

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

Present: Smt. Mini S Das, Judge, Special Court for NIA Cases

Wednesday the 7th day of February, 2024/ 18th Magha, 1945

SESSIONS CASE No.03/2019/NIA

R.C.No. 02/2016/NIA/KOCHI.

<u>Complainant</u>	: Union of India represented by National Investigation Agency, Kochi.
	Represented by Sri. Sreenath.S (Public Prosecutor, NIA)
<u>Accused</u>	: Riyas.A @ Riyas Aboobacker @ Abu Dujana, aged 33 years, S/o. Aboobacker, House No. XVI/717, Muthalamada Panchayath, Akshaya Nagar, Chulliyarmedu, Kollamcode, Palakkad District, Kerala.
	Accused is represented by Adv. M/s. B.A. Aloor, Hijas T.T, Shafin Ahammed, Vishnu Dileep, Krishnendu.T.S and Archana Suresh.

Offences charged:- : Sec.38 and 39, Sec.120B of IPC r/w Sec. 38 and 39 of Unlawful Activities (Prevention) Act, 1967.

Plea of the accused : Not guilty

Finding:- : Found guilty.

Sentence or Order dated 09.02.2024:- : The accused is sentenced to undergo rigorous imprisonment for a term of 10 (Ten) years and to pay a fine of Rs. 50,000/- (Rupees Fifty thousand only) and in default of payment of fine, to undergo rigorous imprisonment for a further period of one year, for the offence punishable u/s. 38 of UA(P) Act.
The accused is sentenced to undergo rigorous imprisonment for a term of 10 (Ten) years and to pay a fine of Rs. 50,000/- (Rupees Fifty thousand only) and in default of payment of fine, to undergo rigorous imprisonment for a further period of one year, for the offence punishable u/s. 39 of UA(P) Act.
The accused is sentenced to undergo rigorous imprisonment for a term of 5 (Five) years and to pay a fine of Rs. 25,000/- (Rupees Twenty five thousand only) and in default of

payment of fine, to undergo rigorous imprisonment for a further period of six months, for the offence punishable u/s. 120B of IPC r/w 38 of UA(P) Act.

The substantive sentences of imprisonment shall run concurrently.

Set off under Section 428 of Cr.PC is allowed.

Description of accused

Sl. No	Name	Fathers Name	Religion	Occupation	Residence	Age
1.	Riyas.A @ Riyas Aboobacker @ Abu Dujana	Aboobacker	Muslim	Business	House No. XVI/717, Muthalamada Panchayath, Akshaya Nagar, Chulliyarmedu, Kollamcode, Palakkad District, Kerala.	33 years

Date of

Occurrence	Complaint	Apprehension	Release on bail	Commitment/ Date of filing
10.07.2016	10.07.2016	29.04.2019	In judicial custody	24.10.2019

Commence ment of trial	Close of trial	Date of Judgment	Sentence / Order	Service of copy of judgment or finding on accused	Explanation for delay.
18.09.2023	31.01.2024	07.02.2024	09.02.2024	09.02.2024	Nil

This case having been come up for final hearing before me on 31.01.2024 in the presence of the learned Public Prosecutor and the learned counsel for the accused and the court on 07.02.2024 delivered the following:-

JUDGMENT

1. The accused stands charge-sheeted by PW22, Deputy Superintendent of Police/Chief Investigating Officer, NIA, Kochi for the offences punishable u/s 120B of the Indian Penal Code and sections 38 & 39 of Unlawful Activities (Prevention) Act, 1967 in short UA(P) Act.

2. **The case of the prosecution, in brief, is stated as follows:-** Sh. Abdulla T. P., S/o. Sh. P. Muhammed, resident of Al-Noor House, Near Juma Masjid, Udumbunthala, Chandra, Kasaragod had lodged a complaint before the Station House Officer, Chandra Police Station in Kasaragod district stating that the 1st accused, Abdul Rashid Abdulla and his wife Ayisha @ Sonia Sebastian, the 3rd accused in this case and their child Sara, were found missing for almost 1 ½ months after they had gone to Mumbai. Accordingly, a case was registered as Crime No.534/2016 u/s 57 of Kerala Police Act, 2011. During the said period, it was also reported that 14 other persons from the same locality had gone missing and similar eight other cases were registered on the similar complaint made by the immediate relatives of the missing persons. On investigation in the missing cases it was revealed that the missing persons had left India for physically joining Islamic State of Iraq and Syria (ISIS)/Daesh, a terrorist organization proscribed in India under the Unlawful Activities (Prevention) Act, 1967. Consequently, the District Police Chief, Kasaragod constituted a special team and clubbed the investigation of the cases together in Crime No.534/2016 and Abdul Rashid was arraigned as the 1st accused. As it is revealed that the offences punishable under the provisions of the UA(P) Act had been committed, the case records were transferred to the District

and Sessions Court, Kasaragod from Judicial First Class Magistrate-1, Hosdurg. Investigation further revealed that Yasmeen Muhammed Zahid was involved in the conspiracy. She was arraigned as the 2nd accused in this case and she was arrested by the Kerala police on 01.08.2016 for attempting to exit India and join ISIS/Daesh in Afghanistan. Considering the gravity of the offences the Ministry of Home Affairs, Government of India vide Order F. No.11011/21/2016-IS.IV, dated 23.08.2016, entrusted the investigation of the Crime No. 534/2016 of Chandra Police Station to the NIA. Accordingly, the case was re-registered as RC-02/2016/NIA/KOC of NIA Police Station, Kochi on 24.08.2016 under sections 120B and 125 of IPC, sections 13, 38 & 39 of UA(P) Act, 1967. After investigation the prosecution sanction was obtained on 27.01.2017 and NIA had filed charge sheet against the 1st accused who was absconding and the 2nd accused who was in custody, u/s 120B r/w sec.125 of IPC and sections 38, 39 & 40 of UA(P) Act. This court took cognizance of the offences and numbered the case as SC.01/2017. After conducting trial against the 2nd accused, she was found guilty of the offences punishable u/s 120B r/w sec 125 of IPC and sections 38, 39 & 40 of UA(P) Act. She was sentenced to rigorous imprisonment for seven years with fine. The conviction u/s 120B and 38 of UA(P) Act against the 2nd accused stood confirmed by the Hon'ble High Court in CrI. Appeal No.506/2018 and the Hon'ble Supreme Court in SLP (CrI.) 461/2019, restored the sentence imposed by the trial court u/s 120B and sec. 38 of UA(P) Act.

3. During further investigation it was revealed that the accused Nos.16 & 17 hatched criminal conspiracy with the other absconding accused through various

social media platforms to join ISIS/Daesh in Afghanistan for furthering its activities and they propagated the ideology of ISIS and invited the support for the proscribed terrorist organization. During October 2017, Accused No.16 went to Afghanistan through Iran and attempted to join ISIS/Daesh. Accused No.17 also accompanied Accused No.16 upto Iran but due to some personal issues Accused No.17 had returned to India. On completing investigation, charge sheet was filed against Accused no.16 u/s 120B r/w section 125 of IPC and sections 38 & 39 of UA(P) Act. On the final report the court took cognizance and numbered the case as SC.01/2019 and Accused No.17 was tendered pardon and the same was accepted.

4. During the continued investigation information was received to the effect that Riyas A. @ Riyas Aboobacker @ Abu Dujana, a resident of Palakkad district, Muhammed Faizal resident of Kollam district, Abubakkar Siddique resident of Kasaragod district & Ahammed Arafath resident of Kasaragod district maintained contact with the absconding 1st accused and others who had joined the proscribed terrorist organization ISIS/Daesh. It was also revealed that the said accused persons were influenced by the violent extremist ideology of ISIS/Daesh propagated by the absconding accused and that they were motivated to perform hijra to the Islamic State or to conduct terrorist activities in Kerala for furthering the objectives of ISIS/Daesh. Consequently, the said accused persons were arraigned as Accused nos.18 to 21 respectively as per Ext.P35 report.

5. After filing Ext.P33 Advance Search Memorandum, PW12 conducted searches at the house of Accused Nos.18, 19 & 20. During the search at the residence of Accused No.18 Riyas A. @ Riyas Aboobacker @ Abu Dujana,

Ext.P13 mobile phone, Ext.P13(a) SIM Card, Ext.P13(b) Memory card, Ext.P15 SIM Card and Ext.P16(series) DVDs six in Nos. were recovered. During the search at the house of Accused No.20, Abubakkar Siddique, MO1 mobile phone, was seized.

6. On investigation it was revealed that accused No.18 Riyas Aboobacker was a highly committed member of ISIS/Daesh and he was ready to commit terrorist acts for furthering the activities of ISIS/Daesh in India. Accordingly accused No.18 was arrested on 29.04.2019. It was further revealed that accused No.20 was motivated by the ideology of ISIS and consequently planned to perform hijra to ISIS/Daesh controlled territories. Accused No.18 along with accused Nos.19 & 20 organized the conspiracy meetings at Lulu Mall and Marine Drive in Kochi city on 26.10.2018. In the said meetings the accused No.18 had attempted to convince accused No.19 & accused No.20 citing Islamic texts on conducting "Istishadi operation" on behalf of ISIS/Daesh in India. Accused No.19 who was in Qatar returned to India and joined the investigation on 07.05.2019. His mobile phone was seized.

7. Accused Nos.19 & 20 were initially influenced by the ideology of ISIS/Daesh and were inclined to perform hijra. As accused Nos.19 & 20 expressed their willingness to state all facts relating to the crime, their statements got recorded by the learned Judicial First Class Magistrate-II, Aluva u/s 164 and thereafter application was filed for tendering pardon to accused Nos.19 & 20 and the same was granted. During Investigation it was revealed that accused No.18 has been a committed member of ISIS/Daesh for a long period of time and that accused No.18

had motivated accused No.19 Muhammed Faizal & accused No.20 Abubakkar Siddique on ISIS/Daesh ideology, that accused No.18 had organized conspiracy meetings at Lulu Mall and Marine Drive in Kochi on 26.10.2018, along with accused No.19 and accused No.20 with the intention of furthering the activities of ISIS/Daesh and that the accused No.18 being highly radicalized and committed member of ISIS/Daesh had decided to commit suicide bombings in Kerala, for furthering the objectives of the proscribed terrorist organization ISIS/Daesh in India.

8. On completing the investigation, PW22 Deputy Superintendent of Police/Chief Investigating Officer, NIA, Kochi filed supplementary charge sheet before this court against Accused No.18 Riyas Aboobacker. Accused Nos. 3,4,5,6,7,8,9,10,11,12,13,14,15,17 are not arrested during investigation stating that the said accused were absconding and they were not charge sheeted. Accused no.18 is arrayed as the sole accused in this case. This court took cognizance of the offences punishable u/s 120B of IPC and sections 38 & 39 of UA(P) Act. The accused has been in judicial custody from 29.04.2019 onwards. Copies of all relevant records including digital records were furnished to the accused. The National Investigating Agency filed CrI.M.P. No.129/2019 u/s 307 Cr.P.C. seeking tender of pardon to Muhammed Faizal and Abubakkar Siddique P. A. (arraigned as Accused Nos.19 & 20 respectively in RC No.02/2016/NIA/KOC) and the court has tendered pardon to Muhammed Faizal and Abubakkar Siddique on condition of their making making a full and true disclosure of the whole of the circumstances within their knowledge relating to the offence and to every other person concerned and the said accused persons have accepted the pardon tendered by the court as

per order in CrI.M.P.129/2019 dated 20.11.2019.

9. After hearing both sides, charge was framed against the accused for the offences punishable under sections 38 & 39 of UA(P) Act r/w Section 120B of IPC. The charges were read over and explained in Malayalam to the accused. Having understood the charges, the accused pleaded not guilty. The prosecution examined PW1 to PW22 and marked Ext.P1 Series (Ext.P1, Ext.P1(a) to P1(i)), Ext.P2 Series (Ext.P2 & Ext.P2(a)), Ext.P3 Series (Ext.P3, Ext.P3(a) to P3(y), Ext.P4 Series (Ext.P4, Ext.P4(a) to P4(g), Ext.P5 Series (Ext.P5 & Ext.P5(a)), Ext.P6 Series (Ext.P6 & Ext.P6(a)), Ext.P7 to Ext.P10, Ext.P11 Series (Ext.P11 & Ext.P11(a)), Ext.P12, Ext.P13 Series (Ext.P13, Ext.P13(a) & Ext.P13(b)), Ext.P14, Ext.P15, Ext.P16 Series, Ext.P17, Ext.P18 Series (Ext.P18, Ext.P18(a) to 18(c), Ext.P19, Ext.P20, Ext.P21, Ext.P22 Series (Ext.P22 & Ext.22(a)), Ext.P23 Series (Ext.P23, Ext.P23(a), Ext.P23(b), Ext.P23(b)(1), Ext.P23(c), [Ext.P23(c) (1) to (25)], Ext.P23(d) to Ext.P23(g), Ext.P23(h), [Ext.P23(h)(1) & P23(h)(2)], Ext.P23(i) to Ext.P23(k), Ext.P23(l), [Ext.P23(l) (1) to (10)], Ext.P23(m), Ext.P23(n), Ext.P23(o), Ext.P23(o)(1), Ext.P23(p), Ext.P23(p)(1), Ext.P23(q), Ext.P23(q)(1), Ext.P23(r), Ext.P23(r)(1), Ext.P23(s), Ext.P23(t), Ext.P23(u), Ext.P23(u)(1), Ext.P23(v), Ext.P23(v)(1), Ext.P23(1), Ext.P24 to Ext.P26, Ext.P27 Series (Ext.P27 & Ext.P27(a)), Ext.P28 Series (Ext.P28, Ext.P28(a) & Ext.P28(b)), Ext.P29, Ext.P30, Ext.P31 Series (Ext.P31, Ext.P31(a), Ext.P31(b), Ext.P31(ba), Ext.P31(c), Ext.P31(d), [Ext.P31(d) (1) to (11)], Ext.P31(e), [Ext.P31(e)(1) to P31(e)(18)], Ext.P31(f), Ext.P31(g), [Ext.P31(g)(1) to P31(g)(30)], Ext.P31(h) to Ext.P31(s), Ext.P31(t), [Ext.P31(t)(1) & Ext.P31(t)(2)], Ext.P31(u) to Ext.P31(z), Ext.P31(a)(a)

to Ext.P31(a)(c), Ext.P31(a)d), [Ext.P31(a)(d) (1) to P31(a)(d) (3)], Ext.P31(a)(e) to Ext.P31(a)(i) and Ext.P32 to Ext.P37. MO1 was identified and marked. After the closure of prosecution evidence the accused was questioned under Section 313(1) (b) Cr.P.C. The draft copies of the questions prepared for examination u/s.313 were given to the counsels for both the accused in advance. All the incriminating circumstances appeared in the prosecution evidence were put to the accused. The accused denied the incriminating circumstances brought out in evidence against them.

10. Both sides were heard u/s.232 Cr.P.C. As this is not a case of 'no evidence', the accused was called upon to enter on their defence. But no defence evidence was adduced.

11. The accused put in written statement u/s 233(2) Cr.P.C. denying the incriminating circumstances appeared in the prosecution evidence and stating as follows; The accused had no connections with any of the witnesses examined in this case. After completing the age of 21 years, he was residing at different places in connection with his job and there was no occasion to reside with his brother or his parents. He had no knowledge regarding the search conducted at the residence of his parents. He had never gone to the mosque at Manjali. He had never offered prayers in isolation. He didn't speak anything against the Indian democratic system. He had not done any act to support ISIS. He had no connections with PWs 1 & 2 either directly or through any social media platform. His mobile phone is not sent for any forensic examination. He had not made any facebook posts or comments supporting ISIS. He had not downloaded or

forwarded any videos or audio clips. No extraction proceedings were done on the basis of the email ID and facebook ID given by the accused. The accused was arrested by NIA without any evidence. The accused is totally innocent as against the charges levelled against him and he is falsely implicated in the crime.

12. Heard both sides.

13. The following points arise for consideration :

1. Is Ext.P24 sanction order in accordance with sec 45(2) r/w Rules 3 & 4 of Unlawful Activities Prevention (Recommendation and Sanction for Prosecution) Rules 2008 ?
2. Did the accused and the approvers, PWs 1 and 2, who were associated with ISIS, a terrorist organisation, enter into criminal conspiracy to further its activities and to garner support for the terrorist organization ?
3. Did the accused associate himself or professed to be associated with ISIS,a terrorist organization with intent to further its activities ?
4. Did the accused with intent to further the activity of ISIS a terrorist organisation, invite support for ISIS, not restricted to provide money or with intent to further the activity of the terrorist organization, arrange a meeting, which he knew is to support the terrorist organization and to further the activity of the terrorist organization ?
5. If found guilty, what shall be the proper order as to sentence ?

14. **Point No.1** :- According to the learned counsel for the defence Ext.P24 sanction order is not a sanction issued by the Central Government in terms of Sec 45(2). It is further submitted that there is no evidence to the effect that and independent review of evidence gathered during investigation is done by the sanctioning authority.

15. Sec.45 of the UA(P) Act, 1967 reads as follows :-

“ 45. Cognizance of offences

[(1)] No court shall take cognizance of any offence—

- (i) under Chapter III without the previous sanction of the Central Government or any officer authorised by the Central Government in this behalf;*
- (ii) under Chapter IV and VI without the previous sanction of the Central Government or, as the case may be, the State Government, and if such offence is committed against the Government of a foreign country without the previous sanction of the Central Government.*

[(2) Sanction for prosecution under sub-section (1) shall be given within such time as may be prescribed only after considering the report of such authority appointed 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 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.]”

16. Subsection 1 of section 45 deals with the sanctioning authority whereas subsection 2 deals with the procedure to be followed by the sanctioning authority while granting sanction. Here in this case the offences alleged are punishable under 38 & 39 of UA(P) Act which are covered under chapter VI of the Act. Therefore only the Central or State Government as the case may be are authorized to grant sanction.

17. Rule 3 & Rule 4 of Unlawful Activities Prevention (Recommendation and Sanction for Prosecution) Rules, 2008 are quoted as follows:-

“3. Time limit for making a recommendation by the Authority

The Authority shall, under sub-section (2) of Section 45 of the Act, make its report containing the recommendations to the Central Government [or, as the case may be, the State Government] within seven working days of the

receipt of the evidence gathered by the investigating officer under the Code.

4. Time limit for sanction of prosecution

The Central Government [or, as the case may be, the State Government] shall, under sub-section (2) of Section 45 of the Act, take a decision regarding sanction for prosecution within seven working days after receipt of the recommendation of the Authority.”

18. PW18 the Under Secretary to Government of India, CTCR Division of the Ministry of Home Affairs deposed that on 10.10.2019 he received a letter from the National Investigating Agency along with investigation report and enclosures of evidence seeking sanction for prosecution of accused herein u/s45(1) for the offences punishable u/s 120B of IPC and sections 38 and 39 of UA(P) Act, 1969. On receiving the report PW18 forwarded the same to the authority set up under the Unlawful Activities Prevention (Recommendation and Sanction for Prosecution) Rules 2008, on 11.10.2019 for an independent review and for the recommendation. The authority after being satisfied with the materials on record recommended for sanction for prosecution against the accused on 15.10.2019. After receiving the recommendation from the authority the matter was examined by the Central Government. On carefully examining the materials placed on record and the recommendation of the authority, PW18 was satisfied that prima facie case is made out against the accused and accordingly the Central Government accorded sanction and Ext.P24 is the sanction order issued by PW18.

19. Evidence of PW18 coupled with Ext.P24 sanction order shows that NIA vide letter dated 10.10.2019 has recommended for prosecution of the accused and sought sanction of the Central Government u/s 45(1) of the Act. The Central Government in terms of Sec.45(2) referred the investigation report to the authority

for an independent review of the evidence collected during investigation and the authority vide letter dated 15.10.2019 forwarded its report to the Ministry and Ext.P24 sanction order was issued on 18.10.2019. Hence, the time limit provided in Rule 3 & 4 of Unlawful Activities Prevention (Recommendation and Sanction for Prosecution) Rules, 2008 is duly satisfied.

