



CHARGE SHEET
(Under Section 173 CrPC)

IN THE COURT OF NIA SPECIAL JUDGE, AIZAWL

1	Name of the Branch	NIA Branch Office, Guwahati, Assam
	FIR No. year and date	NIA case no. RC-03/2014/NIA-GUW dated 22.07.2014 arising out of FIR No. 155/2014 dated 03.05.2014 of Gossaigaon PS, Kokrajhar district, Assam.
2	Final Report / Charge Sheet No.	01/2017
3	Date	14.03.17
4	Sections of Law (in FIR)	Sections 448,457,302, 307, 326, 324, 427, 34 of IPC r/w Section 27 of Arms Act and Sections 16, 18, 20 UA(P) Act, 1967
5	Type of Final Report	Charge sheet
6	If Final Report Un-occurred/ false/ Mistake of fact or law/Civil Nature/ Non-Cognizable	Not Applicable
7	If Charge-sheeted: Original / Supplementary	First Supplementary Charge sheet

8	Name of Investigating Officer	T J Singh, Addl. Superintendent of Police, NIA Branch office, Guwahati, Assam
9	Name of the Complainant/ Informant	XXXXXXXXXX and 2 others of Vill: XXXXXXXXXXXX under Gossaigaon PS, Dist- Kokrajhar, Assam.
10	Details of Properties /Articles/ Documents seized during the investigation & relied upon	XXXXXXXXXXXX

11.1 Particulars of accused person charge sheeted:


A-2

Name	(A-2) Rabi Basumatary @ B. Rongjabaja @ Rabi
Whether verified	Yes
Father's Name	S/o- Late Gorgo Basumatary,
Year/Date of Birth	30 years old at the time of arrest.
Sex	Male
Nationality	Indian
Passport No.	NA
Place of issue	NA
Date of issue	NA
Religion	Christian
Occupation	A member of NDFB

Address (Present/ Permanent)	Permanent- Kalbari village, Police Station – Salbari, District– Baksa (BTAD), Assam Temporary – Nil
Whether verified	Yes
Provisional Criminal No.	NA
Regular Criminal No. (if known)	NA
Date of Arrest	19.09.2016
Date of release on bail	Presently under judicial custody at Central Jail Guwahati, Assam.
Under Acts & Sections (of charge sheet)	Sections 302, 307, 34 IPC, Sections 16 and 20 of UA(P) Act.
Name(s) of bailer / sureties and address	NA
Previous convictions with case reference	NA
Status of the accused	Arrested and presently under judicial custody at Central Jail Guwahati, Assam.

12. Particulars of accused persons not charge sheeted :

Sl	Photo	Name and particulars	Role in Crime	Status
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A-2		<p>Rabi Basumatary @ B. Rongjabaja @ Rabi, S/o Late Gorgo Basumatary, r/o- village Kalbari, Police Station – Salbari, District– Baksa (BTAD), Assam</p>	<p>On 01.05.2014 Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2), himself being an active member of NDFB(S), in association with other six NDFB(S) cadres namely, Pradip Brahma @ Pwler, Shijou Basumatary @ Shijou, Usaobadao, Geremsa, Gwlaio Brahma @ Dwimalu and Dwngra Brahma killed seven villagers belonging to XXXXXX community and grievously injured two others at Balapara Pt-I village, PS- Gossaigaon, district- Kokrajhar (BTAD), Assam by using sophisticated Arms and deadly weapons.</p>	<p>Arrested and presently under judicial custody at Central Jail Guwahati, Assam</p>
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13. (i) Particulars of witnesses examined : XXXXXXXXXXXX

(ii) List of Documents : XXXXXXXXXXXX

(iii) List of Material Objects : XXXXXXXXXXXX

14. If FIR is false, action taken : Not applicable.

15. Result of laboratory analysis : As mentioned in respective Para.

16. Brief facts of the case:

16.1. The instant case was originally registered as FIR No. 155/2014 at Gossaigaon PS under Kokrajhar district, Assam against 20/25 Bodo miscreants equipped with sophisticated arms entered in the houses of XXXXXX and complainant XXXXXXXX and resorted into indiscriminate firing on 01/05/2014. As a result of indiscriminate firing, seven persons died and two others sustained grievous injuries.

