |
| MO23 | Mobile phone card board box (Nokia 1203) |
| MO24 | Mobile phone charger (Nokia) |
| MO25 | Burned cotton wool |
| MO26 | A black colour T shirt |
| MO27 | A small piece of dark brown stained cotton gauze |
| MO28 | A small piece of dark brown stained cotton gauze |
| MO29 | A small piece of dark brown stained cotton gauze |
| MO30 | A small piece of dark brown stained cotton gauze |
| MO31 | Dark brown stained soil |
| MO32 | A piece of dark brown stained cotton gauze |
| MO33 | A piece of dark brown stained/light brown coloured rexin |
| MO33(a) | A piece of dark brown stained/light brown coloured rexin |
| MO34 | A small piece of dark brown stained cotton gauze |
| MO35 | A small piece of dark brown stained cotton gauze |
| MO36 | A piece of stained rexin |
| MO37 | Remnant of cotton swab |
| MO38 | Remnant of cotton swab |
| MO39 | Remnant of piece of cotton swab |
| MO40 | Remnant of piece of cotton gauze |
| MO41 | Black colour Nokia mobile phone with IMEI No. 35535200/249578/2 |
| MO42 | CD with cover 'Nayakarwan' |
| MO43 | Packet containing colourless transparent glass fragments |
| MO44 | Packet containing colourless transparent glass fragments |
| MO45 | Packet containing colourless transparent glass fragments |
| MO46 | Sticker paper |
| MO46(a) | Sticker paper |
| MO46(b) | Sticker paper |

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| MO46(c) | Sticker paper |
| MO46(d) | Sticker paper |
| MO46(e) | Sticker paper |
| MO47 | Black colour Nokia mobile phone with IMEI No. 353504/02/022949/2. |
| MO48 | SIM card of Airtel mobile phone model GSM-SI.No. 89919500000938770674. |
| MO49 | SIM card of Vodafone mobile phone model GSM-SI.No. H2-8991462160255606365. |
| MO50 series | Visiting cards of Best Bag of Dhanam Towers, Coimbatore (Tamil Language) |
| MO50(a) | Visiting cards of Best Bag of Dhanam Towers, Coimbatore (Tamil Language) |
| MO51 | Registration certificate of Best Bags, VKR Dhanam Towers, Coimbatore issued by Commercial Tax Officer, Oppanakara, Govt. of Tamil Nadu. |
| MO52 | Digital video recorder (H-264) |
| MO53 | Laptop (DELL) |
| MO54 | Mobile cover (Zen) |
| MO55 | Black colour leather purse |
| MO56 | Debit card HDFC Bank (No.4214240506762042) |
| MO57 | SBI Shopping card |
| MO58 | PAN card of Najeeb (No. AFCPN7152B) |
| MO59 | Best Bag visiting card |
| MO60 | Yox Men's wear visiting card |
| MO61 | IDEA SIM card |
| MO61(a) | IDEA SIM card |
| MO62 | Sandisk card (Transcend Micro SD) |
| MO62(a) | Sandisk card (Transcend Micro SD) |
| MO63 | Vodafone SIM card cover. |
| MO64 | Adaptor |
| MO65 | Laptop bag "Dolphin" |
| MO66 | CD "SDPI രാഷ്ട്രീയ ഗാനങ്ങൾ " |
| MO67 | CD "Freedom parade 2009" |
| MO68 | Mobile phone (Micromax) |

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| MO68(a) | SIM card (BSNL) |
| MO68(b) | Memory card |
| MO69 | Mobile phone (Zen) |
| MO69(a) | SIM card (Vodafone) |
| MO70 | Debit card |
| MO70(a) | Black colour LG mobile phone with Sl.No. 710CYZP2959045 |
| MO71 | Reliance SIM card No. RAXRU2873827447. |
| MO72 | IDEA SIM card No. 8991190231072570537KLR-2. |
| MO73 | Mobile phone (silver with ash colour) with IMEI No. 356424/01/226009/9. |
| MO74 | Airtel SIM card No. 8991950403102232020F. |
| MO75 | Black colour LG mobile phone with Sl. No. 811CYOO150794 with Reliance SIM card. |
| MO76 | Folded type black with silver colour Nokia mobile Phone with IMEI No. 357092/00/139126/3. |
| MO77 | IDEA SIM card No. 899119060384806784-2. |
| MO78 | Blue colour Nokia mobile - model 100 (IMEI No. 351941056655798) |
| MO78(a) | IDEA SIM card No. 8991195340043301073 H3 SYS-1305. |
| MO79 | Samsung black colour mobile phone with IMEI No. 351746/01/216402/9. |
| MO79(a) | Airtel SIM card. |
| MO80 | Silver colour Samsung mobile phone with IMEI No. 352945/03/777071/6. |
| MO80(a) | Docomo SIM card. |
| MO 81 | Black colour Nokia mobile phone with IMEI No. 35939700/331015/5. |
| MO 81(a) | Airtel Sim Card |
| MO82 | VCD with cover of popular front of India National Political Conference |
| MO 83 | VCD of Kerala Imams Counsel printed in front "സ്തീധന വിചാരം" |
| MO84 | VCD with cover " ഇബാദത്തിന്റെ പ്രസക്തി മുണ്ടമ്പ്ര" Part-I |
| MO 85 | VCD with cover " ഇബാദത്തിന്റെ പ്രസക്തി മുണ്ടമ്പ്ര" Part-II |
| MO 86 | VCD " Human Anatomy" |