20. In **Judgebir Singh @ Jasbir Singh . Samra @ Jasbir v. National Investigation Agency (2023 KHC 6490)**, the Hon'ble Supreme court held as follows:-

*“ This Court in **Central Bureau of Investigation v. Ashok Kumar Aggarwal** reported in (2014) 14 SCC 295, while deliberating on the validity of sanction held as under:*

13. The prosecution has to satisfy the court that at the time of sending the matter for grant of sanction by the competent authority, adequate material for such grant was made available to the said authority. This may also be evident from the sanction order, in case it is extremely comprehensive, as all the facts and circumstances of the case may be spelt out in the sanction order. However, in every individual case, the court has to find out whether there has been an application of mind on the part of the sanctioning authority concerned on the material placed before it. It is so necessary for the reason that there is an obligation on the sanctioning authority to discharge its duty to give or withhold sanction only after having full knowledge of the material facts of the case. Grant of sanction is not a mere formality. Therefore, the provisions in regard to the sanction must be observed with complete strictness keeping in mind the public interest and the protection available to the accused against whom the sanction is sought.”

21. It is further held that it is very much necessary that the evidence collected by the investigating agency in the form of charge sheet is thoroughly looked into and thereafter, the recommendations are made.

22. The evidence of PW18 coupled with Ext.P24 shows that the sanctioning authority and the Central Government carefully examined the materials collected during investigation and had applied its mind on the same and that the sanction had been granted in accordance with law. Hence, it is found that Ext.P24 is the sanction order issued by the Central Government in accordance with Rule 4

of Unlawful Activities Prevention (Recommendation and Sanction for Prosecution) Rules 2008. The point is answered in favour of the prosecution.

23. **Point Nos. 2 to 4** :- The relevant facts connecting the point nos. 2 to 4, being interlinked, they are taken up together for determination for the sake of convenience.

24. The prosecution case is that the accused along with PWs 1 & 2 the approvers, were radicalized on the ideology of ISIS/Daesh, from 2017 onwards and maintained contact with the absconding 1st accused Abdul Rashid Abdulla and others who had joined ISIS, that with intent to further the activities of ISIS/Daesh, a proscribed organization by migrating to Syria, Iraq & Afghanistan, organized criminal conspiracy meetings at a place near Lulu Mall and at Marine Drive in Kochi on 26.10.2018 that in the conspiracy meetings, the accused expressed his intention to commit terrorist acts in Kerala through suicide attacks for furthering the activities of ISIS/Daesh in India and that the accused shared the ideology of ISIS/Daesh through social media to further the objectives of proscribed organization. The accused is charged with the offences punishable u/s 120B r/w section 38 & 39 of UAPA, section 38 & 39 of UA(P) Act.

25. **The evidence of the prosecution** :- PW8 the SHO of Chandera Police Station deposed that 9 cases were registered u/s.57 of Kerala Police Act on 09.07.2016 and 10.07.2016. Ext.P11 is the copy of the FIR u/s 57 of Kerala Police Act registered on the complaint made by Abdulla stating that his son Abdul Rashid Abdulla, his wife Ayisha and daughter Sara who were went to Mumbai for business one month back, were missing. PW7 deposed that he received the notification

regarding taking over the investigation in Crime No. 534/2016 by the NIA and that the crime was accordingly re-registered as RC.02/2016/NIA/KOC u/s 120B, 125 IPC, 57 of Kerala Police Act and sections 13, 38 & 39 of UA(P) Act and entrusted the investigation to PW22. Ext.P10 is the certified copy of the FIR. PW22 the Investigating Officer deposed that he had taken over the investigation of this case on 24.05.2016. During the further investigation of this case it was revealed that the accused herein had connection with the original 1st accused and other absconding accused in this crime. Accordingly, Ext.P33 advance search memo was forwarded to this court and authorized PW12 to conduct search of the house where the accused was residing. PW12 deposed that while conducting search the accused as well as his parents were present in that house. PW11 issued Ext.P19 ownership certificate in respect of the said House with No.16/717 stating that the said house belongs to Illias, S/o.Aboobacker as per the assessment register. After effecting search PW12 entrusted the seized articles along with the search list to PW22. Ext.P12 is the search list and Ext.P13 series, Ext.P14, Ext.P15, Ext.P16 series, Ext.P17 & Ext.P18 series were seized from that house. As per Ext.P34 property list, the seized items were produced by the investigating officer before the court along with Ext.P37 forwarding note so as to forward the said items to C-DAC for forensic examination. The investigating officer also obtained the mirror image of the data contained in the electronic items seized from the house of the accused on request made to C-DAC. Ext.P30 is the report prepared by PW21 after examining the forwarded electronic devices. Ext.P31 is the soft copy of the Cyber forensic analysis data. Ext.P32 is the certification u/s 65B in respect of the contents of the

Ext.P31 extracted by PW21. As it was revealed that the accused and three other persons are involved in this case, Ext.P35 report was filed. Ext.P36 is the arrest cum inspection memo regarding the arrest of the accused. In Ext.P36, the father and brother of the accused are the witnesses. During custody the accused disclosed his G-mail and facebook IDs and passwords to the investigating officer. Accordingly, the mail of the accused was opened using the computer system of NIA, with the assistance of PW16 Constable of NIA IT wing, in the presence of the accused, PW17 and PW3 the witnesses and downloaded its contents. Thereafter, the facebook ID of the accused was logged in and its contents were also downloaded. The downloaded contents were copied in Ext.P23 DVD and hash value of its contents was also created. The whole proceedings were recorded and signed by the Investigating Officer and the witnesses. Ext.P7 is the proceedings so recorded. Ext.P23 DVD was packed and sealed and the Ext.P23(a) packet in which Ext.P23 is packed contains the date and signature of the witnesses and the investigating officer. The place near Lulu Mall and the place at Marine Drive, pointed out by the accused were identified by PWs 1 and PW2 as the places where the conspiracy was hatched among PWs 1 and 2 & the accused. Ext.P8 and P9 are the mahazars prepared on the spot by PW22 in presence of PW6. The investigating officer made a request for recording statements of PWs 1 and PW2 u/s 164 and their statements were recorded. Thereafter the pardon tendered to PWs 1 and PW2 by the court was accepted as per order in CrI.M.P.129/2019 dated 20.11.2019. According to PWs 1 and 2, they developed ISIS ideologies by following the ISIS channels and links available in the social media platforms like facebook

and telegram and they happened to become familiar with the accused through his posts supporting ISIS. Thereafter, the accused, PWs 1 and 2 met together 26.10.2018 and discussed about performing hijra to the Islamic state controlled territories like Syria, Iraq and Afghanistan. The accused also expressed his intention to commit suicide attack in Kerala. PWs 2, 4, 5, 9, 13 & 14 deposed that the accused offered prayers in isolation without joining the group of people offering prayers at Salafi Masjid, Neerikode. When they enquired about the reason the accused explained that the devotees present there were the persons believing in democracy and hence they were not real Muslims. PW20 deposed that he worked together with the original 1st accused Abdul Rashid Abdulla for a period of six years and thereafter he migrated to Afghanistan, that he used to listen the voice messages of Abdul Rashid Abdulla. He identified that the voice in Ext.P3(k), Ext.P3(m) to Ext.P3(y) audio files is that of Abdul Rashid Abdulla. PW15 the Nodal officer issued Ext.P20 CDR in respect of the Mob No. 7994692007 subscribed in the name of PW2, Ext.P21 CDR in respect of the Mob No. 9446454340 subscribed in the name of the accused. PW19 issued Ext.P25 CDR in respect of the Mob No. 7902371829 subscribed in the name of PW2. He further stated that Ext.P26 is the CDR of the Mob No. 9544365682 subscribed in the name of PW1. Ext.P28 is the CDR relating to the Mob No. 9446454340 subscribed in the name of the accused. Ext.P27 is the decoded list. All the electronic records produced by the Nodal officers are supported by 65B certification.

26. According to the learned public prosecutor, the evidence of PWs 1 and 2 coupled with the duly proved scientifically extracted data recovered from the

digital devices of the accused and the social media data extracted using the mail ID and password given by the accused is sufficient to prove the charges against the accused beyond all reasonable doubts.

27. The learned Public Prosecutor also placed reliance on the order of the Hon'ble Supreme Court in **Suresh Chandra Bahri v. State of Bihar and Ors. (MANU/SC/0500/1994)**, Judgment of the Hon'ble Supreme Court in **R. Venkatakrisnan v. Central Bureau of Investigation (MANU/SC/1411/2009)**, Judgment of the Hon'ble Supreme Court in **Baburao Bajirao Patil v. State of Maharashtra (MANU/SC/0073/1971)**, Judgment of the Hon'ble High Court of Kerala in **Chaithanya and Ors v. Union of India (MANU/KE/0927/2023)**, Judgment of the Hon'ble Supreme Court in **Union of India (UOI) v. Yasmeen Mohammad Zahid (MANU/SC/1025/2019)**, Judgment of the Hon'ble High Court of Calcutta in **Abdul Rahaman Kunji v. The State of West Bengal (MANU/WB/0828/2014)**, Judgment of the Hon'ble Supreme Court in **Balu Sudam Khalde and Ors. v. The state of Maharashtra (MANU/SC/0328/2023)**, Judgment of the Hon'ble Supreme Court in **Piara Singh v. The State of Punjab (MANU/SC/0129/1969)** and Judgment of the Hon'ble Supreme Court in **Sarwan Singh v. The State of Punjab (MANU/SC/0038/1957)**.

28. The learned counsel for the defence submitted that the statements of PWs 1 and 2 recorded u/s 164 of Cr.P.C. are not their voluntary statements, that pardon was tendered to PWs 1 and 2 without following any procedural formalities and hence their evidence is not legally acceptable, that the prosecution has not succeeded in proving the existence of any agreement to do any illegal act so as to

prove criminal conspiracy as against the accused, that there are material omissions in the evidence of PWs 4, 5, 9, 13 and 14 and hence they are not reliable, that mere watching ISIS related videos and speeches will not be the reason to implicate the accused as a terrorist, that the electronic evidence adduced lacks proper certification and that the Ext.P7 proceedings as to extraction of face book and G-mail account data were carried out without any statutory back up and hence the data so extracted is not admissible in evidence.

29. The learned counsel for the defence placed reliance on the judgment of the Hon'ble Supreme Court in **Vernon v. State of Maharashtra (2023 ICO 1156) (AIR 2023 SC 3926)**, judgment of the Hon'ble High Court of Kerala in **Muhammed Riyas D V P v. Union of India (2018 ICO 694) (ILR 2018 (2) Ker.645)**, judgment of the Hon'ble Supreme Court in **Hari Charan Kurmi And Jogia Hajam v. State of Bihar (1964 ICO 42) (AIR 1964 SC 1184)**, judgment of the Hon'ble Supreme Court in **Jayendra Saraswathi Swamigal v. State of Tamil Nadu (2005 ICO 18) (AIR 2005 SC 716)**.

Appreciation of evidence of PWs 1 and 2 and the CDRs connecting their phone numbers

30. According to PW1, he happened to see ISIS ideologies in the facebook account in the name of Sameer Ali. In the comment box of the said account he happened to see the link of the telegram IDs with name Gold Dinar, Millath Ibrahim, Al Muhajir. He installed the telegram and subscribed the said channels and started viewing its videos and reading the posts. His telegram ID was 'Kirman'. In 2018, he viewed a post made by the accused supporting ISIS and he mentioned PW2 in the comment box. He mentioned PW2 as 'Abu Esa' and made facebook chats with

PW2 and he had given his telegram ID 'Abu Fathima'. Thereafter he met PW2 at a place near to Lulu Mall, Kochi and made discussions to perform hijra to Syria and Afghanistan. PW2 introduced the accused to PW1 and provided the telegram ID of the accused 'Mujahid Riyas' to PW1. Thereafter, on 26.10.2018, they together met at Lulu Mall and again talked about migration to Syria or Afghanistan. The accused expressed his intention to commit suicide bombing and in support of the said intention, he cited the story of Islamic Commander Salahudeen Ayoobi. It was the story about throwing by one's own Soldier towards his enemy's military camp and thereby opening the fort. The person who had been thrown would become a victim of suicide bombing. On hearing the story, PWs 1 & 2 lost their interest and they were interested only for performing hijra to Syria or Afghanistan. The accused further stated that India is a place of Kafirs and Muslims cannot reside in India. Thereafter, PW1 left to Dubai and developed an affair with a girl and he said goodbye to his ISIS related ideologies. He identified his whatsapp chats with the accused recovered from Ext.P13 mobile phone of the accused, the printout of which is Ext.P3. It also contained the images of the accused which is marked as Ext.P3(a), Ext.P3(b) & Ext.P3(c). PW1 further stated that in Ext.P3(b) & (c) pictures, the accused is pointing his index finger upwards after folding the other fingers, indicating one God and that it is a symbol of followers of ISIS. In Ext.P3(c) image also the accused is showing the same symbol. In Ext.P3(d) image contains the flag of ISIS. The pledge of alliance mentioned in Ext.P3(d) indicates the pledge for joining Islamic State. He further deposed he was a follower of ISIS ideology, and hence he could understand the meaning of the titles in Ext.P3(e), that it

indicates to leave a democratic country like India for performing hijra to Islamic states like Syria and Afghanistan. "Welcome to the world of Tawheed" would indicate the places, Syria, Iraq & Afghanistan. He further stated that 'Abu Marvan New' mentioned in the data recovered from Ext.P13 mobile phone of the accused was his facebook name, that 'Abu Marvan' mentioned therein is his Kuniya name and that Kuniya names are used by the followers of ISIS. He also stated that he chatted with the accused and PW2 and met together as all of them had Salafist ideas of Islamic state and they intended hijra to Syria and Afghanistan.

31. PW2 deposed that his facebook name was 'Abu Esa' which was his Kuniya name, that he adopted the said name as Rashid Abulla who joined ISIS had the said Kuniya name and the said name is commonly called by ISIS followers. He further stated that his telegram ID was 'Abu Moosa Gabriel', that he later changed his telegram ID as 'Abu Fathima', that he contacted the accused on seeing his facebook posts supporting ISIS, that he commented on the facebook posts favoring ISIS, that he also contacted PW1 on seeing the facebook posts supporting ISIS, that they met together in 2018 and talked about accused and he had given the contact number of the accused to PW1. He further deposed that the accused stated that India is a country of Kafirs and Kafirs are waste and they should be removed, that while the devotees were offering ritual prayers at Juma Masjid, Manjali, the accused without joining the group, offered prayers in isolation and that for doing the same, he offered explanation to PW1 stating that the Muslims gathered there believed in democracy and therefore he could not join them. He further deposed that PW1, the accused and himself met together at Marine Drive

and Lulu Mall and discussed hijra to Syria & Afghanistan, that later, he could not follow the ideology of the accused and he left his company, that thereafter, NIA conducted raid at his residence and seized his MO1 mobile phone and two books. He further stated that he used to chat with the accused through telegram, that the accused sent ISIS channel links and facebook links connecting the persons who joined ISIS and voice clips justifying suicide attacks. He stated that in Ext P3(b) and P3(c) images, the accused is showing the symbol of ISIS. He also identified his phone numbers arrayed as item No.194 & 195 respectively. He further stated that his name is mentioned as 'Seeku' and 'Seeku Akki' and the name mentioned as Abu Fathima is his Kuniya name and the name Abu Marvan is the Kuniya name of PW1. He further stated that the accused sent him audio clips of ISIS explaining 'Istishadi operations' and he identified the audio clips sent by the accused when the same is played in court. He also identified Ext.P3(k) audio clip sent by the accused and also identified the voice in the video clip as the voice of Rashid Abdulla who left Kerala and joined ISIS.

32. PW6 deposed that in his presence the accused pointed out the place near Lulu Mall and the place near the Rainbow Bridge at Marine Drive and PW22 prepared Ext.P8 & Ext.P9 mahazars in respect of the said places.

33. PW15 the Nodal officer deposed that Ext.P20 is the CDR in respect of the Mob No.7994692007 and Ext.P6 is its Customer Application Form (CAF) and Ext.P6(a) is the certification u/s 65 B of the Evidence Act. As per Ext.P6, Mob No.7994692007 belongs to PW2 Abubakkar Siddique and the SIM was issued on 03.04.2018. As per Ext.P20, on 26.10.2010, from 13:55:56 hrs to 14:10:07 the Cell

ID was located at Edappally North, Ernakulam and from 16:23:22 hrs to 16:26:46 hrs the Cell ID was located at Marine Drive Walkway. Ext.P20 CDR shows that there are 26 calls from 7994692007 to 9446454340 from 30.07.2018 to 22.01.2019. Ext.P20 further shows that there are 14 calls from 7994692007 to 9744448485 from 03.10.2018 to 28.12.2018. Ext.P21 is the CDR issued by PW15 in respect of Mob No.9446454340 and Ext.P6(a) contains its certification u/s 65B of the Evidence Act and Ext.P22 is the CAF which shows that the said number is subscribed in the name of the accused. Ext.P22(a) is the copy of Aadhar card furnished along with Ext.P22 CAF. As per Ext.P21 there are 7 calls between 9446454340 & 7994692007 from 04.04.2019 to 25.04.2019.

34. As per Ext.P5 Customer Prepaid EKYC Application Form, Mobile No.7902371829 was issued in favour of PW2. Ext.P25 CDR details show that on 21.09.2018 at 21:39:53 hrs there was an outgoing call from Mob No. 7902371829 to 9446454340 lasting for 790 seconds, on 29.10.2018 at 18:38:33 hrs there was an outgoing call from Mob No.7902371829 to 9744448485 lasting for 58 seconds, on 04.11.2018 at 17:58:51 hrs there was an outgoing call from Mob No. 7902371829 to 9744448485 lasting for 71 seconds, & on 05.11.2018 at 12:19:51 hrs there was an outgoing call from Mob No. 7902371829 to 9744448485 lasting for 95 seconds. PW19 deposed that Ext.P2 is the Customer Application Form of Idea Mobile No. 9544365682. As per Ext.P2, 9544365682 is subscribed in the name of PW1 Muhammed Faizal. As per Ext.P2(a) Customer Application Form with ID proof, 9744448485 is subscribed in the name PW1. Ext.P26 is the Call Data Records of 9544365682 from 01.08.2018 to 20.08.2019. Ext.P5 & P5(a) is the 65

B certification relating to Ext.P2 and Ext.P26 & Ext.P2(a). Ext.P27 is the Tower decoded list of the Cell ID included in Ext.P26 CDR. Ext.P26 is verified with Ext.P27 decoded list, it is seen that the Cell ID of Mob No.9544365682 at Lulu, Edappally North Village, Kannayannur Taluk. Ext.P28 is the Call Data Records relating to Mob No.9446454340 and Ext.P28(a) is the certification u/s 65B of the Evidence Act. Ext.P28(b) is the subscriber details of Mob No.9446454340 stating the name and address of the accused. As per Ext.P28 CDR coupled with Ext.P27 decoded list on 26.10.2018 at 09:33:12 hrs the Cell ID relating to 9446454340 is located at Karumalloor, Manakkapadi, Ernakulam, at 13:02:01 hrs its cell ID was located at Marriot Hotel, Edappally, Ernakulam. Ext.P28 CDR further shows that during the period from 08.08.2018 to 18.03.2019, there were 35 contacts between Mob Nos. 9446454340 & 7994692007 including calls and SMS and that 21.09.2018 at 21:39:53 hrs there was a call from Mob No.7902371829 to Mob No.9446454340 lasting for 790 seconds. Ext.P28 further shows that from 17.10.2018 to 25.12.2018, there were 10 calls between Mob No.9446454340 and 9744448485.