16.2. Subsequently, in compliance of Ministry of Home Affairs, Government of India Order No. F. No. 11011/30/2014-IS.IV, dated 20/05/2014 & UO No. 11011/30/2014-IS.IV, dated 16/07/2014, NIA re-registered a case vide FIR No. RC-03/2014/NIA-GUW dated 22/07/2014 under sections 448,457,302, 307, 326, 324, 427, 34 IPC r/w Section 27 Arms Act and Sections 16, 18, 20 UA(P) Act, 1967 against the above noted 20/25 Bodo miscreants who entered in the houses of XXXXXXX, XXXXXXX and others and resorted into indiscriminate firing on 01/05/2014 at about 11:30 PM. As a result of the indiscriminate firing XXXXX, XXXXX, XXXXX, XXXXX, XXXXXXXX and XXXXXXXX died on the spot and XXXXX, XXXXX and XXXXXXX sustained grievous injuries out of which XXXXX succumbed to injuries on 02/05/2014 at Dhubri Hospital. On the basis of the complaint lodged by XXXXXXXXXXXX and two others the instant case was registered at Gossaigaon Police Station, Kokrajhar District (Assam) vide Crime No. 155/14 of Gossaigaon PS.

17. Facts Disclosed During Investigation:

17.1. The place of occurrence : The place of occurrence of the instant case falls under the jurisdiction of Gossaigaon PS which comes under Kokrajhar district of Assam. Investigations revealed that on fateful day of 01.05.2014 at about 11.30 PM arrested accused Pradip Brahma @ Pwler (A-1) along with Rabi Basumatary @ B. Rongja @ Rongjabaja (A-2), Usaobadao, Gwlao Brahma @ Dwimalu Brahma and Dwngra Brahma and others under the instructions of Songbijit Ingti Kathar @ I K Songbijit, Bishnu Goyari @ G. Bidai and Binod Mushahary @ M. Biban @ Batha killed seven villagers belonging to XXXXXX community and injured two others, grievously at XXXXXXXXX village, PS- Gossaigaon, district- Kokrajhar (BTAD), Assam by resorting indiscriminate firing through sophisticated Arms and dangerous weapons they were carrying with them. During the indiscriminate firing (i) XXXXXXXX, 50 years, (Male) (ii) XXXXXXXX, 40 years (Female), (iii) XXXXXXXX, 22 years (Female) (iv) XXXXXXXX, 2 years (Female), (v) XXXXXXXX, 40 years (Female) died due to bullet injuries and , (vi) XXXXXXXX, 6 years, (Female) died due to head injury by blunt object (vii) XXXXXXXX, 26 years (Female) died due to multiple stab injuries by sharp weapon. XXXXXXXX and XXXXXXXX received bullet injuries.

17.2. Scrutiny of Post Mortem reports of the Deceased Persons : During investigation, on the basis of scrutiny of the Post Mortem Examination Reports of seven dead bodies of the instant case, it had been revealed that the deceased persons namely, (i) XXXXXXXX, 50 years, (Male) (ii) XXXXXXXX, 40 years (Female), (iii) XXXXXXXX, 22 years (Female) (iv) XXXXXXXX, 2 years (Female), (v) XXXXXXXX, 40 years (Female) died due to bullet injuries, (vi) XXXXXXXX, 6 years, (Female) died due to head injury by blunt object and (vii) XXXXXXXX, 26 years (Female) died due to multiple stab injuries by sharp weapon.

17.3. Scrutiny of Injury Reports of injured victims: During investigation, on scrutiny of Injury Reports of XXXXXXXX and XXXXXXXX it had been revealed that they received bullet injuries which are grievous in nature.

17.4. Seizure and Recovery of Fired Rifle Cartridge Cases and One Live Round from the PO: During the course of investigation, immediately after the occurrence of terrorist act on 01/05/2014, Assam Police seized 08 (eight) nos. of

fired rifle cartridge cases and 01 (one) no of live ammunition (both are suspected to be of AK series rifles) from the place of occurrence at Balapara Part-I.

