

FORM-A

IN THE COURT OF THE SESSIONS JUDGE, CUTTACK

Present:- Shri Manas Ranjan Barik,
Sessions Judge, Cuttack.
JO CODE- OD00055

(Date of Judgment:-**26.05.2026**).

ST Case No. 103 of 2017
(Arising out of GR Case No. 837 of
2015 of the Court of the JMFC,
Salipur corresponding to STF,
Bhubaneswar P.S. Case No. 03
dated 25.02.2016).

(Details of FIR/Crime and Police Station)

Complainant/ Informant	State of Odisha
REPRESENTED BY	Sri Pradeepta Kumar Samal, Learned P.P, Cuttack, Sri Sanjit Kumar Das, Associate Lawyer, Cuttack.
ACCUSED	Mohammad Abdur Raheman Alli Khan @ Md. Abdur Raheman @ Maulana Mansoor @ Hyder, aged about 38 years, S/o Late Md. Usman Alli Khan, At-Satabatia, PO. Madhya Katchha, PS. Jagatpur, Dist:Cuttack. A-1 (UTP)
REPRESENTED BY	Md. Ziaul Haque, Advocate and his Associates

FORM-B

Date of Offence	03 to 04 years back from the date of registration of FIR i.e. on 17.12.2015						
Date of FIR	17.12.2015						
Date of Charge Sheet.	17.12.2016						
Date of Framing of Charge	13.09.2017						
Date of Commencement of Evidence	21.11.2017						
Date on which Judgment is reserved	11.05.2026/23.5.2026						
Date of Judgment	26.05.2026						
Date of sentencing order, if any							
Accused Details							
Ran k of the accu sed	Name of the accused	Date of Production	Date of release on bail	Offence charged with	Whether acquitted or convicted	Se n t e n c e i m p o s e d	Period of detention undergone during trial for the purpose of sec428 Cr.P.C
A1	Mohammad Abdur Raheman Alli Khan @ Md. Abdur Raheman @ Maulana Mansoor @ Hyder	8.12.2014	U.T.P	U/Secs.16,17 18, 18-B, 20, 21, 38, 40 of Unlawful Activities (Prevention) Act, 1967 & Sec. 124-A of IPC	Acquitted	--	--

JUDGMENT

The accused stood charged u/Secs. 16/ 17/ 18/ 18-B/ 20/ 21/ 38/ 40 of Unlawful Activities (Prevention) Act, 1967 (*in short 'the UAPA'*), r/w Sec. 124-A of the Indian Penal Code (*in short 'the IPC'*) on the allegation of committing terrorist act, raising funds for the said

purpose or for terrorist organizations, conspiring or attempting to conspire or advocating, abetting, advising or inciting the commission of terrorist act or any act preparatory to the commission of such act, recruiting persons for terrorist act, being member of a terrorist gang or organizations like Al Qaida in Indian Sub-Continent (AQIS) and Indian Muzahiddin (IM) and also spreading hatred and disaffection against the Govt. of India.

2. Bereft of unnecessary details, the case of the prosecution is that Abdul Raheman, a native of village-Satabatia, Paschimakachha under Jagatpur P.S was running a 'Madrasa' at village- Bilteruan under the Tangi Police Station, Cuttack. Ranjit Kumar Prusty (P.W.2) was the IIC, Jagatpur Police Station (UPD), Cuttack on 17.12.2015, the date on which he received credible information regarding indulgence of Abdur Raheman, the accused, in unlawful activities like preaching the local public and persons of other States and imbibing in them disaffection against the country in connivance with the foreign terrorist organizations. To ascertain the veracity of the information, P.W.2 commenced inquiry and learnt that Abdul Raheman has been propagating antinational activities and ideology in the minds of the innocent youths studying in his 'Madrasa' at Bilteruan, not only of the State, but also of the other States of the Country. He further learnt that the accused was not only in the process of recruiting youths for the terrorist organizations like

AQIS and IM, but also has already recruited some of his students in those organizations for 'Jihad'. During the inquiry, P.W.2 further came to know regarding collection of funds from foreign organizations by the accused in the name of his 'Madrasa' for using the same in nefarious activities and the visit of the accused to foreign countries to associate with AQIS and IM. P.W.2 came to know that the accused has already been taken into custody by the Special Cell of Delhi Police in connection with Special Cell Case No.67 of 2015, wherein one tablet, some mobile phones, some documents and the Passport of the accused have been seized from his possession. P.W.2 searched the house of the accused in his native village as well as his 'Madrasa' and seized a Compact Disc (CD) and photocopies of some documents. Since, P.W.2 found sufficient truth and genuineness in the information during his inquiry, he lodged a plain paper FIR at Jagatpur Police Station and registering the same as Jagatpur P.S. Case No. 244 dated 17.12.2015, requested the ACP Zone-I, Cuttack UPD, Sri Trinath Mishra (P.W.45) to take up the investigation.

During the course of his investigation, Sri Mishra (P.W.45) visited the house of the accused at his native village as well as the 'Madrasa' run by him, seized materials as well as documents from P.W.2, which he had already seized during the course of his inquiry, made necessary communications with various banks at

Jagatpur, where the bank accounts of the accused were available to freeze the same and to provide the details of the bank account statements, examined various persons in the village- Satabatia and Bilteruan, some of the students of the 'Madrasa' and some of the parents of the students, verified the bank account statements of the accused and the 'Al-Haramain Trust' under which the 'Madrasa' was functioning, interrogated the accused at New Delhi while he was in custody in Special Cell Case No.67 of 2015, took steps for recording of the statements of some of the vital witnesses u/Sec. 164 Cr.P.C and in obedience to the order No.40 of CID dated 25.2.2016, handed over the charge of the investigation to Sri Priyaranjan Satpathy, DSP, STF, Bhubaneswar (P.W.46).

During the course of investigation, Sri Satpathy (P.W.46) examined material witnesses, collected vital documents in connection with Delhi Special Cell Case No.67 of 2015, interrogated the accused on taking him on remand by the order of the learned JMFC, Salipur, requisitioned M.A.Adnan (P.W.6), the Urdu Teacher, Ravenshaw Collegiate School and with his assistance, the seized audio CD was heard, transcribed and translated in presence of the witnesses and prepared a memorandum to that effect, took steps for recording of the voice sample of the accused in presence of the witnesses, seized some vital documents, took steps for sending the voice sample of the accused recorded in I.C Recorder and SDHC Cards

to SFSL, Bhubaneswar, made necessary communications with the District Sub-Registrar, Cuttack to ascertain facts regarding registration of the 'Al-Haramain' and 'Jamatul Haramain Trusts' and the Wakf Board to ascertain facts regarding registration of the madrasa namely, Jamait-Ul-Haramain, made communications with different International Airlines and obtained the travel details of the accused as well as his associates to different places of the country and foreign countries, seized various documents relevant for the case, visited different places of the country to ascertain the involvement of the accused in antinational activities and spreading disharmonies and hatred within different communities, made communications with various banks and obtained account statements/particulars of the accounts of the accused, different trusts with which the accused has linkage, the donors/depositors to the accounts of the accused as well as the trusts, received supplementary case diary from Inspector, Efrem Kiro, who has been entrusted part investigation in this case to visit Deobandh, Luknow and also from DSP, Ramachandra Thamba, who had been entrusted with the part investigation to ascertain the donations received by the accused, took steps to refreeze the accounts of the accused in different banks complying with necessary legal formalities in that regard, took steps for obtaining sanctions against the accused to prosecute against him under the UAPA as well as Sec. 124 of IPC and also obtained the sanction orders from the competent

authority and finding sufficient material against the accused for commission of offence u/Sec.s 16/ 17/ 18/ 18-B/ 21/ 38/ 40 of UAPA r/w Sec. 124(A) of IPC, he submitted CS No.14 dated 19.6.2017 under the aforementioned sections of law against him to face his trial in the Court of law. After the case was committed by the court of learned JMFC, Salipur to the Court of Sessions, trial was commenced by framing of charge u/Secs. 16/ 17/ 18/ 18-B/ 20/ 21/ 38/ 40 of Unlawful Activities (Prevention) Act, 1967, r/w Sec. 124-A of the Indian Penal Code.

3. The plea of defence is complete denial and false implication. During course of examination of the accused u/Sec. 313 Cr.P.C, though he has admitted to be a native of Satabatia and running a 'Madrasa' only at Bilteruan and having accounts in his name in the Canara Bank and SBI at Jagatpur and forming a trust in the name and style "Harman Sarif" at Bilteruan along with other trustees, but he either feigned ignorance or denied most of the prosecution accusations.

4. In view of such prosecution case and its denial by the defence, the following points emerge for determination: -

i) Whether on or before three to four years of 17.12.2015 and during the year 2015 the accused was running 'Madrasa' at village-Bilteruan under Tangi Police Station and while some

students of Jharkhand and other States were studying Madrasa, the accused was propagating antinational ideology in the minds of the innocent students in order to engage them in antinational activities and in the process of recruiting the youths from this 'Madrasa' for terrorist organization like Al Qaida in Indian Sub-Continent (AQIS), Indian Muzahiddin (IM) and had already recruited some youths for making terrorist organization like AQIS, IM and also to organize 'Jihad'?

ii) Whether during the said period or before the accused was collecting/receiving funds in India or in a foreign country from a legitimate or illegitimate source, from any person or persons, knowing that such funds are likely to be used in full or in part by such person or persons or by a terrorist organization or by a terrorist gang or by an individual terrorist to commit a terrorist act?

iii) Whether during the said period or before that the accused was conspiring and/or attempting to commit, or advocate, abet, advise the commission of, a terrorist act or any act preparatory to the commission of a terrorist act?

iv) Whether, during the said period or before that the accused was recruiting and causing to be recruited the students of Madrasa for commission of a terrorist act?

v) Whether during the said period or before that the accused was a member of an anti-national organization or terrorist gang like AQIS and IM and were involved himself in terrorist act?

vi) Whether during the said period or before that the accused was knowingly holding/acquiring terrorist fund derived/obtained from commission of any terrorist act?

vii) Whether during the said period or before the accused involved himself and/or declared himself to be associated, with a terrorist organization like AQIS and IM relating to membership with intention to further its activities?

viii) Whether during the said period or before the accused were committing the offence of raising fund for the terrorist organization like AQIS, IM and Al-qaidain Indian Sub-Continent, Indian Muzahiddin with intention to further the activity of the terrorist organization?

IX) Whether on or before three to four years of 17.12.2015 and/or during the year, 2015 at village-Bilteruan under Tangi Police Station in the District of Cuttack by writing/speaking/ or by signs/ visible representation/ or in some other moment, you were attempting the 'Madarasa' student and youths of the locality into hatred and/or exciting them disaffection, the Government established by law in India?

5. In order to establish its case, the prosecution has examined as many as 46 witnesses, of whom P.W.2 is the informant, P.W.6 is the Urdu Teacher requisitioned for the hearing, transcription and translation of the seized Compact Disc, P.Ws.7 and 17 are the witnesses to the hearing, transcription and translation of the Compact Disc, P.Ws.4 and 34 are the witnesses for

recording of the voice sample of the accused, P.Ws.1, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 18, 22, 23, 25, 27, 31, 32, 33, 35, 36, 37 and 38 are the independent witnesses, P.Ws.16, 28, 29, 30, 39 and 41 are the police officials and witnesses to the seizures of various documents, P.Ws. 19, 20 and 43 are the Bank officials, P.W. 24 was Survey Commissioner of Wakf -cum-Chief Executive officer, Cuttack, P.W.26 was the District Sub-Registrar, Cuttack, P.W.40 was the Regional Passport Officer, P.W.21 was the Asst. Director of SFSL, Bhubaneswar, P.W.42 is the Investigating Officer of Delhi Special Cell Case No. 67/2015, P.W.45 is the investigating officer, who has conducted the preliminary investigation prior to taking over the case by the CID, P.W.44 has conducted a specific part of investigation of this case and P.W.46 is the Investigating Officer of this case and placed reliance on as many as 55 documents and 3 material objects. On the contrary, the defence has neither examined any witness nor relied on any document.