35. Ext.P2 Customer Application Form of Idea Mobile No. 9544365682 coupled with Ext.P2(a) ID proof shows that Idea Mobile No. 9544365682 is subscribed in the name of PW1 Muhammed Faizal. Ext.P6 Customer Application Form of the Airtel Mobile No. 7994692007 coupled with ID proof shows that the Mobile No.7994692007 is subscribed in the name of PW2 Abubakkar Siddique. Ext.P28(b) Subscriber Details Record and Ext.P22 Customer Application Form of the Airtel Mobile No. 9446454340 coupled with Ext.P22(a) ID proof shows that the Airtel Mobile No. 9446454340 is subscribed in the name of the accused Riyas

Aboobacker. The CDR details show that they contacted one another through calls and messages. On analyzing the Cell IDs along with the Ext.P27 decoded list, the mobile numbers of the accused and PWs 1 and 2 were located at the places near Lulu and Marine Drive.

36. Relying on the judgment of the Hon'ble Supreme Court in **Hari Charan Kurmi And Jogia Hajam v. State of Bihar (1964 ICO 42) (AIR 1964 SC 1184)** the learned counsel for the defence submits that the confession of a co-accused person cannot be treated as substantive evidence and can be pressed into service only when the court is inclined to accept other evidence and feels the necessity of seeking for an assurance in support of its conclusion deducible, from the said evidence.

37. In para 8 of the said judgment of the Hon'ble Supreme court, it is further held as follows:-

"The confession is only one element in the consideration of all the facts proved in the case, it can be put into the scale and weighed with the other evidence. It would be noticed that as a result of the provisions contained in s. 30, the confession has no doubt to be regarded as amounting to evidence in a general way, because whatever is considered by the court is evidence; circumstances which are considered by the court as well as probabilities do amount to evidence in that generic sense. Thus, though confession may be regarded as evidence in that generic sense because of the provisions of s. 30, the fact remains that it is not evidence as defined by s. 3 of the Act. The result, therefore, is that in dealing with a case against an accused person, the court cannot start with the confession of a co-accused person; it must begin with other evidence adduced by the prosecution and after it has formed its opinion with regard to the quality and effect of the said evidence, then it is permissible to turn to the confession in order to receive assurance to the conclusion of guilt which the judicial mind is about to reach on the said other evidence. That, briefly stated, is the effect of the provisions contained in s. 30. The same view has been expressed by this Court in Kashmira Singh v. State of Madhya Pradesh (19521 S.C.R.526) where the decision of the Privy Council in Bhuboni Sahu's ((1949) 76 I.A. 147 at p.155) case has been cited with approval. In appreciating the full effect of the provisions contained, in s. 30, it may be

useful to refer to the position of the evidence given by an accomplice under s. 133 of the Act. Section 133 provides that an accomplice shall be a competent witness against an accused person; and that conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice. Illustration (b) to s. 114 of the Act brings out the legal position that an accomplice is unworthy of credit, unless he is corroborated in material particulars. Reading these two provisions together, it follows that though an accomplice is a competent witness, prudence requires that his evidence should not be acted upon unless it is materially corroborated; and that is the effect of judicial decisions dealing with this point. The point of significance is that when the Court deals with the evidence by an accomplice, the Court may treat the said evidence as substantive evidence and enquire whether it is materially corroborated or not. The testimony of the accomplice is evidence under s. 3 of the Act and has to be dealt with as such. It is no doubt evidence of a tainted character and' as such, is very weak; but, nevertheless, it is evidence and may be acted upon, subject to the requirement which has now become virtually a part of the law that it is corroborated in material particulars."

38. The Hon'ble Supreme Court in **Piara Singh v. The State of Punjab**

(MANU/SC/0129/1969) held as follows:-

" An accomplice is undoubtedly a competent witness under the Indian Evidence, Act. There can be, however, no doubt that the very fact that he has participated in the commission of the offence introduces a serious taint in his evidence and Courts are naturally reluctant to act on such tainted evidence unless it is corroborated in material particulars by other independent evidence. It would not, however, be right to expect that such independent corroboration should cover the whole of the prosecution case or even all the material particulars of the prosecution case. If such a view is adopted it will render the evidence of the accomplice wholly superfluous. On the other hand, it will not be safe to act upon such evidence merely because it is corroborated in minor particulars or incidental, details because, in such, a case, corroboration does not afford the necessary assurance that the main story disclosed by the approver can be, reasonably and safely accepted as true. It is well settled that the appreciation of approver's evidence has to satisfy a double test. His evidence must show that he is reliable witness and that is a test which is common to all the witnesses. If this test is satisfied the second test, which still remain to be applied is that the approver's evidence must receive sufficient corroboration."

39. PWs 1 and 2 were arraigned as accused during the investigation as per Ext.P35 accused array report. Thereafter their statements were recorded under S.164 of Cr.P.C. After taking cognizance of the offences charged against the

accused, The National Investigating Agency filed Crl.M.P. No.129/2019 u/s 307 Cr.P.C. seeking tender of pardon to PWs 1 and 2 and the court has tendered pardon to PWs 1 and 2 on condition of their making a full and true disclosure of the whole of the circumstances within their knowledge relating to the offence and every other person concerned and the said accused persons have accepted the pardon tendered by the court as per order in Crl.M.P.129/2019 dated 20.11.2019. Hence PWs 1 and 2 are accomplices and their evidence cannot be treated as confession of a co-accused so as to apply S.30 of Evidence Act as they have not faced any trial along with the accused. The principle laid down by the Honourable Supreme Court in **Piara Singh's case** would indicate that it should be shown that the approver is a reliable witness and that the approver's evidence must receive sufficient corroboration.

40. The evidence of PW1 and PW2 gets corroboration from their own previous statements recorded under S. 164 of Cr.P.C. PW1 deposed that his facebook name was Muhammad Faizal and later he changed it to 'Abu Marvan' which is corroborated by the contents of Ext.P3 chats, Ext P23(b)(1) facebook address book and ExtP23(c)(8) & (9) facebook comments. PW2 deposed that 7902371829 and 7994692007 were his mobile numbers which is corroborated by Ext.P3(f) ExtP(3)(h) saved contacts and Ext.P5 and Ext.P6 series CAFs proved through PWs 15 and 19, the Nodal officers. PW1 deposed that 9544365682 and 9744448485 were his mobile numbers which is corroborated by Ext.P(3) chat and Ext P3(g) ExtP(3)(i) and ExtP(3)(j) saved contacts and Ext.P2 series CAF proved through PW19, the Nodal officer. PW1 further deposed that he maintained contact

with the accused and PW2. The calls and SMS reflected in the CDRs of the phone numbers proved to have been subscribed in their name would corroborate the version of PW1. According to PW1 and PW2, the accused and themselves met together at a place near Lulu Mall and thereafter at Edappally on 26.10.2019. Their presence at the said places on the said date is confirmed by the Cell IDs reflected in the CDRs corresponding to their phone numbers coupled with the Ext.P27 decoded Cell ID list. PW2 deposed that he invited the accused to Ernakulam for conducting athar business, that the accused stayed at the house of PW9 that while staying there PW2 used to meet the accused that the accused offered prayers in the mosque in isolation without joining the group of people offering prayers in the mosque that the accused had given explanation stating that he could not stand among the people who believe in democracy. The said versions of PW2 got corroboration from the evidence of PW4, PW5, PW9 & PW13. PW2 further deposed that the accused had contacts with the persons who joined ISIS and who performed hijra to ISIS controlled places and the said version is corroborated to a certain extent by the voice clips recovered from his mobile phone. Hence, on analyzing the evidence. Nothing is brought out either in cross examination of PWs 1 and 2 or in the evidence of any other prosecution witnesses, so as to discredit the versions given by PWs 1 and 2. Hence, it is found that PWs 1 and 2, the approvers are reliable witnesses and that their evidence received sufficient corroboration with their own previous statements and other evidence adduced by the prosecution.

Appreciation of evidence as to relevant data extracted from the social media accounts.

41. PW16 the Constable of NIA working in the IT wing deposed that PW22

produced the accused along with two witnesses at the IT room of NIA, that the accused had given the email ID riyaschauhan@gmail.com and stated that the Facebook account can also be opened using the same email ID. After entering the email ID, the accused was given the password and PW16 downloaded the contents and screenshot was taken in respect of all the proceedings and pasted the same in a Word file, the printout of which is Ext.P7 and the data was copied into a DVD and hash value of the DVD was also created. Ext.P7 proceedings contain the signatures of the Investigating officer and the witnesses. Ext.P23 is the DVD and Ext.P23(a) is the cover in which the DVD was packed. Ext.P23 contains the compressed file downloaded by PW16. The Facebook extracted data is copied into two zip files. On playing Ext.P23 DVD, the contact list of the accused is seen and the same is marked as Ext.P23(b). Ext.P23(c) is the folder named 'comments' containing the comments made by the accused on Facebook. Ext.P23(d) is the folder containing the data of the followers of the Facebook account of the accused. Ext.P23(e) contains the data of the accounts followed by the accused. Ext.P23(f) is the folder containing the data of the Facebook friends of the accused. Ext.P23(f) folder containing the files relating to the friends request, rejected friend request and removed friends. Ext.P23(g) files contain the activities done by the accused in the Facebook groups in which the accused is a member. Ext.P23(h) is the folder containing the posts and comments made by the accused in the Facebook groups. Ext.P23(i) is the data of the Facebook pages liked by the accused. Ext.P23(j) is the folder containing the chat data in the message inbox of the accused. Ext.P23(k) is the Facebook chats made by the accused. Ext.P23(l) contains the photos posted

by the accused on Facebook and Ext.P23(m) & (n) are the files containing the videos posted by the accused on his Facebook. Ext.P23(o) contains the history of the searched data. Ext.P23(p) folder contains the profile photo of the accused used in his google account. Ext.P23(q) file contains the search data of the images searched in google. Ext.P23(r) is the google search data and Ext.P23(s) is the YouTube search data. Ext.P23(t) folder contains the photos used as profile photos in google. Ext.P23(u) is the YouTube search history data and Ext.P23(v) is the YouTube data history of the viewed videos. Ext.P23(1) is the certification u/s 65B issued by PW16 who extracted the social media data using the computer in the IT room. The extraction proceedings were done in the presence of PW3 & PW17. The printouts of the contents were taken. PW3 & PW17 stated that the accused had given user ID and password to open the Facebook and email accounts of the accused, in their presence and the computer operator of NIA opened the Facebook and email account of the accused using the computer in the IT room. The evidence of PW3, PW17 and PW22 the Investigating officer and PW16 the constable who extracted the data corroborates one another as to the extraction proceedings. The witnesses also identified Ext.P23(d) and Ext.P23(a) cover in which the DVD was packed and sealed and it contains the signatures of the Investigating officer and the witnesses.

42. The screenshots of the entire proceedings were taken and pasted the same in a Word file, the printout of which is Ext.P7. In page 5 of Ext.P7, it is seen that the email ID and password were entered. Page 11 contains the printout of the window containing the personal information page showing the profile of the account

holder in which the name of the account holder is stated as 'riyaschuuhan aboobacker' and email is stated as 'riyaschouhan@gmail.com'. In the said profile phone No. 9446454340 subscribed in the name of the accused is mentioned in the contact information window. In the security information page contained in Page 11, it is seen that two step verification is turned off. In 'your device' tab contained in Page 12, the device that are currently signed in or have been active in the G-mail account in the last 28 days, include Oppo F1f, which corresponds to Ext.P13 mobile phone, recovered from the residence of the accused. In the address book of the Facebook (Ext.P23(b)) contains the contact details of PW1 and PW2. The Facebook extracted data Ext.P23(l) (2) to (4) contains the picture of the accused. It also contains the photo affixed concession card of the accused. The personal information details show the name of the accused, email and phone number. The connected devices used to access the account correspond to Ext.P13 seized from the residence of the accused. The address book includes the phone numbers of PWs 1 and 2. In one of the social media comments dated 04.06.2018 at 09.32 p.m., (Ext.P23(c)(14)), it is stated as follows; 'നാട്ടിൽ എത്തിയിട്ട് വിളിക്കൂ, 9446454340'. The said phone number belongs to the accused. The said proved facts establish that the Facebook account and G-mail account logged in by the Investigating officer using the mail ID and the password given by the accused belonged to the accused. The hash value of the two zip files containing the Facebook extracted data and G-mail extracted data were created and it is also provided in Page No.43 of Ext.P7 proceedings.

43. The Hon'ble High Court of Calcutta in **Abdul Rahaman Kunji v. The**

State of West Bengal (MANU/WB/0828/2014) held as follows:-

“The disclosure, if any, made by Akib Ali of the e-mail address and password would have to be made under Section 27 of the Evidence Act. PWs 118 and 132 have both stated that Akib Ali has disclosed his e-mail identities and passwords in their presence. They have signed the seizure list under which the e-mails accessed from these accounts and printed have been seized. Therefore, in our opinion, these e-mails are admissible in evidence.

*.....
The documents which are produced in this case are downloaded and printed from an e-mail account of an individual on a computer which was not used by that individual in his normal course of activities. Those documents can be proved by leading evidence to show that the emails were downloaded on a computer which was regularly in use by the police and were then printed. A witness would have to testify that such a procedure was carried out. This has been done by the prosecution in this case.*

*.....
The prosecution has proved that Akib Ali was in fact the originator of these mails as they were recovered at his instance when he disclosed his e-mail identities and passwords.*

*.....
There is no reason to doubt that the e-mails were sent and received by Akib Ali through the e-mail accounts and passwords that he mentioned. It has been suggested in the cross examination of these witnesses that the e-mails were doctored and Akib Ali was not the originator. There is no evidence on record to suggest that the Internet Protocol (IP) addresses found on the e-mails were not those of the accused. Moreover besides denying everything in his statement recorded under section 313 Cr.P.C. Akib Ali has not given any specific explanation about his e-mail accounts and passwords or about the contents of the e-mails. Therefore, in our opinion, these e-mails are admissible in evidence under section 65B of the Evidence Act and have been duly proved.”*

44. The Hon'ble High Court of Karnataka in **Virendra Khanna v. State of Karnataka by Banasawadi Police and Another (2021 SCC ONLINE KAR 5032 ; Case No.WP11759/2020)** held as follows:-

“Can a direction be issued to an accused to furnish the password, passcode or Biometrics in order to open the smart phone and/or email account ?. The investigating officer, during the course of an investigation, could always issue any direction and/or make a request to the accused or other persons connected with the matter to furnish information, to provide material objects or the like. These directions are routine in any investigation. Thus during the course of the investigation, the Investigating Officer could always request and/or direct the accused to furnish the password, passcode or Biometrics, enabling the opening of the smartphone and/or email account. It is up to the

accused to accede to the said request and/or directions. If the accused were to provide to such a password, passcode or Biometrics, the Investigating Officer could make use of the same and gain an access to the same.”.....

45. The evidence of PW22 the Investigating officer shows that while the accused was in police custody, he furnished the user ID and password and the investigating officer making use of the password, accessed the contents of Facebook and G-mail account of the accused. Hence on applying the principle laid down by the Hon'ble High Court of Karnataka and the Hon'ble High Court of Calcutta also, the data recovered through the social media extraction process proved to have been duly done by the Investigating officer is admissible.

46. Ext.P23(a) the sealed packet containing Ext.P23 DVD opened in open court in the presence of both sides and the DVD is played in open court using the computer system of the court, during the examination of PW16 who extracted the data contained therein. On opening the Facebook extracted data, 'your address books' file contains the Mob No.9544365682 of PW1 saved in the name 'Abu Marvan New' and the Mob No. 9744448485 as 'Abu Marvan071' and the Mobile No. 7994692007 of PW2 saved in the name 'Abu Fathima'. It also contains a phone number +93729783628, operated from Afghanistan. Ext.P23(b)(1) is the said data.

47. On opening the Facebook extracted data, 'your address books' file contains the Mob No.9544365682 of PW1 saved in the name 'Abu Marvan New' and the Mob No. 9744448485 as 'Abu Marvan071' and the Mobile No. 7994692007 of PW2 saved in the name 'Abu Fathima'. It also contains a phone number +93729783628, operated from Afghanistan. Ext.P23(b)(1) is the said data.

48. On opening the folder named 'pages' contained in Ext.P23(i) path, the

accused is seen liked the English video pages of Dr.Zakir Naik. PW22 deposed that the organization and association of Dr.Zakir Naik were banned by the Government of India as per UA(P) Act. On opening Ext.P23(j) path it is seen that the accused chatted with Zahran Hashim. PW22 deposed that Zahran Hashim is an ISIS leader in Sri Lanka who committed suicide attack 'Easter Blast' in April 2019. On opening the folder named 'mobile uploads' in Ext.P23(l) path, it is stated that "Islamine tholppikkaan aarka kazhiyuka ummayude garbathile njangal jihaadhikalaanu" and in the images of the accused contained in downloads dated 03.03.2016, 23.03.2016 and 19.06.2016, the accused is pointing his index finger upwards. PW22 deposed that it is a symbol of ISIS warriors. The uploads dated 11.11.2017 contains the student concession card of the accused in which the photo of the accused is affixed. In the uploads dated 28.02.2018 it is stated 'STAND WITH SYRIA' and just below the statement it is stated as ' ആ ദിവസത്തിനു വേണ്ടി കാത്തിരിക്കുന്നു'. On opening the folder named 'profile pictures' in Ext.P23(l) it contains a post on 31.10.2015 with tile "ISLAM WILL DOMINATE THE WORLD FREEDOM CAN GO TO HELL". In the same folder on 14.10.2017 just below the photograph of the accused it is posted as follows; 'FI sabilillah ആരെയും ബോധിപ്പിക്കേണ്ട ആവശ്യമില്ല . സിറിയ എന്നോ, അഫ്ഗാൻ എന്നോ എന്തു വേണമെങ്കിലും പറഞ്ഞാ' and on 28.02.2018 it is posted as follows; 'STAND WITH SYRIA'. On the same path in the folder named 'timeline photos', a photo is posted with a caption 'YOU CAN KILL MUSLIMS BUT YOU CAN NEVER KILL ISLAM'

and just below the photo it is stated as 'We are the mujahidheens of islam'. The above said data contained in Ext.P23(l) path is marked as Ext.P23(l) (1) to (10).

49. PW20 deposed that he worked together with the 1st accused Abdul Rashid Abdulla for a period of six years and thereafter he migrated to Afghanistan, that he used to listen the voice messages of Abdul Rashid Abdulla. He identified that the voice in Ext.P3(m) to Ext.P3(y) audio files is that of Abdul Rashid Abdulla. Ext.P3(k) voice clips describes as to how a suicide attack is to be carried out.

50. Ext.P23(o) path contains the searched history. In the searched history it is seen that the accused searched 'Zahran Hashim, Abu Maryam Al-Balkani and Abu Esa, Sameer Ali, Abdhul Ghayooob and Midhilaj. PW22 stated that Zahran Hashim is the Sri Lankan ISIS leader. It has come out in evidence that Abu Esa is the Kuniya name of the original 1st accused. PW22 stated that Sameer Ali is the Facebook ID of Shajeer Mangalaserry a Keralite who joined ISIS and was murdered in Afghanistan and thereafter the Facebook ID is used by the original 1st accused, that Abdhul Ghayooob is the absconding accused in the ISIS case which is under investigation by NIA, that Midhilaj is the convicted accused in Valapattanam ISIS case that Nimisha Fathima is accused in Palakkad ISIS case who joined ISIS and went to Afghanistan.

51. On opening Ext.P23(p) path the profile photo is the photo of the ISIS militants raising the ISIS flag which is marked as Ext.P23(p) (1). Ext.P23(q) path contains the image searches which is marked as Ext.P23(q)(1).

Date	Searched items
30.03.2016	Sheik anwar al-awlaki details in malayalam

21.06.2016	Images of Bagdadi search
21.06.2016	Images of hizbul mujahideen
11.04.2017	Image of shibi missing people in palakkad
23.05.2017	Images of Indian mujahidheens

52. PW22 states that Shaiek Anwar Al-awlaki is the priest who speeches extreme violent jihad in English language, that Baghdadi is the short name of Aboobacker Al-Baghdadi and that he is the founder leader and first Khaleefa of ISIS. He further stated that Hisbul Mujahudeen is a banned terrorist organization in Kashmir. He further states that Shibi is the accused in Palakkad ISIS case.

