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HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL APPEAL No. - 4008 of 2024

Kunal Ashok Chaudhari @ Atif

.....Appellant(s)

Versus

State of U.P. Thru.Addl. Chief Secy. Deptt. of Home , Lko.

.....Respondent(s)

Along with :

1. **Criminal Appeal No. 3049 of 2024:**
Irfan Shaikh @ Irfan Shaikh
Versus
State of U.P. Through Ats

2. **Criminal Appeal No. 3173 of 2024:**
Mannu Yadav
Versus
State of U.P. Thru. Prin. Secy. Home Lko

3. **Criminal Appeal No. 3174 of 2024:**
Rahul Bhola
Versus
State of U.P. Thru. Prin. Secy. Home Lko.

4. **Criminal Appeal No. 3181 of 2024:**
Bhoopriya Bando @ Arslan Mustafa
Versus
State of U.P. Thru. Prin. Secy. Home Lko.

5. **Criminal Appeal No. 3222 of 2024:**
Kauser Alam
Versus
State of U.P. Thru. Prin. Secy. Home Lko.

6. **Criminal Appeal No. 3224 of 2024:**
Dheeraj Govindrao Jagtap
Versus
State of U.P. Thru. Prin. Secy. Home Lko

7. **Criminal Appeal No. 3265 of 2024:**
Maulana Kaleem Siddiqui
Versus
State of U.P. Thru. Prin. Secy. Home Deptt. Lko

8. **Criminal Appeal No. 3266 of 2024:**
Mohd. Umar Gautam
Versus
State of U.P Thru. Addl. Chief Secy. Home Deptt. Lko

9. **Criminal Appeal No. 3267 of 2024:**
Abdullah Umar
Versus
State of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko

10. **Criminal Appeal No. 3278 of 2024:**
Prasad Rameshwar Kawre @ Adam
Versus
State of U.P. Thru. Prin. Secy. Home Lko

11. **Criminal Appeal No. 3279 of 2024:**

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Mohd Saleem

Versus

State of U.P. Thru. Prin. Secy. Home Lko.

12. **Criminal Appeal No. 3280 of 2024:**
Dr. Faraz Babullah Shah

Versus

State of U.P. Thru. Prin. Secy. Home Lko.

13. **Criminal Appeal No. 3294 of 2024:**
Sarfaraz Ali Jafri

Versus

State of U.P. Thru. Prin. Secy. Home Lko.

14. **Criminal Appeal No. 3300 of 2024:**
Mufti Qazi Jhangeer Qasmi

Versus

State of U.P. Thru. A.T.S. Gomti Nagar

15. **Criminal Appeal No. 3464 of 2024:**
Sallahuddin Jainuddin Sheikh

Versus

State of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Appellant(s)	:	Abhishek Ranjan, Abhishek Singh, Amarjeet Singh Rakhra, Amjad Siddiqui, Dr. Ajai Pratap Singh Chauhan, Furkan Pathan, Indu Prakash Singh, Krishan Kumar, Mohemmed Amir Naqvi, Mukul Joshi, Najmussaquib, O.p. Tiwari, Prabhat Ranjan Pandey, Rahul Srivastava, Rajanish Kumar Tiwari, Rajesh Chandra Mishra, Rudra Pratap Singh, Salil Kumar Srivastava, Sameer Singh, Subhash Bisaria, Sushil Kumar Singh, Varun Kumar Gupta, Zia Ul Qayuim
Counsel for Respondent(s)	:	G.A., Shiv Nath Tilhari

Reserved on 27.10.2026
Pronounced on 04.11.2026

Court No. - 9

HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

Order on C.M.A. No.1 of 2024 of Criminal Appeal No.4008 of 2024,

C.M.A. No.1 of 2024 of Criminal Appeal No. 3049 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3173 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3174 of 2024

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C.M.A. No.1 of 2024 of Criminal Appeal No.3181 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3222 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3224 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3265 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3266 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3267 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3278 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3279 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3280 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3294 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3300 of 2024

C.M.A. No.1 of 2024 of Criminal Appeal No.3464 of 2024

1. Heard submissions of **Sri Purnendu Chakraborty**, learned Senior Advocated assisted by **Sri Krishan Kumar**, learned counsel for the appellant- Kunal Ashok Chaudhari @ Atif, **Sri Furkan Pathan**, learned counsel for the appellants- Irfan Shaikh @ Ifran Shaikh, Mufti Qazi Jhangeer Qasmi, **Sri Zia Ul Qayum**, learned counsel for the appellants- Mannu Yadav, Rahul Bhola, **Sri Sushil Kmar Singh,** learned counsel for the appellants- Bhoopriya Bando @ Arslan Mustafa, Mohd. Umar Gautam, Prasad Rameshwar Kawre @ Adam, Sallahuddin Jainuddin Sheikh, **Sri Abhishek Singh**, learned counsel for appellants- Kauser Alam, Dheeraj Govindrao Jagtap, **Sri Mohemmed Amir Naqvi**, learned counsel for appellants-Maulana Kaleem Siddiqui, Modh. Saleem, Sarfaraz Ali Jafri, **Sri Indu Prakash Singh**, learned counsel for the appellant -

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Abdullah Umar and **Shri Vinod Kumar Shahi,** learned Additional Advocate General appearing on behalf of the State, assisted by **Shri S.N. Tilhari**, learned A.G.A. for the State on pending bail applications in aforesaid criminal appeals and perused the record.

2. Instant criminal appeal has been preferred by the accused convicts feeling aggrieved by the judgment and order dated 11/09/2024 passed by learned Special Judge, NIA, UP, Lucknow in **Sessions Trial No.1064 of 2022** State of U.P. versus Mohd. Kaleem Siddiqui; **Sessions Trial No.296 of 2022** State of U.P. versus Prashad Rameshwar Kawre alias Adam and 3 others ; **Sessions Trial No. 2740 of 2022** State of UP versus Sallahuddin Jainuddin Sheikh and 5 others; **Sessions Trial No.1063 of 2022** State of UP versus Abdullah Umar, arising out of Case Crime No.09 of 2021, Police Station ATS, Gomtinagar, District Lucknow. As these four Sessions Trials arose out of the same offense Case Crime No.09 of 2021, under section 120B, 153A, 153B, 295A, 417, 298, 121A, 123 IPC and Section 3/5/8 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and Section 11/35 of the Foreign Contribution (Regulation) Act, 2010, Police Station - ATS Gomtinagar, District - Lucknow, all four Sessions Trials were connected together by learned trial court and decided by a common judgment. Sixteen criminal appeals were preferred by convicts /appellants against the judgment and order of trial court under Section 21-A of the N.I.A. Act read with Section 374 Cr.P.C. and connected by this Court. Separate bail applications were filed in respective criminal appeals by the accused convicts persons. These bail applications are being decided by this common order.

3. By the impugned judgment, learned trial court has convicted the appellants Abdullah Umar and Mohd. Umar Gautam for charges under

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Sections 417, 153A, 153B, 295A, 298, 120B, 120A and 123 IPC and Section 3/5/8 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and Section 35 of FCRA, 2010; and sentenced to imprisonment of life as maximum sentence. Appellants Mannu Yadav, Mohd. Saleem, Kunal Ashok Chaudhari alias Atif and Rahul Bhola for charge under Sections 417, 153A, 153B, 295A, 298, 120B IPC and Section 3/5/8 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and sentenced them to 10 years' imprisonment as maximum sentence. The Appellants, Maulana Kaleem Siddiqui, Mufti Qazi Jhangeer Qasmi, Kauser Alam, Prasad Rameshwar Kawre alias Adam, Dheeraj Govindrao Jagtap, Bhoopriya Bando @ Arslan Mustafa, Dr. Faraz Babullah Singh, Sarfaraz Ali Jafri, Sallahuddin Jainuddin Sheikh Irfan Shaikh @ Irfan Sheikh for charge under sections 417, 153A, 153B, 295A, 298, 120B 121A, 123 IPC and Section 3/5/8 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and sentencing for imprisonment for life as maxinim sentence.

4. Sri Purnendu Chakraborty, learned Senior Counsel appearing for the appellant - Kunal Ashok Chaudhari @ Atif submitted that the present case initiated with lodging of the FIR by Sub Inspector, ATS, Vinod Kumar on 20.06.2021 at 11:35 hours against only two named accused, Mohd. Umar Gautam and Mufti Qazi Jhangeer Qasmi and one person by as Central Chairman, IDC, under Sections 420, 120B, 153A, 153B, 295A, 511 IPC and Section 3/5/8 of the of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 (hereinafter referred as 'the act') with allegation that some anti-social and anti-national organizations are destabilizing the demography of the country by indulging in large scale conversion on instructions of some religious organizations / syndicate /

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foreign elements and funding obtained from them due to which the fraternity of the country is being disturbed. They are running a campaign with mala fide design targeting the the gullible persons, deaf and dumb women, children, people of SC/ST and people of weaker sections for their conversion into Islam. After getting information from various sources and contents of the FIR lodged vide Case Crime No.473 of 2021, under Sections 419, 420, 295A, 505 and 506 IPC and an interrogation of suspects, these facts surfaced that Mohd. Umar Gautam, son of Dhanraj Singh Gautam, a resident of Jamia Nagar, New Delhi, who is himself a convertee Muslim from Hinduism. He is undertaking a large scale mass conversion of non-Muslim deaf and dump, people, women, children and people of weaker sections. It become known that they have converted around 1000 persons from Hindu religion to Islam and they have also conducted interfaith marriage of these people. Umar and his associates have constituted an organization, namely, National Dawah Center in Jamia Nagar, New Delhi, with an objective to convert non-Muslims into Muslim religion. Huge funding has been credited to the bank accounts of this center from various sources to use the money for religious conversion.