6. During the course of argument, the learned public prosecutor has assiduously contended that since in the present case by adducing loads of oral as well as documentary evidence, the prosecution has successfully proved all the charges levelled against the accused by leading cogent, clear and trustworthy evidence, he should be held guilty and imposed exemplary punishment. On the contrary, it has been strenuously

submitted by the learned defence Counsel that the entire case of the prosecution is based on inferences, suspicion and without having any factual basis. On scrutiny of the evidence adduced by the prosecution, it convincingly emerges that the investigation of this case has not only been conducted in lackadaisical manner, but also the charge sheet is the outcome of such perfunctory investigation. The prosecution has miserably failed to bring home the charges leveled against the accused beyond all reasonable doubt. Accordingly, it has been vehemently contended for clean acquittal of the accused in the instant case.

7. In view of such strenuous rival submissions and the nature and gravity of the offence alleged, it is felt apposite at the outset, to reproduce the excerpts of the evidence adduced by the material prosecution witnesses in their examination-in-chief for having a better understanding of the case at hand and the issues involved therein.

8. In the present case, P.Ws. 1, 5, 8, 9, 10, 11, 13, 14, 15, 22, 23, 25, 27, 35, 36, 37 and 38 out of 46 witnesses in total examined by the prosecution, since have resiled from their previous statements, all of them have been declared hostile and examined by the prosecution as per the provision of Sec.154 of the Indian Evidence Act.

9. During his examination in the Court, P.W.2, the informant has testified to the effect that on 17.12.2015 while he was the Inspector-in-charge, Jagatpur Police Station under UPD, Cuttack, he received credible information regarding indulgence of the accused in unlawful activities like preaching the local public and also people of other States to cause disaffection against the country and to disrupt the sovereignty and territorial integrity of the nation in connivance with the terrorist organizations of the foreign countries. During his inquiry, he ascertained the fact of running by the accused along with his associates, a Madrasa at Bilteruan under Tangi P.S since the last four to five years and establishment of Madrasa by him at various other places. In the year, 2015, around 80 students of Jharkhand and of other States were studying in the Madrasa at village-Bilteruan and some had passed out from Madrasa after completion of their studies. He learnt that the accused was propagating antinational activities and ideology in the mind of the innocent youths with a view to engage them in terrorist activities. It was also confidentially learnt that the accused was in the process of recruiting youths for terrorist organizations like AQIS and IM and that previously some youths had already been recruited for those organizations for 'Jihad'. It was further confidentially learnt that the accused was collecting money from foreign organizations in the name of his Madrasa to fund

his nefarious activities. He got to know regarding the custody of the accused in connection with Delhi Special Cell Case No.67/2015 registered against him and the seizure of his Passport, Tablets, Mobile Phones and some documents from his possession in connection with that case. He has ascertained that the accused had visited to foreign countries to associate with foreign terrorist organizations like AQIS and IM. He has further deposed to the effect that on 17.5.2015 he searched the house of the accused at Satabatia, Paschimachha and also the Madrasa at village-Bilteruan and seized compact disc from his house and some photocopies of the documents from the Madrasa which contained important telephone numbers. From his inquiry, he found that the accused was involved in terrorist activities, propagating terrorist activities and having involvement in terrorist organizations. He registered Jagatpur PS Case No.244 dated 17.12.2015 u/Secs. 17/ 18/ 18-B/ 20 UAPA and requested Sri Trinath Mishra, ACP Zone-I, Cuttack (P.W.45) to take up investigation. He has proved the written FIR, which he had lodged in his P.S and registered the case under Ext.1 and the seizure list vide which he seized the CD and photo copies of the documents under Ext.2. He has also identified the CD produced in the Court under M.O.I and exhibited the photo copies of the documents under Ext.3. As per him, on the same day, ACP Sri T.N.Mishra took up the case from him for investigation.

10. P.W.3 has testified to the effect that on 17.12.2015 the police seized one C.D and some documents under a seizure list (Ext.2) in his presence from the house of the accused and at that time there was another witness namely Purna Chandra Dalai.

11. P.W.4 has adduced evidence to the effect that on 6.7.2016, P.W.46 called him to be a witness to the recording of the voice of the accused at the Crime Branch Office, Cuttack and he went there. At the office, he noticed one S.P, Nayak Babu, two local persons and the accused were present there along with P.W.46. In his presence, P.W.46 brought two SD Cards and opened the sealed packet. Thereafter, voice of the accused was recorded twice. Then, his voice was also recorded, when he stated that he was present at the time of recording of the voice of the accused. Voice of another person was also recorded in similar manner. Thereafter, the voices so recorded were played to them for their hearing. P.W.46 put the two SD Cards in two separate envelopes and then after closing the envelopes he sealed the same in their presence and in presence of the accused. He then seized those two SD Cards under seizure list (Ext.4). Thereafter, P.W.46 also seized a banner, which was in Urdu under another seizure list (Ext.5) in his presence.

12. P.W.34 has testified to the effect that on 4.7.2016, while he was working as ACP, Zone-II, Cuttack, on that day, receiving instruction from the

DCP, Cuttack as well as being called by the I.O (P.W.46), he proceeded to the Crime Branch Headquarters, Cuttack at 2.30 PM, where in his presence, P.W.46 opened one sealed packet containing IC Recorder and two packets containing SDHC Cards. By then, the accused along with two other witnesses were present. The I.O handed over a written paper containing a paragraph of Urdu language to the accused to read out the same. The accused read out the said paragraphs and the I.O recorded the said voice of the accused in two SDHC card by the IC Recorder twice. After recording, the same was played before him and the witnesses so also the accused and the accused admitted his voice. The I.O, thereafter packed the IC Recorder and the recorded SDHC Cards and got it sealed and he prepared a memorandum (Ext.21) to that effect. He has identified the packet containing one of the recorded SDHC Cards (M.O.II) and another packet containing other SDHC Card (M.O.III).

13. As per P.W.6, on 4.7.2016, while he was a Teacher in Urdu subject in Revenshaw Collegiate School, Cuttack, in pursuance to the requisition (Ext.6) made by P.W.46 and being permitted by the Headmaster of the School vide his letter (Ext.7), he accompanied P.W.46 to the Cyber Police Station, Crime Branch, Cuttack. P.W.46 told him that the audio CD contained the speech of the accused and he was required to get it

retrieved and transcribed in Urdu version. The audio CD was retrieved inside the Cyber Police Station, Cuttack. The retrieval commenced at 12.30 PM and completed at 4.30 PM on the same day. He transcribed the retrieved speech in Urdu language, which ran into four pages and he has also proved the transcribed version under Ext.9. He has further proved the transcribed version of the speech prepared by him in his own handwriting contained in the CD in concise form under Ext.10. He has again stated that the same was again written in Odia letters, but in Urdu language by P.W.46. He has proved the transcript written in Odia letters under Ext.11. He has further testified that the speech contained materials relating to Islam religion and also it urged the people of Islam religion to strictly follow their own religion, to eat beef and not to be scared of the opponents of Islam religion like RSS activities, etc. He further deposed that the proceeding of retrieval of the CD and its transcription etc. were reduced into a memorandum (Ext.8) prepared by P.W.46.

14. While adducing evidence in the Court, P.Ws.7 and 17 have corroborated the evidence of P.W.6 with regard to the hearing, translation and transcription of the audio recording in the audio CD.

15. P.W.21 has adduced evidence to the effect that on 07.11.2016, while he was working as Asst. Director, SFSL, Bhubaneswar, opened a sealed packet

containing one audio C.D (M.O.I) within a plastic container of 'Sony' make C.D-R-700 MB capacity, which contained audio recording speech (*Bayan*) of accused in Urdu and Hindi language, one audio SDHC card of 'Samsung' make of model MB-MS 04D of 4 GB capacity model code MB- MS04D/ IN (M.O-II) containing specimen of voice sample of the accused in Urdu and Hindi language, one sealed paper envelope containing the transcription of relevant portion of M.O-I of Masroor Alam Adnan Urdu (Ext.9) and Odia version of Urdu language (Ext.15) and one sealed envelope containing the paragraph by Masroor Alam Adnan in Urdu and Odia version (Ext.10 and Ext.11 respectively) for recording of specimen voice sample of the accused. He has further stated that the above exhibits and M.Os were examined in the Physics Division of the Laboratory and after Laboratory, Auditory and Spectrographic examinations, he has given the findings that the auditory examination of the questioned male voice recorded in C.D of M.O-I and the specimen voice recording of the accused in the SDHC card (M.O-II) reveals that, both the voices are found similar with respect to their linguistic and phonetics features and on spectrographic analysis of the twenty numbers of words as highlighted in Ext.15 selected from the specimen voice of the accused in M.O-II are found similar with respect to their number of formats, format frequency distribution, intonation patterns distribution in the voice

spectrogram. From his such observation, he arrived at the conclusion that the questioned male voice recorded in M.O-I is found similar to the sample voice of the accused recorded in M.O-II in respect of linguistic, Phonetics and spectrographic features. Accordingly, he has prepared his report, which has been proved by him under Ext.16.

16. P.W.12 has testified to the effect that in the year 2015-16, he used to go the Madrasa at Bilteruan to read 'Koran', where the accused was teaching the same. The accused was also going to the mosque of their village and also nearby mosques to deliver speech and at that time he used to speak about Islam, Prophet Mohammad, the foreign state of affairs relating to Muslims of the country, the Dadri murder case and incident of assault on Muslim truck driver at Jagatpur. He was appealing the Muslims present to be united for fighting against Bajrang, VHP, RSS and Hindu Radicals against their opposition to the Qurbani during Id-ul-Zuha. He was also citing instances like Babri Masjid demolition and inciting the Muslims to be united to fight against the aforesaid Hindu Radicals. He has again stated that hearing the hate speech of the accused on repeated occasions, he had gone to depression and went away to Kachh City of Gujrat, where an Imam of a Masjid handed over him to the police. He has stated the aforesaid facts before the Magistrate and he has also

proved his statement recorded u/Sec. 164 Cr.P.C under Ext.12.

17. P.W.16 has testified with regard to seizure of one original seizure list, one audio CD, one xerox copy of the written speech in Hindi, 10 pieces of xerox papers containing mobile phone number written in Urdu and English and a xerox paper containing a picture of sword and flag by P.W.45 on production by P.W.2 on 18.12.2015 at 7.30 AM at Jagatpur Police Station vide Seizure List (Ext.13). P.W.28 has corroborated such evidence of P.W.16 in material particulars.

18. As per P.W.18, he knows the accused since 2010 while he was running a Madrasa in Bangalore City. After 2010, the accused shifted to Cuttack and started a Madrasa. He was collecting money for him for smooth running of his Madrasa at Cuttack as 40 to 50 students were taking religious education and sending him through different mode of payment from Bangalore. About 7 to 8 years back, he along with Munir Bhai came to Cuttack to verify as to whether the accused was actually running a Madrasa or not and found that he was running the Madrasa properly. He was sending financial help to the accused each year during Ramzan and Bakrid festival.

19. As per P.W.19, he had joined as Branch Manager, Canara Bank, Jagatpur Branch on 21.5.2016

and his predecessor was Tushar Ranjan Mohapatra. One savings bank account in the name of the accused bearing A/C No. 3969101000070 and another savings bank account in the name of 'Al Haramain' trust bearing A/C No.3969101000372 were being maintained and operational in their branch as on 9.6.2017. The I.O of Jagatpur police station requested him in writing to freeze the above two accounts because of some huge illegal transactions in the A/c No.3969101000372. On the request of the police, he froze the above two accounts. After freezing the accounts he had given the certificates to the I.O certifying that the two accounts are frozen as per his request. The I.O seized his intimation regarding freezing of the accounts on his production and prepared a seizure list (Ext.14).

