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File for RC 7/15



NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI
SUPPLEMENTARY CHARGE SHEET
(U/S 173 Cr.P.C.)

IN THE HON'BLE COURT OF LD. SPECIAL JUDGE, N.I.A., COURT OF
SESSION, BICHAR BHAVAN KOLKATA (WEST BENGAL)

STATE

V/s

BHOLA CHOUDHARY AND OTHERS

1. Name of the Branch/P.S. : National Investigation Agency,
New Delhi
F.I.R. No. : RC-07/2015/NIA/DLI
Year : 2015
Date : 03.07.2015
2. Final Report/Charge Sheet No. : 10/2015

3. Date : 18.11.2015

4. Section(s) of Law :

SL NO.	ACT	SECTIONS OF LAW
1.	IPC	Section 341,323,325,326,307,427,286,34,302 & 394
2.	Explosive Substance Act, 1908	Sections 3 & 4
3.	Railways Act	Section- 150 & 151

5. Type of Final Report : Supplementary Charge Sheet.

6. If Final Report : N.A.
Un-occurred-false/Mistake
of fact/ Mistake of law/
Non Cognizable/
Civil Nature

7. If charge sheeted : Original/
Supplementary : Supplementary Charge Sheet.

8. Name of Investigating Officer : Rakesh Sharma, Supdt. of Police,
NIA, New Delhi.


9. Name of the Complainant/Informant :

Sh. Suvendu Banerjee, son of Sh. Goutam Banerjee, resident of New Colony,
Sodepur, PS- Kharda, North 24 Pargana, West Bengal.


10. **Details of properties/ Articles/Documents recovered/Seized during Investigation and relied upon:** : List of documents as per Annexure "II".

11. **Particulars of accused persons charge sheeted:**


A-1

a	Name	Bhola Choudhary @ Kalo Bhola 
b	Father's Name	Johar Chowdhury
c	Age	20 years
d	Sex	Male.
e	Nationality	Indian.
f	Passport Details	Nil
g	Religion	Hindu
h	Occupation	-
i	Address (present)	20 No. Ward, SP Maukherjee Road, Titagarh, North 24 Pargana, West Bengal
j	Address (permanent)	20 No. Ward, SP Maukherjee Road, Titagarh, North 24 Pargana, West Bengal
k	Whether Arrested/On Bail/Absconding	Arrested on 13.05.2015 and presently in Judicial Custody


A-2

a	Name	Raja Das @ Atikul Sheikh 
b	Father's Name	Late Jagabandhu Das @ Nijamuddin Sheikh,
c	Age	About 20 years
d	Sex	Male
e	Nationality	Indian
f	Passport Details	Nil
g	Religion	Muslim
h	Occupation	-
i	Address (present)	1(one) No. Railway Quarter, Ward No. 20, SP Maukherjee Road, Titagarh P.O., Dist.North 24 Pargana, West Bengal
j	Address (permanent)	1(one) No. Railway Quarter, Ward No. 20, SP Maukherjee Road, Titagarh P.O., Dist.North 24 Pargana, West Bengal
k	Whether Arrested/On Bail/Absconding	Arrested on 19.05.2015 and presently in Judicial Custody.

A-3

a	Name	Saddam Hossain @ Baiyan 
b	Father's Name	Late Md. Hossain
c	Age	About 22 years
d	Sex	Male
e	Nationality	Indian
f	Passport Details	Nil
g	Religion	Muslim
h	Occupation	-
i	Address (present)	Ali Haider road, Titagarh, Dist. 24 Pargana, West Bengal
j	Address (permanent)	Ali Haider road, Titagarh, Dist. 24 Pargana, West Bengal
k	Whether Arrested/On Bail/Absconding	Arrested on 13.05.2015 and presently in Judicial Custody

A-4

a	Name	Abdul Karim Sheikh @ Rahul Das, 
b	Father's Name	Late Gulam Gaus
c	Age	About 36 years
d	Sex	Male
e	Nationality	Indian
f	Passport Details	Nil
g	Religion	Muslim
h	Occupation	Labour work
i	Address (present)	1(one) No. Railway Quarter, Ward No. 20, SP Maukherjee Road, Titagarh P.O., Dist.North 24 Pargana, West Bengal
j	Address (permanent)	1(one) No. Railway Quarter, Ward No. 20, SP Maukherjee Road, Titagarh P.O., Dist.North 24 Pargana, West Bengal
k	Whether Arrested/On Bail/Absconding	Arrested on 13.05.2015 and presently in Judicial Custody

12. Particulars of accused persons- not charge sheeted - Nil

13. Particulars of : List of witnesses attached as per Annexure-I.
Witnesses examined

14. If F.I.R. is false, action taken : N.A.

15. Result of laboratory Analysis:

15.1 The reports of the experts of C.F.S.L., Kolkata received vide letter no. [REDACTED] have already been listed in the charge sheet dated 03.08.2015 submitted by West Bengal Police.