5. It is also stated in the FIR that the other accused Mufti Qazi Jhangeer Qasmi, a resident of New Delhi, is associate of Umar Gautam in this nefarious design of mass conversion and for that purpose, he has been issuing religious conversion certificates & marriage certificates in unlawful manner. These people are targeting incumbents of Noida Deaf Society Sector-117, Gautam Budh Nagar, which is a residential school of deaf and dump and they have converted many students of these schools into Islam against mandate of law by offering various allurements. The

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parents of a deaf and dump student namely, Aditya Gupta, lodged an FIR regarding missing of their son, Aditya Gupta, vide Case Crime No. 247 of 2021, under Section 364 IPC with allegation that the religion of his son was converted and he has been detained in some south east state.

6. He next submitted that during course of investigation, the name of the other appellants surfaced and they were chargesheeted for alleged offenses by the Investigating Officer. Learned trial court convicted and sentenced the appellants in aforesaid manner.

7. Feeling aggrieved by the judgment and order of the learned trial court, the convicts have filed separate criminal appeals against impugned judgment and order which is under challenged.

8. He next submitted that the judgment of learned trial court is based on conjecture and surmises and substantial reproduction of material shown in the case diary. There are various legal and factual errors in judgment under appeal.

9. He next submitted that in present case, on facts of the case, no charge under Section 121A IPC is made out against any of the appellants. Nevertheless, the learned trial court has convicted as many as eight accused persons for said charges. The appellants, Kunal Ashok Chaudhary alias Atif and co-appellants, Rahul Bhola, Mohd. Saleem and Manu Yadav are not convicted and sentenced under Section 121-A IPC and maximum sentence awarded to them is 10 years' imprisonment for offense proved against them.

10. Section 121A provides punishment for conspiracy to commit offenses punishable by Section 121. It provides that "whoever within or outside

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India conspires to commit any of the offenses punishable by Section 121, or conspires to overawe, by means of criminal force or the show of criminal force, the Central Government or any State Government, shall be punished with imprisonment for life, or with imprisonment of either description which may extend to ten years, and shall also be liable to fine.

11. Section 121 provides "whoever wages war against the Government of India or attempts to wage such war, or abets the waging of such war, shall be punished with death or imprisonment for life and shall also be liable to fine.

12. By citing the aforesaid statutory provisions, learned Senior Ccounsel submitted that there is no material in support of the charge under Section 121-A as there is no allegation or evidence that any of the appellants hatched a conspiracy to wage war against the Government of India by means of criminal force or the show of criminal force or conspire to overawe, by means of criminal force or the show of criminal force, the Central Government or State Government. However, learned trial court has convicted eight appellants for the aforesaid charge without any evidence to connect them with the said charge.

13. He further submitted that the Act of 2021 was notified on 05/03/2021 and the FIR in the present case was lodged on 20/06/2021. However, no date and time of the incident is mentioned in the FIR. Even if it is admitted that prior to notification of the Act of 2021, an Ordinance was promulgated by Hon'ble the Governor, namely "the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance" on 27/11/2020 and the same rectified by this Act and for that reason, the Act may be held to commence w.e.f. 27/11/2020. In absence of mention of

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date and time of the alleged offence, it is difficult to comprehend as to whether the said act or any of them were in fact committed after commencement of the Act w.e.f. 27/11/2020. Any act can only be termed as offence when it was so declared by a criminal law in force at the time of commission of offence. For the reason that Article 20(1) of the Constitution India creates prohibition on enactment of ex-post facto penal statutes. He also submitted that in present case, the FIR was lodged by one Sub-Inspector of Police of ATS, which is a branch of State Police, without locus standi to lodge an FIR for an offence under Section 3/5/8 of the Act.

14. Section 4 of the Act after coming into force of Amending Act of 2024 provides that "An information relating to the contravention of the provisions of the Act may be given by any person and the manner of giving such information shall be the same as given in Chapter XIII of the Bharatiya Nagarik Suraksha Sanhita, 2023."

15. However, in unamended Section 4, which was applicable in the present case at the time of lodging of the FIR, an aggrieved person is defined as "Any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption may lodge a First Information Report of such conversion which contravenes the provisions of Section 3."

16. Section 3 of the Act creates prohibition of conversion from one religion to another religion by misrepresentation, force, fraud, undue influence, coercion, allurement. It also provides that no person shall abet, convince or conspire such conversion.

17. He next submitted that in view of embargo created by unamended

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Section 4 of the Act as applicable in present case, the FIR in the case could only be lodged by an aggrieved person or his near relative, whereas in the present, the FIR has been lodged by a police officer, who lacked locus standi to initiate criminal proceedings for offenses under Section 3 of the Act for obvious reasons.

18. So far as the appellant Kunal Ashok Chaudhari alias Atif is concerned. No evidence has been adduced to implicate him for charge of criminal conspiracy with co-accused person. He had no motive to commit the crime in question. His conviction and sentence is based only on the basis of presumption. Learned trial court has committed a manifest error of law in appreciating the evidence of witnesses. Even the statements of the witnesses may not be relied upon due to material contradictions. Only six aggrieved persons could be examined in support of prosecution case, whereas there is allegation that around 1000 persons were converted to Islam who were practicing Hindu religion earlier. Only on the basis of six so called aggrieved persons who were examined during trial, no inference of mass conversion can be drawn. No incriminating material was recovered from the possession of the appellant on his arrest. No incriminating evidence is found in the book allegedly recovered from his possession. The alleged confessional statements of appellant and co-accused before the police in police custody cannot be treated as valid evidence as same is hit by Sections 25 and 26 of the Indian Evidence Act.

19. Sri Sushil Kumar Singh, learned counsel, who argued in Criminal Appeal No.3181 of 2024, 3266 of 2024, 3278 of 2024 has submitted that there are substantive illegalities in the investigation. There were material irregularities in investigation and trial. The criminal case initiated on lodging of the FIR by the police officer in apparent violation of mandate

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of Section 4 which provides that prior to commencement of Amendment Act of 2014 only an aggrieved person was competent to give an information relating to offense under Section 3 of the Act and not a police officer as done in the present case. Thus, due to lodging of the FIR by an 'in competent person', all the subsequent proceedings relating to investigation or trial got vitiated in the case and on that basis, the impugned judgment and order cannot be sustained and the appellant deserves to be released on bail at this stage. They have also undergone a substantial period of custody during trial and after conviction.

20. He next submitted that all those Section 8 of the Act 2021 makes in-road in the rights guaranteed under Article 25 of the Constitution of India, regarding practice of religion, which gives guarantees all persons the freedom of conscience and the right to freely profess, practice and propagate religion, subject to public order, morality and health and other provisions of Part III. A person can adopt any religion of his choice without troubling any other person, but by virtue of Section 8 of UP Act of 2021, the introduction of inference by District Magistrate under Section 8 in matters of voluntarh conversation is violative of right guaranteed under Article 25. The vires of the Act of 2021 are challenged before the Supreme Court and same is sub-judiced before the Hon'ble Court. However, Hon'ble Supreme Court in **Rajendra Bihari Lal and another vs State of UP and others 2025 LiveLaw (SC) 1021** has considered the ambit, scope and locus standi to initiate criminal proceedings under the Act. Hon'ble Court also discussed the horizons of right to freedom of religion enshrined under Article 25 of the Constitution of India. He also submitted that lodging of FIR in the present case by a Sub-Inspector of ATS, a wing of UP Police is violative of Section 4 of the

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Act, which confines the locus standi of a person to lodge an FIR to initiate criminal proceedings under the Act to any "aggrieved person or his close relatives". Thus, lodging of FIR by a police officer instead of an aggrieved person or his near relative, prior to amendment of 2024 under Section 4, is hit by statutory mandate contained in Section 4 and all the subsequent proceedings carried out in the matter are vitiated under law. He also submitted that the provisions of Section 8 of the Act are not in accordance with rights guaranteed under Article 25 of the Constitution of India. Slapping of Section 121A IPC i.e. the conspiracy to commit the offense under Section 121 IPC during course of the investigation of the present case and filing of charge sheet in the section resulted in conviction of the appellant for charge under Section 121A IPC and award of life imprisonment to a number of the appellants.