20. P.W.20 has testified that he succeeded Sri Bipin Bihari Mohanty as Branch Manager, Jagatpur Branch on 29.9.2016. On the basis of the request letter of the police, he has provided Bank Statement of the account of the accused. As per the bank account statement, deposits were being made in his account from Bangalore and other States. He has also supplied Accounts Statement of other six accounts from which the transfer was made to the account of the accused. The I.O seized the Account Statement from him by preparing the seizure list.

21. P.W.24 has testified to the effect that on 14.10.2016, while he was working as Survey Commissioner of Wakf-cum-Chief Executive officer, Cuttack, on that day, he had sent letter (Ext.17) to P.W.46 disclosing that the madrasa namely “Jamit-Ul-Harmen” and trust namely “Al Harmen” have not been registered under the Wakf Act, 1954 or the revised Wakf Act,1995.

22. As per P.W.26, on 27.8.2016, while he was posted as District Sub-Registrar, Cuttack, on that day, on the strength of the written requisition of P.W.46, he submitted true copies of four numbers of Trust Deed Register in the name of ‘Al Harmen’ trust along with a forwarding letter (Ext.19). He has also exhibited the true copy of the Trust Deed No. 7342 of 2010 under Ext.10.

23. During his examination, P.W.28 has stated regarding the seizure of documents and the C.D on production by P.W.2 by P.W.45 vide Seizure List (Ext.43), whereas P.W.29 has deposed regarding seizure of the receipt books and other books in his presence by P.W.46 vide seizure list (Ext.18/1).

24. As per P.W.30, on 22.9.2016, while he was working as IIC, Rairangpur P.S., on that day, on his production, P.W.46 collected the attested copies of F.I.R, Final Form, Resolution Copy of Peace Committee of Rairangpur area. He has further stated that on perusal

of record of Rairangpur PS Case No.41 dated 1.5.2012, it reveals that there was a 'Jalsa' programme organized at village- Nagabhan at Rairangpur under the leadership of Maulana Arsad Kashmi, where the accused was an invitee like other Maulanas. The accused made inflammatory speeches against the Bareli Group of Muslims, for which there was a tension between two groups. The organizer managed to escape the accused from that programme. A group of Bareli Muslims stopped the TATA Magic vehicle on the road suspecting the accused to have escaped and they abused and assaulted the Deoband group of Muslims in that vehicle. On 1.5.2012, a criminal case was registered against twelve persons.

25. P.W.31 has deposed to the effect that the accused was running a Madrasa in his house and the villagers of Paschimakachha resisted the activities of the accused in running the above Madrasa. He was giving education of Jihadi and Hatred and statement against the Nation. He was also delivering speech in favour of terrorist activities and made abusive statements against the Indian Army. In the year, 2010, he opened a Madrasa at Tangi, Cuttack. He was teaching 'Jihadi ideology' in his Madrasa and Muslim students from the States of Jharkhand, Uttar Pradesh and other States were getting education in his Madrasa. Many people of the vicinity of above Madrasa protested the alleged

activities of the accused. In the year, 2015, Delhi Police came to the Tangi area and arrested the accused from his house on the ground of terrorist activities. The brother of the accused Abdul Raheman was also arrested by Kolkata Police in connection with terrorist activities. The accused Abdul Raheman was conducting various 'Jalsa' Programme creating hatred against the nation and there was funding from the outside to pursue such activity.

26. P.W.32 has adduced evidence to the effect that he along with the accused, Sk.Sirajuddin, Gulamuddin Choudhury, Md. Tahir Alli Khan and Sk. Salim formed a trust in the name and style as "*Harman Sarif*" at village-Bilteruan under Tangi P.S., of which Sk.Sirajuddin was the Chairman and the accused was the Chief Executive. One Madrasa was constituted under the trust and the students from far flung areas like State of Jharkhand and Odisha were receiving education in Madrasa. The Wife of one Sirajuddin had donated a piece of land to the Trust. Money generated from the Madrasa was being deposited in the name of the Trust and all accounts of the trust were handled by the accused. The Madrasa was also being run by donations and crowd funding.

27. P.W. 33 has deposed to the effect that in the year 2005, he became the Secretary of 'Sahi Killa Masjid Committee'. Prior to that the accused Abdul

Raheman was in occupation of two rooms on rent in 'Sahi Killa Masjid' and running a Madrasa having 7 to 8 students. One teacher was engaged by him and he used to remain absent from the Madrasa. The accused did not pay rent, as a result there was a disturbance in between them. The accused threatened him with the help of local boys. In the year 2011, he forcibly vacated the said two rooms by evicting the accused and also the Madrasa therefrom. One day, in the year 2011, the accused picked up a quarrel with him and physically assaulted him. With the intervention of their President namely, Prof. M.Q.Khan, the matter was reported in Cantonment P.S and in that case, the accused was arrested. He has further stated that there was 'Jalsa' on each Friday in their Masjid and they never permitted the accused to deliver speech as he was aggressive, so far as the religion and his attitude.

28. As per P.W.39, on 31.1.2017, while he was working as Havildar, STF, CID, CB, Bhubaneswar, on that day, P.W.46 seized one poster from Kubra Masjid of Firdosh Nagar under Itki PS., Jharkhand in his presence on production by Maulana Akhtar Hussain of the said Masjid vide seizure list (Ext.22).

29. P.W.40 has stated to the effect that on 9.2.2017, while he was working as Regional Passport Officer, Bhubaneswar, on that day, on the requisition

(Ext.23) of P.W.46, on 17.5.2017, he furnished the Passport particulars (Ext.24) of the accused.

30. As per P.W.41, on 31.1.2017, while he was working as DSP-cum- I.O of ATS, Ranchi in Bistupur PS Case No. 21 of 2016, the Odisha Police seized the copies of the FIR, seizure List, confessional statement of the accused and Final Form in Bistupur PS Case No. 21 of 2016 on his production.

31. During his examination in the Court, P.W.42 has testified to the effect that on December, 2015 he was posted as Addl. DCP, Special Cell, Delhi Police and also the Investigating Officer of FIR No.67/2015 of Police Station, Special Cell, Delhi Police. The FIR was lodged by the Inspector of Special Cell, Delhi and since the case is under the provision of UAPA, he took up the investigation himself. During course of his investigation, he arrested and charge sheeted various accused persons including Maulana Abdul Raheman. During the course of investigation, he had arrested Md. Asif, who had disclosed the role of the accused in brain washing various youths from various states and in sending them to Pakistan and other countries for the purpose of receiving training in terrorist activities. During the course of his investigation, it has been ascertained by him that the accused was a member of AQIS and was also connected with Lashkar-e-Taiba (LeT) and had travelled to Saudi Arab and from there to Pakistan,

where he had met senior LeT Commander namely, Zakir-ur-Raheman Lakhwi, who had conspired to commit the 26th November Mumbai Terrorist Attack in the year 2008. He has again stated that the accused was a colleague of another Moulana, Asim Umer, an Indian National, who was declared to be the Chief of AQIS by Global Terrorist Ayman Al Zawahiri. The accused and Asim Umer were students at Deobandh Seminary in Saharanpur, U.P and the accused had brain washed one Md.Sami, who was also arrested by him in Delhi case, of which he was the I.O. The accused had also indoctrinated Zishan and Arsiyan, who had joined ISIS and he was also connected to Sabeel and one Dr.Kafeel, who was arrested by U.K. Authorities, when he had tried to plant a bomb at Glasgow Airport. He has again testified that he had collected all the travel documents of the accused and others, which established that the accused had landed in Pakistan by a Pakistan International Airlines Flight, but there was no departure entry of him from Pakistan to any other place. The accused was found and arrested in India in Cuttack by Inspector, Kailash Bisht, who had been directed by him to assist in the investigation of his case. The accused and others have already been convicted on various offences in the case of Delhi bearing FIR No.67 of 2015 of the Special Cell. During the course of investigation of this case, the I.O had seized attested true copies of relevant documents of the case in which he was the I.O.

32. As per P.W.43, in the year 2016, while he was the Branch Manager, HDFC Bank Ltd., Billimora, Gujrat on receipt of e-mail from P.W.46 he forwarded the account statement of NRO, SB A/C No. 09371510000218 (Ext.26) of the Account Holder Md.Hanif Mayet for the period from 1st May,2014 to 31st May, 2014 of his branch vide forwarding letter dated 8.3.2017 (Ext.25).

33. P.W.44 has testified to the effect that on 30.03.2017, he was directed by the IG, STF to become the part I.O of STF P.S. Case No.03 dated 25.02.2016. On 11.04.2017, he proceeded to Mumbai and made requisition to Joint Commissioner of Police (Crime Branch) to provide him the photo copy of the charge-sheets of various cases registered in connection with 26/11 Mumbai attack. Accordingly, the then JCP (Crime Branch), Mumbai namely Mr. Susanta Kumar Shelke, provided him the attested photo copies of parts of the charge-sheets in Detection Crime Branch (DCB) FIR Nos. 182/2008, 186/2008, 187/2008, 188/2008, 191/2008, 192/2008, 193/2008, 194/2008, 197/2008, 198/2008, 200/2008 and 213/2008. Due to security reasons, Mr.Shelke refused to provide the copies of full charge-sheets. On verification of those documents, he ascertained that Sajid Mir @ Vashi @ Khalid @ VashiBhai, aged about 35 to 36 years a Pakistani national has been charge-sheeted in all those cases.

During the course of his investigation, it was ascertained by him that the present accused had met with the said Sajid Mir in Pakistan. He submitted the supplementary case diary along with the documents to the STF.

34. During his examination in the Court, P.W.45 has testified to the effect that on 17.12.2015, while he was working as ACP Zone-I, Cuttack UPD, on that day, at 7 p.m., he was informed by the IIC, Jagatpur P.S that one case has been registered in the said P.S, of which he himself was the informant and registered as P.S.Case No.244 dated 17.12.2015, u/Secs.17/ 18/ 18(B)/ 20 of the Unlawful Activities (Prevention) Act, 1967. The IIC requested him to take up the investigation of the case and accordingly, he took up the investigation. During the course of investigation, he went through the relevant station diary entries, the FIR and other connected documents. Thereafter, he immediately proceeded to the dwelling house of the accused located at village-Satabatia (Paschimakachha) and prepared the spot map (Ext.27). He conducted search of the house of the accused. On 18.12.2015, at 7.30 a.m., he seized one C.D containing inflammatory and provocative speech delivered in Jharkhand and photo copies of some objectionable documents like pamphlets and paper cuttings from the informant Sri Prusty (P.W.2), which he had already seized vide SD Entry No.393 dated 17.12.2015 from the house of the accused by preparing

seizure list (Ext.13). He intimated the DCP, Cuttack regarding the registration and the progress of investigation. Thereafter, he made requisitions to the Branch Managers of State Bank of India Jagatpur Branch, Canara Bank of Jagatpur Branch, HDFC Bank of Jagatpur Branch and Axis Bank of Jagatpur Branch to freeze the accounts of the accused available, if any in their respective branch and also to provide him the account statements of those accounts. On the same day he proceeded to the Madrasa situated at village Biliteruan, where he prepared the spot map (Ext.28). There he also examined some of the students of the Madrasa, their parents and the villagers and recorded their statements. He conducted the search of the Madrasa. He inquired from the locality and came to know that the said Madrasa had been established by the accused in the year 2010 and the same was functioning under a trust by the name "Al-Haramain Trust". He used to bring children from different parts of Jharkhand, Bihar and Odisha and teach them 'Koran' and 'Islam' and also used to infuse in the minds of the young children 'Jihadist ideology' and 'hatred' against Hinduism. He used to collect donations from Muslim organizations of different States and even foreign Countries. He used to visit different States of the country and propagating seditious statements during Bayans made in the religious gatherings and instigating them to fight for the cause of Muslims. On the same

day, on his return to the P.S, he received the bank account statements of the accused bearing account No.30921624838 of SBI, Jagatpur branch for the period 2009 to 2015 and account No.3969101000070 of Canara Bank, Jagatpur branch for the period 2013 to 2015. He has proved the forwarding letter of the SBI Jagatpur Branch under Ext.29. He proved the account statement of accused Mohammed Abdul Raheman of Canara Bank, Jagatpur Branch under Ext.30 (two sheets). The Branch Manager of the Canara Branch had also sent him the account statement of the account No. 3969101000372 standing in the name of Al-Haramain Trust (Ext.31). From the scrutiny of the account statement of the SBI, it was ascertained that the accused had received various funds from Andhra Pradesh and Bangalore. On scrutiny of the Canana Bank account, it was ascertained that the accused had received funds from Gujarat. From the account of the Trust, it was ascertained that funds had been received by the Trust from foreign countries through NEFT. On 19.12.2015, he examined the members/Trustees of the 'Al-Haramain Trust' and recorded their statements. On that day at 5 p.m., he received information from the Special Cell, New Delhi that the accused has been arrested and forwarded to the Court in connection with Special Cell Case No.67/2015, u/Secs.18/18(B)/20 of UAPA Act. He proceeded to New Delhi to interrogate the accused on 21.12.2015. He interrogated the accused on 23/ 24/

