



CNR: KAHC010070232024

NC: 2026:KHC:47611-DB
CRL.A No. 277 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.P.SANDESH

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.277 OF 2024

BETWEEN:

1. MR. AKTHAR HUSSAIN LASKAR @ MD. HUSSAIN
S/O. ABDUL KADIR LASKAR,
AGED ABOUT 24 YEARS,
R/AT NATIVE OF TELTIKAR-2,
KAROIKANDI PT II, CACHAR,
ASSAM-788 805,

PRESENTLY
R/AT THILAKNAGAR POLICE STATION LIMITS,
38TH CROSS, NEAR USMAN GHANI MASJID,
BTB AREA, THILAKNAGAR, BENGALURU.

2. MR. ABDUL ALEEM MONDAL
@ MD JUBA @ MD JUBAH
S/O. SULEMAN MONDAL
AGED ABOUT 20 YEARS
R/AT SALEM TAMIL NADU
PERMANENT ADDRESS:
KULTALI, GODABAR, TANGRABICHI
SOUTH-24, PARGANAS,
WEST BENGAL-743 338.

...APPELLANTS

(BY SRI. NAGESH REDDY, ADVOCATE)





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AND:

1. NATIONAL INVESTIGATION AGENCY
BENGALURU,
REPRESENTED BY SPL. PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. SACHIN C., ADVOCATE FOR
PRASANNA KUMAR P., SPL. PUBLIC PROSECUTOR)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF NIA ACT OF CR.P.C PRAYING TO REDUCE THE QUANTUM OF SENTENCING TO MINIMUM PRESCRIBED OF 5 YEARS FOR OFFENCE IN R.C./40/2022/NIA/DLI ON THE FILE OF THE NATIONAL INVESTIGATION AGENCY, AFTER INVESTIGATION CHARGES SHEET WAS FILED WHICH NOW BEEN NUMBERED AS SPL.C.NO.125/2023 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120-B, 121-A, 153-A, 153-B OF IPC AND SECTIONS 13, 18, 38, 39 OF UNLAWFUL ACTIVITIES (PREVENTION) ACT 1967 DISPOSED BY THE COURT OF XLIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPECIAL JUDGE FOR TRIAL OF NIA CASES) (CCH-50) AT BENGALURU BY ITS ORDER DATED 27.10.2023.

THIS APPEAL COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
and
HON'BLE MR. JUSTICE B.PRAMOD

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

This matter is listed for admission. I have heard learned counsel for the appellants and learned Special P.P. for the respondent.



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2. This Court vide order dated 06.08.2026, when a prayer was made to modify the sentence imposed by the Trial Court from 7 years to 5 years in respect of the offences which have been invoked against the appellants, ordered to secure report from the Jail Authority regarding the conduct of appellants in the jail and also report from the Probation Officer regarding their antecedents.

3. Now, this Court has received report from the Probation Officer. Having perused the report, it is stated that, as submitted by the accused persons, they were in jail from last 4 years and they bound for reformation and no individual report is filed. So also, report is received from Jail Superintendent, wherein they have maintained a imprisonment book and it is stated in the said report that the sentence in respect of these accused persons is not mentioned. However, it is stated that behaviour of the convicts is satisfactory. Except this statement, nothing is stated that they have reformed themselves and are guilty of their acts and intend to reform themselves.



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4. Now, learned counsel appearing for the appellants in his argument would submit that this Court has considered and reduced the sentence from 7 years to 6 years in ***Crl.A. No.2142/2025*** dated ***20.01.2026*** and prays this Court to similarly consider case of the appellants as well. The counsel would submit that when the appellants have pleaded guilty, the Trial Court ought to have imposed minimum sentence of 5 years for the said offences which is the discretion of the Court. It is also contended that the Court has to take note of the fact that accused have pleaded guilty of the offence committed by them and they are not subjected for any trial. The counsel also would submit that the appellants have already repented for the act and they are in custody for more than 4 years and they have reformed themselves. Hence, sentence may be reduced to minimum sentence of 5 years.

5. Per contra, learned Special Counsel appearing for the respondent brought to notice of this Court paragraph No.12 of order of the Trial Court, wherein the Trial Court has taken note of very material collected by the Investigating Officer and contend that the accused persons were very active on various



telegram groups and were in constant touch with their foreign associates. The counsel also submits that they were planning to go to Afghanistan via Kashmir and Pakistan to join terrorist organization Al-Qaeda. These accused persons radicalized and recruited some of the gullible Muslim youths for the cause of banned terrorist organization TTP, Al-Qaeda and Indian Mujaheddin. The counsel also would contend that Trial Court taken note that accused were planning for procurement and were carrying arms with an intention to wage war against India and they were ready to sacrifice their life for terrorist act. The accused No.2 also created a telegram group 'Kshmir Hizarat Sath' and he was in contact with his foreign associates through the said telegram group. Having taken note of these aspects, discussed the same in paragraph No.12 of the order while imposing sentence of 7 years.

6. The counsel would further contend that the Trial Court also taken note of the facts which clearly indicate the intention of accused persons to commit the crime against the nation and accused Nos.1 and 2 knew their acts and consequences. The counsel also brought to notice of this Court



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that even though it is a case of plead guilty and taken note of the sentence provided under punitive provisions, there cannot be any reduction in the sentence to minimum sentence of 5 years considering the material available on record.

7. Having heard learned counsel appearing for the appellants and learned Special P.P. appearing for the respondent and also considering the material on record, the points that would arise for consideration of this Court are:

- (i) Whether this Court can exercise the discretion to reduce the sentence from 7 years to 5 years as contented by learned counsel appearing for the appellants?
- (ii) What order?