21. Learned counsel also contended that originally in the 1860, the IPC was enacted by the British Parliament for the people of British India, which was brought in force w.e.f 06/10/1860. The original Section under Chapter VI was Section 121, which provided that "whoever wages war against the 'queen' or attempts to wage such war or abets the waging of such war shall be punishable with death. Subsequently, the word "Queen" was substituted by "Government of India" and by Act No.27 of 1870. Section 121-A was added in the Code, making a conspiracy to commit the offense under Section 121 also punishable. The scope of Section 121-A IPC was considered by Hon'ble Supreme Court in **AIR 2005 SC 3820, State (N.C.T. of Delhi) v. Navjot Sandhu and others** (Parliament attack case) in which the scope of Section 121-A IPC was considered by Hon'ble Court while confirming the death sentence awarded to Afzal Guru by trial court and affirmed by the High Court discussed various Indian decisions

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pertaining to Section 121-A and relied on three judgments of Indian High Courts, in re **Umayyathantagath Puthen Veetil Kunthi Kadir, AIR 1922 Madras 126**; **Aunghla and others v. King-Emperor AIR (1931) Rangoon 235** and **Mir Hasan Khan and others vs The State - A.I.R. 1950 Patna 60.** Hon'ble Supreme Court in Parliament Attacks's case held that attack on Indian Parliament with heavy arms, resulting in death of five terrorists and around 13 security personnels clearly demonstrates that it was an attack on Government of India and its Institution and Building in a clandestine manner and it comes within the purview of waging war against the Government of India and in such type of case Section 121-A IPC attracted unlike present case where issue of conversion is chiefly involved.

22. Learned counsel submitted that in present case the matter of conversion by various means from one religion to another is involved and in no manner it can be inferred that the appellants conspired to commit any of the offense punishable by Section 121 or conspired overawe, by means of criminal force or the show of criminal force, the Central Government or any other government. Thus, learned trial court has wrongly convicted and sentenced 12 of the appellants for charge under Section 121-A IPC without fulfillment of the ingredients of said offense and without evidence in support of said charge.

23. Learned counsel, Sri S.K. Singh, had drawn attention of this Court towards sub-section (2) of Section 3, which provides that *"if any person re-converts to his immediate previous religion, the same shall not be deemed to be a conversion under this Act"*. Thus, even if some of the victims may got converted at the instance of some of the appellants, their re-conversion to their previous religion decriminalizes any act against the

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religious converter. He lastly submitted that the learned Trial Court failed to consider statements of D.W.- Mohd. Anas, Ayasha @ Neha Ramal and Abdul Mohd which is supportive of the case of the appellant.

24. Sri Indu Prakash Singh arguing the case of appellant Abdula Umar, submitted that the appellant is a bright student of MBA who has been falsely implicated in the case only due to the fact that he is the son of Mohd Umar Gautam, who has been projected as the main accused in the case. There is no evidence against the appellant either in the case diary or evidence recorded during trial that he was instrumental in conversion of any specific or mass conversion in contravention of provision of Section 5 and 8 of the UP Act of 2021. Thus, his conviction for said charges is wholly unwarranted. There is no evidence in support of charge under Sections 153-A, 153-B, 295-A, 298-A IPC against him. The trial court has committed gross legal error while convicting and sentencing the appellant for charge under Sections 121-A and 123 IPC. There is no iota of evidence on record that crime in question has been committed by the present appellant against Government of India in the form of resorting to violence or use of criminal force due to which sovereignty and integrity of the country was at stake. This is crystal clear from the evidence of PW-24, the Investigating Officer of the case.

25. He next submitted that learned trial court has wrongly cited observations of a Single Bench of this Hon'ble Court while deciding the **Bail Application No.19442 of 2024, Kailash versus the State of UP** that if the process of conversion is allowed to be carried on, the majority population of this country would be reduced into minority in one day. Whereas said observations were not countenanced by the Hon'ble Supreme Court in SLP No. 11258 of 2024 vide order dated 29/07/2024. In

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as much as judgment passed by learned trial court is mainly based on confessional statements of accused persons recorded by the Investigating Officer, which is part of case diary, cannot be treated as evidence under law. There is no evidence in support of the allegation that the money which was credited in the account of the appellant was used for the purposes of conversion of religion. There is no witness to prove this fact that he has received the money for purposes of conversion of religion in terms of UP Act of 2021. Charge under Section 11/35 FCRA, 2010 has been wrongly slapped against the appellants contrary to provisions of Section 43 of the Act. There is no evidence to connect the appellants to the crimes in question. It is trite law that the first information report does not constitute a substantive evidence in itself and same can only be used for the purposes of corroboration under Section 157 or contradiction under Section 145 of the Indian Evidence Act while testing the evidence of the witness before the court. The provisions of Section 6 of the National Investigating Agency Act, 2008, which mandate the regulatory procedure by making the correspondence between the State Government and Central Government in respect of scheduled offenses has not been followed in the case and the charge sheet filed by ATS against the appellants is illegal. The FIR in the case was itself vitiated having been lodged contrary to the provisions of Section 4 of the Act as applicable at that time. The alleged offense has taken place in Delhi and the acts have no extraterritorial operation outside the State of UP. The prosecution has failed to produce the certificate mandated by Section 65-B (4) of the Indian Evidence Act by placing reliance on digital and scientific evidence adduced by the prosecution. The validity of prosecution sanction by the State Government under Section 40 of the FCRA, 2010 is under cloud due to non-application of mind by the sanctioning authority while

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granting sanction for prosecution.

26. To sum up his arguments, learned counsel has submitted that it is well settled principle of criminal jurisprudence that the presumption of innocence is available to the accused and the initially burden lies upon the prosecution to prove its case beyond reasonable doubts and in case of any doubt in the prosecution case, the benefit of doubt always goes to the accused. Where two views emerged from evidence, one favourable to prosecution and other in favour of the accused, the view favourable to the accused will be preferred.

27. Learned counsels of other appellants substantially concurred with the submissions of learned Senior Advocate Purnendu Chakraborty and Shri Sushil Kumar Singh and has submitted that appellants are wrongly convicted and sentenced for alleged offences without any cogent evidence in support of the charge. They were enlarged on bail during trial and there is no allegation against them regarding misuse of liberty of bail. Appellants Irfan Shaikh @ Irfan Shaikh, Abdullah Umar, Mohd. Saleem and Rahul Bhola were released on bail by Hon'ble Supreme Court and other accused persons were released on bail by this Hon'ble Court. No prosecution sanction was granted for prosecution of appellant Mohd. Saleem, Mannu Yadav alias Abdul, Rahul Bhola and Dr. Kunal Ashok Chaudhari and they were neither tried nor convicted for major charge under Section 121-A. The accused persons have undergone around 4 years 7 months to 4 years 11 months imprisonment till date. The appeal is not likely to be heard in the near future due to huge backlog of criminal appeals. They undertake to abide by the conditions of bail in case they are granted liberty of bail. Apart from the present case, barring accused Mohd. Umar Gautam, Mufti Qazi Jhangeer Qasmi, Sallahuddin

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Zeinuddin Sheikh, no criminal history has been attributed to other accused persons. Money received in the account of Abdullah Umar was in fact for his higher education and money of Zakat, which was received in the account for distribution among poor people. He was at that time a student of MBA. He gave his ATM card for distribution of Zakat to people acquainted with him and no case under Section 121-A IPC is made out against him. No overt has been attributed to him regarding his involvement in religious conversion. Appellant, Dr. Faraz Babullah Shah, never came to UP. He is a resident of Maharashtra. No charge of illegal funding raised against him. There is no allegation of illegal conversion of any individual specifically made against him. A speech of an individual cannot be proved in an evidence even it is tape-recorded.

28. Per contra learned Additional Advocate General assisted by Sri S.N. Tilhari, learned AGA submitted that the appellants may not be released on bail after their conviction for said offense, which is duly proved against them by documentary as well as oral evidence of 24 witnesses recorded during trial. The learned trial court has dealt with each and every aspect of the case and oral, documentary and digital evidence adduced during trial in elaborate manner and recorded the conviction and passed sentence on appellants in accordance with law in an elaborate judgment which runs over 265 pages. Keeping in view their abnormality of offense, large number of affected persons, adoption of illegal and unauthorized means by accused persons to convert the gullible persons from one religion to another religion in violation of the Act of 2021 with a view to alter demography of the country and harbouring a thought to Jehad and even to take resort of sward in case of need to fulfil the long term objective of converting India from a secular State into a Islamic State. The recovery of

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literature and written and electronic materials from possession of some of the appellants and their fiery hate speeches do not make them entitled to be released on bail after conviction by the learned trial court for such serious offenses. Prosecution witnesses Aditya Guprta (P.W.-9), Paresh Leeladhar Harode (P.W-18), Nitin Panth (P.W.-11 and Mohit Chaudhary (P.W.-8), Farid Miyan (P.W.-13), Mohd. Ahmad (P.W.-14) have proved the guilt of Umar Gautam, Abdullah Umar and other accused.