25.12.2015 and prepared the interrogation report. After his return to Jagatpur, he recorded the statement of IIC, Malgodown P.S, who had been deputed by the authorities to conduct investigation regarding the activities of the accused at Jharkhand. On 08.01.2016, he made prayer to the Court of JMFC, Salipur to record the statement of witnesses Jainul Abedin and Dil Nawaz u/Sec.164 Cr.P.C. and subsequently, the statement of both the witnesses were recorded by the learned JMFC, Salipur. On 10.01.2016, the IIC, Jagatpur P.S made requisition (Ext.32) to the Branch Manager of the SBI, Jagatpur branch to provide the details of the depositors from outside the State, in the account of the accused available in their branch. On 11.01.2016, the required information in that regard was sent by the Branch Manager of the SBI, Jagatpur branch addressed to the IIC, Jagatpur P.S, which was received by him. He proved the said letter of the Branch Manager of the SBI, Jagatpur branch under Ext.33. On 08.03.2016, in obedience to the order No. 40 of CID dated 25.02.2016 having Memo No.1881/ DCRB (SR) dated 21.03.2016, he handed over the charge of investigation of this case along with all the records to Sri P.R.Satpathy (P.W.46). During examination of this witness, the contradictions brought out from the mouth of P.Ws.1, 7, 8, 9, 10 and 13 at the time of their respective examinations u/Sec. 154 of Indian Evidence Act, have been duly proved by the prosecution by confronting the same to him.

35. P.W.46 has adduced evidence to the effect that, on 25.02.2016, while he was working as DSP, STF, Odisha, on that day, in pursuance to CID, C.B office order No.40/CID dated 25.02.2016, the Crime Branch took over the charge of investigation of Jagatpur P.S.Case No.244 dated 17.12.2015, re-registered as STF P.S.Case No.03 dated 25.02.2016 and entrusted the investigation of the case to him. He has proved the formal FIR to that effect under Ext.34 and the endorsement with signature of the then S.P, STF, CID, CB, Bhubaneswar, Sri Prasanta Kumar Bhoi thereon under Ext.34/1. In pursuance to the said direction of the S.P, STF, he took charge of investigation of this case from Sri Trinath Mishra (P.W.45) along with up-to-date C.D and connected documents and papers. During course of his investigation on 02.06.2016, on his prayer, the Hon'ble ASJ, FTC, Patiala House Court directed for production of the accused in the Court of JMFC, Salipur on or before 25.06.2016. On 04.06.2016, he received the photo copies of the documents in connection with Delhi Special Cell Case No.67/2015. On 21.06.2016 the accused was produced in the Court of the JMFC, Salipur and on his prayer, the learned JMFC remanded the accused to police custody for fifteen days in total. During the said remand period the accused was interrogated by him in full compliance with the condition imposed by the learned JMFC, Salipur. On 02.07.2016, he made requisition (Ext.6) to the

Headmaster, Ravenshaw Collegiate School to depute one Urdu teacher for retrieval and transcription of an audio recording in a CD format seized during the investigation. Vide letter No.148 dated 04.07.2016 (Ext.7), the Headmaster deputed P.W.6 to assist him in retrieval and transcription. On the same day vide letter No.2951, CID, STF, he requested the DCP, Cuttack to depute an ACP to remain as Executive Magistrate at CID, CB, Cuttack for investigation purpose. On the same day in between 12.30 p.m. to 4.30 p.m., the hearing, transcription and translation of the seized audio C.D containing the speech of the accused during a 'Jalsa' was done by P.W.6 in presence of the witnesses Sayed Fazle Momin and Inspector Theodar Kerketta and a memorandum (Ext.8) to that effect was prepared. The said memorandum was read over and explained to the accused and witnesses and all of them have put their signatures thereon. On 05.07.2016, he made requisition to the S.P., CID, CB to provide a new I.C recorder and three numbers of S.D cards of 4 GB each for investigation purpose. On the same day, he received the true copy of the charge-sheet No.01/2016 in Delhi Special Cell Case No.67/2015. In the said charge-sheet the accused has been charge-sheeted along with sixteen other accused persons for commission of offence U/secs.18/ 18(B)/ 20 of UAPA. He proved the true copy of the said charge-sheet under Ext.35. On 06.07.2016, he seized one new IC recorder and two numbers

SAMSUNG SDHC cards on production by R.I Sri Beura by preparing a seizure list (Ext.4). On the same day, the recording of voice sample of the accused was done in presence of the witnesses Abhaya Kumar Swain (P.W.4), Akhaya Kumar Sahu and the ACP Sri Sitaram Satpathy (P.W.34) and a memorandum (Ext.21) to that effect was prepared. On the same day, he seized two flex banners regarding the programme of the accused at two places of Jharkhand on production by Sayed Ibrahim (P.W.11). On 23.07.2016, vide forwarding letter bearing memo No.438 dated 23.07.2016 (Ext.36) of the JMFC, Salipur, the voice sample of the accused recorded in IC recorder and SDHC cards kept in sealed cover were forwarded to SFSL, Bhubaneswar. On 26.07.2016, vide letter no.3200, CID, STF, he made requisition (Ext.37) to the District Sub-Register, Cuttack to supply the certified copies of the documents regarding registration of the Trusts 'Al Haramain' and 'JamatulHaramain' at village Bilteruan. On 19.08.2016, he made requisition to the Chief Executive Officer-cum-Survey Commissioner Wakf Board for supply of certified copies of the documents regarding registration of Madrasa named as "Jamait-UI Harmain". On 22.08.2016, vide requisition (Ext. 38) he requested the Manager on duty Jet Airways, Bangalore through e-mail to provide certified copies of the travel particulars of the accused having passport No. J2431458 regarding his travel to Damam, Saudi Arab from Bangalore via Kochi

on 07.01.2015 evening hour. On 03.09.2016, he received letter No.1829 dated 27.08.2016 (Ext.19) from District Sub-Register, Cuttack containing true copies of land records in reply to his requisition. On 31.08.2016 vide letter No.3481/CID, STF further requisition was sent to Jet Airways, Bangalore to furnish the travel details of the accused of dated 08.01.2015 regarding his travel to Damam, Saudi Arab. On 16.09.2016, he seized some receipt books and other documents relating to collection of donations by the accused by preparing a seizure list (Ext.18) to that effect. As per P.W.46, on 23.09.2016, he received letter dated 08.09.2016 (Ext.39) from the Nodal Officer, Jet Airways regarding the travel details of the accused along with the copy of the ticket. On 24.11.2016, he received the report from the Director and Chemical Examiner, SFSL, Rasulgah vide Memo No.17014/SFSL dated 24.11.2016 (Ext.16) regarding the voice sample of the accused. On 26.11.2016, vide letter No.4270 dated 26.11.2016, he dispatched notice u/Sec.91 Cr.P.C (Ext.40) to the Manager, Emirates Airlines, Cannaught Place, New Delhi to furnish the travel particulars of Abdul Sami and Abu Sufiyan, two associates of the accused on 27.01.2014 from Kolkata to Dubai. On the same day, vide letter No.4271 dated 26.11.2016 he dispatched notice U/sec.91 Cr.P.C (Ext.41) to the PIA, City Office, Narayan Manzil, Cannaught Place, New Delhi to furnish certified copies of travel particulars of Abdul Sami on 06.02.2014 from

Dubai to Karachi. On 13.12.2016 vide letter No.5000/STF dated 13.12.2016, the Principal Secretary, Home Department, Govt.of Odisha was requested to accord sanction U/sec.45 of the UAPA to prosecute the accused and in pursuance to his said request, the Principal Secretary, Home Department, Govt.of Odisha accorded sanction vide letter No.45639/HOME-PROS-SANCP-0107-2016 dated 16.12.2016 (Ext.42) to prosecute against the accused under the UAPA. On 14.12.2016, he received e-mail generated letter dated 13.12.2016 (Ext.43) of Emirates Group Security, HDQ Law Enforcement Information Response Team of Fraud Prevention Unit, Dubai along with letter No.FPI/LER 1349/1357 dated 13.12.2016 regarding travel details of Abdul Sami and Abu Sufiyan. On the same day, he received the letter No. DELUU/REPLY/02/16 dated 06.12.2016 (Ext.44) of Station Manager PIA, Delhi regarding travel particular of Abdul Sami from Dubai to Karachi on 06.02.2014. On the same day, he received letter No.FPI/LER 1311/1229 dated 29.11.2016 from Division Senior Vice-President, Emirates Airlines regarding travel particulars of the accused Abdur Raheman. On 15.12.2016, he made requisition to Emirates Group of Security through e-mail to send hard copy of letter No.FPI/LER 1349/1357 dated 13.12.2016 regarding travel details of Abdul Sami and Abu Sufiyan from Kolkata to Dubai on 27.01.2014. In reply to the said e-mail, the Emirate Group of Security had issued

letter No.FPI/LER 1349/1357 dated 13.12.2016 (Ext.45). On 16.12.2016, he seized the Station Diary of Jagatpur P.S with effect from 15.12.2015 to 06.01.2016 and attested photo copy of S.D.Entry No.393 to SD Entry No.402 of dated 17.12.2015 by preparing a seizure list (Ext.46) to that effect on production by the then IIC Anil Kumar Beura. Keeping the true copies of the relevant portion of the station diary entry, the original station diary was released in zima of the IIC by executing a zimanama (Ext.47). He has proved the true copy of the relevant portion of the Station Diary under Exts.46/2 and the endorsement with signature of the then IIC, Jagatpur P.S thereon under Ext.46/3. He visited different places of Jharkhand and on production by Moulana Akhtar Hussain, he seized a banner regarding the 'Jalsa' programme of the accused by preparing a receipt/seizure memo. As per the order of the S.P., STF, DSP, STF Sri Ramachandra Thmba, Inspector Omprakash Patra (P.W.44) and Inspector Efrem Kiro proceeded to Bangalore, Mumbai and Deobandh (Lucknow) respectively to collect evidence against the accused and his associates. On 12.12.2016, he made requisition (Ext.48) to the Branch Manager, Canara Bank, Jagatpur to furnish information regarding the transactions made on 28.05.2014 and 08.09.2015 to the account No.3969101000372 of 'Al Haramain Trust'. In pursuance to his said requisition, the Branch Manager, Canara Bank issued him letter

No.ADV.118.2017:SCM dated 03.02.2017 (Ext.49) along with the certified copy of list of successful transactions dated 08.09.2015 as well as account opening form in the name of 'Al Haramain Trust' and the accused. He has proved the account opening form with respect to the account No.3969101000372 of Al Haramain Trust and the account No.3969101000370 of Abdul Raheman under Exts.49/1 and Ext.49/2 respectively. On 18.05.2016, he received the supplementary case diary of Inspector Efrem Kiro regarding to his visit to Deobandh (Luckhnow) and the same revealed that three associates of the accused namely Salim @ Baban @ Ujeka, Rashid @ Papun @ Faizal and Sajad @ Talaha @ Samim, who were Pakistani Nationals, have been eliminated during the encounter vide Gomatinagar P.S.Case No.122/2001. On the same day, he also received supplementary case diary from DSP Sri Ramachandra Thamba, which revealed regarding the donations received by the accused. On 07.06.2017, he made necessary communication to the DGP for according necessary permission to take step to refreeze the account No.30921624838 of SBI, Jagatpur and account Nos.3969101000370 and 3969101000372 of Canara Bank, Jagatpur and in pursuance to his said letter of request, the DGP has accorded him necessary permission vide letter dated 09.06.2017 (Ext.50). Accordingly, he made requisitions to the SBI, Jagatpur Branch (Ext.51) and Canara Bank, Jagatpur Branch

