

NATIONAL JUDICIAL ACADEMY,

BHOPAL

ADJUDICATING TERRORISM CASES

FRAMING CHARGES AND UNIQUE FEATURES OF  
TERRORISM TRIALS

BY JUSTICE P. N. PRAKASH  
JUDGE, MADRAS HIGH COURT



# THE HAGUE MEMORANDUM

## Good Practice No. 5: Supporting the Right of the Accused to a Fair Trial with Adequate Legal Representation

The UDHR and the ICCPR identify a number of individual rights related to criminal prosecutions, including:

- (1) the right to a fair hearing without undue delay;
- (2) the right to a public hearing and pronouncement of judgment with limited exceptions;
- (3) presumption of innocence;
- (4) freedom from compulsory self-incrimination;
- (5) the right to be informed promptly and in detail of the accusation;
- (6) adequate time and facilities to prepare a defense;
- (7) the right to legal assistance;
- (8) the right to examine witnesses;
- (9) the right to an interpreter;
- (10) the right to appeal the conviction and sentence; and
- (11) freedom from ex-post facto laws.







**What are the  
bottlenecks you  
have confronted  
after a criminal  
case is  
committed to  
your Court and  
before charges  
are framed?**

# In terrorism trials, you may face the following bottlenecks:

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The accused may ask for the documents and statements in his language



The accused may simply not engage an advocate for defense



The accused may not answer when charges are read



The accused may ask for change of counsel frequently

# In terrorism trials, you may face the following bottlenecks:

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May not cross-examine the witnesses or may file application for recalling witnesses for further cross-examination



May show his back while in the dock



The accused may disturb the proceedings



If on bail, the accused may abscond



# DEFINITIONS

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## **Section 2(q) of the Unlawful Activities (Prevention) Act, 1967**

words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

## **Section 2(i) of the National Investigation Agency Act, 2008**

words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

## **Section 2(y) of the Code of Criminal Procedure, 1973**

words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860) have the meanings respectively assigned to them in that Code.



# CRIMINAL MANUAL

## **Section 225 of the Code of Criminal Procedure , 1973**

*Trial to be conducted by Public Prosecutor.-* In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

## **Section 226 of the Code of Criminal Procedure , 1973**

*Opening case for prosecution.-* When the accused appears or is brought before the Court in pursuance of a commitment of the case under section 209, the prosecutor shall open his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.

## **Section 227 of the Code of Criminal Procedure , 1973**

*Discharge.-* If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.



# CRIMINAL MANUAL

## **Section 299 of the Code of Criminal Procedure , 1973**

### *Record of evidence in absence of accused.-*

(1) If it is proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try, or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions and any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged, if the deponent is dead or incapable of giving evidence or cannot be found or his presence cannot be procured without an amount of- delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

(2) If it appears that an offence punishable with death or imprisonment for life has been committed by some person or persons unknown, the High Court or the Sessions Judge may direct that any Magistrate of the first class shall hold an inquiry and examine any witnesses who can give evidence concerning the offence and any depositions so taken may be given in evidence against any person who is subsequently accused of the offence, if the deponent is dead or incapable of giving evidence or beyond the limits of India.



# Hypothetical

'A', a leader of Al-Qaeda in Iraq decides to blow-up Taj Mahal on 26.01.2019 in order to disrupt communal harmony in India as part of Jihad. He discusses the plan on 01.01.2019 with his protégé 'B' in Delhi, pursuant to which, B enlists the cooperation of 'C', 'D' and 'E' who are also in India. C procures RDX from Mumbai on 12.01.2019 and hands it over to D at Mumbai on 13.01.2019. D transports it to Delhi on 15.01.2019 and gives it to E on 20.01.2019. C and D enlist the cooperation of F to give them asylum in his house in Delhi and accordingly C, D and E stay in F's house. On 26.01.2019, E blows himself up with RDX strapped around his waist in Taj Mahal. Taj Mahal does not suffer any damage but five foreign tourists die. B, C and F are arrested by the Indian Police on 28.01.2019 when they were attempting to cross-over to Pakistan.

A is absconding. B, C and F are before you.

Frame charges.



**Notifications issued by  
the Central Government  
under the Unlawful  
Activities (Prevention)  
Act, 1967 and the  
National Investigation  
Agency Act, 2008**

**Which you are required to keep  
on your desk readily**



NATIONAL INVESTIGATION AGENCY  
MINISTRY OF HOME AFFAIRS  
CGO Complex, Lodhi Road  
New Delhi-110003

No. 100/Legal/Misc/NIA/DLI/ 415

Date: 10<sup>th</sup> May, 2019

To

The Hon'ble Thiru. Justice P. N. Prakash,  
High Court of Madras,  
Chennai- 600104.