29. Emphasis was led by Sri Sushil Kumar Singh, learned counsel for the appellants on a recent judgment of Hon'ble Supreme Court in case of **Rajendra Bihari Lal and another (supra)** wherein, instead of lodging of FIR by a person aggrieved by religious conversion, the FIR was lodged inter alia under Section 3 read with Section 5 (1) of UP Act of 1921 by a person not authorized under Section 4 of the Act lodged an FIR for offense under Section 3 of the Act. In fact, it was subsequent FIR pertaining to the very same alleged incident of conversion from Hinduism to Christianity. Hon'ble Supreme Court quashed the FIR on the ground that even if the allegation of the complaint are taken at their face value, an FIR for the offense under the UP Conversion Act could not have been lodged on the basis of complaint made by the complainant in light of embargo contained in the unamended Section 4 of the UP Conversion Act and also on the ground that it was subsequent FIR on the same subject matter which was hit by judgment of Apex Court in **T.T. Antony versus State of Kerala, (2001) 6 SCC 181**. However, Hon'ble Court clarified that insofar as the FIR for the alleged offences under Sections 307, 386 and 504 IPC respectively is concerned, the matter requires further consideration. Once all the relavant documents are brought on record

30. He next submitted that Hon’ble Supreme Court in Dhan Jee Pandey

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versus The State of Bihar and another (Criminal Appeal No.1864 of 2026 observed while placing reliance on State of Haryana versus Hasmat 2004 (2004) 6 SCC 175; (2002) 9 SCC 364; Om Prakash Sahani versus Jay Shankar Chaudhary and another (2023) 6 SCC 123 and held that Hon'ble Apex Court has clarified the scope of power under Section 389 CrPC by holding that suspension of sentence may be justified only where palpable infirmity apparent on the face of the record, indicating that the conviction may not ultimately withstand scrutiny. The appellate court is not expected to undertake re-appreciation of evidence or delve into a detailed evaluation of the prosecution case at the stage of suspension of sentence under Section 389 Cr.P.C.

31. Learned State Counsel has placed reliance in **Allahuddin and others versus State of Assam and another, 2024 (12) Supreme Court Cases 224**; **Kamran versus State of Madhya Pradesh, in SLP (Criminal) Diary Number 16320 of 2026**; **S.G. Vombatkere versus Union of India, 2022 (7) SCC 433**; **Rajendra Bihari Lal and another versus State of Uttar Pradesh and others, 2025 LiveLaw (SC) 1021** and **Mohammed Irfan versus State of Karnataka, 2022 SCC Online SC 856**.

32. In **Kamran versus State of Madhya Pradesh**, the Hon'ble Supreme Court vide order dated 15/05/2025 clarified its earlier order dated 11/05/2022 to the effect that wherever the accused has no objection against proceeding of the trial court, the appeal or any other proceedings, where such accused has been charged under, inter alia, Section 124 IPC there shall be no impediment for the court to decide such matter on merits and in accordance with law.

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33. Learned AGA next submitted that in **Mohammed Irfan versus State of Karnataka (supra)**, Hon'ble Supreme Court in Para 27 of the judgment arising out of a case where the appellant was convicted and sentenced for charges under section 120-B, 121-A, 121 IPC and other penal statutes, cited a book written by Anwar Sheikh, named as Islam, Sex and Violence, and website copy Wikipedia, wherein Jihad has been described. Thus, the contention made on behalf of appellants that the learned trial court has committed legal error while citing certain extracts of certain books and literature in the judgment, particularly, those seized from the position of the appellants. He also submitted that an interpreter was called from Dr. Shakuntala Mishra National Rehabilitation University, Lucknow at the stage of recording of evidence of deaf and dumb witnesses, Mohit Yadav and Aditya Gupta. Although recording of recording of evidence of such witnesses with the assistance of interpreter was not videographed as provided under Section 119 of the Indian Evidence Act due to substantial compliance of Section 119 while taking aid of an interpreter in recording of the evidence of such witness, no illegality may be inferred in the proceedings of the case.

34. As regards want of locus standi of a police officer as alleged on behalf of appellants in violation of Section 4 of the Act, learned AGA submitted that even if on perusal of Section 4 as stood prior to the amendment in the year 2024, it is obvious that the mandate of Section 4 is applicable to offense under section 3 of the Act and not offense under Section 8. In the scheme of the Act, cognizance of offenses under the Act on police report is not barred. Even if it is inferred that a Sub-inspector of Police lacked locus standi to lodge an FIR for offense under Section 3 of the Act in present case, due to mandate of Section 4 as interpreted by Hon'ble Apex

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court in Rajendra Bihari Lal vs. State of Uttar Pradesh and others (Supra), the FIR was never challenged by the appellants during investigation, nor the charge sheet following the investigation pursuant to the said FIR was ever challenged before the competent court by the appellants. Thus, taking a plea of lack of locus standi of the police officer to lodge an FIR at the stage of consideration of bail application / suspension of sentence in criminal appeal preferred against the judgment of conviction and sentence passed by the trial court, may not be permitted on facts of the case. Moreover, it may be treated as error or irregularity and in support of this contention, he has cited Section 465 CrPC which is reproduced as under:

> *"465.* ***Finding or sentence when reversible by reason of error, omission or irregularity.*** *—(1) Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered by a Court of appeal, confirmation of revision on account of any error, omission or irregularity in the complaint, summons, warrant, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Code, or any error, or irregularity in any sanction for the prosecution, unless in the opinion of that Court, a failure of justice has in fact been occasioned thereby.*
>
> *(2) In determining whether any error, omission or irregularity in any proceeding under this Code, or any error, or irregularity in any sanction for the prosecution has occasioned a failure of justice, the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings."*

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35. Learned AGA submitted that the large scale of conversion of people professing Hindu religion to Islam by means of fraud, misrepresentation, force, undue influence, coercion, allurement with jihadi mindset as appearing from WhatsApp chats, audio-video clips of speech made by some of the accused person, voice samples report, CDR and mobile data reflects jihadi mindset of the all the accused persons who are trying to change the demography of India with broader objective of converting India from Dar-ul-Harb ("the land of non-believers or infidels") to Dar-ul Islam ("the land of believers"). This is not a case of conversion from Hinduism to Islam simpliciter, which is regularized under Section 8 of the Act which provides that *"one who desires to convert his/her religion, shall give a declaration in the form prescribed in Schedule-I at least sixty days in advance, to the District Magistrate or the Additional District Magistrate specially authorized by the District Magistrate, that he wishes to convert his/her religion on his/her own and with his/her free consent and without any force, coercion, undue influence or allurement."* The religious convertor, who performs conversion ceremony, is also obligated to give one month's advance notice in the form prescribed in Schedule-II of such conversion to the District Magistrate.

36. In present case, neither the converted person nor religious convertor, the accused persons have given any such statutory notice to the District Magistrate at the stage of conversion in compliance of Section 8. The statements of victim Mohit Kumar Chaudhary (PW-8) who showed that he was converted after the implementation of the Act. Similarly, the victim of a witness (PW-9), Aditya Gupta was also converted after converted unfully into Islam after the Act came into force. Even converted person is obligated to send a declaration post conversion in the

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form prescribed-III as provided under Section 9 of the Act.

37. Section 12 places places adverse burden of proof on the accused, when it is found that he carried out religious conversion through means prohibited under Section 3 of the Act.

38. A speech of Maulana Kaleem Siddiqui on YouTube channel was retrieved by the Investigating Officer in which he has made an appeal to take back region of Hindustan and make it an Islamic state. He is founder of Jamiyat Imam Ali which has received huge amount of donation in different accounts. The main accused Mohd. Umar Gautam was running Islamic Dawah Centre (IDC) in which the evidence of huge funding from the different sources. He has organized annual function known as Annual Revert Gettogether of such converted person. A video/photo collected from him and co-accused mobile phone data has proved his guilt. His son Abdullah Umar received Rs.28 lakhs in his ICICI bank account, out of which Rs.3 lakh 8 thousand were received from UK. A sum of Rs.6000 has been transferred by him to account of Shahabuddin to pay this to a converted Muslim Neenu Kanwar for the purposes of religious conversion. Adopting, engaging in large scale conversion by means of allurement, threat, deceit, wrongful confinement and for that purpose receiving huge funding from within and outside the country with objective of converting India from secular to Islamic state. His innocence a conspiracy against government of the country. And it cannot be said that the case of the appellants does not come within the purview of Section 121- A IPC. **Section covers** conspiracy to overawe the Central or State Government by means of criminal force or the show of criminal force and for this actual use of force is not necessary.

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39. Learned trial court has given a conectivity chart from Page 238 to 241 of the judgement, showing connectivity of the appellants, interse and their associates, on the basis of their mobile call data records produced by prosecution. Learned trial court has underscored the role and charges proved against them on the basis of evidence adduced during trial, in detail from para 243 to 253 of the judgment which is being reproduced as under for a proper understanding of the allegations and evidence in respect of the appellants.