(Ext.52) respectively, both dated 9.6.2017, for freezing of the accounts. On the same day both the banks issued him their respective letters regarding the freezing of the accounts. He has proved the letters issued by the Manager SBI, Jagatpur Branch and Manager Canara Bank, Jagatpur Branch regarding the freezing of the accounts under Exts.53 and 54 respectively. On the same day, he also seized both the letters on production of respective Branch Managers at the respective branches in presence of the available witnesses by preparing seizure lists to that effect. He has proved the seizure lists with respect to the seizure of the letter of Manager, SBI, Jagatpur Branch and the letter of the Manager, Canara Bank under Exts.55 & 14 respectively. On the same day i.e. 09.06.2017, he intimated to the Addl. Chief Secretary, Home Deptt. Govt.of Odisha along with the photo copies of two seizure lists along with the letters of the SBI, Jagatpur Branch and Canara Bank, Jagatpur Branch through the S.P. STF. On 09.06.2017, he communicated the fact of freezing of the accounts of the accused of SBI, Jagatpur Branch and Canara Bank, Jagatpur Branch through the Superintendent, Central Jail, Tihar vide letter No.1372/STF, dated 09.06.2017. He has further deposed to the effect that on 7.6.2017 vide Letter No. 1331/STF dated 7.6.2017, the Addl. Chief Secretary, Home Department, Govt. of Odisha was requested to accord sanction u/Sec. 196 of Cr.P.C to prosecute the accused

u/Sec.124-A of the IPC and in pursuance to the said request, the Addl. Chief Secretary, Home Department, Govt. of Odisha have accorded necessary sanction vide Letter No. 22931/Home-Pros-Sancp-0031-2017 dated 12.6.2017 to prosecute the accused u/Sec. 124-A of the IPC. He has again adduced evidence to the effect that during course of investigation, he visited different parts of the country, collected evidence, examined the material witnesses and recorded their statements and finding sufficient materials against the accused for commission of offence U/secs.16/17/18/18(B)/21/38/40 of UAPA read with section 124(A) of IPC, he submitted C.S No.14 dated 19.06.2017 under the aforementioned sections of law in the Court of Law to face trial. During course of examination of this witness, the contradictions elicited from the mouth of P.Ws. 5, 14, 15 and 23 at the time of their respective examinations u/Sec. 154 of Indian Evidence Act, have been duly proved by the prosecution by confronting the same to him.

36. For a finer comprehension and appreciation of the charge framed against the accused under various provisions of the UAPA, it is imperative to have acquaintance with the meaning of certain terms as ascribed to them under the said Act.

As per Sec. 2(g) "proceeds of terrorism" means,-

(i) all kinds of properties which have been derived or obtained from commission of any terrorist act or have been acquired through funds traceable to a terrorist act, irrespective of person in whose name such proceeds are standing or in whose possession they are found; or
(ii) any property which is being used, or is intended to be used, for a terrorist act or for the purpose of an individual terrorist or a terrorist gang or a terrorist organisation.

Explanation.—For the purposes of this Act, it is hereby declared that the expression “proceeds of terrorism” includes any property intended to be used for terrorism;

As per Sec. 2 (h) of the Act; “property” means property and assets of every description whether corporeal or incorporeal, movable or immovable, tangible or intangible and legal documents, deeds and instruments in any form including but not limited to electronic or digital, evidencing title to, or interest in, such property or assets by means of bank credits, travellers' cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit, cash and bank account including fund, however acquired;

Sec. 2(i) of the Act prescribes “Secession of a part of the territory of India from the union” includes the assertion of any claim to determine whether such part will remain a part of the territory of India.

Sec. 2(o) of the Act defines “unlawful activity” as any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),-

(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or

(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or

(iii) which causes or is intended to cause disaffection against India;

As per Sec. 2(p) “unlawful association” means any association,-

(i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity;

or

(ii) which has for its object any activity which is punishable under Section 153-A or Section 153-B of the Indian Penal Code (45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity:

Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir.

Sec. 2(k) prescribes that the “terrorist act” has the meaning assigned to it in Sec.15, and the expression “terrorism” and “terrorist” shall be construed accordingly.

The “terrorist act” has been assigned the meaning u/Sec. 15 of the Act as under:

“15. Terrorist act. (1) Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security, economic security, or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,-

(a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause—

(i) death of, or injuries to, any person or persons; or

(ii) loss of, or damage to, or destruction of, property; or

(iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

(iii-a) damage to, the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper

currency, coin or of any other material; or;

(iv) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies;

or

(b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public

functionary; or

(c) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or an international or inter-governmental organisation or any other person to do or abstain from doing any act; or commits a terrorist act.

Explanation.-For the purpose of this sub-section,-

(a) “public functionary” means the constitutional authorities or any other functionary notified in the Official Gazette by the Central Government as public functionary;

(b) “high quality counterfeit Indian currency” means the counterfeit currency as may be declared after examination by an authorised or notified forensic authority that such currency imitates compromises with the key security features as specified in the Third Schedule.

(2) The terrorist act includes an act which constitutes an offence within the scope of, and as defined in any of the treaties specified in the Second Schedule.

Section 2(l) defines “terrorist gang” as any association, other than terrorist organization, whether systematic or otherwise, which is concerned with, or involved in, terrorist act.

Sec. 2 (m) enumerates “terrorist organization” as an organization listed in the [First Schedule] or an organization operating under the same name as an organization so listed.

The First Schedule of the Act enlists the 45 terrorist organizations as on 10.10.2024 including AQIS and IM at Sl.Nos. 28 and 35 respectively.

37. At this juncture, it is felt apposite to place reliance on **Asif Iqbal Tanha Vrs. State of NCT of Delhi** (2021 SCC Online Del 3253), wherein it has been observed that the phrase “terrorist act” has been defined in a very wide and detailed manner in Sec.15 of Unlawful Activities (Prevention) Act, 1967. The Court must be careful in employing the definitional words and phrases used in Sec.15 in their absolute literal sense or use them lightly in a manner that would trivialize the heinous offence of terrorist act, without understanding how terrorism is different even from conventional, heinous crime.

It has further been observed that the extent and reach of terrorist activity must travel beyond the effect of an ordinary crime and must not arise merely by causing disturbance of law and order or even the public order. It must be such that it travels beyond the capacity of the ordinary law enforcement agencies to deal with it, under the ordinary penal laws.

It has further been observed by the Hon'ble High Court of Delhi that notwithstanding, the fact that the definition of "terrorist act" in Sec.15 UAPA is wide and even somewhat vague, the phrase must partake the essential character of terrorism and the phrase "terrorist act" cannot be permitted to be casually applied to criminal acts or omissions that fall squarely within the definition of conventional offences as defined inter alia under the I.P.C. The underline principle is that every person is entitled to be informed as to what the State commands or permits and life and liberty of the person cannot be put on peril on an ambiguity.

It has further been observed vide the said judgment that a sacrosanct principle of interpretation of penal provisions is that they must be construed strictly and narrowly, to ensure that a person who was not within the legislative intendment does not get roped into a penal provision. The more stringent a penal provision, the more strictly it must be construed.

38. With respect to Sec. 124-A IPC, there is no quarrel with regard to the principle of law that for a case u/Sec. 124-A IPC, the prosecution must establish that the accused did some acts, which would bring the Govt. established by law in India into hatred or contempt. For the same, reference may be drawn to **Bilal Ahmed Kaloo Vrs. State of A.P.** [(1997) 7 SCC 431] and **Nazir Khan Vrs. State of Delhi** [(2003) 8 SCC 461]. Moreover, in **Kedar Nath Singh Vrs. State of Bihar** (AIR 1962 SC 955), the Hon'ble Apex Court has observed that comments however strongly worded expressing, disapprobation of actions of the Government, without exciting those feelings which generate the inclination to cause public disorder by acts of violence, would not be penal. In other words, disloyalty to Govt. established by law is not the same thing as commenting in strong terms upon the measures or acts of the Government, or its agencies, so as to ameliorate the condition of the people or to secure the cancellation or alteration of those acts or measures by lawful means, that is to say, without exciting those feelings of enmity or disloyalty which imply excitement of the public disorder or the use of violence.

39. Further, the overarching legal principles that govern the Indian Criminal Justice System is the presumption of innocence, which means an accused person is considered not guilty until the prosecution proves his guilt beyond all reasonable doubt and further, suspicion

however grave may be cannot be substitute for legal proof. Even Sec. 43(E) of the UAPA which speaks of regarding mandatory presumption as to offence u/Sec.15, casts the initial burden on the prosecution to prove that the arms and explosives or any other substances specified in the said section were recovered from the possession of the accused and there is reason to believe that such arms or explosives or other substances of the similar nature were used in the commission of such offence; that by the evidence of the expert of the finger prints of the accused or any other definitive evidence suggesting the involvement of the accused in the offence were found at the site of the offence or on anything including arms and vehicles used in connection with the commission of such offence. That apart, the law is also well settled that the graver the offence the stricter must be the proof.

40. Now adverting to the facts and circumstances of the present case, Sections 16, 17, 18, 18-B, 20 and 21 of the UAPA come under Chapter-IV, whereas Sections 38 and 40 come under Chapter-VI of the Act. Sec. 43 of the UAPA prescribes as to who are the officers competent to investigate offences under Chapter-IV and VI of the Act and according to which he shall be not an officer below the rank of a Deputy Superintendent of Police or a Police of an equivalent rank. In the present case, the two investigating officers i.e. P.W.45 and P.W.46, who were holding the posts of ACP Zone-I, Cuttack UPD and the DSP, STF,

Cuttack respectively at relevant points of time, being officers of the rank of Deputy Superintendent of Police were competent as per the Act to investigate into the offences under which the charge in the present case has been framed.

41. With regard to the argument advanced by the learned defence Counsel pertaining to the sanction order (Ext.42) and which has bearing on the root of the instant case being a challenge to the cognizance of offences under the UAPA, Sec. 45(2) of the Act provides that the sanction u/Sec. 45(1) of the Act shall be given after considering the report of such authority by the Central Government or as the case may be, the State Government, which shall make an independent review of the evidence gathered in the course of the investigation and make a recommendation within such time as may be prescribed to the Central Government or as the case may be, the State Government. It emerges from the evidence of P.W.6 that on 13.12.2016 vide Letter No.5000/STF dated 13.12.2016, the Principal Secretary, Home Department, Govt. of Odisha being requested has accorded sanction vide Ext.42. On careful scrutiny of the Ext.42, it transpires that the Reviewing Authority i.e. the LR-cum- Special Secretary to Government, Law Department, as declared by the Govt. of Odisha in Home Department vide their Notification No.2913 dated 9.10.2012, after carefully making independent review of the entire materials gathered by the

Investigating Officer during the investigation such as; copy of the FIR, Statements of witnesses recorded u/Sec. 161 of the Cr.P.C and other connected documents and papers has recommended for sanction of prosecution against the accused and the State Government after carefully examining the materials placed before it in regard to the said allegation and circumstances of the case as well as the recommendation of the Reviewing Authority has accorded sanction on 16.12.2016 to prosecute the accused. Hence, the Reviewing Authority as well as the Sanctioning Authority has applied their respective minds to the materials placed before them prior to according sanction and since the sanction has been accorded following the due provision of Sec. 45(2) of UAPA, such argument advanced by the learned defence Counsel is not worth consideration. Further, it is the version of P.W.46 that vide Letter No.1331/STF dated 7.6.2017, the Addl. Chief Secretary, Home Department, Govt. of Odisha being requested, has accorded sanction vide Letter No.22931/Home-Pros-SanCP- 0031-2017 dated 12.6.2017 to prosecute against the accused u/Sec. 124-A IPC.