17.5. Intelligence Inputs Received from Assam Police : During investigation, the intelligence inputs received from Special Operations Unit (SOU), Special Branch, Assam Police revealed that in view of killing of three NDFB (S) cadres in Doimukhjan area near Balidonga under Gingia PS, District Sonitpur, Assam on 30/04/2014, I. K. Songbijit, SS Interim President of NDFB (S), instructed Bishnu Goyary @ G. Bidai, SS Army Chief/ C-in-C of NDFB (S), to execute the aforesaid killings by resorting to indiscriminate attack on XXXXXXXX, XXXXXX XXXXX including XXXXX and XXXXX population in their area of influence. This same input has further been corroborated with the facts revealed from the scrutiny of the legally intercepted mobile phone conversations among the cadres of NDFB(S).

17.6. Collection of Lawful Interception of Mobile Numbers Being Used by Cadres of NDFB (S) : During the course of investigation, pertaining to the killing of innocent people belonging to XXXXXX Communities at Baksa & Kokrajhar District on 01/05/2014 & 02/05/2014, the lawful telephone interceptions of mobile nos. being used by cadres of NDFB (S) namely, Bidai, Rongjabaja, Shijou and Mwdan had been received from Special Operations Unit (SOU), Special Branch, Assam Police along with a Certificate u/s 65B of Indian Evidence Act. On scrutiny of these lawful telephone interceptions of aforesaid NDFB (S) cadres, it had been revealed that a larger conspiracy was made by the cadres of NDFB (S) to attack the XXXXXX communities at different villages in BTAD area including the killing of XXXXXX people in the instant case at Vill: Balapara Part-I, Kokrajhar Dist. on 01/05/2014. During the telephonic discussion with other fellow field cadres of NDFB (S), G. Bidai, SS Army Chief/C- in-C of NDFB(S), had directly ordered other cadres under his command to kill nearby XXXXXX residing in the interior areas of BTAD.

17.7. Scrutiny of Call Detail Records (CDRs) and Customer's Application

Forms (CAFs) of Mobile Numbers Being Used by Accused persons : The scrutiny of CAF and CDR of Mobile No. XXXXXXXX for the period from 08/11/2013 to 08/11/2014, , has established that the same mobile no. had been using by accused Pradip Brahma @ Pwler (A-1), in the fake name of XXXXXXX, S/o XXXXXXX, R/o XXXXXX village PO- Airkata, PS- Fakirganj, Dist- Dhubri, Assam. During the course of investigation it has also been revealed that, the accused Rabi Basumatary @ B. Rongjabaja@Rabi (A-2) obtained Mobile numbers by producing the various forged documents such as fake name, fake certificates etc. It was revealed that accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) obtained Reliance Mobile No. XXXXXXXXXXXX in the fake name of XXXXXXXXXXXX, s/o XXXXXXXXXXXX, r/o- XXXXXXXXXXXX, PS-Kakirganj, Dist. – Dhubri. On verification of real owner of aforesaid SIM, it was established that no person in the name of XXXXXXX existed in the aforesaid address. As a result, it is apparent that accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) used the aforesaid Mobile number for terrorist activities.

17.8. Identification and arrest of accused persons: The investigation team, on the basis of all the facts and records revealed during the course of investigation, including the ones explained above, had established the identities and other personal details of all the accused persons involved in the instant case as given below:

- a. Shijou, Pln. Commander – Killed during police encounter vide Gossaigaon PS. 337/15
- b. Usaobadao, SS Corporal NDFB(S), Pln. Commander of Dhubri Pln. – Absconding.
- c. Geremsa, SS Section Commander of Basbari Monglajhora Section NDFB(S) – Killed during police encounter vide Bagribari PS Case No. 69/ 2014
- d. Gwlao, SS NDFB(S) Cadre- Absconding.
- e. Dwngra, SS NDFB(S) Cadre- Absconding.

- f. Pwler @ Pradip Brahma (A-1) – Convicted and sentenced for life imprisonment in c/w the instant case
- g. Rabi Basumatary @ B. Rongjabaja@Rabi (A-2) – presently under judicial custody at Central Jail, Guwahati, Assam in connection with the instant case.