***1.* मो. उमर गौतम-**

i. यह इस अवैध धर्मांतरण सिंडिकेट का मुख्य आरोपी और **मास्टरगाइंड** है और वह एक परिवर्तित मुस्लिम भी है।

ii. वह अवैध धर्मातरण गतिविधियों के लिए दिल्ली में इस्लामिक दावा सेंटर चला रहा था।

iii. वह दिल्ली में अपने इस्लामिक दावा सेंटर *(*आईडीसी*)* में इस्लामिक चरमपंथी बिलाल फिलिप्स की इंटरनेशनल ओपन यूनिवर्सिटी *(*आई.ओ.यू.*)* का केंद्र संचालित कर रहा था।

iv. उसने खुद सार्वजनिक मंच पर दावा किया है कि वह अब तक *1000* से ज्यादा धर्मान्तरित लोगों के कागजात तैयार करा चुका है। इसके अतिरिक्त उसने अनेक लोगों के अवैध धर्मांतरण के दस्तावेज तैयार कराने में भी मदद की।

v. उसने उत्तर प्रदेश और भारत के विभिन्न राज्यों में हिन्दू धर्म की गलत व्याख्या तथा मुस्लिम धर्म को विश्व का एक मात्र सच्चा धर्म बताकर, जहन्नुम का भय दिखाकर, प्रलोभन और धमकी देकर बड़े पैमाने पर लोगो का अवैध धर्मान्तरण कराया है।

vi. उसका उद्देश्य अवैध धर्मातरण की गतिविधियों संचालित करके देश की जनसांख्यिकी को बदलना और भारत देश की चुनी हुई सरकार को हटाकर

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शरियत कानून लागू करना था।

vii. उसने अपने विदेशी सहयोगियों जैसे अब्दुल्ला आदम पटेल, यर्ली अब्दुल्ला और शादाब अहमद, जो कि यू.के. के निवासी है, से वर्ष *2012* से *2021* तक अपने एच.एस.बी.सी. बैंक खाते में *7,78,335/-* प्राप्त किये।

viii. वर्ष *2009-2021* तक उसे भारतीय व विदेशी सहयोगियों से खाते व हवाला के माध्यम से करोड़ों रुपये प्राप्त हुए जिनका उपयोग अभियुक्त मो० उमर गौतम द्वारा अवैध धर्मान्तरण की गतिविधियों में किया गया।

ix. उसे सह-अभियुक्त सलाउद्दीन से हवाला के माध्यम से भारी धन प्राप्त हुआ और उस धन का उपयोग अवैध धर्मांतरण गतिविधियों में किया गया।

x. इसके विरुद्ध पुलिस स्टेशन डी.सो.बी., जनपद वड़ोदरा सिटी, गुजरात में एफआईआर नम्बर- *11196010210013* अन्तर्गत धारा-*153*ए*(1), 201, 406, 465, 467, 471, 120*-बी व *114* भादवि का अपराध पंजीकृत है।

xi. पटियाला हाउस कोर्ट, नई दिल्ली में ई०डी० ने केस नं०- *ECIR/14/STF/2021* में पी०एम०एल०ए० मनीलॉण्डरिंग में आरोप पत्र प्रस्तुत किया है, जिसको पत्रावली में अभियोजन ने प्रदर्श क-*173* के रूप में साबित किया है। इसमें उमर गौतम की भूमिका का वर्णन करते हुए लिखा है कि-

12.1. Mohd Umar Gautam was the founder of the Islamic Da'wah Centre (IDC), which was running under his trust namely Fatimah Charitable Foundation. He through his organizing IDC was indulged in converting people to Islam, including students with hearing disabilities. He used to support converted people in order to encourage other people to convert into Islam. Umar Gautam has been indulged in criminal conspiracy with the syndicate which by identifying the weaker sections of the society, minor children, women and persons, creates a feeling of hatred in their minds towards their religion

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and faith. He created a charitable trust namely Fatimah Charitable trust as a front in order to raise funds in the name of charity. He initially purchased plot at C-2 Jogabai Extension, New Delhi in the name of Islamic Dawah Centre from the funds of Rs 5,00,000/- received to him in the year 2003. He formed trust in the name of Fatiman Charitable trust (FCF) in the year 2005 and purchased land in the name of FCF by the funds of Rs.45,00,000/- received to him through non-banking channel. Though the letter dated 05.03.2006 addressed to his donor Aziz Ali Dhanani points out towards funds being received into FCRA accounts, which has been denied by Badruddin Azmal to have been received in the bank accounts of Markazul Ma'arif, which further shows that this amount was also received through hawala channel to avid tracing by government authorities.

12.2. He had been receiving funds from India as well from persons residing in foreign countries into his personal accounts as well as into the account of his family members. He has received Rs.1,48,02,974/-as donations from various people from India as well as abroad. Rs.8,51,170/- has been received into the various accounts of his son Abdullah Umar and Rs.32,14,945/- into the account of his wife Razia Umar. This receiving of funds and indulging in illegal conversion activities was a continuous process and hence the proceeds of crime were generated continuously in this process. Apart from using the assets of the Trust, he also used to organize and visit events where people can be gathered and influenced. One of such

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events was Reverts Get Together which was organized every year by Islamic Dawah Centre.

12.3. Umar Gautam along with his associates hatched criminal conspiracy and was doing illegal activities of religious conversion through his organization Islamie Dawah Centre (IDC) which was part of FCF. He created the trust assets through funds received through: Hawala/illegal channels from abroad which were provided to him in lieu of carrying out illegal conversion activities and thereby changing the demography of the country. This continuous process of illegal conversion activities done by him generated proceeds of crime which was acquired by him through Hawala Channels from abroad. These creation of assets from illegal funds and funds in cash were further used by him as resources to mind wash and influence people of weaker sections. This process of funding for illegal religious conversion for creating communal disharmony in the country was a continuous process which involves creating assets like schools, Madarsas etc wherein people can be gathered in the guise of education and were convinced to change their religion. Mohammad Umar Gautam was acting as salesmen to sell religion and convert people into Islam. On one side, he has received the proceeds of crime in lieu of converting people and on other hand he was knowingly involved in the process of acquiring proceeds of Crime in the name of Islamic Dawah Centre and his Trust namely Fatimah Charitable Trust. He never disclosed the funds received by him to the government authorities to avoid scrutiny by government

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authorities. Even no disclosure regarding the assets of Fatimah Charitable and Islamic Dawah Centre was made. He deliberated got registry at very less value than the actual purchase value of the land purchased in the name of Fatimah Charitable foundation at Khasra no. 875 at Massuri, Dasna, Ghaziabad. This was done with the intention to his and conceals the source of funds and scrutiny by government authorities.

12.4. Thus, Mohd. Umar Gautam and his organization namely Islamic Dawah Centre and Fatimah charitable Foundation were directly and knowingly involved in the various processes and activities connected with proceeds of Crime:

Generation of proceeds of crime by raising funds from abroad as well as from India as a part of criminal conspiracy.

Acquisition & possession of proceeds of Crime in his personal as well in the accounts of his family members. Projection of the proceeds of crime as untainted by projecting himself as Islamic scholar and activities of IDC as assisting people for conversion. He projected his trust Fatimah Charitable Foundation as the front for charity.

12.5. Mohd. Umar Gautam and his organization namely Islamic Dawah Cenire and Fatimah charitable Foundation have been knowingly and directly involved in the continuing activities and processes connected with the said proceeds of crime and have been directly enjoying the said proceeds of crime by its concealment, possession, acquisition, use and projection as untainted property.

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12.6. Mohd. Uınar Gautam's organization namely Islamic Dawah Centre and Fatimah charitable Foundation have also been knowingly and directly involved in the continuing activities and processes connected with the said proceeds of crime and have been directly enjoying the said proceeds of crime by its concealment, possession, acquisition use and projection as untainted property.

12.7. Thus, Mohd. Umar Gautam Islamic Dawah Centre and Fatimah charitable Foundation have committed the offence of Money Laundering as defined under section 3 read with section 70 of the PMLA, 2002 and they are liable to be prosecuted and punished under section 4 of PMLA, 2002.

उल्लेखनीय है कि विद्वान ई०डी० न्यायालय द्वारा उक्त आरोपपत्र पर अभियुक्त के विरुद्ध संज्ञान भी लिया जा चुका है।

***2.* मुफ्ती जहांगीर आलम कासमी-**

i. वह आईडीसी में धर्मांतरण / विवाह प्रमाणपत्र जारी करने के लिए मुफ्ती के रूप में काम कर रहा था।

ii. वह लोगों को उनके धर्म के बारे में गलत व्याख्या करके, अनुचित प्रभाव डालकर, प्रलोभन देकर और धमकी देकर उनका धर्म परिवर्तन करा रहा था।

iii. उसने अन्य धर्मों के देवी-देवताओं के सिद्धांत को गलत तरीके से प्रस्तुत किया तथा उनकी मान्यताओं का खंडन किया तथा इस्लाम को इस दुनिया के एकमात्र धर्म के रूप में प्रस्तुत किया।

iv. उसने धर्मांतरित लोगों के जाली धर्मांतरण दस्तावेज और विवाह प्रमाण पत्र जारी किए।

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v. उसे अवैध धर्मांतरण कार्य के इस कार्य के लिए मो. उमर गौतम द्वारा पैसे भी दिये जा रहे थे।

vi. उसने धर्म की गलत व्याख्या करके, पीडित मोहित चौधरी को डरा-धमकाकर उसका धर्म परिवर्तन करा दिया।

vii. वह आईडीसी में आने वाले गैर-मुस्लिम लोगों को डरा-धमकाकर, उनके धर्म की गलत व्याख्या करके, जहन्नुम का भय दिखाकर तथा शादी का लालच देकर उन्हें कलमा पढ़वाकर उनका धर्म परिवर्तन कराता था और उनके धर्म परिवर्तन का सर्टिफ़िकेट जारी कर देता था।

viii. वह लोगों के निकाहनामे भी जारी करता था।

ix. पटियाला हाउस कोर्ट, नई दिल्ली में ई०डी० ने केस नं०-*ECIR/14/STF/-2021* में पी०एम०एल०ए० मनीलॉण्डरिंग में आरोप पत्र प्रस्तुत किया है, जिसको पत्रावली में अभियोजन ने प्रदर्श क-*173* के रूप में साबित किया है। इसमें उमर गौतम की भूमिका का वर्णन करते हुए लिखा है कि-

12.8. Mufti Qazi Jehangir Qasmi has been actively assisting in the activities of religious activities carried out by IDC. He admitted to have associated with Islamic Da'wah center in the year 2011. He was issuing Conversion certificates under his sign and seal.