42. Besides, on conjoint reading of the evidence of P.W.45 along with P.W.32, it emerges that the Madrasa of the accused was functioning under Al-Haramain Trust. As per P.W.32, the money generated from the Madrasa was being deposited in the name of the trust and the accused was handling all the accounts of the trust. In order to

establish the charge u/Sec. 17, 21 & 40 against the accused by proving the money trail to or from his bank accounts as well as the bank account of the trust, the prosecution has examined some independent witnesses along with some official witnesses including the bank officials. One such witness is P.W.18, who has stated to have collected money for the smooth running of the Madrasa of the accused and sent him through different mode of payment from Bangalore. P.Ws. 20 and 43 are the bank officials, who have been examined to prove either the money trail to/from the account of the accused and/or the trust. P.W.45 has proved the account statements of the accused bearing A/C No.30921624838 of SBI, Jagatpur Branch (Ext.29) for the period from 2009 to 2015 and A/C No.3969101000070 of Canara Bank, Jagatpur Branch (Ext.30) for the period from 2013 to 2015. He has also proved the account statement of the A/C No.3969101000372 of the Trust under Ext.31. P.W.45 has also proved the letter containing the list of depositors from outside the State in the account of the accused under Ext.33. As per P.W.45, the accused had received funds from different areas of the country in his own accounts and from foreign countries in the account of the trust. P.W.46 has proved the certified copy of the list of successful transactions made on 28.5.2014 and 8.9.2015 to the account of Al-Haramain Trust available in Canara Bank along with the forwarding letter of the Branch Manager under Ext.49. He has also proved the account opening form with respect to the trust and the accused

himself under Exts.49/1 and 49/2. On perusal of the documents pertaining to the account statements as mentioned herein above and marked under different exhibits, nothing emerges regarding receiving of funds by the accused from inside the country or from outside to be used for terrorist organization or terrorist gang or the same is terrorist fund or obtained from commission of terrorist act or the same was raised for the terrorist organization like AQIS or IM or the same is proceeds of terrorism. Moreover, in his examination-in-chief, P.W.18 has stated regarding his visit to the Madrasa of the accused seven to eight years back to enquire regarding its functioning and he found the accused running his Madrasa properly. He has further stated during cross-examination that poor students are being imparted religious education in Madrasa and he was sending money to the accused solely for the purpose of running Madrasa and imparting religious education to the students. During his cross-examination, P.W.19 has stated that he has not verified from the bank ledger to ascertain if there was any suspicious transactions made in the account of the trust, rather the police told him regarding the transaction in the said account to be suspicious. More importantly, during his cross-examination, P.W.46 has admitted that he has not examined any of the depositors to the bank account of Al-Haramain Trust and also cannot say for what purpose the depositors of the said account of the trust have deposited the respective amounts. He has further admitted that he has

not directed his investigation to ascertain whether any amount has been transferred from the account of the trust to other accounts. He has again admitted that he has not examined any of the depositors to the bank accounts of the accused in the S.B.I, Jagatpur Branch and Canara Bank, Jagatpur Branch. Further, his investigation does not disclose regarding the details of the depositors in the personal accounts of the accused and also regarding the details of the transaction made from the accounts of the accused to any other account. His investigation does not disclose regarding the payment of money or transfer of other property by the accused to any other organizations or persons for any illegal purpose. He has not seized any material regarding the transactions of the accused with those terrorist organizations mentioned in the First Schedule. He has not collected nor seized any material to the effect that the accused had ever collected any donation or fund in the name of any terrorist organization mentioned in the First Schedule of the Act. Hence, absolutely nothing emerges from the evidence of the bank officials or any independent witness examined by the prosecution or even the Investigating Officers regarding money trail to or from the account of the accused or the trust for any illegal purpose, for which the accused can be roped in u/Secs. 17, 21 & 40 of the UAPA.

43. With regard to the charge framed u/Secs. 18 and 18-B of the UAPA and Sec. 124-A of the IPC, the

prosecution places much reliance on the Compact Disc (M.O.I) purportedly seized vide Ext.2 by P.W.2. While adducing their respective evidence in the Court, P.Ws.6, 7 and 17 as well as P.W.46 have stated regarding the manner, process and procedure adopted for hearing, retrieval, translation and transcription of the audio CD (M.O.I). Similarly, P.Ws. 4, 34 and 46, while adducing their respective evidence have stated regarding the collection of the voice sample of the accused. P.W.46 has stated to have sent the voice sample of the accused recorded in IC Recorder and SDHC Cards kept in sealed cover to SFSL, Bhubaneswar through the forwarding letter of the learned JMFC, Salipur. As per P.W.21, he found the voice sample available in the CD to be the voice sample available in the audio SDHC Card (M.O.II) and accordingly, he has prepared Ext.16. Various documents under Exts.7, 8, 9, 10, 11, 15 and 36 have also been proved from the side of the prosecution in support of its case starting from the hearing, retrieval, translation and transcription of the audio CD (M.O.I) till the preparation of voice sample report. I do not find any major discrepancy in the case of the prosecution materially affecting its case on that score. However, during his examination-in-chief, it is the statement of P.W.6 that the speech of the accused contained materials relating to Islam religion and it also urged the people of Islam religion to strictly follow their own religion, to eat beef and also not to be scared of the opponent of Islam religion like RSS activities. Further, on

conjoint and careful reading of all those documents proved in this connection and more specifically, the Exts.11 and 15, nothing convincingly emerges that the accused was advocating, abetting, advising and inciting the commission of a terrorist act as defined u/Secs. 2(k) and 15 of the UAPA or any act preparatory to the commission of such act or that he was recruiting persons for commission of terrorist act or in any terrorist organization mentioned in the First Schedule of the Act and further that he was propagating hatred and contempt against the Govt. established by law in India.

44. Besides, during his examination-in-chief, P.W.12 has stated to the effect that the accused was appealing the Muslims present during his speech to be united for fighting against Bajarang, VHP, RSS and Hindu Radicals against their opposition to the Qurbani during Id-ul-Zuha and that he was citing instances during his speech of 'Babri Maszid' demolition and speaking regarding 'Dadri murder case' and an incident of assault on a Muslim truck driver at Jagatpur and inciting the Muslims to unitedly fight against Hindu radicals. However, during his cross-examination by the defence, in order to elicit the contradictions, when he was put that he has not stated before the Magistrate that the accused during his speech at different mosques used to speak about Islam, Prophet Mohammad, the current state of affairs relating to Muslims of the Country, the 'Dadri murder case' and incident of

assault on a Muslim truck driver at Jagatpur and that he was appealing to Muslims present to be united for fighting against the Bajarang, VHP, RSS and Hindu Radicals against their opposition to the Qurbani during Id-ul-Zuha and that he was citing the instances like Babri Masjid Demolition, the witness did not admit the same. However, on scrutiny of the statement of this witness u/Sec. 164 Cr.P.C (Ext.12), it very much emerges that the witness had not stated those facts before the Magistrate. Hence, this witness has given prevaricating statements at different stages of the case and as such does not appear to be a trustworthy witness. Besides, for the purpose of discussion assuming the statement of P.W.12 to be true, nothing emerges there from that the accused was conspiring or attempting to commit or advocating, abetting, advising or inciting the commission of a terrorist act as defined u/Secs. 2(k) and 15 or he had done any act preparatory to the commission of a terrorist act or he was recruiting or causing to be recruited any person or persons for commission of a terrorist act. Further, even nothing emerges there from that the accused had done any act, which would bring the Government established by law into hatred or contempt or exciting others, which generate the inclination to cause public disorder by acts of violence.

45. P.W.31 while adducing evidence, has stated that the accused was giving education of Zihadi and hatred and statement against the nation. He was also delivering

speech in favour of the terrorist activities and made abusive statement against the Indian Army. He has further stated regarding the teaching imparted by the accused in his Madrasa on Zihadi Ideology. He has further stated that the accused Abdur Raheman has conducted various Jalsa programmes creating hatred against the nation. Such statement of this witness lacks specificity as to what exact words those are used by the accused while imparting training to the students of his Madrasa or what was his statement against the Indian Army or in favour of the terrorist activities or what exact statement the accused had delivered in the Jalsa programmes. Further, during his cross-examination, he has admitted that in Madrasa, the education is imparted ordinary in the languages like 'Hindi' and 'Urdu' and he does not know 'Urdu' language. If that is so, how could he say regarding the teachings imparted by the accused to the students in the Madrasa. He has further admitted that the distance between his village and Tangi is about 10 to 15 kilometres and his village comes under Jagatpur P.S, while Madrasa of the accused was situated under Tangi P.S. This witness during his cross-examination even failed to name the village where the Madrasa of the accused is situated. During his cross-examination, he has admitted to have disturbance with the members of the Madrasa. He has again stated during his cross-examination that he has never informed the activities in question of the accused before any police station. If this witness has every knowledge that the accused was

propagating antinational ideology or instigating students to practise terrorist activities, etc. then what made him not to report the matter to the Police. This witness does not appear to me to be a trustworthy witness. That apart, for the sake of discussion, assuming for a moment such statement of P.W.31 to be true, then also nothing emerges there from that his such statement having any inference regarding commission of any offence by the accused u/Sec.18/ 18-B of the UAPA. Further, even nothing substantial emerges there from that the accused had done any act, which would bring the Government established by law into hatred or contempt, to hold him guilty u/Sec. 124-A of the IPC.

46. More importantly, P.W.32, who is a member of the trust under which the Madrasa was functioning, during his cross-examination has stated that very often he was overseeing the standard of teaching at Madrasa, where the medium of language was 'Urdu'. There was no allegation against the Madrasa till the arrest of the accused in connection with this case nor did any student or parents of the students had made any complaint against the Madrasa. There was holding of meeting between the parents and School trust members at Madrasa campus annually. At no point of time, the parents of the students had made any complaint against the accused Abdul Raheman indulging in any unlawful activities.

47. Moreover, the law is no more *res integra* that the evidence of a hostile witness cannot be discarded in toto, rather the portion of the evidence of such witness, either beneficial to the prosecution or the defence, can be relied upon. In the present case, P.W.1 who has been declared hostile by the prosecution, during his cross-examination by the defence has stated that the accused used to give 'Islamic' teachings and discourses and he has never heard him saying against any religion, though he has gone to Madrasa four to five times. He has seen students being taught in 'Koran'. During his visit, he has not noticed Abdul Raheman saying anything against any religion.

48. On scrutiny of the evidence of P.W.30, who during his examination has shed some light regarding an incident of law-and-order situation due to the inflammatory speech by the accused at village-Nagabhan, nothing emerges regarding the accused to have given any statement to bring him under the grab of Secs. 18 and 18-B of the UAPA or Sec.124-A of the IPC.

49. During his examination in the Court, though P.W.42 has stated the accused to have indoctrinated Zishan and Arsian who had joined ISIS, but no convincing material has been produced before this Court as to how he came to know the said fact and on what basis he had arrived at the said conclusion.

50. Besides, not a single student, who was continuing his studies in the Madrasa of the accused or passed out there from or any parent of such students, has been examined in the Court by the prosecution to establish its case on this score. I am of the view that if any such witness would have been examined, then he might have shed some light regarding the nature, character or manner of teachings imparted by the accused in his Madrasa. Hence, from the above discussion, this Court is of the humble but firm view that the evidence of the prosecution with regard to Secs. 18 and 18-B of the UAPA or Sec.124-A of the IPC does not appear to be convincing enough to hold the accused guilty under those sections of law.