53. Ext.P23(r) path contains the searched data and Ext.P23(u) path contains the YouTube searched data.

54. Ext.P23(v) path contains the watch history of YouTube searches which are as follows:-

Date	Searched and watched items
03.12.2018	'How to make a Coca-Cola colour smoke bomb – FoBIRD
03.12.2018	'Islamic State's "chlorine gas" bombs -BBC News'
03.12.2018	'how to make a gas bomb'
03.12.2018	'inside the mind of a suicide bomber'
03.12.2018	'How To Make A Car Bomb'

55. PW22 stated that Ext.P3(m) to 23(y) audio clips are the voice of the original 1st accused. In the said audio clips, the speaker is professing ISIS ideology advocating that all real Muslims should join ISIS. Ext.P3(k) audio clips says about suicide attack.

56. In the social media platform the accused made the following

comments:-

Exhibits	Comments with date and time
Ext.P23(c) (1)	'isisi theevravaadhikal aanenkil indian nurs maare avarku endhum cheyyaamayirunu. ninga theevravaadhikal enu visheshipikunavare kurichu avare nerittu kanda nammude indian sahodharimaar paranjathu ningal ethravekamaanu marakunathu,ningal manasilaaku yadhaartha theevravaathikal araanenu, jeevichirikunavaril etavum valiya theevravaadhi mun american precident george bush aanu.ethra musleengaleya avan konathu.avane ningal endhu cheythu;sathyathil ningal aaraanu ' - (25.09.2014 12.13 pm).
Ext.P23(c) (2)	'ettavum kooduthal theevravaadhikal ullathu "israyel" ena raajyathaanu...e sathyam nammal ellaavarum ariyunathaanu.enal avare nashipikaan kure flex bord,face book,kure abinayam niranja commands.....maathram aadyam kollendathu avareyanu manushyathom e llaatha joodhan maare..... e commends itta ene ivar venamenkil theevravaadhi enu vilikkum.endhoru manushyar....allah hafiz... ' - (01.10.2014 12.11 pm).
Ext.P23(c) (3)	'isisi ne theevravaadhikal enu vilikunavar ariyunilla ellaa nerikedinum kootu nilkunavar america aanenu....isreyililne pinthunacha america punniyaalan maarum neethikuvendi poraadunavar theevravaadhikalum.....endhaa manushya ni chindhikaathathu' - (01.10.2014 5.55 pm).
Ext.P23(c) (4)	'nammude ondian sahodhirimaar avare kurichu paranjathum ivamaar maranu ' - (01.10.2014 5.57 pm).
Ext.P23(c) (5)	'IS IS GAVARIJUKALAAANENU ENDHAANU THELIVU AVAR AAREYAANU THALLI PARANJATHU PLS REPLAY ME' - (28.03.2015 1.13 am).
Ext.P23(c) (6)	'നിങ്ങൾ ഒരു യുദ്ധ പ്രഖ്യാപനം നടത്താൻ തയ്യാറാണോ ദീനിന് വേണ്ടി ഞങ്ങളോടൊന്നിച്ച് നേർച്ച ചോരും തിന്നിരിന്നാൽ അതിനുള്ള ദൈര്യം ഉണ്ടാവില്ല ,നിങ്ങൾ ജീഹാദിന് സമ്മതിച്ചാൽ ഒരു കബൂരികൾപോലും ലോകത്ത് അവശേഷിക്കില്ല. പിന്നെ ഉണ്ടാകുന്നത് രണ്ട് വിഭാഗക്കാർ മാത്രം ശിർക്ക് ചെയ്യാത്തവരും ചെയ്യുന്നവരും ഇൻ ഷാ അള്ളാഹ് ' - (19.11.2015 4.54 pm).
Ext.P23(c) (7)	'Isis cheytha islaam virudham endhu onu parayu sahodhara' -

	(11.12.2015 2.47 pm)
Ext.P23(c) (8)	'Mohammed Faizal virodhikapeta maasathile yudhathinu virodhikapeta maasathil thirachadikaam...virodhikapeta matu kaaryangal lankikumbozhum aprakaaramthane prathikaaram cheyyaam soora bakrayude adisthaanathilenkil isis paris aakramichath virodhikapeta maasathilaano...a aayathu parayunath virodhikapeta maasathile yudhathe kurichaanallo?' - (13.12.2015 6.42 pm).
Ext.P23(c) (9)	'India isis ne illaathaakn sahayikuna raajyamaanu..apol nammal ivide jeevikunath haraam aaano? ' - (28.12.2015 9.55 am).
Ext.P23(c) (11)	'Thaagoothinethire yudham cheyyenda dhivasangal eno thudangiyirikunu,,,, allahuvinde maargathil jihaadhil jeevan arpikaanulla mujaahidheenukal ividathe musleemukalil kuravaanu, lokath thane kuravaanu enaal avaraakunu vijayikunavar. Avarkethire aropanangal unnayikaanum thaagoothinu kootu ninu musleemukale kollaalum aagrahikunavar ithinapuram sambavichaalum ava jihaadhikal aavilla,,, dheeninekaalum sondham choraye snehikunavar....kufraakal' - (17.04.2016 9.20 am).
Ext.P23(c) (12)	'എല്ലാവരും ആട് മേയ്ക്കാൻ ഇറങ്ങുന്നവരല്ല.. ഞാനും.പ്രചാരണം പലതും ഉണ്ടാവും.അല്ലാഹുവിനെ വിശ്വസിച്ചവർക്കെതിരെ പിശാചുക്കൾ പലതും പറയിപ്പിക്കും ' - (13.10.2017 6.21 pm).
Ext.P23(c) (13)	'Group: തൗഹീദ് ഒരു തുറന്ന ചർച്ച , ഈ വോയ്സിൽ പറയുന്ന പോലെ , ഹിന്ദുക്കളെയും മറ്റു മതസ്ഥരേയും ശത്രുക്കൾ ആക്കി വെക്കാനുള്ള ആ ആയത്തുകൾ ഉണ്ടോ ' - (16.11.2017 8.41 pm).
Ext.P23(c) (14)	'നാട്ടിൽ എത്തിയിട്ട് വിളിക്ക, 9446454340' - (04.06.2018, 9.32 pm).
Ext.P23(c) (15)	'നിങ്ങൾ ഇന്ത്യൻ ഡെമോക്രസി സിസ്റ്റത്തിനു കീഴിൽ വോട്ട് ചെയ്യാറുണ്ടോ , ഡെമോക്രസി ശീർക്ക് അല്ലേ?' - (14.06.2018 9.43 am).
Ext.P23(c) (16)	'@thanseer, പ്രവാചകൻ മുഹമ്മദ് (സ)യുദ്ധത്തിന് പ്രാപ്തരായ കാഫിർ പുരുഷന്മാരെ വധിക്കാൻ പറഞ്ഞിട്ടുണ്ട്.അപ്പോൾ നിങ്ങൾ, യുദ്ധത്തിൽ പങ്കെടുക്കാത്തവരോട് യുദ്ധം ഇല്ല എന്ന് പറയുന്നത് തെറ്റല്ലേ' - (01.07.2018 10.22 pm).
Ext.P23(c) (17)	'തൻസീർ, സൂറ തൗബയിൽ അല്ലാഹു ബഹുദൈവ വിശ്വാസികളെ വിലക്കച്ചെട്ട മാസങ്ങൾ കഴിഞ്ഞാൽ അവരെ എവിടെവെച്ച് കണ്ടാലും കൊല്ലാൻ പറയുന്നില്ലേ, ഇനി അവർ പശ്ചാത്തപിക്കുകയും നിസ്കാരം മുറ പ്രകാരം നിർവഹിക്കുകയും,സകാത് നൽകുകയും ചെയ്താൽ അവരെ

	<p>ഉപദ്രവിക്കരുത് എന്നും പറയുന്നു. ഇനി അതെ സുറത്തിൽ തന്നെ വേദം നൽകപ്പെട്ടവരിലുള്ള സത്യ നിഷേധികളോട് അവർ ജിസ്യ നൽകുന്നത് വരെയുദ്ധം ചെയ്യാനും പറയുന്നു.. സൊ, മുശ്രിക്കുകൾക്ക് ജിസ്യ എന്ന ഓപ്ഷൻ അള്ളാഹു നൽകിയിട്ടില്ല എന്നാണു ഞാൻ മനസ്സിലാക്കുന്നത് , അപ്പോൾ ഇസ്ലാം സ്വീകരിക്കാത്ത മുശ്രിക്കുകളുടെ അവസ്ഥ എന്താണ് . ഞാൻ ചോദിക്കുന്നത് കാര്യങ്ങൾ പഠിക്കാനാണ് തർക്കിക്കാൻ അല്ല, നിങ്ങൾ എന്നെ സഹായിക്കും എന്ന് പ്രതീക്ഷിക്കുന്നു.' - (02.07.2018 1.35 am).</p>
<p>Ext.P23(c) (18)</p>	<p>'Thanseer, ഫിത്തന ഇല്ലാതാവുകയും മതം അല്ലാഹുവിനുവേണ്ടി ആകുന്നതുവരെയും യുദ്ധം ചെയ്യുക എന്ന ആയത്തിലെ ഫിത്തനയുടെ അർഥം, ശിർക്ക് എന്നാണു.' - 02.07.2018 10.43 pm).</p>
<p>Ext.P23(c) (19)</p>	<p>'Thanseer, അബൂ താലിബും ,അബൂ മുത്തലിബും എപ്പോഴാണ് അല്ലാഹുവിന്റെ രാസൂലിനുമാപ്പം ഉണ്ടായിരുന്നത്, ഹിജ്റയ്ക്ക് മുന്നല്ലെ, ഈ ആയത്തുകൾ മദീന കാലഘട്ടമാണ് ഇറങ്ങുന്നത്. മക്കയിലെ ജീവിതവും ആയതും മാത്രം നോക്കിയല്ല കാര്യങ്ങൾ പഠിക്കേണ്ടത് , മദീനയും നോക്കണം.മക്കയിൽ ജിഹാദിനുള്ള പെർമിഷൻ അല്ലാഹു നൽകിയിരുന്നില്ല. പിന്നെ അള്ളാഹു പവിത്രമാക്കിയ ജീവനുകൾ ആരാ എന്ന് മനസിലായില്ലേ. അല്ലാഹുവിന്റെ റസൂൽ മുശ്രിക്കുകളിൽ നിന്നും ഇസ്ലാം അല്ലാതെ മറ്റൊന്നും സ്വീകരിച്ചിരുന്നില്ല. അവർക്ക് ജിസ്യ നൽകാനുള്ള ഓപ്ഷൻ അള്ളാഹു നൽകിയിട്ടില്ല. എന്നാൽ ക്രിസ്ത്യാനികൾക്കും,ജൂതന്മാർക്കും,മജൂസികൾക്കും നൽകാം. അല്ലാഹു പറഞ്ഞത് സുറ തൗബയിൽ , വിലക്കപ്പെട്ട മാസങ്ങൾ കഴിഞ്ഞാൽ അവരെ ആ ബഹുദൈവ വിശ്വാസികളെ കാണുന്നിടത്ത് വെച്ച് കൊള്ളാനാണ്, but അവർ ഇസ്ലാം സ്വീകരിച്ചാൽ അവരുടെ വഴി ഒഴിവാക്കാനും. അപ്പോൾ അള്ളാഹു ബലം പ്രയോഗിക്കുന്നു എന്ന് നിങ്ങൾ പറയുമോ ' - (03.07.2018, 9.55 am).</p>
<p>Ext.P23(c) (20)</p>	<p>'മുശ്രിക്കുകളെ കൊല്ലാനാണ് അല്ലാഹു പറയുന്നത്.അവർക്ക് ജിസ്യ കൊടുത്ത് ജീവിക്കാൻ കഴിയില്ല. അപ്പോൾ ഇന്ത്യയിൽ വിലാഹത് വന്നാൽ ഉസ്താദിന്റെ കാര്യം.ഒന്നോ മുസ്ലിം ആകണം അല്ലെങ്കിൽ മരിക്കണം. മറ്റുള്ള ഹിന്ദുക്കളുടെ അവസ്ഥയും ഇത് തന്നെയല്ലേ' - 21.07.2018 11.51 pm).</p>
<p>Ext.P23(c) (21)</p>	<p>'ഇന്ത്യയിൽ മുസ്ലീമുകൾക്ക് അധികാരം ഇല്ല, ഇവിടെ കാഫിറുകളുടെ ആരാധ്യ വസ്തുക്കളെ നിന്നിച്ചാൽ കാഫിറുകൾ അല്ലാഹുവിനെ ചീത്ത വിളിക്കും . അധികാരം കിട്ടിയാൽ ചീത്ത വിളിക്കില്ലേ എന്നാണു ചോദ്യമെങ്കിൽ അതിന് അവർ ധൈര്യപ്പെടില്ല.ചീത്ത വിളിച്ചാൽ വിളിച്ചവന് ചിലപ്പോൾ നാവു ഉണ്ടാവില്ല. അപ്പോൾ നിങ്ങൾ കാര്യം മനസിലാക്കു ' - (24.07.2018 4.06 pm).</p>
<p>Ext.P23(c) (22)</p>	<p>'നിങ്ങൾക്ക് അന്യ മതക്കാരോട് സ്നേഹം ആണോ ?. അവരോടു നീതികാണിക്കാം, എന്നാൽ അവരെ സ്നേഹിക്കാരുത്. നീതി കാണിക്കലും സ്നേഹിക്കലും രണ്ടും രണ്ടാണ്, അവർ അല്ലാഹുവിൽ വിശ്വാസിക്കുന്നത്</p>

	<p>വരെ അവരോടു സ്നേഹബന്ധം പുലർത്തരുത് ,അവർക്കെതിരിൽ എന്താണ് പ്രകടമാക്കേണ്ടത് എന്ന് അല്ലാഹു ഇബ്രാഹിം നബിയുടെ നമ്മെ പഠിപ്പിക്കുന്നുണ്ട്' - 01.09.2018 3.58 pm).</p>
<p>Ext.P23(c) (23)</p>	<p>Nihmath VP, എന്താ ഭായി ഞാൻ എന്തൊക്കിലും ഒക്കെ ചെയ്യുന്നതാണോ ഇപ്പൊ ചർച്ച.isis,alqaidha,thaliban ഇവരെക്കെ ഖവാരിജ് ആണ്, അത് പോലെ അമേരിക്കയുടെ ഉല്പന്നവും , എന്നാണല്ലോ നിങ്ങളുടെ വാദം , എന്നാൽ മുസ്ലിം ആയ സൗദി അമേരിക്കയ്ക്ക് വേണ്ടി,അതായത് ഇത്രയും വലിയ തീവ്രവാദിയായി അമേരിക്കയെ ഒരു തീവ്രവാദ രാഷ്ട്രമായി പ്രഖ്യാപിക്കാത്തതും അവർക്കെതിരെ യുദ്ധം ചെയ്യാത്തതും എന്ത് കൊണ്ടാണ്, isis ne ഇല്ലാതാക്കുന്നു എന്ന പേരിൽ ഇറാഖിലെ മുസ്ലീമുകളെ കൊല്ലുന്ന അമേറിയകയ്ക്ക് സൗദി സൈന്യത്തെ അയച്ചു സഹായിച്ചു.ഇങ്ങനെ ചെയ്യുന്നവർ എങ്ങനെ മുസ്ലിം ആകും . അപ്പോൾ സൗദിയല്ലെ ഭായി ലോകത്തിൽ ഏറ്റവും നീചമായ തീവ്രവാദ രാജ്യം. ആ തീവ്രവാദികൾക്ക് എതിരെ എന്തെ നിന്റെ നാവു പൊന്താത്തത്?. മുസ്ലീമുകളെ കൊന്നൊടുക്കുന്ന ഇസ്രായേലിനോടും, അമേരിക്കയോടും സൗദിയുടെ നിലപാട് എന്താണ്? നിങ്ങൾ ഒരു മുസ്ലിം ആണെങ്കിൽ ആട്ടിൻ തോലണിഞ്ഞ ചെന്നായ്ക്കൾക്ക് എതിരായല്ലേ ആദ്യം ശബ്ധിക്കേണ്ടത്? , ഇനി ഈ കാഫിറുകൾക്കെതിരെ താൻ എന്ത് ചെയ്തിട്ടാടോ ഖവാരിജ് എന്ന് പറഞ്ഞു കൊണ്ട് മറ്റുള്ളവർക്കെതിരെ ചാടുന്നത്? മുസ്ലീമുകൾക്കെതിരെ ശത്രുവിനെ സഹായിച്ചു മുർത്തദ് ആയവർക്കെതിരെ നിനക്ക് ഒരു ചുക്കം പറയാനില്ലാലെ ...?, ഇനി നീ പറയുന്നപോലെ isis ഖവാരിജ് ആണെങ്കിൽ അവർ ഈമാന്റെ വിഷയത്തിൽ മുസ്ലീമുകൾ ആണ്, എന്നാൽ നിയ്യം, നീ സപ്പോർട്ട് ചെയ്യുന്ന സൗദിയുടെയും അവസ്ഥ ഏതു തലത്തിൽ ആണെന്ന് ചിന്തിച്ചു നോക്കൂ . ' - (10.10.2018 6.38 pm).</p>
<p>Ext.P23(c) (24)</p>	<p>'Nihmath VP, ഇത് വരെ മുസ്ലീമുകളെ കൊല്ലുന്ന അമേരിക്കയോട് സൗദി ജിഹാദ് ചെയ്തിട്ടില്ല, അത് പോലെ ശിർക്ക് ഇല്ലാതാവുകയും,മതം അല്ലാഹുവിനു വേണ്ടി ആകുന്നത് വരെയും ജിഹാദ് ചെയ്യൂ, എന്ന അല്ലാഹുവിന്റെ കല്പനയെ സൗദി അനുസരിക്കുന്നില്ല. അവർ അമേരിക്കയേയും,ഇസ്രായേലിനെയും മിത്രങ്ങളാക്കി വെച്ചിരിക്കുന്നു. അപ്പോൾ അവർ അവരിൽ പെട്ടവരായി. ഇനി നിങ്ങൾ പറയുന്നത് പോലെ isis അമേരിക്കയുടെ സൃഷ്ടി ആണെങ്കിൽ അമേരിക്ക എന്തിനാണ് ഇറാഖിലും അഫ്ഗാനിലും മറ്റും അമേരിക്ക isis ന് എതിരെ യുദ്ധം ചെയ്യുന്നത്?, നിങ്ങൾ പറയുന്നത് പോലെ മുസ്ലീമുകളെ കൊല്ലാനാണ് അമേരിക്ക isis നെ സൃഷ്ടിച്ചതെങ്കിൽ സൗദി ആദ്യം യുദ്ധം ചെയ്യേണ്ടത് അമേരിക്കയോടല്ലേ എന്നാൽ ഇതുവരെ എന്തുകൊണ്ട് അത് ചെയ്തില്ല. isis നെ ഇല്ലാതാക്കുന്നതിന്റെ പേരിൽ ഇറാഖിലെ മുസ്ലീമുകളെ കൊല്ലുന്ന അമേരിക്കയെക്ക് എന്തിനാണ് സൗദി സൈനത്തെ അയച്ചു കൊടുത്തത്?, അങ്ങനെ അവർ മുസ്ലീമുകളെ കൊല്ലാൻ അമേരിക്കയ്ക്ക് കൂട്ടു</p>

	നീക്കം . ' - (10.10.2018 9.24 pm).
Ext.P23(c) (25)	'പരസ്യമായി പെരുമാറേണ്ട ക്രമീകരണങ്ങളെ ആദരിക്കുന്നത് വിസ്മയത്തിന്റെ പോരായ്മ തന്നെയാണ്. ' - (30.01.2019 1.40 pm).