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| MO 87 | Samsung Black colour Mobile Phone. |
| MO 87(a) | IDEA SIM Card. |
| MO 88 | Pen drive |
| MO 89 | BSNL Sim Card |
| MO 90 | Sword |
| MO 91 | Cover of Sword |
| MO 92 | CD of NDF Freedom Parade "കരുത്തിന്റെ ചുവടുകൾ " |
| MO 92(a) | CD of NDF Freedom Parade 2008 of PFI |
| MO 92(b) | CD of NDF Freedom Parade 2007 of PFI |
| MO 92(c) | CD of NDF Freedom Parade, Alappuzha. |
| MO 93 | CD of SOHANA Digital |
| MO 93 (a) | CD of KWF State Conference 2008 power of realisation |
| MO 93 (b) | CD of CPS I |
| MO 93 (c) | CD of CPS II |
| MO 93 (d) | CD "Attitude for success" |
| MO 93 (e) | CD with writing of VHP Sasikala Teacher |
| MO 93 (f) | CD "ഉണർത്തുപാട്ടുകൾ" of PFI |
| MO 93 (g) | CD 'പ്രതിരോധം അപരാധമല്ല' |
| MO 93 (h) | CD 'മതം മാറ്റം കുറച്ചുതല്ല' |
| MO 93 (i) | CD 'മതം മാറ്റം കുറച്ചുതല്ല' |
| MO 93 (j) | CD "മതവും മനുഷ്യനും സ്നേഹസംഗമം " |
| MO 93 (k) | CD of NDF 'പ്രതിഷേധനാലി തിരുവനന്തപുരം 2008' |
| MO 94 | Hat 'Puma' |
| MO 95 | CD |
| MO 95(a) to (t) | CD (21 Nos) |
| MO 96 | File folder |
| MO 97 | File folder ' വിചാര തീരം ' |
| MO 98 | Sword |
| MO 99 Series | CD (10 Nos) |
| MO 100 Series | CD (31 Nos) |
| MO 101 | Ash and Black Colour Nokia Mobile Phone with IMEI No.359846/01/830009/8 |

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| MO 102 | Seal |
| MO 102(a) | Seal |
| MO 102(b) | Seal |
| MO 102(c) | Seal |
| MO 102(d) | Seal |
| MO 102(e) | Seal |
| MO 103 | File folder |
| MO 103(a) | File folder |
| MO 103(b) | File folder |
| MO 104 | Partially broken CD (with writing on CD 'BSNL- Call details' 'DySP, Muvattupuzha, Cr.No. 704/10') |
| MO 105 | Black with blue colour Nokia Mobile phone with IMEI No: 355212/03/095645/4 |
| MO 106 | CD of Babri Masjid Judgment |
| MO 107 | Album (Large size/Type) |
| MO 108 | Album (Large size/Type) |
| MO 109 | Album (Large size/Type) |
| MO 110 | Album (Small size/Type) |
| MO 111 | Album (Small size/Type) |
| MO 112 | Album (Small size/Type) |
| MO 113 | Album (Small size/Type) |
| MO 114 | Nokia Mobile phone (White Colour) Model 1203-2, IMEI No. 352004042317491 without battery and SIM. |
| MO 115 | Nokia (Blue Colour) Mobile Phone |
| MO 116 | Black colour L.G Mobile Phone |
| MO 117 | Grey Colour Nokia Mobile phone. |
| MO 118 | Sim Card Tata Docomo |
| MO 119 | Orange colour plastic cover |
| MO 120 | White plastic cover (മണ്ണു പുരണ്ട) |
| MO 121 | Ash & Black colour Nokia Mobile phone Model No. 1661 IMEI No.351943/03/560864/1. |
| MO 122 | Silver Colour Nokia Mobile phone with IMEI No. 352049/02/362272/4 |
| MO 123 | Black colour purse labelled |
| MO 124 | Nokia Mobile phone (Red Colour). |