51. During his examination in the Court, P.W.42, who happens to be the I.O of Delhi Special Cell Case No. 62 of 2015, has stated regarding the association of the accused with various terrorist organizations operating in India and outside as well as some notorious terrorist of our own country as well as foreign terrorists. Though he has stated that during course of his investigation, he ascertained that the accused was a member of AQIS and was also connected with LeT, but not an iota of evidence either oral or documentary, has been produced, from which he has ascertained the said fact. Similarly, he has not put forth any convincing material as to how he came to know that the accused was a colleague of Maulana Asim Umer, the Chief of AQIS. Moreover, he has not produced any

convincing material as to how he came to know that the accused was connected with terrorists Sabeel and Dr. Kafiel. Not a single scrap of paper has been produced in support of his testimony regarding the travel of the accused to Pakistan. Hence, except giving some bald statements, no convincing and substantial material has been produced before this Court in support of such evidence of P.W.42 nor any witness having direct knowledge regarding the involvement of the accused with the terrorist organizations or his association with the notorious terrorists or his visit to Pakistan, have come forward to adduce evidence in this regard. During his cross-examination, he has admitted that he does not have any knowledge regarding the FIR of the instant case.

52. It emerges on scrutiny of the evidence of P.W.46 that as per the order of the S.P., STF, DSP, STF Sri Rama Chandra Thamba, Inspector, Omprakash Patra and Inspector, Efrem Kiro had gone to Bangalore, Mumbai and Deobandh to collect evidence against the accused and his associates. Further, from the Supplementary Case Dairy of the Inspector, Kiro, it is revealed that three associates of the accused namely, Salim @ Baban @ Ujeka, Rashid @ Papun @ Faizal and Sajad @ Talaha @ Sami who are the Pakistan Nation have been eliminated during the encounter vide Gomatinagar PS Case No. 122/2001. Admittedly, the said Inspector, Kiro has not been examined in this case, nor any person, who has direct

and personal knowledge regarding those terrorists being associates of the accused, have been examined in this case in the Court. P.W.44, Mr. Omprakash Patra, who has been entrusted with the portion of the investigation as stated by P.W.46, has deposed regarding his proceeding to Mumbai and collecting the attested photo copies of the cases of Detection Crime Branch, Mumbai. He has further deposed to have ascertained that the accused had met with one Sajid Mir @ Vashi @ Khalil @ Vashi Bhai, a Pakistan National, who has been charge sheeted in those cases. Neither any document in this regard has been produced before the Court nor anything is there on record as to how P.W.44 had come to the conclusion regarding the meeting of the accused with that Sajid Mir. Besides, this witness has not been examined by the I.O (P.W.46) in connection with this case, which is his own admission during his cross-examination. More importantly, during his cross-examination has stated that Mr. Shelke, Joint Commissioner of Police, Crime Branch, Mumbai had refused to provide him the copies of full charge sheets.

53. During his examination in the Court, P.W.46 has stated to have made communication with various Air-Lines and receipt of some documents along with Air Tickets of the accused and Abdul Sami and Abu Sufiyan, whom the prosecution claims to be the associate of the accused. On scrutiny of the Ext.39, it emerges that by a flight of the Jet Airways, the accused had travelled from

Bangalore to Daman, Saudi Arab *via* Cochin on 7th January, 2015. Whereas, Ext. 45 reveals regarding the travel of Abu Sufiyan and Abdul Sami from Kolkata to Dubai on 27th January, 2014, whereas Ext.44 reveal the travel of Abdul Sami from Dubai to Karachi on 6th February, 2014. Be that as it may, not a single scrap of document has been produced regarding the travel of the accused to Pakistan at any point of time, nor Ext.24, the Passport particulars of the accused, gives a slightest hint regarding such travel of the accused to Pakistan nor the Passport of the accused has been produced before the Court, which might have shed some light regarding any such travel of the accused. Further, not an iota of convincing evidence either documentary or oral is available on record establishing that Abdul Sami or Abu Sufiyan or both of them were the associates of the accused. Not a single scrap of convincing evidence is there to the effect that the accused had ever met with any notorious terrorists of this country or outside the country or he is a member of any such terrorist organization.

54. The important aspect of this case, which cannot be overlooked that during his cross-examination, P.W.46 has stated that his investigation does not disclose anything to the effect that any of the students passed out from the Madrasa of the accused had joined in any of the terrorist organizations as listed in the First Schedule of the UAPA. He has not seized nor collected any document relating to

membership of any of the students of the Madrasa run by the accused in the terrorist organizations enlisted in the said schedule. He has not collected any document relating to the membership of the accused in any of the terrorist organizations enlisted in the First Schedule. He has not collected nor seized any material regarding supply of any arms and ammunitions by the accused to any terrorist or any organization enlisted in the First Schedule. His investigation does not disclose anything to the effect that the accused was instigating the students of the Madrasa or any other person of his community specifically to joint in any of the terrorist organizations as enlisted in the Schedule of the Act. Hence, from the foregoing discussions, it emerges that in the case at hand, there is absolutely dearth of any material to reflect that the accused was involved in any terrorist act or he is a member of any terrorist gang or organization or he has associated himself or professed to be associated with any terrorist organization with the intention to further its activities. In the present case, there is absolutely nothing produced from the side of the prosecution to bring home the charge leveled against the accused u/Secs. 16, 20 and 38 of the UAPA.

55. Whereas, in the present case, as already discussed, on meticulous scanning of the evidence from the side of the prosecution, both oral as well as documentary, nothing convincing emerges that the accused

had at any point of time by words either spoken or written or by signs, or by visible representation or otherwise brought or attempted to bring into hatred or contempt or excited or attempted to excite disaffection towards the Government established by law in India or the State Government. Hence, the prosecution has failed to bring home the charge leveled against the accused u/Sec. 124-A of the IPC by leading cogent, clear and trustworthy evidence.

56. As a sequitur of the foregoing discussions and keeping the mind the dicta of the Hon'ble Apex Court in the cases of Bilal Ahmed Kaloo (*Supra*), Nazir Khan (*Supra*) and Kedar Nath Singh (*Supra*) as well as the Hon'ble High Court of Delhi in the case of Asif Iqbal Tanha (*Supra*), coupled with the overarching legal principles that govern the Indian Criminal Justice System as already mentioned, this Court is of the humble, but firm opinion that in the present case, the prosecution has failed miserably to prove the charges leveled against the accused for commission of the offences u/Secs. 16/ 17/ 18/ 18-B/ 20/ 21/ 38/ 40 of the UAPA r/w Sec. 124-A of the IPC, by leading cogent, clear and trustworthy evidence.

57. Resultantly, the accused is found not guilty of the offences u/Secs. u/Secs. 16/ 17/ 18/ 18-B/ 20/ 21/ 38/ 40 of the UAPA r/w Sec. 124-A of the IPC and he is acquitted thereof u/Sec. 235 (1) of Cr.P.C and he be set at liberty forthwith, if he is not required to be detained in any

other case. The bail bonds executed by the accused as per the provision of Sec. 437 (A) Cr.P.C, to appear before the higher Court as and when such Court issues notice in respect of any appeal or petition filed against the judgment of this Court, shall remain in force for six months.

58. The seized articles be destroyed and the material objects vide M.O.I to M.O.III be confiscated to the State and Zimanama be cancelled four months after expiry of the appeal period, if no appeal is preferred and, in the event, any appeal is preferred, the disposal of the same shall be subject to the orders of the Appellate Court.

SESSIONS JUDGE,
CUTTACK.

The judgment is computerized to my dictation, corrected by me and pronounced in the open Court on this **26th day of May, 2026** given under my hand and the seal of this Court.

SESSIONS JUDGE,
CUTTACK.

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS		
A. Prosecution witnesses		
RANK	NAME	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHR WITNESSES.

P.W.1	Salim Khan	Independent witness
P.W.2	Ranjit Kumar Prusty	Informant
P.W.3.	Premananda Pradhan	Independent witness (Sarpanch of Paschimakachha G.P.)
P.W.4.	Abhaya Kumar Swain	Witness to the recording of the voice sample of the accused
P.W.5.	Abdul Salam Khan	Independent Witness
P.W.6.	Masroor Alam Adnan	Independent Witness (Urdu Teacher)
P.W.7	Sayed Fazle Momin	Witness to the hearing, transcription and translation of the Compact Disc.
P.W.8	Injamul Haque	Independent Witness
P.W.9.	Jainul Abedin	Independent Witness
P.W.10	Md. Nurun Amin	Independent Witness
P.W.11	Sayed Ibrahim	Independent Witness
P.W.12	Sayed Dil Nawaz	Independent Witness
P.W.13	Sangram Kishore Swain	Independent Witness
P.W.14	Md. Abid	Independent Witness
P.W.15	Sourav Pattnaik	Independent Witness
P.W.16	Subrat Kumar Mallik	Seizure Witness (Police witness)
P.W.17	Theodhar Kerketta	Witness to the hearing, transcription and translation of the Compact Disc.
P.W.18	Tazir Pasha	Independent Witness
P.W.19	Subash Chandra Mallik	Bank Officials
P.W.20	Prafulla Kumar Sahu	Bank Officials
P.W.21	Manoranjan Das	Asst. Director of SFSL, Bhubaneswar
P.W.22	Abdul Hanan Khan	Independent Witness
P.W.23	Md. Noorul Amin	Independent Witness
P.W.24	Sayed Md. Aqdas	Survey Commissioner of Wakf-cum-Chief Executive Officer, Cuttack
P.W.25	Sayed Aslam Pasha	Independent Witness.
P.W.26	Sailendra Kumar Samal	District Sub-Registrar, Cuttack
P.W.27	Binod Kumar Hense	Independent Witness
P.W.28	Dharanidhar Swain	Seizure Witness (Police witness)
P.W.29	Pramod Kumar Mallick	Seizure Witness (Police witness)

P.W.30	Pradeep Kumar Majhi	Seizure Witness (Police witness)
P.W.31	Sarat Kumar Parida	Independent Witness
P.W.32	Sk. Karamat Alli	Independent Witness
P.W.33	Nadim Akhtar	Independent Witness
P.W.34	Sitaram Satapathy	Witness to the recording of the voice sample of the accused.
P.W.35	Sk. Moulana Md. Arshad Kasmi	Independent Witness
P.W.36	Sk. Indad	Independent Witness
P.W.37	Sk. Nayeem	Independent Witness
P.W.38	Md. Abdul Hasen	Independent Witness
P.W.39	Nirod Kumar Sahoo	Seizure Witness (Police witness)
P.W.40	Digbijaya Giri	Regional Transport Officer.
P.W.41	Anuj Oraon	Seizure Witness (Police witness)
P.W.42	Manishi Chandra	Investigating Officer of Delhi Special Cell Case No.67/2015
P.W.43	Mahtab Kasad	Bank Officials
P.W.44	Omprasad Patra	Investigating Officer who has conducted a specific pat of investigation of the case.
P.W.45	Trinath Mishra	Investigating Officer who has conducted the preliminary investigation prior to taking over the case by the CID
P.W.46	Priya Ranjan Satapathy	Investigating Officer.
B.	Defence witnesses	
RANK	NAME	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHR WITNESSES.
	N o n e	
C.	Court Witness, if any	
RANK	NAME	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHR WITNESSES.
	N o n e	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. PROSECUTION EXHIBITS		
Sl.no	Exhibit Number	Description
1	Exhibit-1	Written FIR lodged by P.W.2
2	Exhibit- 1/1	Signature of P.W.2 on Ext.1
3	Exhibit 1/2	Formal FIR
4	Exhibit- 1/3	Endorsement with signature of P.W.2 requesting Sri Trinath Mishra, ACP Zone-I, Cuttack to launch investigation.
5	Exhibit-2	Seizure List relating to seizure of C.D from the house of the accused and also the photo copies of the documents from the Madarasa.
6	Exhibit-2/1	Signature of P.W.2 on Ext.2
7	Exhibit-2/2	Signature of P.W.3 on Ext.2
8	Exhibit 3	Photocopies of the documents (12 sheets)
9	Exhibit-4	Seizure list relating to seizure of two S.D.Cards.
10	Exhibit-4/1	Signature of P.W.4 on Ext.4
11	Exhibit 4/2	Signature of P.W.46 on Ext.4
12	Exhibit-5	Seizure list relating to seizure of a banner which was in Urdu.
13	Exhibit-5/1	Signature of P.W.4 on Ext.5
14	Exhibit-5/2	Signature of P.W.11 on Ext.5
15	Exhibit 5/3	Signature of P.W.46 on Ext.5
16	Exhibit-6	Letter (requisition) issued by the DSP addressing to the Headmaster of Ravenshaw Collegiate School for deputation of P.W.6 to accompany the DSP to Cyber police Station.
17	Exhibit-6/1	Signature of the then Head Master of the said School acknowledging receipt of the said letter.
18	Exhibit 6/2	Signature of P.W.46 on Ext.6.
19	Exhibit 7	Letter dated 4.7.2016 addressed by the Head Master of the School to the DSP Sri Satpathy deputing P.W.6 for retrieval and transcription of an audio recording in audio CD format.
20	Exhibit 7/1	Signature of Head Master Sri Jayant Kumar Das.
21	Exhibit 8	Memorandum reduced into writing relating to proceeding of the retrieval of the CD and its transcription etc..