Sub: **Gazette Notifications of Designated Authorities in the Unlawful Activities  
Prevention Act, 1967 w.e.f. 31<sup>st</sup> December, 2008 to 5<sup>th</sup> February, 2018.**

Sir,

Please find enclosed herewith the Gazette Notifications of Designated  
Authorities as per the Unlawful Activities Prevention Act, 1967 and the National  
Investigation agency Act, 2008.

Sr. No	Name of the Designated Authority	Section of the Law	Gazette Notification No
1.	Constitution of the National Investigation Agency.	Sub-Section (1) of Section 3 with clause (a) of sub-Section (2) of Section 25 of the NIA Act, 2008.	GSR 3015 (E) Dated 31-12-2008.
2.	Director General, NIA.	Section 43A of the UA(P) Act, 1967.	S.O. 742(E) Dated 11-03-2014.
3.	Sh. Sudhir Kumar Saxena, JS(IS-I).	Sub-Section (1) of Section 2 of the UA(P) Act, 1967.	S.O. 2684(E) Dated 11-08-2016.
4.	Joint Secretary (CTCR) *Notified by designation*.	Sub-Section (1) of Section 2 of the UA(P) Act, 1967.	S.O. 519(E) Dated 05-02-2018.

Encl: Gazette Notifications.

Yours faithfully,

*Sonia Narang* 10.5.19  
(Sonia Narang, IPS)  
Dy. Inspector General (Legal),  
NIA Hqr. New Delhi.  
Tele (Off): 011-24368793  
E-mail: sonianarang.nia@gov.in

Sonia Narang, IPS  
Dy. Inspector General  
National Investigation Agency  
Ministry of Home Affairs

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रजिस्ट्री सं० डी० एल०-33004/99

REGD.NO.D.L.-33004/99

**भारत का राजपत्र**  
**The Gazette of India**



असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1839]  
No. 1839]

नई दिल्ली, बुधवार, दिसम्बर 31, 2008/पौष 10, 1930

NEW DELHI, WEDNESDAY, DECEMBER 31, 2008/PAUSA 10, 1930

गृह मंत्रालय  
(आन्तरिक सुरक्षा विभाग)  
अधिसूचना  
नई दिल्ली, 31 दिसम्बर, 2008

सा.का.नि. 3015(अ).—केन्द्रीय सरकार, राष्ट्रीय अन्वेषण  
अभिकरण अधिनियम, 2008 (2008 का 34) की धारा 25 की  
उप-धारा (2) के खंड (क) के साथ पठित धारा 3 की उप-धारा  
(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय अन्वेषण  
अभिकरण नामक अभिकरण का गठन करती है और निम्नलिखित  
नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ—(1) इन नियमों का संक्षिप्त  
नाम राष्ट्रीय अन्वेषण अभिकरण (गठन की रीति) नियम, 2008 है।  
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।  
2. परिभाषा—(1) इन नियमों में जब तक कि संदर्भ से  
अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से राष्ट्रीय अन्वेषण अभिकरण  
अधिनियम, 2008 (2008 का 34) अभिप्रेत है;

(ख) "अभिकरण" से राष्ट्रीय अन्वेषण अभिकरण  
अधिनियम, 2008 (2008 का 34) की धारा 3 के  
अधीन गठित राष्ट्रीय अन्वेषण अभिकरण अभिप्रेत  
है;

(ग) "संहिता" से दंड प्रक्रिया संहिता 1973 (1974 का  
2) अभिप्रेत है;

(घ) "महानिदेशक" से केन्द्रीय सरकार द्वारा नियुक्त  
महानिदेशक अभिप्रेत है;

(ङ) "अनुसूची" से राष्ट्रीय अन्वेषण अभिकरण  
अधिनियम, 2008 की अनुसूची अभिप्रेत है।

2 उन शब्दों और पदों के जो इसमें प्रयुक्त हैं और इन नियमों  
में परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, वही अर्थ होंगे  
जो यथास्थिति इस अधिनियम या पुलिस अधिनियम या संहिता में  
क्रमशः उनके हैं।

3. राष्ट्रीय अन्वेषण अभिकरण का गठन,—राष्ट्रीय अन्वेषण  
अभिकरण निम्नलिखित से मिलकर बनेगा; अर्थात्:-

(क) अपर महानिदेशक, पुलिस की पंक्ति से अनिम्न  
पंक्ति का कोई महानिदेशक, जिसे केन्द्रीय सरकार  
द्वारा उन्हीं निबंधनों और शर्तों पर नियुक्त किया  
जाए जो केन्द्र सरकार के तदनुसूची रैंक के  
अधिकारियों पर लागू होती हैं; और

(ख) उतनी संख्या में अधिकारी और कर्मचारी जितने  
समय-समय पर केन्द्रीय सरकार द्वारा विनिर्दिष्ट किए  
जाएं।