12.9. It is very evident that Mufti Qazi Jehangir Qasmi was very well aware about the activities of illegal conversion carried out by Islamic Dawah Centre and was instead part of the activities of IDC and was close to Mohd. Umar Gautam.

12.10.Qazi Jehangir Qasmi has been knowingly and directly involved in the continuing activities and processes connected with the said proceeds of crime.

12.11. Qazi Jehangir Qasmi has committed the offence of

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Money Laundering as defined under section 3 of the PMLA, 2002 and they are liable to be prosecuted and punished under section 4 of PMLA, 2002.

उल्लेखनीय है कि विद्वान ई०डी० न्यायालय द्वारा उक्त आरोपपत्र पर अभियुक्त के विरुद्ध संज्ञान भी लिया जा चुका है।

***3.* इरफान खान उर्फ इरफान शेख-**

i. वह एक सरकारी कर्मचारी है और सरकारी संस्था आई.एस.एल.आर.टी.सी. दिल्ली में दुभाषिया के रूप में नौकरी कर रहा था।

ii. उसने आरोपी राहुल भोला की मदद से सांकेतिक भाषा, धर्म की गलत व्याख्या, अनुचित प्रभाव, प्रलोभन और धमकी के माध्यम से नोएडा डेफ सोसायटी के मूक-बधिर छात्रों का अवैध धर्म परिवर्तन कराया।

iii. उसने आईडीसी *(*इस्लामिक दावा सेंटर*)* द्वारा अवैध रूप से धर्मान्तरित मूक-बधिरों के जाली दस्तावेज बनवाने तथा उन दस्तावेजों के गजटेशन में भी मदद की।

iv. उसने धर्मान्तरित लोगों के समक्ष स्वयं को सरकार के प्रतिनिधि के रूप में प्रस्तुत किया तथा उन्हें भ्रमित करते हुए बताया कि सरकार उसे धर्मान्तरण के कार्य के लिए वेतन देती है।

v. वह अवैध धर्मांतरण सिंडिकेट का प्रमुख सदस्य था क्योंकि वह सांकेतिक भाषा का उपयोग करके मूक-बधिर पीड़ितों को कलमा पढ़ा कर उनका धर्म परिवर्तन कराता था।

***4.* सलाहुद्दीन जैनुद्दीन शेख-**

i. यह गुजरात में एफ.एम.सी.जी. उत्पादों का वितरक और ए.एफ.एम.आई. *(* अमेरिकन फेडरेशन ऑफ मुस्लिम ऑफ इंडिया*)* चैरिटेबल ट्रस्ट का ट्रस्टी था।

ii. उसने वर्ष *2018* से वर्ष *2021* के मध्य हवाला के माध्यम से अपने विदेशी सहयोगियों से लगभग *62* करोड रुपये की धनराशि प्राप्त की।

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iii. सलाहुद्दीन ने हवाला का पैसा अभियुक्त मो. उमर गौतम को मुहैया कराया। मो. उमर गौतम द्वारा इस धन का उपयोग सहअभियुक्तों के माध्यम से अवैध धर्मांतरण की गतिविधियों को संचालित करने में किया जाता था।

iv. यह इस अवैध धर्मांतरण सिंडिकेट का वित्तपोषक है।

v. इसके विरुद्ध पुलिस स्टेशन **डीसोबी**, जनपद वड़ोदरा सिटी, गुजरात में एफ. आई.आर. नम्बर *11196010210013* अन्तर्गत धारा-*153* ए*(1), 201, 406, 465, 467, 471, 120*बी व *114* भादवि का अपराध पंजीकृत है।

vi. पटियाला हाउस कोर्ट, नई दिल्ली में ई०डी० ने केस नं०-*ECIR/14/STF/2021* में पी०एम०एल०ए० मनीलॉण्डरिंग में आरोप पत्र प्रस्तुत किया है, जिसको पत्रावली में अभियोजन ने प्रदर्श क-*173* के रूप में साबित किया है। इसमें उमर गौतम की भूमिका का वर्णन करते हुए लिखा है कि-

12.12. Sallahuddin Zeinuddin Sheikh was the managing trustee of AFMI. He was misusing trust funds and his position and was knowingly involved in layering of funds which were ultimately made available by him to Mohd. Umar Gautam through Hawala channels. It is also important here to mention that he was very well aware about the activities of Mohd. Umar Gautam through Islamic Dawah Centre (IDC). Even after knowing the usage of funds which were facilitated through him, he kept on providing Mohd Umar Gautam the illegal funds received from abroad and misused the FCRA account of the AFMI Trust. The primary goal for using Hawala channel by Sallahuddin was to conceal both the funding activity and the nature of funded activity. He further manipulated and misappropriated the funds of AFMI trust. He was receiving huge fund from Dubai through Hawala Channel in the name of

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AFMI trust, which was never accounted for in the books of AFMI trust with the intention to conceal it from government authorities.

12.13. Sallahuddin Zeiruddin Sheikh and his trust namely ARMI Charitable Trust have been knowingly and directly involved in the continuing activities and processes connected with the said proceeds of crime and have been directly assisted in the process of concealment, possession acquisition and use of proceeds of crime and projection as untainted property.

12.14. Thus, Sallahuddin Zeinuddir. Sheikh and his trust namely AFMI Charitable Trust have committed the offence of Money Laundering as defined under section 3 read with section 70 of the PMLA, 2002 and they are liable to be prosecuted and punished under section 4 of PMLA, 2002.

उल्लेखनीय है कि विद्वान ई०डी० न्यायालय द्वारा उक्त आरोपपत्र पर अभियुक्त के विरुद्ध संज्ञान भी लिया जा चुका है।

5. राहुल भोला उर्फ राहुल अहमद-

i. राहुल भोला ने अपना धर्म परिवर्तन करने के बाद सहअभियुक्तगण के साथ मिलकर मल्टी लेवल मार्केटिंग (एमएलएम) पैटर्न के अनुसार नोएडा डेफ सोसाइटी में पढ़ने वाले मूक-बधिर छात्रों का अवैध धर्मान्तरण शुरू कर दिया।

ii. उसने सांकेतिक भाषा का उपयोग करके मन्नू यादव, आदित्य गुप्ता, निधि पठानिया का धर्म परिवर्तन कराया।

iii. उसने धर्म की गलत व्याख्या की तथा अनुचित प्रभाव, प्रलोभन और धमकी देकर पीड़ितों का धर्म परिवर्तन कराया। स्वयं मूक-बधिर होने के कारण इसे सांकेतिक भाषा का ज्ञान था, जिसके माध्यम से यह अन्य मूक-बधिरों को

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प्रभावित करता था।

iv. सहअभियुक्त मो. उमर गौतम तथा इरफान शेख के साथ मिलकर उसने इस्लामिक दाबा सेंटर *(*आईडीसी*)* के माध्यम से मूक-बधिर धर्मान्तरित मुसलमानों के जाली दस्तावेज बनान्ने तथा उनके गजटेशन में भी मदद की।

***6.* मन्नू यादव-**

i. अपने धर्मान्तरण के बाद मन्नू यादव ने मल्टी लेवल मार्केटिंग *(*एमएलएन*)* पैटर्न का उपयोग करके नोएडा डेफ सोसाइटी में पढ़ने वाले मूक-बधिर छात्रों का अवैध धर्मान्तरण शुरू कर दिया।

ii. वह हिंदू धर्म और उनके देवी-देवताओं का अपमान कर रहा था।

iii. उसने सहअभियुक्त राहुल भोला के साथ मिलकर आदित्य गुप्ता का धर्म परिवर्तन कराने में सहायता की। जब आदित्य गुप्ता का खतना कराया गया उसके खाते में पैसे डाले गये तथा जब आदित्य गुप्ता वापस कानपुर लौटना चाह रहा था तब उसको बार-बार दबाव बनाकर रोका जा रहा था कि वह हिन्दू धर्म में वापस न लौट पाए।

***7.* प्रसाद रामेश्वर कांवरे उर्फ आदम-**

i. प्रसाद रामेश्वर कावरे ने अपने धर्म परिवर्तन के बाद अपनी मां शालिनी कांबरे और बहन आरती कांवरे का भी धर्म परिवर्तन कराया था।

ii. उसने धर्म की गलत व्याख्या की तथा प्रलोभन और धमकी देकर लोगों का धर्म परिवर्तन कराया।

iii. उसने नए धर्मांतरित मुसलमानों के लिए दावा गतिविधियों और वार्षिक रिवर्ट गेट-टुगेदर कार्यक्रम आयोजित करने के लिए अन्य आरोपियों का समर्थन किया तथा वह स्वयं धर्मान्तरितों के महिमामंडन के लिए इस्लामिक दावा सेन्टर द्वारा आयोजित किये जाने वाले रिवर्ट गेट-टूगेदर प्रोग्राम में सम्मिलित हुआ था।

iv. भारत में इस्लाम *(*शरियत*)* शासन स्थापित करने के लिए, यह कट्टरपंथी और असहिष्णु इस्लामी चरमपथी उपदेशक अनवर अल-अवलाकी और अली-अल-