Appreciation of evidence as to the digital data extracted from Ext.P13 series and Ext.P15 digital devices

57. Ext.P33 advance search memo was forwarded to this court and authorized PW12, DySP of NIA, Kochi branch to conduct search of the house where the accused is residing. PW12, deposed that he conducted the search of the House No.16/717 where the accused and his parents were residing. The accused and his parents were present during the search of the house. The accused hand over his mobile phone and one SIM card to NIA officials. He further deposed that on search of the house 6 DVDs, 2 religious books, two diaries and one old air-gun were seized, the seized items were packed and labelled. Ext.P12 is the search list prepared. Ext.P13 is the mobile phone & Ext.P13(a) is the SIM card and Ext.P13(b) is the memory card seized by PW12 and packed the same Ext.P14 cover containing the name and signatures of PW12 and the witnesses. PW10, the Village officer deposed that he witnessed the search conducted by PW12. PW11 issued Ext.P19 ownership certificate in respect of House No.16/717 in which it is stated that house No.16/717 belongs to Illias, S/o.Aboobakkar (Adavumaram, Chulliyarmedu, Muthalamada P.O., 678507) per the assessment register. After effecting search PW12 entrusted the seized articles along with the search list to PW22. PW12 deposed that the accused was residing with his parents in that house while conducting search the accused as well as his parents were present in that case. Ext.P12 is the search list and Ext.P13 series, Ext.P14, Ext.P15, Ext.P16

series, Ext.P17 & Ext.P18 series were seized from that house as per Ext.P34 property list. The seized items were produced by the investigating officer before the court along with Ext.P37 forwarding note so as to forward the said items to C-DAC for forensic examination. The investigating officer also obtained the mirror image of the data contained in the items seized from the house of the accused on request made to C-DAC.

58. PW21 Scientist-F of C-DAC deposed that he conducted forensic examination of the digital devices received from this court, as requested. Ext.P30 is the report and Ex.P31 is the soft copy of the Cyber forensic analysis data prepared by him. Annexure-III of Ext.P30 report contains the colour photographs of the packed and sealed material objects received from the court. Ext.P32 is the certification given by PW21 as to the soft copy of the retrieved data using digital forensic contents of the u/s 65B of Evidence Act. Hence it is proved that Ext.P13(series) digital devices seized from the accused at his residence is produced in court by the Investigating officer as per Ext.P34 property list in a tamper proof condition, that the said items were forwarded to C-DAC as per Ext.P37 forwarding note, that PW21 the Scientist-F, Cyber Forensic Section, C-DAC conducted forensic examination of the digital devices and that Ext.P31 pendrive contains the authentic data retrieved from the digital devices seized from the accused.

59. PW21 deposed that he had examined Ext.P13 mobile phone and mentioned Ext.P13 as Evd01(a) in his report. Ext.P13(a) is the SIM card which is mentioned as Evd01(b) and Ext.P15 BSNL SIM which is mentioned as Evd01(c)

and Ext.P13(b) memory card as Evd01(d) in his report. The details of the items examined is described in Chapter III page No.6 of the report. The hash values of the items sent for examination were also created.

60. Ext.P31 pendrive payed in open court during trial.

61. The data extracted from Ext.P13 (Evd01) Mobile Phone seized from the accused is stated as follows:-

Sl. No.	Path	Data
1.	Ext.P31(c)	Chats of social media applications
2.	Ext.P31(d)	Audio files
3.	Ext.P31(e)	Documents
4.	Ext.P31(f)	Images
5.	Ext.P31(g)	Video files
6.	Ext.P31(h)	Extracted report of the data
7.	Ext.P31(i)	Report of call logs
8.	Ext.P31(j)	Contact details in Ext.P13 mobile phone
9.	Ext.P31(k)	The history of searches done using Ext.P13 mobile phone
10.	Ext.P31(l)	Facebook chats
11.	Ext.P31(m)	Telegram chats
12.	Ext.P31(n)	Whatsapp chats
13.	Ext.P31(o)	Web history
14.	Ext.P31(p)	Detailed data of call logs
15.	Ext.P31(q)	Detailed data of contacts
16.	Ext.P31(r)	Key word search data
17.	Ext.P31(t)	Documents in Ext.P13(b)
18.	Ext.P31(q)	Deleted or overwritten audio clips in Ext.P13(b)
19.	Ext.P31(w)	Deleted or overwritten audio files in Ext.P13(b)
20.	Ext.P31(x)	Normal audio files in Ext.P13(b)
21.	Ext.P31(y)	Deleted or overwritten audio files in Ext.P13(b)
22.	Ext.P31(z)	Normal audio files in Ext.P13(b)

23.	Ext.P31(aa)	Deleted or overwritten video files in Ext.P13(b)
24.	Ext.P31(ab)	Normal video files in Ext.P13(b)
25.	Ext.P31(ac)	Picture deleted or overwritten files in Ext.P13(b)
26.	Ext.P31(ad)	Picture files in Ext.P13(b)

62. In Ext.P31(k) path the items searched are seen specifically mentioned.

The relevant searched items in YouTube is described as follows:-

Sl. No	Path	Date of Search	Item No.	Items Searched
1.	Ext.P31(k)	13.02.2018	105	'isis 53 voice clips im malayaalam'
2.	Ext.P31(k)	13.02.2018	106	'isis 53 voice clips'
3.	Ext.P31(k)	10.01.2018	115	'isis new vidios'
4.	Ext.P31(k)	09.01.2018	116	'isis malayalam news'
5.	Ext.P31(k)	28.12.2017	126	'most wandeda isis members in kerala'
6.	Ext.P31(k)	23.12.2017	128	'isis new malayalam news'
7.	Ext.P31(k)	18.12.2017	130	'refutation of zakir naik'
8.	Ext.P31(k)	10.12.2017	135	'mm akbar speach about isis'
9.	Ext.P31(k)	06.12.2017	145	'isis malayalam voice clips'
10.	Ext.P31(k)	27.11.2017	149	'rashid abdulla all voice clips'
11.	Ext.P31(k)	27.11.2017	150	'isis rashid abdhulla voice clips'
12.	Ext.P31(k)	17.11.2017	160	'rashid abhulla malayalam voive clips'
13.	Ext.P31(k)	17.11.2017	161	'rashid abdhulla voice clips'
14.	Ext.P31(k)	17.11.2017	162	'abdhulla al rashid'
15.	Ext.P31(k)	17.10.2017	173	'who arrested the australion isis member'
16.	Ext.P31(k)	-	193	'o arrested the australion isis me'
17.	Ext.P31(k)	-	194	'al rashid_????_FE_E_janaba'

63. PW22 states that it is the voice of Abdhul Ghayoom who is the accused in Valapattanam ISIS case. Ext.P31(d) (9) is the voice of the accused. In the said voice clip he introduced himself stating that he is Riyas from Palakkad. In Ext.P31(d)(11) audio clip is the voice of the accused stating that Abu Esa is not

replying, that Kufars hacked and that only messages are received. Ext.P31(e) path contains the following documents:-

Exhibits	Document
Ext.P31(e) (1)	Pdf document showing article with title 'ദീനിൽ ഇമാമത്തിന്റെ സ്ഥാനം' and its last page shows 'ദൗലത്തുൽ ഇസ്ലാമിന്റെ ഔദ്യോഗിക മാസിക റൂമിയ 13-)൦ പതിപ്പിൽ നിന്ന്'. The word 'ദൗലത്തുൽ ഇസ്ലാം' means ISIS.
Ext.P31(e) (3)	Pdf document shows heading 'From Dabiq To Rome 14' and Dabiq is a ISIS Magazine.
Ext.P31(e) (4)	Pdf document showing the Malayalam translated version of the speech of Aboobacker Al-Baghdadi.
Ext.P31(e) (8)	Pdf document with a title 'ഫറോവമാരുടെ കളി' and its last page shows the image of ISIS Flag.
Ext.P31(e) (9)	PDF document of ISIS publication. It contains the images of preaching of Aboobacker Al-Baghdadi & the picture of ISIS militants pledging.
Ext.P31(e) (12)	PDF document containing the article with ISIS flag.

64. Ext.P31(g) path contains the following videos:-

Exhibits	Description of videos
Ext.P31(g) (1)	Video of ISIS militants which shows ISIS flag.
Ext.P31(g) (2)	Video of burned dead bodies.
Ext.P31(g) (3) to (6)	Videos of ISIS.
Ext.P31(g) (7)	Propagatory videos of ISIS with English subtitle which propagates everyone should become militants, kill people of other faiths, and liberate many places in the world including Kashmir.
Ext.P31(g) (8) to (30)k	Videos of Zakir Naik

65. Ext.P31(m) is the chat made by the accused in the ISIS telegram groups of Gold dinar, al Mjhajiroun, greenb1rds. Ext.P31(t) is a document with URL video link and while clicking the links of URL, it shows the contents mention all the provinces where ISIS has presence and dominance.

66. Chat No.187 in Ext.P31(n) starts on 14.11.2018 and the last activity is seen on 17.12.2018. The word 'hijra' is present in telegram chat and on whatsapp chat. The word 'isis' is present in one document, 6 telegram chats, 2 web history, 2 whatsapp chats & 11 searched items. The word 'Islamic state' is present in 1 telegram chat, 2 web history & 2 whatsapp chats. The word 'jihad' is present in 4 telegram chat. The word 'suicide bombing' is present in 1 whatsapp chat & 1 telegram chat. The word 'suicide attack' is present in one telegram chat. The word 'Al-Qaeda' is present in 2 telegram chats, 1 whatsapp chat. The word 'Islamic state' is present in 1 telegram chat. The word 'jihad' is present in 2 telegram chats, 1 whatsapp chat. The word 'Daesh' is present in one telegram chats.

Consideration of all relevant facts leading to the offences charged against the accused

67. The prosecution mainly relies on the evidence of PWs 1 and 2 to establish criminal conspiracy under section 120B.

68. The Hon'ble Supreme Court in **Suresh Chandra Bahri v. State of Bihar and Ors. (MANU/SC/0500/1994)** held as follows:-

"Thus, a cursory look to the provisions contained in Section 120-A reveals that a criminal conspiracy envisages an agreement between two or more persons to commit an illegal act or an act which by itself may not be illegal but the same is done or executed by illegal means. Thus the essential ingredient of the offence of criminal conspiracy is the agreement to commit an offence. In a case where the agreement is for accomplishment of an act which by itself constitutes an offence, then in that event no overt act is necessary to be proved by the prosecution because in such a fact situation criminal conspiracy is established by proving such an agreement."

69. The Hon'ble Supreme Court in **R. Venkatakrisnan v. Central Bureau of Investigation (MANU/SC/1411/2009)** held as follows:-

"84. Condition precedent, therefore, for holding accused persons guilty of a charge of criminal conspiracy must, therefore, be considered on the anvil of a fact which must be established by the prosecution, viz., meeting point of two or more persons for doing or causing to be done an illegal act

or an act by illegal means.

85. The courts, however, while drawing an inference from the materials brought on record to arrive at a finding as to whether the charges of the criminal conspiracy have been proved or not, must always bear in mind that a conspiracy is hatched in secrecy and it is, thus, difficult, if not impossible, to obtain direct evidence to establish the same.

86. The manner and circumstances in which the offences have been committed and the level of involvement of the accused persons therein are relevant factors. For the said purpose, it is necessary to prove that the propounders had expressly agreed to or caused to be done the illegal act but it may also be proved otherwise by adduction of circumstantial evidence and/ or by necessary implication. [See *Mohammad Usman Mohammad Hussain Maniyar & Ors. v. State of Maharashtra* MANU/SC/0180/1981 :(1981) 2 SCC 443]

.....
93. Recently, in *Yogesh @ Sachin Jagdish Joshi v. State of Maharashtra* MANU/SC/7528/2008 : (2008) 6 SCALE 469], a Division Bench of this Court held:

23. Thus, it is manifest that the meeting of minds of two or more persons for doing an illegal act or an act by illegal means is sine qua non of the criminal conspiracy but it may not be possible to prove the agreement between them by direct proof. Nevertheless, existence of the conspiracy and its objective can be inferred from the surrounding circumstances and the conduct of the accused. But the incriminating circumstances must form a chain of events from which a conclusion about the guilt of the accused could be drawn. It is well settled that an offence of conspiracy is a substantive offence and renders the mere agreement to commit an offence punishable even if an offence does not take place pursuant to the illegal agreement."

70. The Hon'ble Supreme Court in **Baburao Bajirao Patil v. State of Maharashtra (MANU/SC/0073/1971)** held as follows:-

"In a case of conspiracy in which only circumstantial evidence is forthcoming, when the board features are proved by trust-worthy evidence connecting all the links of a complete chain, then on isolated events the confessional statements of the co-accused lending assurance to the conclusions of the Court can be considered as relevant material and the principle laid down in the case of Hari Charan Kurmi 1964 S.R.C. 623 would not vitiate the proceedings."

71. The essential ingredient of the offence of criminal conspiracy is the agreement to commit an offence. As conspiracy is hatched in secrecy it is difficult to obtain direct evidence to establish the same. Hence, direct proof of agreement is

not possible. The evidence of PWs 1 and 2 would show that they were motivated by the ideologies of ISIS, that they watched and liked the posts on social media platforms, made by the accused supporting ISIS, that the accused and PWs 1 and 2 professed to be associated with, the terrorist organization through their posts and comments in the social media platforms. The evidence of PWs 1 and 2 coupled with the scientifically extracted digital data contained in the Ext.P13 mobile phone and other digital devices of the accused and the extracted social media data from the social media account of the accused would establish that the accused is highly radicalized through ISIS ideologies. It is also proved that PWs 1 and 2 developed relationship with the accused only as followers of the ideology of ISIS and that they met together as all of them had Salafist ideas of Islamic state and they intended hijra to Iraq, Syria and Afghanistan, that PW1, PW2 & the accused were the conspirators and they had been in communication with each other, that the actual meeting of the three persons is proved by the evidence of PW1 & 2 coupled with the CDR indicating the Cell ID location. The prosecution has succeeded in proving the meeting of minds of PWs 1 and 2 and the accused for performing hijra to Iraq, Syria and Afghanistan with intent to further the activities of ISIS.

72. In **Suresh Chandra Bahri's case** (referred to supra) the principle laid down by the Hon'ble Supreme Court is that in a case where the agreement is for accomplishment of an act which by itself constitutes an offence, then in that event no overt act is necessary to be proved by the prosecution because in such a fact situation criminal conspiracy is established by proving such an agreement. The meeting of minds and a consensus to effect the unlawful purpose are sufficient to

constitute the unlawful agreement. The prosecution has succeeded in proving the unlawful agreement which is sine qua non for constituting the offence of conspiracy. As the unlawful agreement is for furthering the activities of ISIS a terrorist organisation and for inviting support with intent to further its activities which by itself constitutes an offence. Hence, the offence of criminal conspiracy stands proved as against the accused.

73. In order to prove the offences punishable u/s 38 and 39 of the UA(P) Act, the prosecution mainly relies on the evidence of PWs 1 and 2 and data extracted from the facebook and G-mail account of the accused and the data scientifically extracted from Ext.P13, 13(a) & 13(b) electronic devices seized from the residence of the accused.

74. In order to attract section 38 of UA(P) Act, the prosecution has to establish that the accused associated himself or professed to be associated with ISIS, a terrorist organization with intent to further its activities. In order to attract section 39 of UA(P) Act, it is to be proved that the accused with intent to further the activity of ISIS a terrorist organisation, invited support for ISIS, not restricted to provide money or with intent to further the activity of the terrorist organization arranged a meeting, which he knew is to support the terrorist organization or to further the activity of the terrorist organization.

75. The Hon'ble High Court of Kerala in **Chaithanya and ors v. Union of India (MANU/KE/0927/2023)** held as follows:-

"In other words, the intention to further the activities of a terrorist organization, as envisaged in Secs.38 & 39 of the UAPA, should fulfill the requirements as per Secs.38 & 39 and the activity or activities and the expression 'further its activities', appearing in Sec.38 and the

expression ‘further the activity of a terrorist organization’, appearing in Sec.39, should be understood in the wider context of ‘terrorist act’ in the context of the second ingredient of Sec.20 of the UAPA. In other words, the terrorist acts in the wider sense, can be the graver activities envisaged in Sec.15 or less graver activities envisaged in Sec.18 of the UAPA or could even be other activities, as encouraging or promoting terrorism or involved in terrorism in any other means referred to in Sec.35(3), as discussed supra. We are saying so only in the context of a terrorist organization, as defined in Sec.2(1)(m), which is included in the First Schedule of the UAPA.”

76. The Hon’ble High Court of Gauhati in **Oinam Moniton Singha v. National Investigating Agency (MANU/GH/0983/2012)** held as follows:-

“Thus, even a person, who is an ideologue of a terrorist organization and distributes literatures and pamphlets to publicise the activities of such an organization with intention to further the activities of such an organization, can be termed as a member. It is not conceivable that, in order to attract the label of member under Section 38, a person shall be actually involved in carrying out terrorist activities.”

77. The Hon’ble Supreme Court in **Union of India (UOI) v. Yasmeen Mohammad Zahid (MANU/SC/1025/2019)** held as follows:-

“ 15. The evidence on record, as culled out by the High Court in the observations quoted hereinabove establishes that A1 was propagating the ideology of IS and advocating, among other things, war against non-Muslims; that the classes were attended by A2-Yasmeen; that the videos relating to such speeches were found on her person when she was arrested; and that she was attempting to go to Afghanistan at the instance of A1. These features definitely point the existence of mens rea. The Courts below were therefore absolutely right in recording conviction against A2 in respect of offences under Section 120B Indian Penal Code and Section 38 of the UAPA.”.....

“17. We must however state that the High Court was not right in observing “if a person is punishable under Section 38, Section 39 becomes superfluous”. In our view, the scope of these two Sections and their fields of operation are different. One deals with association with a terrorist organisation with intention to further its activities while the other deals with garnering support for the terrorist organisation, not restricted to provide money; or assisting in arranging or managing meetings; or addressing a meeting for encouraging support for the terrorist organisation.”

The learned counsel for the defence submits in view of the following judgments of the evidence available on record is not sufficient to attract the offences punishable under S.38 and 39 of the UAPA 1967.

78. The Hon'ble Supreme Court in **Vernon v. State of Maharashtra (2023 ICO 1156) (AIR 2023 SC 3926)** held as follows:-

"Mere holding of certain literatures through which violent acts may be propagated would not ipso facto attract the provisions of Section 15(1)(b) of the said Act.

It is only when such intention to further the terrorist activities is established prima facie, appellants could be brought within the fold of the offence relating to membership of a terrorist organisation. To bring within the scope of Section 38 of the 1967 Act, it would not be sufficient to demonstrate that one is an associate or someone who professes to be associated with a terrorist organisation. But there must be intention to further the activities of such organisation on the part of the person implicated under such provision. But the same line of reasoning in respect of membership of a terrorist organisation under Section 20, ought to apply in respect of an alleged offender implicated in Section 38 of the 1967 Act. There must be evidence of there being intention to be involved in a terrorist act."

79. The Hon'ble Supreme Court in **Muhammed Riyas D V P v. Union of India (2018 ICO 694) (ILR 2018 (2) Ker.645)** held as follows:-

"The fact that he has seen certain videos and speeches as aforesaid by itself will not be a reason to implicate him as a terrorist, unless there are other materials to establish the same. May of such videos, speeches etc are in public domain. Merely for the reason that one sees such matters it may not be possible for any person to establish that the accused is involved in terrorism."

80. ISIS was declared to be a terrorist organization on 16.02.2015 and was included as item no.38 in the first schedule of the UA(P) Act.

81. The evidence of PWs 1 and 2 shows that the accused PWs 1 and 2 were met together on 26.10.2018 for discussing the matters regarding performing hijra to ISIS controlled territories like Iraq, Syria and Afghanistan. In the said meeting the accused instigated PWs 1 and 2 to commit 'istishadi operations' in India which would mean suicide attack. For instigating PWs 1 and 2 to commit suicide attack he cited the story of Islamic Commander Salahudeen Ayoobi. It was the story about throwing ones own Soldier towards his enemy's military camp and

thereby opening the fort and the person who had been thrown would become a victim of suicide bombing. The accused further stated that India is a land of Kafirs and that Muslims cannot live here. PW2 further stated that the accused sent him the links of ISIS telegram channels like Al Muhajir, Gold Dinar, Facebook link of Sameer Ali, videos of Sahran Hashmi, about 40 voice clips of Abdul Rashid Abdulla and the voice clip of Abdul Khayoom explaining suicide attack.