22	Exhibit 8/1	Signature of P.W.6 on Ext.8
23	Exhibit 8/2	Signature of P.W.7 on Ext.8
24	Exhibit 8/3	Signature of P.W.17 on Ext.8
25	Exhibit 8/4	Signature of P.W.46 on Ext.8
26	Exhibit 9	Transcribed version of the speech prepared by P.W.6 contained in the CD(M.O.I) in four pages.
27	Exhibits 9/1 to 9/4	Signatures of P.W.6 on Ext.9
28	Exhibits 9/5	Signature of P.W.7 on the 'Urdu' script
29	Exhibits 9/6 to 9/9	Signatures of P.W.17 on Ext.9.
30	Exhibit 10	Transcribed version of the speech prepared by P.W.6 in his own handwriting contained in the CD (M.O.I) in concise form.
31	Exhibit 10/1 & 10/2	Signatures of P.W.6 on Ext.10.
32	Exhibit 10/3	Signature of P.W.7 on the 'Urdu' script.
33	Exhibit 11	Odia version of the speech transcribed by P.W.6 from Urdu contained in the CD written by the I.O.
34	Exhibits 11/1 and 11/2	Signatures of P.W.6 on Ext.11.
35	Exhibit 11/3	Signature of P.W.7 on the 'Odiya' transcription.
36	Exhibits 11/4 & 11/5	Signatures of P.W.17 on Ext.11
37	Exhibits 11/6 & 11/7	Signatures of P.W.21 on Ext.11
38	Exhibit 12	Statement of P.W.12 recorded u/Sec. 164 Cr.P.C.
39	Exhibit 12/1 to 12/3	Signatures of P.W.12 on Ext.12.
40	Exhibit 13	Seizure List relating to seizure of one original seizure list, one audio CD, one xerox copy of written speech in Hindi, ten pieces of xerox papers containing a picture of sword and flag on production by Sri Ranjit Kumar Prusty, IIC, Jagatpur P.S.
41	Exhibit 13/1	Signature of P.W.16 on Ext.13.
42	Exhibit 13/2	Signature of P.W.28 on Ext.13.
43	Exhibit 13/3	Signature of P.W.45 on Ext.13
44	Exhibit 14	Seizure List relating to intimation regarding freezing of the accounts.
45	Exhibit 14/1	Signature of P.W.19 on Ext.14

46	Exhibit 14/2	Signature of P.W.46 on Ext.14
47	Exhibit 15	Transcription and Odia version of Urdu language.
48	Exhibits 15/1 to 15/3	Signatures of P.W.21 on Ext.15.
49	Exhibits 16	Report of P.W.21 (<i>retd. Deputy Director of SFSL, Bhubaneswar</i>)
50	Exhibits 16/1 to 16/3	Signatures of P.W.21 on Ext.16
51	Exhibits 16/4 & 16/5	Signatures of Sri Purna Chandra Mandal, In-charge Director and CE on Ext. 16.
52	Exhibit 17	Written requisition made by P.W.24 to Deputy Superintendent of Police, STF, CID, Crime Branch, Bhubaneswar .
53	Exhibit 17/1	Signature of P.W.24 on Ext.17
54	Exhibit 18	Signature of P.W.25 on the purported seizure of used receipt of two Madrasas, photo copy of Qurbai Eid UL Azha organized by Madrasa Jamiatul Harmein-Madinatul Aqsa AI Harmein Trust, Mangulu, Bilteruan, Tangi
55	Exhibit 18/1	Seizure list relating to receipt books and other books in presence of P.W.29 as well as in presence of other witness.
56	Exhibit 18/2	Signature of P.W.29 on Ext.18/1
57	Exhibit 18/3	Signature of P.W.46 on Ext.18
58	Exhibit 19	Forwarding Letter regarding submission of the true copy of four numbers of trust Deed registered in the name of AI Harmein Trust.
59	Exhibit 19/1	Signature of P.W.26 on Ext.19
60	Exhibit 20	True copy of Trust Deed No.7342 of 2010
61	Exhibit 21	Memorandum prepared by the I.O in presence of P.W.34.
62	Exhibit 21/1	Signature of P.W.34 on Ext.21
63	Exhibit 21/2	Signature of P.W.46 on Ext.21
64	Exhibit 22	Seizure List realting to seizure of one poster form Kubra Masjid of Firdoshnagar under Itki PS, Jharkhand in presence of P.W.39
65	Exhibit 22/1	Signature of P.W.39 on Ext.22.
66	Exhibit 23	Requisition of STF, CID (C.B.), BBSR basing on which P.W.40 furnished the passport particulars of Md.Abdul Raheman Ali Khan.
67	Exhibit 24	Passport Particulars
68	Exhibit 24/1	Signature of P.W.40 on Ext.24

69	Exhibit 25	Forwarding Letter dated 8.3.2017 of P.W.43
70	Exhibit 25/1	Signature of P.W.43 on Ext.25
71	Exhibit 26	Statement of Account
72	Exhibit 26/1	Signature of P.W.43 on Ext.26
73	Exhibit 27	Spot map prepared by P.W.45
74	Exhibit 27/1	Signature of P.W.45 on Ext.27
75	Exhibit 28	Spot map prepared by P.W.45
76	Exhibit 28/1	Signature of P.W.45 on Ext.28
77	Exhibit 29 & 29/1	Forwarding letter of the Branch Manager, SBI, Jagatpur Branch along with the account statement of Md. Abdul Raheman (three sheets).
78	Exhibit 30	Account Statement of accused Md.Abdul Raheman of Canara Bank, Jagatpur Branch
79	Exhibit 31	Account Statement of the Trust A1-Haramain Trust (2 sheets).
80	Exhibit 32	Requisition issued by the IIC to the Branch Manager, SBI, Jagatpur branch to provide the details of the depositors from outside the State in the account of the accused available in their branch.
81	Exhibit 32/1	Signature of IIC, Sri Prusty.
82	Exhibit 33	Letter of the Branch Manager of the SBI, Jagatpur branch.
83	Exhibit 34	Formal FIR drawn by P.W.46.
84	Exhibit 34/1	Endorsement with signature of the then S.P, STF, CID, CB, Bhubaneswar, Sri Prasanta Kumar Bhoi on Ext.34
85	Exhibit 35	True copy of the charge sheet No.1/2016 in Delhi Special Cell Case No.67/2015
86	Exhibit 36	Forwarding Letter vide Memo No.438 dated 23.7.2016 of JMFC, Salipur regarding sending of IC recorded and SDHC cards kept in sealed covered to SFSL, Bhubaneswar.
87	Exhibit 36/1	Signature of P.W.46 on Ext.36
88	Exhibit 37	Requisition made by P.W.46 to the District Sub-Registrar, Cuttack to supply the certified copies of the documents regarding registration of the trusts 'A1 Haramain' and 'JamatulHaramain' at village-Biliteruan.
89	Exhibit 37/1	Signature of P.W.46 on Ext.37,

90	Exhibit 38	Requisition made by P.W.46 to the Chief Executive Officer-cum-Survey Commissioner Wakf Board.
91	Exhibit 38/1	Signature of P.W.46 on Ext.38.
92	Exhibit 39	Letter dated 8.9.2016 received by P.W.46 from Nodal Officer, Jet Airways regarding the travel details of accused along with copy of the ticket.
93	Exhibit 40	Notice u/Sec. 91 Cr.P.C issued by P.W.46 to the Manager, Emirates Airlines, Cannought Place, New Delhi.
94	Exhibit 40/1	Signature of P.W.46 on Ext.40
95	Exhibit 41	Notice u/Sec. 91 Cr.P.C issued by P.W.46 to the PIA, City Office, Narayan Manzil, Cannought Place, New Delhi.
96	Exhibit 41/1	Signature of P.W.46 on Ext.41.
97	Exhibit 42	Sanction order vide Letter No.45639/HOME-PROS-SANCP-0107-2016 dated 16.12.2016 accorded by the Principal Secretary, Home Department, Govt of Odisha to prosecute against the accused under UAPA.
98	Exhibit 43	E-mail generated letter dated 13.12.2016 of Emirates Group Security, HDQ Law Enforcement Information Response Team of Fraud Prevention Unit, Dubai along with Letter No. FPI/LER-1349/1357 dated 13.12.2016 (three sheets)
99	Exhibit 44	Letter No. DELUU/REPLY/02/16 dated 6.12.2016 of Station Manager PIA, Delhi.
100	Exhibit 45	Letter No. FPL/LER 1349/1357 dated 13.12.2016 of Emirate Group of Security (three sheets)
101	Exhibit 46	Seizure List relating to seizure of Station Diary of Jagatpur P.S. w.e.f 15.12.2015 to 6.1.2016 and attested photo copy of S.D.Entry No.393 to 402 of dated 17.12.2015 prepared by P.W.46.
102	Exhibit 46/1	Signature of P.W.46 on Ext.46.
103	Exhibits 46/2	True copy of the relevant portion of the Station Diary
104	Exhibit 46/3	Endorsement with signature of the then IIC, Jagatpur.
105	Exhibit 47	Zimanama relating to release of original station diary in zima of the IIC.
106	Exhibit 47/1	Signature of P.W.46 on Ext.47
107	Exhibit 48	Requisition made by P.W.46 to the Branch Manager, Canara Bank, Jagtatpur.

108	Exhibit 48/1	Signature of P.W.46 on Ext.48
109	Exhibit 49	Letter of the Branch Manager, Canara Bank regarding the transactions made in the account of A1 Haramain Trust.
110	Exhibits 49/1 and 49/2	Account opening form with respect of the account No.3969101000372 of A1 Haramain Trust and the account No.3969101000370 of Abdul Raheman.
111	Exhibit 50	Letter of the DGP who accorded necessary permission vide letter dated 9.6.2017 in favour of P.W.46.
112	Exhibits 51 & 52	Requisitions issued by P.W.46 to the SBI Jagatpur Branch and Canara Bank Jagatpur Branch both dated 9.6.2017.
113	Exhibits 51/1 and 52/1	Signatures of P.W.46 on Exts. 51 & 52
114	Exhibits 53 & 54	Letters issued by the Manager, SBI Jagatpur Branch and Manager Canara Bank, Jagatpur Branch regarding the freezing of the accounts.
115	Exhibits 55	Seizure list with respect to the seizure of the letter of Manager, SBI Jagatpur Branch.
116	Exhibits 55/1	Signature of P.W.46 on Ext.55
	Defence Exhibits	
Sl.no	Exhibit Number	Description
A.	Court Exhibits	
Sl.no.	Exhibit Number	Description
	NIL	
B	Material Objects	
Sl.no.	MO number	Description
	M.O.I	Audio CD which was retrieved in presence of P.W.6
	M.O.II	SDHC Card of Samsung make of Model MB-MS 04D of 4 GB capacity model code MB-MS04D/IN and containing specimen voice sample of accused Md.Abdul Raheman Ali Khan in Urdu and Hindu language.
	M.O.III	A packet containing the other recorded SDHC card.

SESSIONS JUDGE,
CUTTACK.