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तमीमी की विचारधारा का पालन कर रहा था।

v. एक ऑडियो में वह सहअभियुक्त चौशर आलम से फिदायीन विचारधारा *(* गयाबाना-जनाजा*)* की बातें कर रहा था। यह ऑडियो फाइल अभियुक्त प्रसाद रामेश्वर कांवरे उर्फ आदम के मोबाइल डाटा एक्सट्रेक्शन से बरामद हुई है। ऑडियो फाइल में मौजूद आवाज का अभियुक्त प्रसाद रामेश्वर कावरे की आवाज से स्वर मिलान कराने पर एफ.एस.एल. की रिपोर्ट के अनुसार आवाज समान पायी गयी।

vi. वह महाराष्ट्र में इस्लामिक दावा सेन्टर की शाखा स्थापित करना चाह रहा था, जिससे अधिक से अधिक लोगों में गैर मुस्लिम धर्मों के प्रति दुर्व्यपदेशन के माध्यम से भ्रम फैलाकर धर्म की गलत व्याख्या, प्रलोभन और धमकी आदि के माध्यम से उन्का मुस्लिम धर्म में धर्मान्तरण कराया जा सके। इस कार्य में मो. उमर **गौत्ग** के अतिरिक्त कौशर आलम, फराज बाबूलाह शाह, अर्सलान मुस्तफा उर्फ भूप्रिय बन्दो तथा धीरज गोविन्द राव जगताप द्वारा उसका सहयोग किया जा रहा था।

8. **कौशर आलम-**

i. कौशर आलम ने गैर- मुस्लिम धर्मों की गलत व्याख्या, प्रलोभन और धमकी देकर लोगों का धर्म परिवर्तन कराने में सहअभियुक्तों का सहयोग किया है।

ii. उसने नव-धर्मान्तरित मुसलमानों के लिए दावा गतिविधियों और वार्षिक रिवर्ट गेट टुगेदर कार्यक्रम आयोजित करने के लिए सहअभियुक्तों का समर्थन किया।

iii. आरोपी फ़राज की मदद से वह डॉ. सागर को धर्म की गलत व्याख्या और प्रलोभन देकर इस्लाम में परिवर्तित करने की कोशिश कर रहा था तथा अंतत: सागर का धर्म परिवर्तन कराकर एक मुस्लिम लड़की से उसकी शादी करा दी गयी।

iv. एक ऑडियो में यह सहअभियुक्त प्रत्ताद कांवरे से फिदायीन विचारधारा *(* गयाबाना जनाजा*)* की बातें कर रहा था। ऑडियो फाइल में मौजूद आवाज का

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अभियुक्त कौशर आलम की आवाज से स्वर मिलान कराने पर एफ.एस.एल. की रिपोर्ट के अनुसार आवाज समान पायी गयी।

9. **अर्सलान मुस्तफा उर्फ भूप्रिय बंदो-**

i. अर्सलान मुस्तफा उर्फ भूप्रिय बन्दो स्वयं एक धर्मान्तरित मुसलमान है।

ii. वह महाराष्ट्र में इस्लामिक दावा सेंटर की शाखा स्थापित करने में अभियुक्तगण का सहयोग कर रह था।

iii. उसने नव-धर्मातरित मुसलमानों के लिए दावा गतिविधियों और वार्षिक रिवर्ट गेट टुगेदर कार्यक्रम आयोजित करने के लिए अन्य आरोपियों का समर्थन किया।

iv. वह पीड़ित परेश हरोडे को मस्जिद में ले गया और उसे नमाज पढ़ने के लिए मजबूर किया।

10. **फराज बाबुल्लाह शाह-**

i. फराज बाबूलाह शाह ने गैर- मुस्लिम धमों की गलत व्याख्या, प्रलोभन और धमकी देकर लोगों का धर्म परिवर्तन कराने में सहअभियुक्तों का सहयोग किया है।

ii. उसने नव-धर्मान्तरित मुसलमानों के लिए दावा गतिविधियों और वार्षिक रिवर्ट गेट टुगेदर कार्यक्रम आयोजित करने के लिए अन्य आरोपियों का समर्थन किया।

iii. वह पेशे से एक डॉक्टर है और महाराष्ट्र के यवतमाल में एक क्लिनिक चलाता है। यह अपने क्लिनिक में आने वाले गैर-मुस्लिम लोगों को धर्म की गलत व्याख्या , स्वर्ग का प्रलोभन और नरक की आग का भय गलत तरीके से इस्लाम धर्म का प्रचार व प्रसार कर रहा था।

iv. उसने गैर-मुस्लिम धर्मों की गलत व्याख्या कर तथा शादी का प्रलोभन देकर डॉ. सागर को इस्लाम धर्म में धर्मान्तरित कराकर मुस्लिम लड़की से उसकी शादी करा दी।

v. उसके मोबाइल फोन से एक ऑडियो बरामद हुई है जिसमें वह एक अज्ञात महिला *(*दीदी*)* को धर्म की गलत व्याख्या, स्वर्ग का प्रलोभन और नरक की आग

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का डर दिखाकर इस्लाम धर्म में धर्मान्तरित कर रहा है तथा अंततः उसने उस महिला व उसके बच्चे को कलमा पढ़ा दिया। इस ऑडियो फाइल में मौजूद आवाज का अभियुक्त फराज बाबूल्लाह शाह की आवाज से स्वर मिलान कराने पर एफएसएल की रिपोर्ट के अनुसार आवाज समान पायी गयी।

11. **मौलाना कलीम सिद्दीकी-**

i. वह अवैध धर्मांतरण सिंडिकेट का मास्टरमाइंड और भारत का सबसे बड़ा दाई है।

ii. वह जमीयत इमाम वली-उल्लाह ट्रस्ट और ग्लोबल पीस सेंटर *(*जी.पी.सी.*)* का संस्थापक है।

iii. वह जमियत इमाम वली-उल्लाह ट्रस्ट के माध्यम से कई मदरसों का संचालन कर रहा था और उन मदरसों का इस्तेमाल अवैध रूप से लोगों का धर्म परिवर्तन कराने के लिए कर रहा था।

iv. उसे वर्ष *2006* से *2021* के दौरान जमीयत इमाम वलीउल्लाह ट्रस्ट के विभिन्न खातों में रुपये *2,16,71,200/-* मिले।

v. उसने दुर्व्यपदेशन के माध्यम से लोगों को इस्लाम धर्म में धर्मान्तरित कराने के लिए अनेक लोगों को इस कार्य में लगा रखा था, जिन्हें वह दाई कहता था। लोगों को अवैध रूप से इस्लाम धर्म में धर्मान्तरित कराने के इस कार्य के लिए वह अपने इन दाइयों धन भी उपलब्ध कराता था। यह पैसा दाइयों को उनके खाते में अथवा नकद दिया जाता था।

vi. उसने उत्तर प्रदेश और भारत के विभिन्न राज्यों में बड़े पैमाने पर लोगों का धर्म परिवर्तन कराया।

vii. उसका उद्देश्य अपने गिरोह के माध्यम से गैर-मुस्लिम धमों के लोगों का इस्लाम धर्म में अवैध धर्मान्तरण कराकर देश की जनसांख्यिकी को बदलना और अवैध धर्मांतरण की गतिविधियों को संचालित करके देश की चुनी हुई संवैधानिक सरकार को अपदस्थ कर शरियत का कानून लागू करना था।

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viii. उसे भारतीय और विदेशी सहयोगियों से अपने खाते में भारी धनराशि मिली।

ix. एक यूट्यूब वीडियो में वह गैर-मुस्लिम धर्मों के बारे में नफरत भरा भाषण दे रहा है और कह रहा है कि "मुसलमानों ने *900* साल से ज्यादा समय तक भारत पर राज किया है। इस लिए मुसलमानों की यह अनिवार्य जिम्मेदारी *(*फर्ज-ए-ऐन*)* है कि यहाँ पुनः मुस्लिम राज्य स्थापित किया जाए। वीडियो फाइल में मौजूद आवाज का अभियुक्त मौलाना कलीम सिद्दीकी की आवाज से स्वर मिलान कराने पर सी.एफ.एस.एल. की रिपोर्ट के अनुसार आवाज, समान पायी गयी।

x. ओपेन सोर्स से एक ऑडियो क्लिप बरामद हुआ है, जिसमें वह किसी अज्ञात व्यक्ति से धर्मान्तरण के बारे में बात कर रहा है और "या तो कुरान या तलवार" की विचारधारा का समर्थन कर रहा है। ऑडियो फाइल में मौजूद आवाज का अभियुक्त मौलाना कलीम सिद्दीकी की आवाज से स्वर मिलान कराने पर सी.एफ. एस.एल. की रिपोर्ट के अनुसार आवाज समान पायी गयी।

xi. उसने धर्मों की गलत व्याख्या करके विभिन्न धार्मिक समुदायों की भावनाओं को ठेस पहुंचाई और सांप्रदायिक सद्भाव को बिगाड़ दिया।

xii. इसने अपनी पुस्तक "आपकी अमानत आपकी सेवा में" में हिन्दू धर्म के बहुदेववाद में विश्वास रखने वाले व्यक्ति की तुलना वैश्या से, मूर्तियों की तुलना कुत्ते से की गयी है। मूर्तियों को कायर तथा उन्हें पूजने वालों को कमजोर बताया गया है।