82. The documents retrieved from the mobile phone of the accused contains violent speeches, videos and articles. The extracted data from the social media accounts of the accused contain the following uploads, posts and titles:- In folder 'mobile uploads', it is stated that "Islamine tholppikkaan aarka kazhiyuka ummayude garbathile njangal jihaadhikalaanu" Uploads dated 28.02.2018 it is stated 'STAND WITH SYRIA' and just below the statement it is stated as ' ആ ദിവസത്തിനു വേണ്ടി കാത്തിരിക്കുന്നു'. On opening the folder named 'profile pictures' in Ext.P23(I) it contains a post on 31.10.2015 with tile "ISLAM WILL DOMINATE THE WORLD FREEDOM CAN GO TO HELL". In the same folder on 14.10.2017 just below the photograph of the accused it is posted as follows; 'FI sabilillah ആരെയും ബോധിപ്പിക്കേണ്ട ആവശ്യമില്ല. സിറിയ എന്നോ, അഫ്ഗാൻ എന്നോ എന്തു വേണമെങ്കിലും പറഞ്ഞാ' and on 28.02.2018 it is posted as follows; 'STAND WITH SYRIA'. On the same path in the folder named 'timeline photos', a photo is posted with a caption 'YOU CAN KILL MUSLIMS BUT YOU CAN NEVER KILL ISLAM' and just below the photo it is stated as 'We are the mujahidheens of islam'. It is

seen that the accused searched the following names; Zahran Hashim, Abu Maryam Al-Balkani and Abu Esa, Sameer Ali, Abdhul Ghayooob and Midhilaj. He also conducted searches on Coca-Cola colour smoke bomb, chlorine gas bombs, suicide bomber, A Car Bomb.

83. The comments of the accused includes the following:- 'നിങ്ങൾ ഒരു യുദ്ധ പ്രഖ്യാപനം നടത്താൻ തയ്യാറാണോ ദീനിന് വേണ്ടി ഞങ്ങളോടൊന്നിടം നേർച്ച ചോദം തിന്നിരിന്നാൽ അതിനുള്ള ദൈര്യം ഉണ്ടാവില്ല ,നിങ്ങൾ ജീഹാദിന് സമ്മതിച്ചാൽ ഒരു കബൂരികൾപോലും ലോകത്ത് അവശേഷിക്കില്ല . പിന്നെ ഉണ്ടാകുന്നത് രണ്ട് വിഭാഗക്കാർ മാത്രം ശിർക്ക് ചെയ്യാത്തവരും ചെയ്യുന്നവരും ഇൻ ഷാ അള്ളാഹ് ' - (19.11.2015 4.54 pm), 'Mohammed Faizal virodhikapeta maasathile yudhathinu virodhikapeta maasathil thirachadikaam...virodhikapeta matu kaaryangal lankikumbozhum aprakaaramthane prathikaaram cheyyaam soora bakrayude adisthaanathilenkil isis paris aakramichath virodhikapeta maasathilaano...a aayathu parayunath virodhikapeta maasathile yudhathe kurichaanallo?' - (13.12.2015 6.42 pm), 'Thaagoothinethire yudham cheyyenda dhivasangal eno thudangiyyirikunu,,,, allahuvinde maargathil jihaadhil jeevan arpikaanulla mujaahidheenukal ividathe musleemukalil kuravaanu, lokath thane kuravaanu enaal avaraakunu vijayikunavar. Avarkethire aropanangal unnayikaanum thaagoothinu kootu ninu musleemukale kollaantum aagrahikunavar ithinapuram sambavichalum ava jihaadhikal aavilla,, dheeninekaalum sondham choraye snehikunavar....kufraakal' - (17.04.2016 9.20 am), 'നിങ്ങൾ ഇന്ത്യൻ ഡെമോക്രസി സിസ്റ്റത്തിന് കീഴിൽ വോട്ട് ചെയ്യാറുണ്ടോ, ഡെമോക്രസി ശിർക്ക് അല്ലേ?' - (14.06.2018

9.43 am), പ്രവാചകൻ മുഹമ്മദ് (സ)യുദ്ധത്തിന് പ്രാപ്തരായ കാഫിർ പുരുഷന്മാരെ വധിക്കാൻ പറഞ്ഞിട്ടുണ്ട്.അപ്പോൾ നിങ്ങൾ, യുദ്ധത്തിൽ പങ്കെടുക്കാത്തവരോട് യുദ്ധം ഇല്ല എന്ന് പറയുന്നത് തെറ്റല്ലേ' - (01.07.2018 10.22 pm), 'India isis ne illaathaakn sahayikuna raajyamaanu..apol nammal ivide jeevikunath haraam aaano? ' - (28.12.2015 9.55 am), 'ettavum kooduthal theevravaadikal ullathu "israyel" ena raajyathaanu...e sathyam nammal ellaavarum ariyunathaanu.enal avare nashipikaan kure flex bord,face book,kure abinayam niranja commands.....maathram aadyam kollendathu avareyanu manushyathom e llaatha joodhan maare..... e commends itta ene ivar venamenkil theevravaadhi enu vilikkum.endhoru manushyar....allah hafiz... ' - (01.10.2014 12.11 pm), 'isisi ne theevravaadikal enu vilikunavar ariyunilla ellaa nerikedinum kootu nilkunavar america aanenu....isreyililne pinthunacha america punniyaalan maarum neethikuvendi poraadunavar theevravaadikalum.....endhaa manushya ni chindhikaathathu' - (01.10.2014 5.55 pm).

84. The facebook comments and posts made by the accused, advocate war against non-Muslims. In his posts he discloses his intention to do suicide attacks and other acts encouraging and promoting terrorism and hence it is proved that the accused had intention to further the activities of ISIS the terrorist organization as held in **Chaithanya and Ors v. Union of India (referred to supra)**. He distributed ISIS channel links to PW2 and made facebook posts and comments supporting the terrorist activities of ISIS with intent to further such activities of organization.

85. The prosecution has succeeded in proving that PWs 1 and 2 and the

accused were radicalized through with the ideologies of ISIS, a terrorist organization, that they entered into criminal conspiracy to further its activities and to garner support for the terrorist organization by migrating to areas like Syria, Iraq and Afghanistan, that the accused associated himself and professed to be associated with ISIS, with intent to further its activities and that the accused with intent to further the activity of the terrorist organization, invited support for the terrorist organization, not restricted to provide money and thereby committed the offences punishable under S.120B of IPC r/w S.38 and 39 of UAPA and S.38 and 39 of UA(P) Act.

86. In the result, I find the accused guilty of the offences punishable under S.120B of IPC r/w S.38 and 39 of UAPA and S.38 and 39 of UA(P) Act.

87. Before parting, this Court would like to extent its appreciation to the learned Public Prosecutor, Sri. Sreenath S. for his sincere effort and dedication in proving the digital data and the relevant facts constituting the offences charged against the accused. I also appreciate the sincere assistance given by the learned Advocates for the accused Adv. Sri. B. A. Aloor and Adv. K. P. Prasanth, The Investigating Officer PW22 Sri. P. Vikraman and his team also deserve appreciation especially for making use of the scientific technologies to bring out the digital evidence.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this 07th day of February 2024.

Sd/-
MINI S. DAS
Judge, Special Court for NIA Cases.

ORDER ON SENTENCE

88. **Point No. 5** :- Heard the accused, the learned counsel for the accused and the learned Public Prosecutor on the question of sentence.

89. The accused submitted that he is the only bread winner of his family consisting of his brother and aged parents, that his employed brother was terminated from service consequent to his arrest in this case. The accused prays for leniency. The learned counsel for the defence submits that there is no reported criminal antecedents as against the accused and that the accused deserves maximum leniency.

90. The learned public prosecutor relying on the Judgments of the Supreme Court in **Ravi Vs. State of Maharashtra (MANU/SC/1368/2019)** and **Jaswinder Singh (Dead) through Legal Representative Navjot Singh Sidhu and Others (MANU/SC/0685/2022)** submitted that undue sympathy to impose inadequate sentence would do more harm to justice system and that the accused must realise that the crime committed by him has not only created a dent in his life but also a concavity in the social fabric and that suitable and deterrent punishment that commensurate with the gravity of offence committed by the accused, is liable to be imposed.

91. It is found that the accused was involved in furthering the activities of ISIS and that the accused entered into criminal conspiracy with PWs 1 and 2 to further the activities of ISIS that he had a plan to commit terrorist act in India by doing 'istishadi' operations which would mean suicide attack. The extracted social media data and the extracted mobile data contains various documents, the

contents of which is sufficient to exploit vulnerable individuals. He had made several posts and comments with the effect of instilling fear and terror in the mind of non believers while encouraging others to join in ISIS's cause. Even at the time of hearing sentence the convict failed to express any genuine remorse so as to take a lenient view.

92. As for the applicability of the Probation of Offenders Act, it depends on the specific circumstances of the case and the discretion of the court. Its applicability in cases related to offences under the UAP Act would certainly be against public interest in the facts and circumstances of the case and the nature of offence committed by the accused. Hence, the provisions of the Probation of Offenders Act, 1958 cannot be applied.

93. It is proved that the accused is highly radicalized through ISIS ideology and he he had been spreading the ideology through social media platform for the last several years. The uploads, posts and comments made in social media supporting ISIS, a terrorist organization would have caused to increase the growth of radicalization in geometric progression due to the wide spread reach and influence of online platform. The seeds of extremist ideologies, when sown and nurtured in human mind it can grow into destructive forces that would threaten the peace, unity and integrity of the country. When the offence committed by the accused is against public order affecting morale of the society, significant terms of imprisonment to send a clear message of deterrence and to re-affirm the importance of upholding public order and societal morale is absolutely essential in the interest of justice.

94. Considering the above said facts, I am of the view that the accused is liable to be awarded with maximum punishment provided for the offences u/s. 38 and 39 of UAP Act. The accused is liable to be awarded sentence of rigorous imprisonment for 10 years with a fine of Rs. 50,000/- for the offence punishable u/s. 38 of UAP Act, sentence of rigorous imprisonment for 10 years with a fine of Rs. 50,000/- for the offence punishable u/s. 39 of UAP Act and sentence of rigorous imprisonment for 5 years with a fine of Rs. 25,000/- for the offence punishable u/s. 120B of IPC r/w Sec. 38 and 39 of UAP Act.

In the result,

- **The accused is sentenced to undergo rigorous imprisonment for a term of 10 (Ten) years and to pay a fine of Rs. 50,000/- (Rupees Fifty thousand only) and in default of payment of fine, to undergo rigorous imprisonment for a further period of one year, for the offence punishable u/s. 38 of UA(P) Act.**
- **The accused is sentenced to undergo rigorous imprisonment for a term of 10 (Ten) years and to pay a fine of Rs. 50,000/- (Rupees Fifty thousand only) and in default of payment of fine, to undergo rigorous imprisonment for a further period of one year, for the offence punishable u/s. 39 of UA(P) Act.**
- **The accused is sentenced to undergo rigorous imprisonment for a term of 5 (Five) years and to pay a fine of Rs. 25,000/- (Rupees Twenty five thousand only) and in default of payment of fine, to undergo rigorous imprisonment for a further period of six months, for the offence punishable u/s. 120B of IPC r/w 38 of UA(P) Act.**

- **The substantive sentences of imprisonment shall run concurrently.**
- **Set off under Section 428 of Cr.PC is allowed.**
- **MO1 mobile phone shall be confiscated after the period of appeal.**

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this 09th day of February 2024.

Sd/-
MINI S. DAS
Judge, Special Court for NIA Cases.

APPENDIX

List of Prosecution/Defence/Court witnesses

A. Prosecution Witness

Rank	Date	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	22.08.2023	Muhammed Faizal	Eye witness
PW2	24.08.2023	Abubakkar Sidik	Eye witness
PW3	20.09.2023	Revi.P.K.	Official witness
PW4	26.09.2023	Muhammed Bilal.A.S	Eye witness
PW5	26.09.2023	Nawshad K.M	Eye witness
PW6	26.09.2023	Shinu. S Muhammed	Official witness
PW7	29.09.2023	Rahul.S IPS	Official witness
PW8	29.09.2023	Anoob Kumar.E. Inspector of police.	Police witness
PW9	29.09.2023	Muhammed Hafiz	Eye witness
PW10	03.10.2023	Baby Seetha Ram	Official witness
PW11	03.10.2023	Surendran.N	Official witness

PW12	04.10.2023	C. Radhakrishnan Pillai (DySP, NIA)	Police witness
PW13	04.10.2023	Salahudheen.V.S	Eye witness
PW14	04.10.2023	Ahammed Arafath	Other witness
PW15	10.10.2023	K.Vasudevan	Expert witness
PW16	12.10.2023	Bijith.E.C, Constable, NIA, Kochi.	Police witness
PW17	12.10.2023	Jayakrishnan.P Health Inspector, Corporation of Cochin.	Official witness
PW18	13.10.2023	Dharmender Kumar (MHA)	Official witness
PW19	19.10.2023	Augustine Joseph K.G Nodal officer, Vodafone/IDEA Ltd.	Expert witness
PW20	30.10.2023	Yasir Moideen V.P.	Other witness
PW21	28.11.2023 30.11.2023	Nabeel Koya	Expert witness
PW22	12.12.2023 19.12.2023	P. Vikraman DySP, NIA, Kochi.	Police witness

B. Defence witness:- Nil.

C. Court witness:- Nil.

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:-

Sl. No.	Exhibit Number	Date	Description
1.	Ext. P1/PW1	05.09.2019	Relevant portion of 164 statement in page No. 6, of Mohammed Faizal given before the Judicial First Class Magistrate -II, Aluva. “ഞാൻ കൊല്ലം ജില്ലയിലെ കരുനാഗപ്പള്ളിയിൽ നിന്നാണ് Distant education ൽ ചെയ്യുകയുണ്ടായി ”
2.	Ext.P1(a)/ PW1	05.09.2019	Relevant portion of 164 statement in page No. 6, of Mohammed Faizal given before the Judicial First Class Magistrate -II,

			Aluva. “2012 തൊട്ട് ഞാൻ സ്റ്റാർട്ട് ഫോണുകൾ എന്ന ഒരു നമ്പറും എനിക്കുണ്ടായിരുന്നു”
3.	Ext.P1(b)/PW1	05.09.2019	Relevant portion of 164 statement of Mohammed Faizal given before the Judicial First Class Magistrate-II, Aluva. “2015 ൽ ഞാൻ കൊല്ലം KSRTC ബസ് സ്റ്റാന്റിൽ മരണാനന്തര ജീവിതം എന്താണെന്നും ഞാൻ പഠിച്ചു ”
4.	Ext.P1(c)/PW1	05.09.2019	Relevant portion of 164 statement of Mohammed Faizal given before the Judicial First Class Magistrate-II, Aluva. “2018 ൽ എറണാകുളത്ത് വൈറ്റിലയിൽ Abu Fathima എന്നായിരുന്നു ടിയാളുടെ ടെലഗ്രാം ID ”
5.	Ext.P1(d)/PW1	05.09.2019	Relevant portion of 164 statement of Mohammed Faizal given before the Judicial First Class Magistrate-II, Aluva. “ഒരിക്കൽ Abu Esa എന്നെ വിളിച്ചിട്ട് കുടുംബത്തോടൊപ്പം ഹിജറ ചെയ്യാനായിരുന്നു താൽപര്യം ”
6.	Ext.P1(e)/PW1	05.09.2019	Relevant portion of 164 statement of Mohammed Faizal given before the Judicial First Class Magistrate-II, Aluva. “അതേ ദിവസം തന്നെ Mujahid Riyas എന്നായിരുന്നു ”
7.	Ext.P1(f)/PW1	05.09.2019	Relevant portion of 164 statement of Mohammed Faizal given before the Judicial First Class Magistrate-II, Aluva. “2018 ഒക്ടോബറിൽ Riyas Aboobacker ഉം ഹിജറ പോകാനായിരുന്നു താൽപര്യം ”

8.	Ext.P1(g)/PW1	05.09.2019	Relevant portion of 164 statement of Mohammed Faizal given before the Judicial First Class Magistrate-II, Aluva. “അവിടെ നിന്നും ഞങ്ങൾ മറെൻ ഡ്രൈവിലേക്ക് പോയി റിയാസ് അബൂബക്കർ പറഞ്ഞു ”
9.	Ext.P1(h)/PW1	05.09.2019	Relevant portion of 164 statement of Mohammed Faizal given before the Judicial First Class Magistrate-II, Aluva. “2018 ൽ തന്നെ ടെലഗ്രാമിൽ Abu Kalida എന്ന ബ്ലോക്ക് ചെയ്യുകയും ചെയ്തു ”
10.	Ext.P1(i)/PW1	05.09.2019	Relevant portion of 164 statement of Mohammed Faizal given before the Judicial First Class Magistrate-II, Aluva. “2019 ൽ റിയാസിനെ അറസ്റ്റ് ചെയ്ത സമയത്ത് ടെലഗ്രാമിൽ rare ആയി സംസാരിച്ചിട്ടുണ്ട് ”
11.	Ext.P2 Series/ PW1	Nil	Customer Application Form of mobile No. 9544365682 used by Mohammed Faizal/PW1 (2 in numbers).
12.	Ext.P2(a)/PW1	Nil	Customer Application Form of of mobile No. 9744448485 used by Mohammed Faizal/PW1 (3 pages).
13.	Ext.P3/PW1	Nil	WhatsApp chats between the accused and PW1 contained in Ext. P31 pendrive. (The contents of file path - Q3\Evd01\MobilePhone\WhatsApp_Chats\WhatsApp_Chats\chats\WhatsApp_Native-Chat-187.txt)
14.	Ext.P3(a)/PW1	Nil	The colour print out of image IMG_20190317_215539.jpg (Picture of Riyas) in file path Q2&Q7\Evd01\MemoryCard\All Data\Picture Deleted_

			Overwritten Files.
15.	Ext.P3(b)/PW1	Nil	The colour print out of the image '1526217647062.jpg' of Riyas in File path Q2&Q7\Evd01\MemoryCard\All Data\Picture Normal Files.
16.	Ext.P3(c)/PW1	Nil	The colour print out of the Whats App image 'caesarapp_20183121532416.jpg' of Riyas in path Q2&Q7\Evd01\MemoryCard\All Data\Picture Normal Files.
17.	Ext.P3(d)/PW1	Nil	The colour print out of the picture with ISIS flag and quote of Abu Bakker Al Bagdadi in file path Q2&Q7\Evd01\Memorycard\All data\picture normal files – FB_IMG_1533315816847.jpg
18.	Ext.P3(e)/PW1	Nil	The colour print out of the picture with ISIS flag and comments 'Thouheed Bhoomiyilekku swagatham' in file path Q2&Q7\Evd01\Memorycard\Alldata\picture normal files –Screenshot_2018-10-28-00-22-47-01.png
19.	Ext.P3(f)/PW1	Nil	Print out of item No. 194 and 195 in File path- Q2&Q7\Evd05\SIMCard\idea_89911300000381968386\Logical (Item No. 194 &195 contact Nos. 7902371829, 7994692007 saved as Seeku and Seeku Akhi)
20.	Ext.P3(g)/PW1	Nil	Print out of the file path - Q5\Evd01\Mobilephone\contacts\contacts- item 5480 & 5481 (Item Nos. 5480, 5481 noted as contact Nos. 9744448485 & 9544365682 saved as Abu Marwan, Abu Marwan New)
21.	Ext.P3(h)/PW2	Nil	The printout of file path- Q5\Evd01\MobilePhone\Contacts\Contacts. (Contains the SI.Nos. 5437 and 5443)
22.	Ext.P3(i)/PW2	Nil	The printout of file path Q2&Q7/Evd03/SIMCard/Airtel_8991950912