During the course of investigation by NIA, accused person namely Pradip Brahma @ Pwler, age- 26 years, S/o. Lt. Bonendra Nath Brahma, R/o. vill-Besorkona, PS – Bagribari, Dist -Kokrajhar , (BTAD), Assam who was the SS Section Commander of Monglajhora section of Dhubri Platoon 14th Bn NDFB(S), a proscribed terrorist organisation, was arrested by NIA on 19.02.2015. Subsequently, NIA submitted its final report in the form of charge sheet u/s 173 CrPC before the Hon'ble NIA Court Guwahati on 14.08.2015 thereby charged accused Pradip Brahma @ Pwler(A-1) in connection with the instant case. The further investigation in respect of other remaining accused persons kept continuing for the purpose of arresting them and submitting the respective final reports thereof. Subsequently, the trail of the instant case in respect of accused Pradip Brahma @ Pwler (A-1) was completed and the Hon'ble Special NIA Court Guwahati had announced its judgement on 08.07.2016 thereby sentenced accused Pradip Brahma @ Pwler (A-1) for life imprisonment u/s 302, 307 IPC and 16 and 20 UA(P) Act, in connection with the crimes he committed in the instant case.

Further investigation on the basis of the revelation of accused Pradip Brahma @ Pwler (A-1) and other available information the involvement of accused Rongjabaja in connection with the instant case was established. In addition, the complete details of accused Rongjabaja were also established as Rabi Basumatary @ B. Rongjabaja @ Rabi (hereinafter referred as A-2), S/o Late Gorgo Basumatary, r/o- village Kalbari, Police Station – Salbari, District– Baksa (BTAD), Assam. Thereafter, investigation revealed that accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) had been arrested by Assam police on 25.09.15 in connection with case FIR No.

131/2015 of Panbari PS, Chirang District, Assam. Subsequently, a production warrant against accused Rabi Basumatary @ B. Rongjabaja @ Rabi was prayed and sought from the Hon'ble Special NIA court, Guwahati on 31.08.2016. Consequently, Special NIA Court Guwahati issued one production warrant dated 31.08.16 against accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) thereby ordered the Jail Superintendent of Central Jail, Guwahati, Assam to produce him before Special NIA Court Guwahati on 19.09.2016. Thereafter, accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) was shown arrested in connection with the instant case on the date of his production before the Hon'ble Special NIA court, Guwahati on 19.09.2016. Presently, accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) is under judicial custody at Central Jail, Guwahati, Assam in connection with the instant case.

Further investigation has also revealed that accused Shijou, SS Pln Commander has been killed during a police encounter vide Gossaigaon PS. 337/15. Similarly, it has also been revealed that accused Geremsa, SS Section Commander of Basbari Monglajhora Section NDFB(S) has also been killed during a police encounter vide Bagribari PS Case No. 69/ 2014. However, investigation in respect of accused persons namely, Gwlao Brahma @ Dwimalu Brahma and Dwngra Brahma, Bishnu Goyary @ G. Bidai, SS Army Chief of NDFB (S), I. K. Songbijit, SS Interim President, Binod Mushahary @ M. Biban @ Batha, SS Dy. Army Chief, are yet to be completed. Therefore, further investigation under section 173 (8) Cr. PC is required to be continued in the instant case.

17.9. Investigation upon the Conspiracy involved in the instant case :

Investigation, on the basis of the scrutiny of the lawful interception of the mobile numbers of the cadres of NDFB(S) corroborated with the other facts revealed during the examination of the arrested accused persons has established that a larger conspiracy relating to the instant crime as well as other similar crimes was hatched by the senior leaders of NDFB namely, I K Songbijit @ Sersing Ingti @ Sarsing

Ingthi Kathar @ Sangbijoy – SS Interim President; Bishnu Goyari @ G. Bidai @ Harenga @ Xyla – SS Army Chief; Binod Mushahary @ M. Biban @ Batha - SS Dy. Army Chief and Saikong Basumatary @ Amar @ B. Saoraigra – SS General Secretary of NDFB. Subsequently, specific parts of the above noted larger conspiracy were further directed to their under commands who were deployed at various places in BTAD area including accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) of the instant case as he had been the SS CO 14 Bn NDFB(S) deployed at Dhubri area.