Point No.(i)

8. Having considered the material on record, the Trial Court when the accused persons pleaded guilty, while imposing the sentence, taken note of the factual aspects of the case, particularly in paragraph No.8, when the accused Nos.1 and 2 have voluntarily come forward to plead guilty of the charges leveled against them and the same is not disputed. The Trial



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Court also taken note of in paragraph No.8 the recovery at the instance of accused persons, particularly from accused No.1 i.e., electronic gadgets and other incriminating materials from his possession. Based on the revelations made by accused No.1, accused No.2 was arrested on 25.07.2022 and incriminating materials were seized from his possession also. The accused Nos.1 and 2 during the custodial interrogation revealed that they radicalized the youths, thereby criminally conspired to send the youths to Kashmir and Khorasan province of Afghanistan for terrorist training and provoked youths to wage war in the name of religion.

9. The Trial Court also taken note of in paragraph No.10 that accused No.1 was a member of a telegram group namely 'Khorasan Eagle' and accused No.2 was the member of a telegram groups 'Path of Truth' and 'Khashmir Hizarat Saath'. The Accused No.2 created the telegram channel 'Kashmir Hizarat Saath'. Accused No.1 also had a Facebook account in his name as 'Md Hussain'. It was further revealed that lot of videos, audio clips, photos related to terrorist organization, Taliban and Al-Qaeda were found in the mobile phones seized



from the possession of accused No.1. Further, many incriminating chats, videos, audio clips instigating the youths to wage a war against India and messages provoking them to indulge in communal disturbances and terrorist activities were found in a telegraph group namely 'Khorasan Eagle'. It was further revealed that accused No.2 was in constant touch with his foreign associates and lot of incriminating jihadi contents were found in the mobile phone seized from accused No.2. The Investigating Officer also conducted social media extraction proceeding during the investigation. The Trial Court having taken note of these are the materials collected during the course of investigation, invoked the offence punishable under Sections 121-A, 153-A, 153-B, 120-B of IPC and Sections 13, 18, 38 and 39 of Unlawful Activities (Prevention) Act, 1967 and comes to the conclusion that there is a case against the accused persons, even though they have pleaded guilty.

10. This Court also would like to extract paragraph No.12 of the order on sentence of the Trial Court which reads as hereunder:-



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"12. In this case, accused Nos.1 and 2 were in active on various telegram groups and constant touch with their foreign associates. They were planning to go to Afghanistan via Khashmir and Pakistan to join terrorist organization Al-Queda. Accused Nos.1 and 2 radicalized and recruited some of the gullible Muslim youths for the cause of banned terrorist organization TTP, Al-Qaeda and Indian Mujaheddin. They have supported the terrorist acts committed by the banned terrorist organization. They planned for procurement and carry arms with an intention to wage war against India. Accused No.1 shared messages with his associates during the conversation that "brother I am not afraid, but may Allah take me to battle field before something happen", "may Allah grant us martyrdom", "brother Mumuin does not fear of death, he want to be green bird of Jannath, etc." Even accused No.2 created a telegram group 'Kshmir Hizarat Sath' and he was in contact with his foreign associates through the said telegram group. Accused No.2 has also shared messages with his associates that he is ready to sacrifice his life for the cause of banned terrorist organizations. The aforesaid facts clearly indicate the intention of the accused persons to commit the crime against



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the nation and accused Nos.1 and 2 knew the acts and consequences”.

11. Having taken note of the grounds which have been urged by learned counsel appearing for the appellants and also the material collected by the Investigating Officer, the accused persons have also not disputed the same and pleaded guilty of the charges leveled against them and keeping in view the provisions of Section 265-A of Cr.P.C., the Court has to take note that, in case the accused persons plead guilty consider half of the sentence. Having considered the punishment provided and also considering the materials which have been read above i.e., paragraph Nos.8, 10 and 12 and considering the report of the Probation Officer as well as report received from the Central Prison, Bangalore, it is apparent that during the stay of these appellants, there was no other antecedents. The report of the Probation Officer is also only based on the statement of accused Nos.1 and 2 and so also, the report from the Central Prison, Bangalore is in one line sentence that their behavior is satisfactory. However, the Court has to take note of very ingredients of the offences which have been invoked



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against them and the material collected during custodial investigation of accused Nos.1 and 2 is nothing but involving in the activities to wage war against the very Country in which they have born and living.

12. The learned counsel appearing for the appellants relies upon the judgment passed by this Court in ***Crl.A.No.2142/2025*** dated ***20.01.2026***, wherein this Court in mob fury case, reduced the sentence from 7 years to 6 years. But, here is a case where accused persons were planning to wage war against the Country. Hence, the said judgment will not come to the aid of the appellants to reduce the sentence from 7 years to 5 years.

13. Having considered the factual aspects of the case, the Trial Court considering the gravity of the offence, imposed sentence of 7 years proportionate to the crime committed by the appellants and the appellants also as a matter of right cannot claim to impose minimum sentence of only 5 years and it is the discretion of the Court to impose the same, even though the accused persons have pleaded guilty without trial. Having considered the gravity of the offence and also the



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material on record, we are of the opinion that it is not a case for reducing the sentence from 7 years to 5 years as contended by learned counsel appearing for the appellants. Hence, we answer point No.(i) as 'negative'.

Point No.(ii)

14. In view of the discussion made above, we pass the following:

ORDER

The criminal appeal is dismissed.

**Sd/-
(H.P.SANDESH)
JUDGE**

**Sd/-
(B.PRAMOD)
JUDGE**

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List No.: 1 Sl No.: 1