15.2 The report of the expert [REDACTED] vide C.F.S.L., Kolkata report no. [REDACTED] received vide aforementioned CFSL Kolkata letter no. [REDACTED] opines that ingredients present in the extracts from the exhibits constitute post explosion residues of "Explosives Substance" composition.

15.3 Further the report of the expert [REDACTED] vide report no. [REDACTED] received vide aforementioned CFSL Kolkata letter no. [REDACTED] opines about the presence of human blood in the exhibits marked H,J & K.

16. Brief facts of the case :

16.1 That a bomb blast took place in the fifth compartment, from the engine, of Train no. 31811 UP (Sealdah to Krishnanagar Local EMU) started to glide/departed from Titagarh Railway Station at about 0355 hrs on 12.05.2015, for next railway station Barrackpore, causing injury to about 15 nos. of passengers out of which one passenger (a BSF Jawan who was in civil clothes) succumbed to his injuries on 29.05.2015 during medical treatment at S S K M hospital, Kolkata.

16.2 The First Information Report no. 25/2015 dated 12.05.2015 was registered by the GRP on the complaint of one of the injured Suvendu Bannerjee S/o Gautam Bannerjee resident of Sodepur, New Colony under Section-341,323,325,326,307,427,286,34 of IPC, Section-3 & 4 of Explosive Substance Act and Section- 150 & 151 of Railways Act at GRPS DumDum, Railway Distt. Sealdah, West Bengal. After initial investigation by Sh. Narayan Roy SI & I.O., GRPS, Dumdum w.e.f. 12.05.2015 to 18.05.2015, the investigation was taken over by I.O., CID, West Bengal on 19.05.2015 from GRPS as per the orders of the competent authority.

16.3 Later, the Ministry of Home Affairs, Government of India vide its order no. 11011/33/2015-IS.IV dated 26.06.2015 in exercise of powers vested under section 6 (5) read with Section 8 of NIA Act, 2008 had directed the National Investigation Agency to take up the investigation of the above case on possibility of a terrorist angle in the case. Accordingly, GRPS Dumdum case no. 25/2015 dated 12.05.2015 was re-registered by NIA as FIR no. RC-07/2015/NIA/DLI dated 03.07.2015 under Section-341,323,325,326,307,427,286,34 of IPC, Section-3 & 4 of Explosive Substance Act and Section- 150 & 151 of Railways Act .

16.4 During the course of investigation IO, CID, West Bengal had further added sections 394 and 302 of IPC and subsequently submitted the Original Charge sheet dated 03.08.2015 in respect of above case in the NIA Special Court on 07.08.2015.

16.5 After the re-registration of the case by NIA, the case records after submission of the charge sheet by I.O. West Bengal Police, were perused with due permission of the Ld. Court and section 16 of UA(P) Act, 1967 was added on 10.08.2015 after going through the case documents provided by the Hon'ble NIA Special Court, Kolkata on a reasonable suspicion of commission of a terrorist act in addition to the existing sections of law in the instant case. Further, the judicial custody of all the four arrested accused persons were extended beyond the period of 90 days as per the provisions of section 43-D(2) of UA(P) Act by the Ld. Special Court on the prayers of the NIA.

16.6 Investigation of the case was formally taken up by National Investigation Agency after the completion of handing-taking over from West Bengal Police on 16.09.2015 in compliance to MHA's order dated 26.06.2015 and Ld. Special NIA Court, Kolkata orders dated 06.07.2015, 14.07.2015 and 05.08.2015.

16.7 After receiving the documents pertaining to the case, the accused persons and the witnesses were examined and the relevant statements were recorded.

16.8 The investigation conducted by the NIA established that all the accused persons consumed liquor and drugs together on the intervening night of 11.05.2015 and 12.05.2015 in the house of accused Raja Das@ Atikul Sheikh. All four accused persons started at about 0330 hrs on 12.05.2015 from the house of accused Raja Das@ Atikul Sheikh. They reached Titagarh Railway Station at about 0355 hrs on 12.05.2015 and boarded the Train no. 31811 Sealdah to Krishnanagar Up local EMU. The analysis of the collected evidences in totality and examination of the witnesses yielded the fact that the incident of above mentioned bomb blast took place on 12.05.2015 at about 0355 hrs near Titagarh Railway Station.

16.9 Further, the investigation established that accused Raja Das @ Atikul Sheikh was carrying a tiffin bomb and accused Bhola Choudhary@ Kalo Bhola was carrying a 'Chapper' (Knife) when they started from house of accused Raja Das@ Atikul Sheikh for the purpose of robbery.

16.10 That the investigation further revealed that while committing the robbery the bomb blasted in the hand of the accused Raja Das@ Atikul Sheikh himself during the course of snatching mobile/ robbery of victim when he was caught by the victim (Alok Shil, BSF Jawan who was in plain clothes and was proceeding on leave) during the course of scuffle between them.

16.11 During the course of investigation it is established that all the accused persons are habitual addicts of psychotropic drugs, i.e. heroin.