			998499322/Logical (File Name Logical_2021-09-10-Report.html) (containing the name Abu Marvan).
23.	Ext.P3(j)/PW2	Nil	The printout of file path – Q2&Q7\Evd03\SIMCard/idea_89911100000619614127/Logical (Containing the name Abu Marvan as 15 th item)
24.	Ext.P3(k)/PW2	Nil	The voice clip of file path Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1f F1\files\Audio with File name 2_5440649805028131252.mp3
25.	Ext.P3(l)/PW2	Nil	The Voice clip of file path - Q2&Q7\Evd01\Memorycard\Alldata\Multimedia\Audio\M4ADeleted_Overwritten Files with File Name: 1_4922486752662257709.m4a
26.	Ext.P3(m)/PW20	Nil	The Voice clip of file path- USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 1_4999091407101624423
27.	Ext.P3(n)/PW20	Nil	The Voice clip of file path-USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 1_4999091407101624424
28.	Ext.P3(o)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 1_5001442304695730221
29.	Ext.P3(p)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 1_5030884361344385062
30.	Ext.P3(q)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 1_5078361964921487465

31.	Ext.P3(r)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 5_6143060129689370632.
32.	Ext.P3(s)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 5_6178999969345699904.
33.	Ext.P3(t)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 5_6181717833240543351.
34.	Ext.P3(u)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 5_6181717833240543352.
35.	Ext.P3(v)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 5_6237601679953363001.
36.	Ext.P3(w)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 5_6239881525903491126.
37.	Ext.P3(x)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 5_6239881525903491127.
38.	Ext.P3(y)/PW20	Nil	The Voice clip of file path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio with File Name: 5_6260151993424150566.
39.	Ext.P4/PW2	05.09.2019	Relevant portion in page No. 5 of 164 statement of Aboobacker Siddique.P.A. given before JFCM-II, Aluva, "ഞാൻ കാസർഗോഡ് ചെമ്മനാട് ഒരു കൊല്ലത്തിൽ താഴെയേ അവിടെ നിന്നിട്ടുള്ളൂ"

40.	Ext.P4(a)/PW2	05.09.2019	Relevant portion in page No. 6 of 164 statement of Aboobacker Siddique.P.A. given before JFCM-II, Aluva, “നാട്ടിൽ വന്ന ശേഷം നാട്ടിലുള്ള 2018 ആഗസ്റ്റിൽ ഞാൻ എറണാകുളത്ത് വന്നു”
41.	Ext.P4(b)/PW2	05.09.2019	Relevant portion of 164 statement of Aboobacker Siddique.P.A. given before JFCM-II, Aluva, “2018 ലാണ് ആദ്യമായി Abu Esa എന്നായിരുന്നു”
42.	Ext.P4(c)/PW2	05.09.2019	Relevant portion of 164 statement of Aboobacker Siddique.P.A. given before JFCM-II, Aluva, “ഫെയ്സ്ബുക്ക് വഴിയാണ് ഞാൻ ഞാൻ send ചെയ്ത് കൊടുത്തു”
43.	Ext.P4(d)/PW2	05.09.2019	Relevant portion of 164 statement of Aboobacker Siddique.P.A. given before JFCM-II, Aluva, “2018 സെപ്റ്റംബർ അവസാനം നിലപാടിൽ തന്നെ ഉറച്ചു നിന്നു”
44.	Ext.P4(e)/PW2	05.09.2019	Relevant portion of 164 statement of Aboobacker Siddique.P.A. given before JFCM-II, Aluva, “പിന്നീട് ഒരാളു കഴിഞ്ഞ് അതുകൊണ്ട് മറ്റൊരാളെയെങ്കിലും പോകാമെന്ന്”
45.	Ext.P4(f)/PW2	05.09.2019	Relevant portion of 164 statement of Aboobacker Siddique.P.A. given before JFCM-II, Aluva, “അങ്ങനെ ഞങ്ങൾ മറ്റൊരാൾ ഡ്രൈവിന്റെ അടുത്ത് ഞങ്ങൾ അവിടെ നിന്നും പിരിഞ്ഞു”
46.	Ext.P4(g)/PW2	05.09.2019	Relevant portion of 164 statement of Aboobacker Siddique.P.A. given before JFCM-II, Aluva, “ISIS ചാനലുകളായ അയച്ചു തന്നിട്ടുണ്ട്”

47.	Ext.P5/PW2	Nil	CAF of mobile No. 7902371829 subscribed in the name of PW2.
48.	Ext.P5(a)/PW2	27.08.2019	Certificate u/s. 65 B(4) of Indian Evidence Act issued by Vodafone Idea Ltd. mobile Nos. 7902371829, 9544365682, 9605281128 and 9744448485.
49.	Ext.P6/PW2	Nil	CAF of mobile No. 7994692007 subscribed in the name of PW2.
50.	Ext.P6(a)/PW2	20.08.2019	Certificate u/s. 65 B(4) of Indian Evidence Act issued by Airtel for the mobile Nos. 7994692007 and 9446454340.
51.	Ext.P7/PW3	07.05.2019	Print out of the proceedings of extraction of data of E-mail and Facebook account of accused Riyas (44 pages).
52.	Ext.P8/PW6	09.05.2019	Pointing out mahazar regarding the place near Lulu Mall, Edappally, prepared by P. Vikraman, DySP, NIA, Kochi.
53.	Ext.P9/PW6	09.05.2019	Pointing out mahazar regarding the place at Marine Drive, prepared by P. Vikraman, DySP, NIA, Kochi.
54.	Ext.P10/PW7	24.08.2016	Certified copy of FIR No. 02 of NIA in RC 2/2016/NIA/KOC prepared by SP, NIA, Kochi.
55.	Ext.P11/PW8	10.07.2016	Certified copy of FIR No. 534/16 u/s. 57 of Kerala Polce Act, prepared by SI of police, Chandra PS, Kasargod District.
56.	Ext.P11(a)/PW8	10.07.2016	Certified copy of complaint submitted by Abdulla.T.P, S/o.P.Muhammad, before SI of police, Chandra PS, Kasargode District.
57.	Ext.P12/PW10	28.04.2019	Search list regarding the search of the house of Riyas, prepared by DySP, NIA, Kochi.
58.	Ext.P13/PW10	Nil	OPPO F1 mobile phone (golden colour) with IMEI Nos. 869124025864891 and

			869124025864883, seized from the house of Riyas.
59.	Ext.P13(a)/PW10	Nil	Airtel SIM card with No. 89919509129727429654 (Micro SIM).
60.	Ext.P13(b)/PW10	Nil	Memory card (32GB Micro SD Card).
61.	Ext.P14/PW10	Nil	Sealed cover used for packing Ext.P13 mobile phone, P13(a) Airtel SIM card and P13(b) Memory card, in RC 2/2016/NIA/KOC.
62.	Ext.P15/PW10	Nil	BSNL Sim card with No. 8991725123481696665 (Micro SIM).
63.	Ext.P16 series/PW10	Nil	DVDs (6 Nos.), seized from the house of Riyas. (DVD with title 'Quran and Modern science by Dr. Zakir Naik with cover (1 No.), DVD with title 'Christ really crucified' by Dr. Zakir Naik (1 No.) and Untitled DVDs (4 Nos).
64.	Ext.P17/PW10	Nil	Sealed cover which is used for packing Ext. P16 series DVDs.
65.	Ext.P18 series/PW10	Nil	Diary (year 2015, printed as Ultra Tech Cement).
66.	Ext.P18(a)/PW10	Nil	Diary (year 2015, printed as HelpAge India).
67.	Ext.P18(b)/PW10	Nil	A book of Stop Terrorism (തീവ്രവാദം ഒരു മുസ്ലീം കുത്തകയോ?) written by Zakkir Naik.
68.	Ext.P18(c)/PW10	Nil	A Tamil book with title Islamiya Eluchiein Milekatkkal, written by Shuhaib Said Qutub.
69.	Ext.P19/PW11	19.10.2019	Ownership certificate of building No. 717 in ward 16 (in the name of Sri. Illias, S/o. Aboobacker), issued by Secretary, Muthalamada Grama Panchayath,

			Palakkad District.
70.	Ext.P20/PW15	Nil	CDR of mobile No. 7994692007 issued by Bharati Airtel ltd for the period from 01.07.2018 to 19.08.2018.
71.	Ext.P21/PW15	Nil	CDR of mobile No. 9446454340 issued by Bharati Airtel ltd for the period from 27.03.2019 to 19.08.2019.
72.	Ext.P22/PW15	Nil	CAF in the name of Riyas.A regarding the mobile No. 9446454340.
73.	Ext.P22(a)/PW15	Nil	Copy of Adhar card of Riyas.A.
74.	Ext.P23/PW16	07.05.2019	DVD containing E-mail/Facebook extraction of accused Riyas Aboobacker.
75.	Ext.P23(a)/PW16	Nil	Sealed cover (brown colour) containing Ext.P23 DVD.
76.	Ext.P23(b)/PW16	Nil	File path – RIYAS EXTRACTION\ about_you\ your_address_book (Phone Nos. in the facebook contact list of accused)
77.	Ext.P23(b)(1)/PW22	Nil	Print out face book address book from Ext. P23(b) (File path RIYAS EXTRACTION\ about_you\ your_address_book)
78.	Ext.P23(c)/PW16	Nil	File Path – RIYAS EXTRACTION\ comments\ comments (Comments on various posts in face book by accused)
79.	Ext.P23(c)(1)/PW22	Nil	Riyas Aboobacker's comments on Manorama News TV's photo in Ext. P23(c) file path (print out).
80.	Ext.P23(c)(2)/PW22	Nil	Riyas Aboobacker's comments on Chandrika Daily's photo (print out).
81.	Ext.P23(c)(3)/PW22	Nil	Riyas Aboobacker's comments on Manaf MT's photo (print out).

82.	Ext.P23(c)(4) /PW22	Nil	Riyas Aboobacker's comments on Manaf MT's photo (print out).
83.	Ext.P23(c)(5) /PW22	Nil	Riyas Aboobacker's comments on My page's photo (print out).
84.	Ext.P23(c)(6) /PW22	Nil	Riyas Aboobacker's comments on Junail AP Kannavam's post (print out).
85.	Ext.P23(c)(7) /PW22	Nil	Riyas Aboobacker's reply to his own comment (print out).
86.	Ext.P23(c)(8) /PW22	Nil	Riyas Aboobacker's comments on Mohammed Faizal's post (print out).
87.	Ext.P23(c)(9) /PW22	Nil	Riyas Aboobacker's comments on Mohammed Faizal's post (print out).
88.	Ext.P23(c)(10)/ PW22	Nil	Riyas Aboobacker's comments on Haneefa Hanu's post (print out).
89.	Ext.P23(c)(11) /PW22	Nil	Riyas Aboobacker's comments on Salih Vakakara's photo (print out).
90.	Ext.P23(c)(12)/ PW22	Nil	Riyas Aboobacker's reply to Jamsheerali Ekd's comment (print out).
91.	Ext.P23(c)(13)/ PW22	Nil	Riyas Aboobacker's comments on Siddique Berike's post (print out).
92.	Ext.P23(c)(14)/ PW22	Nil	Riyas Aboobacker's reply on Abdullatheef palakkad's post (print out).
93.	Ext.P23(c)(15)/ PW22	Nil	Riyas Aboobacker's reply to an arabic comment (print out).
94.	Ext.P23(c)(16)/ PW22	Nil	Riyas Aboobacker's comments on a photo (print out).
95.	Ext.P23(c)(17)/ PW22	Nil	Riyas Aboobacker's reply to an arabic comment.
96.	Ext.P23(c)(18)/ PW22	Nil	Riyas Aboobacker's reply to an arabic comment (print out).
97.	Ext.P23(c)(19)/ PW22	Nil	Riyas Aboobacker's reply to an arabic comment (print out).

98.	Ext.P23(c)(20)/ PW22	Nil	Riyas Aboobacker's comments on ജിനാത് അലി 's post (print out).
99.	Ext.P23(c)(21)/ PW22	Nil	Riyas Aboobacker's reply to his own comment (print out).
100.	Ext.P23(c)(22)/ PW22	Nil	Riyas Aboobacker's comment on PK Saeeda Sullamiyya's photo (print out).
101.	Ext.P23(c)(23)/ PW22	Nil	Riyas Aboobacker's reply to Askar Manjeri's comment (print out).
102.	Ext.P23(c)(24)/ PW22	Nil	Riyas Aboobacker's reply to Askar Manjeri's comment (print out).
103.	Ext.P23(c)(25)/ PW22	Nil	Riyas Aboobacker's comment on Shameer Maheen's photo (print out).
104.	Ext.P23(d)/ PW16	Nil	File Path - RIYASEXTRACTION\Following_and_followers\Followers. (Data of the followers of facebook account of accused)
105.	Ext.P23(e)/ PW16	Nil	RIYASEXTRACTION\ following_and_followers\following (Data of the facebook accounts followed by the accused).
106.	Ext.P23(f)/PW16	Nil	File Path – RIYASEXTRACTION\friends. (Data of the facebook friends of accused)
107.	Ext.P23(g)/ PW16	Nil	File Path - RIYASEXTRACTION\groups\ your_group_membership_activity (Activities done by the accused in facebook groups)
108.	Ext.P23(h)/ PW16	Nil	File Path - RIYASEXTRACTION\groups\ your_posts_and_comments_in_groups (Data of the comments and posts done by the accused in the facebook groups)
109.	Ext.P23(h)(1) /PW22	Nil	The print out of the data containing the pro ISIS comment in Ext. P23(h) path. (Riyas Aboobacker's comments on Shemir

			Bin Bava's post).
110.	Ext.P23(h)(2) /PW22	Nil	The print out of the data containing the pro ISIS comment in Ext. P23(h). (Riyas Aboobacker's comments on Haneefa Hanu's post).
111.	Ext.P23(i)/PW16	Nil	File Path – RIYASEXTRACTION\ likes_ and_ reactions\pages (Data of the facebook pages liked by the accused)
112.	Ext.P23(j)/PW16	Nil	File Path – RIYASEXTRACTION\ messages\ inbox (Chat data in the messenger inbox of the accused)
113.	Ext.P23(k)/ PW16	Nil	File Path – RIYASEXTRACTION\ messages\ your_ messages (Facebook chats of accused)
114.	Ext.P23(l)/PW16	Nil	RIYAS EXTRACTION\photos_and_videos \ your_photos (Facebook posts and photos of accused)
115.	Ext.P23(l)(1) /PW22	Nil	Print out of photo posted by accused, in Ext. P23(l) path. RIYAS EXTRACTION\ photos_ and_ videos\ your_photos
116.	Ext.P23(l)(2) /PW22	Nil	Photo of Riyas in Ext. P23(l) path.
117.	Ext.P23(l)(3) /PW22	Nil	Photo of Riyas in Ext. P23(l) path.
118.	Ext.P23(l)(4) /PW22	Nil	Photo of Riyas in Ext. P23(l) path.
119.	Ext.P23(l)(5) /PW22	Nil	Photo of Students concessions card of Riyas in Ext. P23(l) path.

120.	Ext.P23(l)(6) /PW22	Nil	Post with title ' Stand with Syria' in Ext. P23(l) path.
121.	Ext.P23(l)(7) /PW22	Nil	Post with title ' Islam will dominate the world' in Ext. P23(l) path.
122.	Ext.P23(l)(8) /PW22	Nil	Photo of Riyas in Ext. P23(l) path.
123.	Ext.P23(l)(9) /PW22	Nil	Post with title ' Stand with Syria' in Ext. P23(l) path.
124.	Ext.P23(l)(10) /PW22	Nil	Post with title ' You can kill Muslims but you can never kill Islam' in Ext. P23(l) path.
125.	Ext.P23(m)/ PW16	Nil	File path – RIYASEXTRACTION\ photos_and_videos/videos
126.	Ext.P23(n)/ PW16	Nil	File path – RIYASEXTRACTION\ photos_and_videos/your_posts
127.	Ext.P23(o)/ PW16	Nil	File path – RIYASEXTRACTION\ search_history/your_search_history. (Search history done by the accused).
128.	Ext.P23(o)(1)/ PW22	Nil	Print out of Ext. P23(o) File path - RIYAS EXTRACTION\search_history\ your_search_history
129.	Ext.P23(p)/ PW16	Nil	File path - RIYAS EXTRACTION\ Takeout\ Google photos\Profile photos
130.	Ext.P23(p)(1)/ PW22	Nil	Print out of the Picture of isis militants with isis flag in Ext. P23(p) file path - RIYAS EXTRACTION\Takeout\Google photos\ Profile photos.
131.	Ext.P23(q)/ PW16	Nil	File path - RIYAS EXTRACTION\ Takeout\ My Activity\Image Search\MyActivity
132.	Ext.P23(q)(1)/ PW22	Nil	Print out of the image search in Google in Ext. P23(q) file path - RIYAS EXTRACTION\Takeout\My Activity\ Image Search\MyActivity
133.	Ext.P23(r)/PW16	Nil	File path - RIYAS EXTRACTION\ Takeout\ Google photos\Profile photos

			My Activity\Search\MyActivity
134.	Ext.P23(r)(1)/PW22	Nil	Print out of Ext. P23(r) file path - RIYAS EXTRACTION\Takeout\My Activity\Search\MyActivity
135.	Ext.P23(s)/PW16	Nil	File path - RIYAS EXTRACTION\Takeout\My Activity\YouTube\MyActivity
136.	Ext.P23(t)/PW16	Nil	File path - RIYAS EXTRACTION\ Takeout\ Profile\ProfilePhotos
137.	Ext.P23(u)/PW16	Nil	File path - RIYAS EXTRACTION\ Takeout\ YouTube\history\search-history
138.	Ext.P23(u)(1)/PW22	Nil	Print out of the YouTube search history in Ext. P23(u) file path - RIYAS EXTRACTION\ Takeout\ YouTube\history\ search-history
139.	Ext.P23(v)/PW16	Nil	File path - RIYAS EXTRACTION\ Takeout\ YouTube\history\watch-history
140.	Ext.P23(v)(1)/PW22	Nil	Print out of the You tube watch history in Ext. P23(v) file path - RIYAS EXTRACTION\ Takeout\YouTube\history\ watch-history
141.	Ext.P23(1)/PW16	12.10.2023	65B certificate issued in respect of the email and facebook account extraction of accused Riyas issued by Constable, IT wing, NIA, BO, Kochi.
142.	Ext.P24/PW18	18.10.2019	Sanction order No. 11011/21/2016/NIA, Govt. of India, MHA, CTCR Division (Annexure-D).
143.	Ext.P25/PW19	29.08.2019	CDR of mobile No. 917902371829 issued by Vodafone Idea Ltd. for the period from 01.08.2018 to 20.08.2019.
144.	Ext.P26/PW19	29.08.2019	CDR of mobile No. 919544365682 issued by Vodafone Idea Ltd. for the period from 01.08.2018 to 20.08.2019.
145.	Ext.P27/PW19	Nil	Decoded Cell ID decoded list issued by Vodafone Idea Ltd.