During the course of further investigation, the existence and subsequent execution of this conspiracy has been established through the lawful interceptions of mobile phone conversations among the cadres of NDFB (S). A large number of interceptions of mobile phone conversations among the cadres of NDFB(S) including Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) prove that that aforesaid accused person Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2), in association with other six of his under commands, committed the terrorist act of killing the innocent XXXXXXXX people at Vill: XXXXXXXX, Kokrajhar Dist. on 01/05/2014, in pursuance of the conspiracy hatched by their senior leaders as explained above. The interceptions contain irrefutable evidence that Bishnu Goyari @ G. Bidai, SS Army Chief of NDFB ordered other field cadres including accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2), Pradip Brahma @ Pwler (A-1) and other cadres of NDFB (S) for committing the terrorist act by targeting members of the XXXXXXXX community residing in the interior areas of Kokrajhar District, BTAD, Assam. In compliance of the order given by G. Bidai, the field cadres of NDFB(S), the accused Pradip Brahma @ Pwler (A-1), Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2), Usaobadao, Gwlaio Brahma @ Dwimalu Brahma and Dwngra Brahma and others planned and executed the attack at XXXXXXXX under Gossaigaon PS, Dist. Kokrajhar ON 01.05.2014. It has also been revealed the revelations of the eye witness that the accused Rabi Basumatary

@ B. Rongjabaja @ Rabi(A-2) and accused Pradip Brahma @ Pwler (A-1) were physically present with other cadres during the planning to execute the terrorist attack and actively participated in the said terrorist attack of killing innocent XXXXXXXX people at XXXXXXXXXX on the fateful day of 01/05/2014.

Further, the lawful interceptions of telephonic conversations of aforesaid cadres also revealed that, the incidents of attacking innocent minority people, including the instant case were not stray incidents rather there were well thought of and highly co-ordinated conspiracy of NDFB (S) cadres to terrorize by organizing a sudden attack and killing of innocent villagers with a clear objective of spreading terror in the hearts and minds of XXXXXXXX people in particular and so called “XXXXXXX” in general. The following chart explains the place of attacks, their time and resultant casualties – all targeting people belonging to XXXXXXXXXX communities and XXXXXXXX by NDFB(S) and all of these cases are under investigation by National Investigation Agency:

<u>Case No.</u>	<u>Place of Occurrence</u>	<u>Date and Time of Incident</u>	<u>No. of Persons Killed</u>	<u>No. of Persons Injured</u>	<u>Suspected accused persons</u>	<u>Present status of the case</u>
RC-01/2014/NIA-GUW	Narsingbari under Gobardhana PS, Baksa District, BTAD, Assam	01/05/14 at about 8- 8.30 PM	03 (XXXXXX)	02 (XXXXXX)	Cadres of NDFB(S)	Under trial
RC-02/2014/NIA-GUW	N. K. Khagrabari under Gobardhana PS, Baksa District, BTAD, Assam	02/05/14 at about 3.30 – 4 PM	36 (XXXXXX)	04 (XXXXXX)	Cadres of NDFB(S)	Under trial
RC-03/ 2014/NIA-GUW	Balapara Part1 under Gossaigaon PS, Kokrajhar District, BTAD, Assam	01/05/14 at about 11.30 PM	07 (XXXXXX)	02 (XXXXXX)	Accused Pradip Brahma @ Pwler (A-1), Rongjabaja, Usaobadao, Dwngra Gwalao and other cadres of NDFB(S)	Under trial
RC-04/ 2014/NIA-GUW	Santipur under Dhekiajuli P.S, District Sonitpur Assam.	23/12/14 at about 04.00 PM	06 (XXXXXX)	02 (XXXXXX)	Cadres of NDFB(S)	Under trial
RC-05/ 2014/NIA-GUW	Sonajuli under Biswanath Chariali PS, District Sonitpur, Assam.	23/12/14 at about 5 PM	30 (XXXXXX)	04 (XXXXXX)	Cadres of NDFB(S)	Under trial
RC-06/ 2014/NIA-GUW	Lungsung under Kokrajhar P.S. District Kokrajhar, BTAD, Assam.	23/12/14 at about 6 PM	08 (XXXXXX)	03 (XXXXXX)	Cadres of NDFB(S)	Under trial