16.12 Investigation further revealed that after the explosion the blast site was having post explosion residues of "Explosive Substance" composition which has been confirmed in the report no. [REDACTED] of CFSL, Kolkata by expert [REDACTED]

16.13 The investigation revealed that one passenger Alok Shil died as a result of scuffle with the accused Bhola Choudhary(A-1) and Raja Das@ Atikul Sheikh(A-2). The death of the deceased took place due to injury caused by Knife (Chapper) and bomb explosion which have been mentioned as "Cardio respiratory failure in a post-operative case of severe head injury" in the Post Mortem report. [REDACTED] "the large lacerated injury right temporo-parietal region of skull along with another deep lacerated wound over occipital region" in the detailed case summery and operative note of [REDACTED] B.R. Singh Hospital, Sealdah respectively.

16.14 The evidences (oral, documentary and circumstantial) established that the injuries to the passengers (as listed in the charge sheet dated 03.08.2015) and subsequent death of a passenger i.e, Alok Shil (later on 29.05.2015) was caused due to the above bomb blast and attack by the accused persons respectively.

16.15 The accused persons arrested in the instant case have already been charged vide CHARGE SHEET dated 03.08.2015 by West Bengal Police under sections 341/323/325/326/427/286/302/307/394 & 34 of IPC, section 3 & 4 of Explosive Substance Act and section 150 and 151 of Railways Act.

16.16 Investigation established that the offence of robbery along with simple/grievous injuries and murder with the help of weapon/ explosive substances was committed by the accused Bhola Chowdhary @ Kalo Bhola (A-1), Raja Das@ Atikul Sheikh (A-2), Saddam Hossain @ Bhaiyan (A-3) and Abdul Karim Sheikh @ Rahul Das (A-4). Further, any offence committed under section 16 of UA (P) Act, as added during the course of investigation, could not be established against any of the accused.

17. CHARGE

17.01 The investigation has brought on record that the arrested accused persons, were involved in the murder, robbery and caused injuries to the passengers travelling in the train using Bomb (Explosive substances) and other dangerous means. Further, they were also involved in the making of Bomb (Explosive substances), had possession of the bomb and knife and subsequently caused explosion of bomb, damaged the property of Railways in the railway bogie of Train no. 31811 Up (Sealdah to Krishnanagar Local EMU) near Titagarh Railway Station at about 0355 hrs on 12.05.2015 and thereby they have committed offences under sections of law as mentioned here under against each.

(i) Bhola Choudhary @ Kalo Bhola (A-1) -

SL NO.	ACT	SECTIONS OF LAW
1.	IPC	Section 341, 323, 325, 326, 307, 427, 286, 34, 302 & 394
2.	Explosive Substance Act, 1908	Sections 3 & 4
3.	Railways Act	Section- 150 & 151

(ii) Raja Das @ Raju @ Atikul Sheikh (A-2) -

SL NO.	ACT	SECTIONS OF LAW
1.	IPC	Section 341, 323, 325, 326, 307, 427, 286, 34, 302 & 394
2.	Explosive Substance Act, 1908	Sections 3 & 4

3.	Railways Act	Section- 150 & 151
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(iii) Saddam Hossain @ Bhaiyan (A-3)-

SL NO.	ACT	SECTIONS OF LAW
1.	IPC	Section 341, 323, 325, 326, 307, 427, 286, 34, 302 & 394
2.	Explosive Substance Act, 1908	Sections 3 & 4
3.	Railways Act	Section- 150 & 151

(iv) Abdul Karim Sheikh @ Rahul das (A-4)-

SL NO.	ACT	SECTIONS OF LAW
1.	IPC	Section 341, 323, 325, 326, 307, 427, 286, 34, 302 & 394
2.	Explosive Substance Act, 1908	Sections 3 & 4
3.	Railways Act	Section- 150 & 151

17.02 The sanction for prosecution has been obtained from the District Magistrate, North 24 Pargana for prosecuting the aforesaid accused persons vide para 17.01 under section 3 and 4 of Explosive substance Act, 1908 as per the provisions contained in section 7 of Explosive substance Act, 1908 which is enclosed.

17.03 Therefore, it is, respectfully prayed that this Hon'ble Court may be pleased to take cognizance of this Supplementary Charge sheet filed under section 173 (8) of Cr.P.C. and issue due processes against the accused persons in accordance with law, to face trial.

18. Dispatched on : 18.11.2015

19. No. of enclosures : TWO


20. List of enclosures

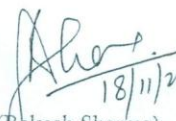
(i) List of Witnesses : List attached as Annexure-I

(ii) List of documents : List including sanction of prosecution under
Explosive Substance Act, 1908 attached as Annexure-II.

Forwarded by

Submitted by


(Anil Shukla, IPS)
DIGP, NIA,
New Delhi


(Rakesh Sharma)
Supdt. of Police & IO of the case
NIA, New Delhi