12. **सरफराज अली जाफरी-**

i. सरफराज अली जाफरी ने प्रलोभन और धर्म की गलत व्याख्या करके लोगों का धर्म परिवर्तन कराया।

ii. वह ग्लोबल पीस सेंटर संस्था का प्रबंधन कर रहा था और इस संस्था के माध्यम से लोगों का धर्म परिवर्तन करा रहा था।

iii. यह सहअभियुक्त मौलाना कलीम सिद्दीकी के दाई के रूप में भी कार्य कर रहा था। इस कार्य के लिए इसे जनियत इमाम वली उल्लाह ट्रस्ट से पैसे भी मिलते

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थे।

iv. उसने दावा कैम्पों का आयोजन किया और अवैध धर्मांतरण गतिविधियों में सहअभियुक्त मौलाना कलीम सिद्दीकी का सहयोग किया।

v. उसने धर्मान्तरित लोगों की धर्मान्तरण गतिविधियों और दस्तावेजीकरण में सहायता प्रदान की।

vi. उसके मोबाइल फोन से एक दस्तावेज बरामद हुआ है जिसमें धर्मान्तरण के कार्यक्रम *(*ताकाजा*)* का चरणबद्ध उल्लेख अंकित है।

13. **धीरज गोविंद राव जगताप-**

i. धीरज गोविन्द राव जगताप स्वयं धर्मान्तरित मुस्लिम है तथा उसनें दुर्व्यपदेशन, प्रलोभन और जबरन दबाव डालकर लोगों का धर्म परिवर्तन कराया।

ii. उसने अपनी पत्नी शिल्पा पर दबाव डालकर और यातना देकर उसे इस्लाम में परिवर्तित करने की कोशिश की।

iii. वह नए धर्मान्तरित मुसलमानों के लिए एक व्हाट्सएप ग्रुप चलाता था।

14. **मो. सलीम-**

i. मो. सलीम, मुख्य अभियुक्त मौलाना कलीम सिद्दीकी का ड्राइवर था।

ii. उसने अभियुक्त मौलाना कलीम सिद्दीकी अवैध धर्मांतरण गतिविधियों में उसका समर्थन किया।

iii. उसने पुलिस से छिपने के लिए कलीम सिद्दीकी को अपना मोबाइल फोन उपलब्ध कराया तथा उसे अपने मोबाइल के माध्यम से लोगों के धर्मान्तरण की सूचना अपनी आवाज में रिकार्ड कर व्हाट्सएपे पर भेजी जो इसके मोबाइल फोन डाटा एक्सट्रेक्शन से बरामद है।

iv. ऑडियो फाइल में मौजूद आवाज का अभियुक्त मो. सलीम की आवाज से स्वर मिलान कराने पर एफएसएल की रिपोर्ट के अनुसार आवाज समान पायी गयी।

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15. **कुणाल अशोक चौधरी -**

i. वह विशेष रुप से महिलाओं के धर्मान्तरण लिए चल रहे दावा कार्यक्रमों के आयोजन में सहयोग करता था।

ii. वह अभियुक्त मौलाना कलीम सिद्दीकी का मुख्य दाई *(*धर्म परिवर्तन कराने वाला*)* था।

iii. उसने गैर-मुस्लिम धर्मों की गलत व्याख्या, प्रलोभन और धमकी देकर लोगों का धर्म परिवर्तन कराने में सहअभियुक्तों का सहयोग किया है।

16. **अब्दुल्ला उमर-**

i. यद्यपि अब्दुल्ला उमर एक छात्र था तथा उसके पास कमाई के अन्य कोई साधन नहीं थे फिर भी उसनें अपने भारतीय और विदेशी सहयोगियों से लगभग *78* लाख रुपये प्राप्त किए और उस पैसे का इस्तेमाल अवैध धर्मान्तरण की गतिविधियों में किया जो उसके पिता मो. उमर गौतम व गिरोह के अन्य सदस्यों द्वारा चलायी जा रही थी।

ii. उसने सहअभियुक्त मो. उमर गौतम के कहने पर धर्मान्तरित/पीड़िता मीनू कंवर को वह धन उपलब्ध कराया जो उसे भारतीय और विदेशी सहयोगियों से प्राप्त हुआ था।

iii. उसने अपने पिता मो. उमर गौतम व अन्य अभियुक्तगण की गिरफ्तारी के पश्चात पुलिस की नजरों से बचने के लिए अपने दोस्त शाहरुख के खाते में पैसे मंगाये तथा उसने उन पैसों का इस्तेमाल अभियुक्तगण की सहयता के लिए किया।

iv. उसनें आय का कोई साधन न होते हुए भी *6* अलग-अलग बैंक खातों का उपयोग किया और दिनांक *14-8-2020* से *27-5-2021* तक अपने इन गैर एफसीआरए खातों में *6,85,830/-* रुपये की विदेशी धनराशि प्राप्त की।

40. So far as we have gone through the material on record in the light of submissions made by learned counsel for the appellants and we have also

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perused the judgment under appeal and have also taken into consideration the fact that the appellants have undergone more than 4 years 6 months imprisonment till date during trial and after conviction in jail custody.

41. The appellants, namely, Mohd. Saleem, Rahul Bhola @ Rahul Ahmad, Mannu Yadav and Kunal Ashok Chaudhari @ Atif, have not been convicted for charge under Section 121A IPC. On perusal of seriousness of allegations and supporting evidence adduced during trial and inference of learned trial court thereon, we find that we are of the considered opinion that the charges against the appellants, namely, (1) **Mohd. Umar Gautam,** (2) **Mufti Qazi Jhangeer Qasmi,** (3) **Sallahuddin Jainuddin Sheikh,** (4) **Prasad Rameshwar Kawre @ Adam,** (5) **Maulana Kaleem Siddiqui,** (6) **Irfan Shaikh @ Irfan Shaikh,** (7) **Kauser Alam** and (8) **Dr. Faraz Babullah Shah** are of very serious in nature. Allegations and nature of evidence in respect of offences in question is compartively on lighter side in respect of other accused persons, who are said to be their associates and were connected with them. Therefore, we do not find any plausible reason to enlarge them on bail at post conviction stage in the present criminal appeal.

42. As a result, appellants, namely, (1) **Mannu Yadav,** (2) **Abdullah Umar,** (3) **Dheeraj Govindrao Jagtap,** (4) **Bhoopriya Bando @ Arslan Mustafa,** (5) **Sarfaraz Ali Jafri,** (6) **Mohd. Saleem,** (7) **Kunal Ashok Chaudhari @ Atif** and (8) **Rahul Bhola** deserve to be released on bail in the light of totality of facts and circumstances of the case, the role atributed to them, the evidence regarding overact committed by them in the alleged offences.

43. Consequently, bail applications of appellants, namely, (1) **Mohd.**

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Umar Gautam, (2) **Mufti Qazi Jhangeer Qasmi,** (3) **Sallahuddin Jainuddin Sheikh,** (4) **Prasad Rameshwar Kawre @ Adam,** (5) **Maulana Kaleem Siddiqui,** (6) **Irfan Shaikh @ Irfan Shaikh** (7) **Kauser Alam,** (8) **Dr. Faraz Babullah Shah** are hereby **rejected.**

44. Let the appellants, namely, (1) **Mannu Yadav,** (2) **Abdullah Umar,** (3) **Dheeraj Govindrao Jagtap,** (4) **Bhoopriya Bando @ Arslan Mustafa,** (5) **Sarfaraz Ali Jafri, (6) Mohd. Saleem, (7) Kunal Ashok Chaudhari @ Atif** and (8) **Rahul Bhola** convicted in the aforesaid sessions trials be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with following conditions:

(i) They will deposite their passports, if issued and not earlier deposited, before the trial court;

(ii) They will cooperate in the hearing of the appeal and will not seek adjournment on insufficient grounds.

(iii) they will not leave the country without permission of this Court.

(iv) they will not indulge in similar criminal activities during the period they remain on bail in their respective criminal appeals.

45. In case of breach of any of the conditions, the prosecution shall be at liberty to move cancellation of bail.

46. As regards fine, out of total fine imposed by the learned trial court, 50% fine shall be deposited by the appellants, who are directed to be released on bail within two months of thier release from jail pursuant to the present bail order and remaining 50% fine shall remain stayed. If 50%

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fine is not deposited within the aforesaid stipulted period, the bail grantrd to the appellants shall stand cancelled and they shall be arrested and sent to jail to serve out the sentence.

47. Accordingly, aforesaid applications are **disposed of**.

Order on memo of appeal

48. Summon the trial court records, if the same has not been summoned earlier.

49. Let paper book be prepared after receiving the trial court records.

50. List the appeal for hearing in the first week of January, 2027.

(Ram Manohar Narayan Mishra,J.) (Rajesh Singh Chauhan,J.)
November 4, 2026
KR