RC-07/ GUW	2014/NIA-	No. 03 Santipur (Saralpara) under Kokrajhar P.S, District Kokrajhar, BTAD, Assam	23/12/14 at about 5.40 PM	11 (XXXXXX)	3 (XXXXXX)	Cadres of NDFB(S)	Under trial
RC-01/ GUW	2015/NIA-	Pakriguri under Serfanguri PS, District Kokrajhar, BTAD, Assam	23/12/14 at about 6.15 PM	05 (XXXXXX)	05 (XXXXXX)	Cadres of NDFB(S)	Under trial

Investigation has also established that before and after committing this terrorist attack and killing of innocent people in the instant crime, accused Rabi Basumatary @ B. Rongjabaja@Rabi(A-2) and other co-accused persons viz. Pradip Brahma @ Pwler (A-1) and others were constantly having conversations with their higher ups and fellow cadres to clarify operational objectives, their achievements and clarification of directions received during and after the conspiracy as well as during the execution of that conspiracy. Moreover, in the incriminating lawful conversations that were duly recorded, they have discussed how they have killed, where they have killed, how many killed including injured, what has happened as they are killing the targets, and also what has happened after they have achieved their targets. Therefore, the recorded lawful telephone conversations not only provide a graphic account of pre-meditated attack but also confirm their resolution to achieve their targets as directed and planned.

17.10. Planning and execution of the killing after the Conspiracy : Investigation, on the basis of the revelations of eye witnesses as well as the scrutiny of the legally intercepted mobile phone conversations, mentioned above has established that accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2), and his SS Platoon commander Shijou and accused Pradip Brahma @ Pwler (A-1) made the planning for the killing of the innocent XXXXXX people in pursuance of the conspiracy hatched by their senior commanders. Subsequently, they united their under commands viz, Geremsa, SS Section Commander of Basbari Monglajhora, Usaobadao, Gwlao Brahma @ Dwimalu Brahma and formed a killing squad to

execute the conspiracy hatched by their senior commanders. Accordingly, they went to Balapara village Part-1 with sophisticated arms and other deadly weapons and committed the killing of 07 innocent XXXXXX peoples and injured other two grievously in the same village which falls under the jurisdiction of Gossaigaon PS, Kokrajhar, Assam. Investigation has also established the conspiratorial angle of this crime from variety of sources. There was pre-meditation, common intention, meeting of minds before committing the attack, preparation for the attack and further conspiracy to destroy the evidences.

17.11. Report of Armourer, of the Office of the Commandant 8th Assam Police Battalion, Abhayapuri, Bongaigaon : Expert opinion of Armourer of the 8th Assam Police Battalion, Abhayapuri, Bongaigaon on 08 (eight) nos. of empty fired cartridges and 01 (one) no. of live ammunition which were seized and recovered by Assam Police in connection with the instant case from the place of occurrence at Balapara Part-I, under Gossaigaon PS, Dist.– Kokrajhar has established that the seized 01 live ammunition is 7.62 x 39 mm calibre live cartridge and the 08 empty fired cartridges are empty fired cases of 7.62x39 mm calibre ammunition.

17.12. Report of Directorate of Forensic Science, Assam, Kahilipara, Guwahati on the Seized Arms and Ammunition: During investigation, the seized 01(One) live ammunition and 08 (eight) empty cartridges which were seized from the place of occurrence by Assam Police in the instant case were sent to Directorate of Forensic Science, Assam, Kahilipara, Guwahati for examination and expert opinion. The result of expert opinion report as under:

- i. 1(one) seized live cartridge is 7.62 mm X 39 calibre live cartridge
- ii. The eight empty fired cartridges are cartridges of 7.62 mm calibre fired cartridge cases. These were fired by 7.62 mm Calibre Assault Rifle (AK-47/AK-56).
- iii. Three of these 08 empty cases were fired by one firearm, two from

another firearm and other three from another firearm thereby concluding that these 08 empty cartridges were fired by minimum three firearms.