146.	Ext.P27(a)/ PW19	19.10.2023	65B certificate regarding Ext. P27 Decoded Cell ID issued by Nodal officer, Vodafone.
147.	Ext.P28/PW19	Nil	CDR of mobile No. 9446454340 issued by Vodafone Idea Ltd. for the period from 01.08.2018 to 26.03.2019.
148.	Ext.P28(a)/ PW19	14.10.2023	65B certificate reg. Ext. P28 issued by Nodal officer, Vodafone Idea Ltd, Vyttila.
149.	Ext.P28(b)/ PW19	14.10.2023	Statement filed by Alternate Nodal officer, Vodafone Idea Ltd, Kerala. SDR of mobile No. 9446454340 in the name of Riyas Aboobacker, 447 10 418, Chulliyar Dam, Muthalamada, Palakkad, 678507. (SDR of 9446454340)
150.	Ext.P29/PW20	10.11.2017	Certified copy of deposition of PW4 Yasir Moideen in SC 1/17 of this court.
151.	Ext.P30/PW21	28.09.2021	Cyber Forensic Analysis Report CSG No. 2019-11 NIA(Crime No. RC 02/16/NIA/Kochi).
152.	Ext.P31/PW21	Nil	Pendrive USBSTORE01 (Data of cyber forensic analysis).
153.	Ext.P31(a)/ PW21	Nil	File path – USBSTORE01\ Q1\Evd01\ MobilePhone\Wireless_Networks (All the details of wireless network connections)
154.	Ext.P31(b)/ PW21	Nil	File path – USBSTORE01\ Q2&Q7\ Evd01\ MobilePhone\All_Data\IMEI_Info\ image0001 (IMEI information of Ext. P13 mobile phone).
155.	Ext.P31(b)(a)/ PW21	Nil	Print out of screenshot of IMEI Number of Ext. P13 mobile phone (Ext. P31(b)).
156.	Ext.P31(c)/ PW21	Nil	File path – USBSTORE01\Q2&Q7\ Evd01\ MobilePhone\All_Data\Oppo_F1fF1\ chats 1. (The folder contains the data of all chats of facebook messenger, lmo, Instagram,

			Native messages, telegram, Tiktok, Whatsapp Business extracted from Exhibit P-13 mobile phone)
157.	Ext.P31(d)/PW21	Nil	File path – USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Audio (The folder contains all audio files extracted from Exhibit P-13 mobile phone)
158.	Ext P31(d)(1)/PW21	Nil	File name:- 1_4927298035156779122 in Ext.P31(d) file path.
159.	Ext P31(d)(2)/PW21	Nil	File name:- 1_5055697465450168433 in Ext.P31(d) file path.
160.	Ext P31(d)(3)/PW21	Nil	File name:- 1_5080447424946765910 in Ext.P31(d) file path.
161.	Ext P31(d)(4)/PW21	Nil	File name:- 1_5096242149997936707 in Ext.P31(d) file path.
162.	Ext P31(d)(5)/PW21	Nil	File name:- 1_5102987817043099724 in Ext.P31(d) file path.
163.	Ext P31(d)(6)/PW21	Nil	File name:- 2_5330204952939725108 in Ext.P31(d) file path.
164.	Ext P31(d)(7)/PW21	Nil	File name:- 2_5395841072653927170 in Ext.P31(d) file path.
165.	Ext P31(d)(8)/PW21	Nil	File name:- 4_6048622616418190554 in Ext.P31(d) file path.
166.	Ext P31(d)(9)/PW21	Nil	File name:- e7935fec0641b0a14de1413a57115ba8 in Ext.P31(d) file path.
167.	Ext P31(d)(10)/PW21	Nil	File name:- 4c45ebb89a2b81220fec182542c5abe8 in Ext.P31(d) file path.

168.	Ext P31(d)(11)/PW21	Nil	File name:- 5_6174530166815981717 in Ext.P31(d) file path.
169.	Ext.P31(e)/PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\MobilePhone\All_Data\Oppo_F1fF1\files\Document (The folder contains all the document and pdf files extracted from Exhibit P-13 mobile phone)
170.	Ext.P31(e)(1)/PW21	Nil	PDF document with title 'ദീനിൽ ഇമാമത്തിന്റെ സ്ഥാനം' with file name ' _ _ _ ' dated 30.10.2018, in Ext. P31(e) path.
171.	Ext.P31(e)(2)/PW21	Nil	PDF document with title 'കുഹ് റ് ബി താഗൂത് ' with file name ' _ _ _ ' dated 28.08.2018, in Ext. P31(e) path.
172.	Ext.P31(e)(3)/PW21	Nil	PDF document with title ' From Dabiq to Rome 14 The Irja of al – Albani by the sayings of Official Scholars of Sa’udiyah ' with file name 1_4900094472513126492 dated 05.01.2019, in Ext. P31(e) path.
173.	Ext. P31(e)(4)/PW21	Nil	PDF document with title ' അമീറുൽ മുഅമിനീൻ ശൈഖ് അബൂ ബക്ർ അൽ - ബശാദി ഇതാണ് അല്ലാഹുവും അവന്റെ ദൂതനും ഞങ്ങളോട് വാശാനം ചെയ്തത് ' with file name 1_5031032383097274502 dated 26.01.2019, in Ext. P31(e) path.
174.	Ext. P31(e)(5)/PW21	Nil	PDF document with title ' From Dabiq to Rome ' ahlut-tawhid_publications Issue 32 with file name 1_5046625858865856570 dated 05.01.2019, in Ext. P31(e) path.
175.	Ext. P31(e)(6)/PW21	Nil	PDF document with title ' "SAUDI"ARABIA AND RULING BY THE FABRICATED LAWS Ahlut-Tawhid Publications ' with file name 1_5105345182857953346 dated 03.11.2018, in Ext. P31(e) path.

176.	Ext. P31(e)(7)/ PW21	Nil	PDF document with title 'ഹിജ്റ' with file name 1_5145795206326517792 dated 28.08.2018, in Ext. P31(e) path.
177.	Ext. P31(e)(8)/ PW21	Nil	PDF document with title 'ഫറോവമാരുടെ കളി' with file name 1_5145795206326517794 dated 28.08.2018, in Ext. P31(e) path.
178.	Ext. P31(e)(9)/ PW21	Nil	PDF document with title 'ISSUE 13 – DHUL – HIJAH 1438-EN RUMIYAH' with file name 1_5156807261955293214 dated 28.08.2018, in Ext. P31(e) path.
179.	Ext.P31(e)(10)/ PW21	Nil	PDF document with title 'From Dabiq to Rome (ISSUE 38)' with file name 1_5170530322416140477 dated 28.08.2018, in Ext. P31(e) path.
180.	Ext.P31(e)(11)/ PW21	Nil	PDF document with title 'The Sharp Word Against The One Who Does Not Make Takfir of The Apostate' with file name 1_5185955379632144445 dated 28.11.2018, in Ext. P31(e) path.
181.	Ext.P31(e)(12)/ PW21	Nil	PDF document with title 'Naba 133 Out Jihad is Da'wah' with file name 1_5186162886682083370 dated 28.11.2018, in Ext. P31(e) path.
182.	Ext.P31(e)(13)/ PW21	Nil	PDF document with title 'ഹിജ്റ (സർഫറാസ് നവാസ്)' with file name 2_5337102386949260005 dated 28.08.2018, in Ext. P31(e) path.
183.	Ext.P31(e)(14)/ PW21	Nil	PDF document with title 'ഇസ്ലാമിക് സ്റ്റേറ്റ് ഖവരിജുകളോ' with file name 2_5337102386949260006 dated 28.08.2018, in Ext. P31(e) path.
184.	Ext.P31(e)(15)/ PW21	Nil	PDF document with title 'ജനാധിപത്യം എന്ന ഫീൽ ന ' with file name 2_5337120022084977099 dated 28.08.2018, in Ext. P31(e) path.

185.	Ext.P31(e)(16)/ PW21	Nil	PDF document with title ' മുന്നോട്ട് (അബൂല്ല അസ്സാം ശഹീദ്) ' with file name 2_5339377190607782459 dated 28.08.2018, in Ext. P31(e) path.
186.	Ext.P31(e)(17)/ PW21	Nil	PDF document with title ' വിജയത്തിന്റെ വാതിൽ വാളിന്റെ തണലിൽ' with file name 5_6280607977762193419 dated 04.10.2018, in Ext. P31(e) path.
187.	Ext.P31(e)(18)/ PW21	Nil	PDF document with title ' AL-RISALAH (Issue 5/ Vol.1/Rabi al-Awwal 1440) MESSAGES FROM SOLDIERS OF KHILAFAH IN KASHMIR ABU HAFS AL-KASHMIRI JUNDUL KHILAFAH KASHMIR: THE VICTORIOUS GROUP' with file name 'lsjk' dated 30.11.2018 , in Ext. P31(e) path.
188.	Ext.P31(f)/ PW21	Nil	File path – USBSTORE01\ Q2&Q7\Evd01\ MobilePhone\All_Data\Oppo_F1fF1\files\ Image (All image files extracted from Exhibit P-13 mobile phone)
189.	Ext.P31(g)/ PW21	Nil	File path – USBSTORE01\Q2&Q7\ Evd01\ MobilePhone\All_Data\Oppo_F1fF1\files\ Image (All video files extracted from Exhibit P-13 mobile phone)
190.	Ext.P31(g)(1)/ PW21	30.11.2018	File name 1_4972279468165955594 in Ext. P31(g) path.
191.	Ext.P31(g)(2)/ PW21	30.10.2018	File name 1_5093750665239330901 in Ext. P31(g) path.
192.	Ext.P31(g)(3)/ PW21	21.04.2019	File name 1_5132254918198951979 in Ext. P31(g) path.
193.	Ext.P31(g)(4)/ PW21	04.09.2018	File name 2_5213109167899804206 in Ext. P31(g) path.
194.	Ext.P31(g)(5)/ PW21	21.04.2019	File name 4_6003431842408039044 in Ext. P31(g) path.

195.	Ext.P31(g)(6)/ PW21	21.04.2019	File name 5_6059665797674958876 in Ext. P31(g) path.
196.	Ext. P31(g)(7)/ PW21	14.02.2019	File name 5_6230788027870871654 in Ext. P31(g) path.
197.	Ext. P31(g)(8)/ PW21	19.03.2018	File name VID-20180319-WA0007 in Ext. P31(g) path.
198.	Ext. P31(g)(9)/ PW21	19.03.2018	File name VID-20180319-WA0020 in Ext. P31(g) path.
199.	Ext. P31(g)(10)/ PW21	21.03.2018	File name VID-20180321-WA0003 in Ext. P31(g) path.
200.	Ext. P31(g)(11)/ PW21	21.03.2018	File name VID-20180321-WA0011 in Ext. P31(g) path.
201.	Ext. P31(g)(12)/ PW21	22.03.2018	File name VID-20180322-WA0002 in Ext. P31(g) path.
202.	Ext. P31(g)(13)/ PW21	22.03.2018	File name VID-20180322-WA0005 in Ext. P31(g) path.
203.	Ext. P31(g)(14)/ PW21	23.03.2018	File name VID-20180323-WA0004 in Ext. P31(g) path.
204.	Ext. P31(g)(15)/ PW21	24.03.2018	File name VID-20180324-WA0015 in Ext. P31(g) path.
205.	Ext. P31(g)(16)/ PW21	24.03.2018	File name VID-20180324-WA0018 in Ext. P31(g) path.
206.	Ext. P31(g)(17)/ PW21	24.03.2018	File name VID-20180324-WA0032 in Ext. P31(g) path.
207.	Ext. P31(g)(18)/ PW21	25.03.2018	File name VID-20180325-WA0020 in Ext. P31(g) path.
208.	Ext. P31(g)(19)/ PW21	22.03.2018	File name VID-20180325-WA0039 in Ext. P31(g) path.
209.	Ext. P31(g)(20)/ PW21	25.03.2018	File name VID-20180325-WA0043 in Ext. P31(g) path.
210.	Ext. P31(g)(21)/ PW21	26.03.2018	File name VID-20180326-WA0020 in Ext. P31(g) path.
211.	Ext. P31(g)(22)/ PW21	27.03.2018	File name VID-20180327-WA0001 in Ext. P31(g) path.
212.	Ext. P31(g)(23)/ PW21	29.03.2018	File name VID-20180329-WA0002 in Ext. P31(g) path.

213.	Ext. P31(g)(24)/ PW21	31.03.2018	File name VID-20180329-WA0003 in Ext. P31(g) path.
214.	Ext. P31(g)(25)/ PW21	31.03.2018	File name VID-20180331-WA0051 in Ext. P31(g) path.
215.	Ext. P31(g)(26)/ PW21	04.04.2018	File name VID-20180404-WA0017 in Ext. P31(g) path.
216.	Ext. P31(g)(27)/ PW21	04.04.2018	File name VID-20180404-WA0019 in Ext. P31(g) path.
217.	Ext. P31(g)(28)/ PW21	15.04.2018	File name VID-20180415-WA0002 in Ext. P31(g) path.
218.	Ext. P31(g)(29)/ PW21	19.04.2018	File name VID-20180420-WA0012 in Ext. P31(g) path.
219.	Ext. P31(g)(30)/ PW21	19.04.2018	File name VID-20180420-WA0014 in Ext. P31(g) path.
220.	Ext.P31(h)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MobilePhone\All_Data\Oppo_F1fF1\ Oppo_F1fF1_2021-09-29_Report (Report of all data from Exhibit P-13 mobile phone)
221.	Ext.P31(i)/ PW21	Nil	File path- USBSTORE01\Q2&Q7\Evd01\ MobilePhone\Call_logs\Report (Report of all call logs of Exhibit P-13 mobile phone)
222.	Ext.P31(j)/ PW21	Nil	File path- USBSTORE01\Q2&Q7\Evd01\ MobilePhone\Contacts\Report (Report of data of contacts of Exhibit P-13 mobile phone)
223.	Ext.P31(k)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MobilePhone\Searched_items\Report (internet searches using Exhibit P-13 mobile phone)
224.	Ext.P31(l)/ PW21	Nil	File path - USBSTORE01\Q3\Evd01\ MobilePhone\Facebook_Chats\chats\ Facebook Messenger_Native (Folder-face book chat in Exhbit P-13 Mobile Phone)

225.	Ext.P31(m)/ PW21	Nil	File path – USBSTORE01\Q3\Evd01\ MobilePhone\Telegram_Chats\chats\ Telegram_919446454340 (Folder-Telegram Chat from Exhibit P-13 Mobile Phone)
226.	Ext.P31(n)/ PW21	Nil	File path - USBSTORE01\Q3\Evd01\ MobilePhone\WhatsApp_Chats\chats\ WhatsApp_Native (Folder-Whatsapp Chat from Exhibit P-13 Mobile Phone)
227.	Ext.P31(o)/ PW21	Nil	File path - USBSTORE01\Q4\Evd01\ MobilePhone\Web_History\Report (Report file-web history from Exhibit P-13 Mobile Phone)
228.	Ext.P31(p)/ PW21	Nil	File path - USBSTORE01\Q5\Evd01\ MobilePhone\Call_logs (Folder-Call logs from Exhibit P-13 Mobile Phone)
229.	Ext.P31(q)/ PW21	Nil	USBSTORE01\Q5\Evd01\MobilePhone\ Contacts\Contacts\Report (Report file-contact details of Exhibit P-13 Mobile Phone)
230.	Ext.P31(r)/ PW21	Nil	File path - USBSTORE01\Q9\Evd01\ MobilePhone (keyword search in the data extracted from Exhibit P-13 Mobile Phone)
231.	Ext.P31(s)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MemoryCard\Hash_Info (Hash value details of Ext. P13(b) Memory Card)
232.	Ext.P31(t)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MemoryCard\All Data\Documents\PDF Normal Files (All documents in Ext. P13(b) memory card)
233.	Ext. P31(t)(1)/ PW21	Nil	PDF document with title 'HISTORY OF THE KHAWAARIJ' in the file 1_523520826499138173 dated 28.02.2019 in Ext. P31(t) path.

234.	Ext. P31(t)(2)/ PW21	Nil	URL linked PDF document with title 'ISLAMIC STATE PROVINCES VIDEOS' in the file 4_5870834244791567617 dated 16.01.2019 in Ext. P31(t) path.
235.	Ext.P31(u)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MemoryCard\All Data\Multimedia\Audio\ AAC Deleted_Overwritten Files (Contains all the deleted or overwritten audio clips in AAC format in Ext. P13(b) memory card)
236.	Ext.P31(v)/ PW21	Nil	File path - USBSTORE01\ Q2&Q7\ Evd01\ MemoryCard\AllData\Multimedia\Audio\ AAC Normal Files (Contains normal audio clips in AAC format in Ext. P13(b) memory card)
237.	Ext.P31(w)/ PW21	Nil	File path - USBSTORE01\ Q2&Q7\Evd01\ MemoryCard\AllData\Multimedia\Audio\ M4A Deleted_Overwritten Files (Contains deleted or overwritten audio files in M4A format in Ext. P13(b) memory card)
238.	Ext.P31(x)/ PW21	Nil	File path - USBSTORE01\ Q2&Q7\ Evd01\ MemoryCard\AllData\Multimedia\Audio\ M4A Normal Files (Contains normal audio files in M4A format in Ext. P13(b) memory card)
239.	Ext.P31(y)/ PW21	Nil	File path - USBSTORE01\ Q2&Q7\Evd01\ MemoryCard\AllData\Multimedia\Audio\ MP3 Deleted_Overwritten Files (Contains deleted or overwritten audio files in MP3 format in Ext. P13(b) memory card)
240.	Ext.P31(z)/ PW21	Nil	File path - USBSTORE01\ Q2&Q7\Evd01\ MemoryCard\AllData\Multimedia\Audio\ MP3 Normal Files (Contains normal audio files in MP3 format in Ext. P13(b) memory card)
241.	Ext P31(a)(a)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MemoryCard\All Data\Multimedia\Video\ MP4 Deleted_Overwritten Files (Contains Deleted or Overwritten Files in

			MP4 format in Ext. P13(b) memory card)
242.	Ext P31(a)(b)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MemoryCard\All Data\Multimedia\Video\ MP4 Normal Files (Contains normal video files in MP4 format in Ext. P13(b) memory card)
243.	Ext P31(a)(c)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MemoryCard\All Data\Picture Deleted_Overwritten Files (Contains picture deleted or overwritten files in Ext. P13(b) memory card)
244.	Ext P31(a)(d)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ MemoryCard\All Data\Picture Normal Files (Contains normal format picture files in Ext. P13(b) memory card)
245.	Ext P31(a)(d)(1)/ PW21	Nil	IMG_20181227_092751_029 (ELECTION ID Card of riyas) in Ext. P31(a)(d) file path.
246.	Ext P31(a)(d)(2)/ PW21	Nil	IMG20181226075842 (Adhar card of riyas) in Ext. P31(a)(d) file path.
247.	Ext P31(a)(d)(3)/ PW21	Nil	IMG201812260759461(BACK SIDE OF ADHAR CARD) in Ext. P31(a)(d) file path.
248.	Ext P31(a)(e) / PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ SIMCARD\Airtel_89919509129727429654 (the hash information and report of Exhibit P-13(a) simcard)
249.	Ext P31(a)(f)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd01\ SIMCARD\BSNL_89917251234816966659 (hash information and logical report of Exhibit P-15 simcard)
250.	Ext P31(a)(g)/ PW21	Nil	File path - USBSTORE01\Q8 (Extracted data of Exhibit P-16 series DVD)
251.	Ext P31(a)(h)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd03\ SIMCard\Airtel_8991950912998499322\ Logical\Logical_2021-09-10_Report (Contact details contained in the Airtel sim of aboobakker sidhik PW2)
252.	Ext P31(a)(i)/ PW21	Nil	File path - USBSTORE01\Q2&Q7\Evd03\ SIMCard\idea_89911100000619614127\

			Logical\Logical_2021-09-10_Report (Contact details contained in the idea sim of aboobakker sidhik PW2)
253.	Ext.P32/ PW21	10.10.2023	Certificate u/s. 65B(4)(c) of Indian Evidence Act, regarding Ext. P30 and P31.
254.	Ext.P33/PW22	28.04.2019	Advance search memorandum prepared by DySP, NIA, Kochi.
255.	Ext.P34/PW22	30.04.2019	Property list as per the search of the house of Riyas prepared by DySP, NIA, Kochi.
256.	Ext.P35/PW22	29.04.2019	Report of incorporating the name and address of accused Riyas, prepared by DySP, NIA, Kochi.
257.	Ext.P36/PW22	29.04.2019	The arrest cum inspection memo prepared by DySP, NIA, Kochi.
258.	Ext.P37/PW22	02.05.2019	Forwarding note for forwarding the exhibits for examination to C-DAC, prepared by DySP, NIA, Kochi.

B. Defence Exhibits:- Nil.

C. Court Exhibits :- Nil.

D. Material Objects :-

MO1	Black coloured Redmi MI mobile phone (2016116 model).
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Id/-
Judge, Special Court for NIA Cases
(By Order)

//True Copy//

Sd/-
Sheristadar.