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| MO 124(a) | Idea Sim Card No.8991197363028794979 – HLR -3. |
| MO 125 | Nokia Mobile Phone(Black Colour) |
| MO 126 | Samsung Duos Mobile phone (Black Colour) having IMEI Nos. 357318/06/730639/4 & 357319/06/730639/2 |
| MO 126(a) | 4 GB Micro SD Card |
| MO 127 | Black & Silver Colour Nokia Mobile phone E71-1 Sl.No. 35485502380023. |
| MO 127(a) | Nokia Micro SD Memory Card 2 GB |
| MO 128 | Silver Colour Xiami mobile (Model No.201516) |
| MO 128(a) | BSNL SIM Card |
| MO 128(b) | Jio SIM Card |
| MO 129 | CPU |
| MO 130 | CPU |
| MO 131 | Pendrive |
| MO 132 | Idea SIM No. 8991190231078505016 HLR-2. |
| MO 133 | Airtel SIM No. 89919500000911345627 |
| MO 134 | Idea SIM No. 8991190120914528458 HLR-I |
| MO 135 | Airtel SIM No. 89919500000896111309 |
| MO 136 | Vodafone SIM No. H3 8991462160433590515 |
| MO 137 | Cell one SIM No. 8991724010412130928 |
| MO 138 | Excel SIM Card No. 8991725063431543659 |
| MO 139 | Vodafone SIM No.H1 8991462160303754 |
| MO 140 | Idea SIM No. 8991190 120910382496 HLR-I |
| MO 141 | Tata Docomo SIM No. 89910351110102941560 |
| MO 142 | Hutch SIM No. 8991460607033737773 |
| MO 143 | Cell one SIM No. 8991724019492001533 |
| MO 144 | Idea SIM No. 8991190120863405377 H1 |
| MO 145 | Cell one SIM No. 8991724019492001533 |
| MO 146 | Cell one SIM No. 8991726013432555555 |
| MO 147 | Cell one SIM No. 8991726123412208845 |
| MO 148 | Hard Disc of Laptop |
| MO 149 | Hard Disc of Laptop |
| MO 150 | Hard Disc of Dell CPU |
| MO 151 | Hard Disc of Mercury CPU |

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| MO 152 | Hard Disc of Sony CPU |
| MO 153 | Idea SIM No. 8991190231083417975 HLR-2. |
| MO 154 | Aircel SIM No. 89918091108130857913 |
| MO 155 | Reliance Mobile phone Card board box |
| MO 155(a) | Reliance Mobile phone Card board box |
| MO 155(b) | Reliance Mobile phone Card board box |
| MO 156 | CD of ' മനുഷ്യരെ നാം ഒന്ന് ' |
| MO 157 | Cover with CD 'ബാബറി മസ്ജിദ്', രാഷ്ട്രം വിചാരണ ചെയ്യപ്പെടുന്നു ' |
| MO 157(a) | Cover with CD 'ബാബറി മസ്ജിദ്', രാഷ്ട്രം വിചാരണ ചെയ്യപ്പെടുന്നു ' |
| MO 158 | Cover with CD 'തിരിച്ചറിവിന്റെ കരുത്ത് ' |
| MO 158(a) | Cover with CD 'തിരിച്ചറിവിന്റെ കരുത്ത് ' |
| MO 158(b) | Cover with CD 'തിരിച്ചറിവിന്റെ കരുത്ത് ' |
| MO 158(c) | Cover with CD 'തിരിച്ചറിവിന്റെ കരുത്ത് ' |
| MO 158(d) | Cover with CD 'തിരിച്ചറിവിന്റെ കരുത്ത് ' |
| MO 159 | CD with cover of "SDPI ജനകേരള യാത്ര" |
| MO 160 | CD with cover of "അധികാരം ജനങ്ങളിലേക്ക് PFI ദേശീയ രാഷ്ട്രീയ സമ്മേളനം" |
| MO 161 | Cover with CD "Nayakarwan Empower India Conference" |
| MO 162 | Cover with CD "സ്വാതന്ത്ര്യത്തിന് കാവൽ Freedom Parade 2009" |
| MO 163 | Album |
| MO 164 Series | CD (6 Nos) |
| MO 165 | ചാക്ക് (plastic sack) |
| MO 166 | Black colour Nokia Mobile Phone with IMEI No.353199/03/769065/I |
| MO 167 | Kidney Tray |
| MO 168 | Tweezer |
| MO 169 | Scissors |
| MO 170 | Needle Holder |
| MO 171 | Suture Needle |
| MO 172 | Black thread roll |

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| MO 173 | Syringe labeled as 'Dispovan' |
| MO 174 | A bottle labeled as 'Lignox 2% A' |
| MO 175 | A bottle of betadine |
| MO 176 | Videocon black colour mobile phone with IMEI No. 910030000024667 |
| MO 177 | Nokia Mobile phone with IMEI No. 354841/01/322736/7 |
| MO 178 | Badge of Popular Front of India |
| MO 179 | Badge of Popular Front of India |
| MO 180 | Badge of Popular Front of India |

Id/-
Judge
Special Court for NIA Cases.
(By Order)

//True Copy//

Sd/-
Sheristadar.