Therefore, based on the expert opinion given by Armourer, of the Office of the Commandant 8th Assam Police Battalion, Abhayapuri, Bongaigaon and forensic experts of FSL, Kahilipara, Guwahati, Assam, as explained above in aforesaid para 13.1 and 13.2 respectively, it can be inferred that the involvement of cadres of NDFB (S), a proscribed terrorist organization under UA (P) Act is indicated in the incidents as because NDFB (S) cadres are using the sophisticated weapons like AK series Assault Rifles. Moreover, the area where the incident took place is also under the active domination of NDFB (S).

17.13. Report of Central Forensic Science Laboratory, Chandigarh on the Voice Samples of Accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2):

During the course of investigation, the voice sample of aforesaid accused person Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) has been recorded as specimen voice sample by Forensic expert of Directorate of Forensic Science, Assam, Kahilipara, Guwahati. Subsequently, the same collected specimen voice sample, along with lawfully intercepted mobile conversations of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) were sent to Central Forensic Science Laboratory (CFSL), Chandigarh for examination and comparison of the specimen voice samples with the lawfully intercepted voice of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2). As a result, on the basis of Auditory and Spectrographic Analysis and Comparison of the lawfully intercepted voice samples of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) with the collected specimen voice sample of Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) using Computerized Speech Laboratory (CSL), it has been observed by the expert of CFSL, Chandigarh that –

-“The voice exhibits i.e. the lawfully intercepted voice samples of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) are similar to the recorded specimen voice samples of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) in respect of acoustic features, linguistic and phonetic cues. Hence, the lawfully intercepted voice sample is the possible voice of the same person i.e. accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2)”-.

Therefore, based on the expert opinion on voice sample of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) given by Central Forensic Science Laboratory, Chandigarh, it has been established that accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) was involved in conspiracy of firing and killing innocent villagers of Balapara Part-I, under Gossaigaon PS, District Kokrajhar.

17.14. Investigation upon the involvement of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) in the instant case:

During the course of further investigation conducted so far, the following facts and evidences have been collected in connection with the involvement of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) in killing of 07 innocent XXXXXX people at Balapara Part-I village, PS- Gossaigaon, district- Kokrajhar (BTAD), Assam on 01/05/2014 at about 11:30 PM :

- a. Investigation, on the basis of the oral testimony of protected witnesses marked as ‘L’, ‘M’, ‘N’, ‘P’ has established that accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) is a member of proscribed terrorist organization NDFB, led by I. K. Songbijit, SS Interim President of NDFB.
- b. During the course of further investigation, it is revealed that sufficient credible evidence in the form of oral evidence establishes the role of the accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) in the terrorist act. XXXXXXXX (PW-

1), s/o XXXXXXXXX states in his statement that, on 01/05/2014 at about 11:30 PM a group of Bodo miscreants indiscriminately fired at his house which caused the death of his mother, wife and daughter due to bullet injuries. And also he heard somebody from the group of miscreants uttering “Pwler foidu foidu” (Pwler let’s go let’s go) in Bodo language. In addition, XXXXXXX (PW-1) has identified accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2), as one of the accused persons who fired and killed those 07 innocent XXXXXXX people, during a Test Identification Parade (TIP) conducted inside the Central Jail, Guwahati, Assam in presence of one judicial magistrate. Henceforth, it is sufficient to establish the presence of the arrested accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) on the place of occurrence with other NDFB(S) cadres during the time of killing those innocent people as well as his direct involvement in the said killing.

- c. During the course of investigation, the voice sample of aforesaid accused person Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) has been recorded as specimen voice sample by Forensic expert of Directorate of Forensic Science, Assam, Kahilipara, Guwahati. Subsequently, the same collected specimen voice sample, along with lawfully intercepted mobile conversations of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) were sent to Central Forensic Science Laboratory (CFSL), Chandigarh for examination and comparison of the specimen voice samples with the lawfully intercepted voice of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2). As a result, on the basis of Auditory and Spectrographic Analysis and Comparison of the lawfully intercepted voice samples of accused Rabi Basumatary

@ B. Rongjabaja @ Rabi (A-2) with the collected specimen voice sample of Rabi Basumatary @ B. Rongjabaja@Rabi(A-2) using Computerized Speech Laboratory (CSL), it has been observed by the expert of CFSL, Chandigarh that the lawfully intercepted voice samples of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) are similar to the recorded specimen voice samples of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) in respect of acoustic features, linguistic and phonetic cues and hence the lawfully intercepted voice sample is the possible voice of the same person i.e. accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2).

Therefore, based on the expert opinion on voice sample of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) given by Central Forensic Science Laboratory, Chandigarh, it has been established that accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) was involved in the conspiracy and killing of innocent villagers of Balapara Part-I, under Gossaigaon PS, District Kokrajhar by firing the sophisticated weapons and other deadly weapons they carried on 01.05.2014.

17.15. During the course of further investigation, sufficient credible evidences in the form of oral as well documentary have been collected to prove the conspiracy involved in the instant case. The evidences in the form of recovered and seized incriminating material objects from the place of occurrence i.e. 8 (eight) nos. of 7.62 calibre fired cartridges and 1(one) 7.62 mm X 39 calibre live cartridge which were fired by 7.62 mm calibre Assault Rifle (AK-47/AK-56) establish the indiscriminate firing at Balapara Part-I under Gossaigaon PS, District Kokrajhar, Assam on 01/05/2014. Evidence in the form of oral testimonies of eye witnesses have further established identities of some of the attackers who committed the

killing of the instant case. Similarly, the documentary evidence, D-1 (FIR), D-2 to D-4 (Seizure lists), D-7 to D-13 (Inquest reports of deceased persons), D-14 to D-20 (Post mortem reports of deceased persons), D-22 and D-23 (Injury reports), D-27 (Sketch map of PO), D-65 (Arrest memo of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2)), D-40 (Expert Report of FSL, Kahilipara in respect of seized ammunitions) D-59 (TIP Memo), D-66 (Expert Report in respect of voice sample of accused Rabi Basumatary @ B. Rongjabaja @ Rabi) and MO-1 and MO-4 establish the killing incident of the instant case and involvement of cadres of NDFB including accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2). Moreover, sufficient oral evidence in the form of statements of witnesses including protected witnesses u/s 161 and documentary evidences in the form of expert reports, TIP of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2), CDR analysis, forensic reports relating to seized arms, ammunition, as well as voice sample of accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) have been found to prove the involvement and culpability accused person Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) in connection with the instant case.

17.16. The investigation is to be continued under section 173(8) CrPC, to arrest the remaining accused person in the instant case and collect more evidence as regards to the roles and involvements of each and every accused person in the crime of the instant case.

18. CHARGE:

- i. Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) u/s – 302, 307, 34 IPC, sections 16 and 20 of UA(P) Act.

18.1 The sanction for prosecution under Section 45 of The Unlawful Activities (Prevention) Act, 1967 as amended has been obtained from the competent authority and the same is enclosed herewith.

18.2 All the aforesaid offences have been committed within the jurisdiction of this Hon'ble Court. Hence, this Hon'ble Court has got jurisdiction to try

the above offences.

18.3 It is, therefore, prayed that this Hon'ble court may be pleased to take cognizance of the offences, as mentioned above, against accused Rabi Basumatary @ B. Rongjabaja @ Rabi (A-2) and issue process to him to stand trial in accordance with law.

19. Despatched on : 14.03.17.

20. No. of enclosures : 04

21. List of enclosures :

Annexure A : XXXXXXXXXXXX
Annexure B : XXXXXXXXXXXX
Annexure C : XXXXXXXXXXXX
Annexure D : XXXXXXXXXXXX

(**Note** : The identities and the statements of the protected witnesses, **PW-L, PW-M, PW-N and PW-P** are being submitted along with their statements inside a closed envelop sealed with NIA Guwahati seal and it is prayed that the copies of these statements may not be furnished to accused persons as per provisions of section **173(6) CrPC** as its disclosure to the accused persons is not essential in the interests of justice and is inexpedient in the public interest.)

T. J. Singh,
Addl. Superintendent of Police
Chief Investigating Officer
NIA Branch Office : Guwahati

Forwarded by

Superintendent of Police
NIA Branch Office : Guwahati

Vetted and signed by