4. मुख्यालय.—अभिकरण का मुख्यालय दिल्ली में होगा।

5. अभिकरण का प्रशासन.—अभिकरण का प्रशासन  
महानिदेशक में निहित होगा।

6. महानिदेशक की शक्तियाँ और कृत्य.—महानिदेशक  
अभिकरण के संबंध में ऐसी शक्तियों का प्रयोग करेगा जो राज्य में  
पुलिस बल के संबंध में महानिदेशक द्वारा प्रयोज्य हों, जो  
समय-समय पर केन्द्रीय सरकार द्वारा विनिर्दिष्ट की जाएं।

7. अभिकरण की शक्तियाँ और कृत्य.—अभिकरण की  
निम्नलिखित शक्तियाँ और कृत्य होंगे, अर्थात्—

(क) अनुसूची में विनिर्दिष्ट अधिनियमों के संबंध में अपराधों  
का राष्ट्रीय स्तर पर अन्वेषण और अभियोजन करना;

(ख) केन्द्रीय सरकार और राज्य सरकारों के अन्य आसूचना  
और अन्वेषण अभिकरणों को सहायता प्रदान करना और उनसे सहायता  
लेना; और

5090 GI/2008

2/8



**Notifications issued by  
the Central Government  
under the Unlawful  
Activities (Prevention)  
Act, 1967 and the  
National Investigation  
Agency Act, 2008**

(7) ऐसे अन्य उपाय करना जो अधिनियम के उपबंधों के त्वरित और प्रभावी कार्यान्वयन के लिए आवश्यक हों।

[सं 11034/26/2008-आई एस-VI]

डी. दीप्तिविलास, संयुक्त सचिव (आईएस)

**MINISTRY OF HOME AFFAIRS**

(Department of Internal Security)

**NOTIFICATION**

New Delhi, the 31st December, 2008

G.S.R. 3015(E).—In exercise of the powers conferred by sub-section (1) of Section 3, read with clause (a) of sub-section (2) of section 25 of the National Investigation Agency Act, 2008 (34 of 2008), the Central Government hereby constitutes an Agency to be called the National Investigation Agency and Makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the National Investigation Agency (Manner of Constitution) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definition.**—(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the National Investigation Agency Act, 2008 (34 of 2008);

(b) "Agency" means the National Investigation Agency constituted under Section 3 of the National Investigation Agency Act, 2008 (34 of 2008);

(c) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(d) "Director General" means the Director General appointed by the Central Government;

(e) "Schedule" means the Schedule to the National Investigation Agency Act, 2008.

[No. 11034/26/2008-IS-VI]

D. DIPTIVILASA, Jt. Secy. (IS)

(2) Words and expressions used herein and not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act, or in the Police Act, or in the Code, as the case may be.

3. **Constitution of the National Investigation Agency.**— The National Investigation Agency shall consist of the following, namely:—

(a) a Director-General, not below the rank of Additional Director General of Police, to be appointed by the Central Government on the same terms and conditions as are applicable to officers of the corresponding rank in the Central Government; and

(b) Such number of officers and employees as may be specified by the Central Government from time to time.

4. **Head Quarter.**— The headquarters of the Agency shall be at Delhi.

5. **Administration of the Agency.**— The Administration of the Agency shall vest in the Director General.

6. **Powers and functions of the Director-General.**— The Director-General shall exercise in respect of the Agency such powers exercisable by a Director-General of Police in respect of the Police force in a State, as may be specified by the Central Government from time to time.

7. **Powers and functions of the Agency.**— The Agency shall have the following powers and functions, namely:—

(a) to investigate and prosecute offences in respect of the Acts specified in the Schedule;

(b) to provide assistance to, and seek assistance from, other intelligence and investigation agencies of the Central Government and State Governments; and

(c) to take such other measures which may be necessary for speedy and effective implementation of the provisions of the Act.

**भारत का राजपत्र**  
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 633]

No. 633]

नई दिल्ली, बुधवार, मार्च 12, 2014/फाल्गुन 21, 1935

NEW DELHI, WEDNESDAY, MARCH 12, 2014/PHALGUNA 21, 1935

गृह मंत्रालय

(आन्तरिक सुरक्षा-I प्रभाग)

आदेश

नई दिल्ली, 11 मार्च, 2014

का.आ. 742(अ).—विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) में प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत के राजपत्र, असाधारण, भाग-II, खण्ड-3, उप खंड (ii) में दिनांक 1 मई, 2009 में प्रकाशित गृह मंत्रालय में भारत सरकार की अधिसूचना संख्या का.आ. 1132(अ) के अधिक्रमण में, उन बातों को छोड़कर जो ऐसे अधिक्रमण के पूर्व की गई अथवा करने हेतु छोड़ दी गई, केन्द्रीय सरकार एतद्वारा महानिदेशक, राष्ट्रीय जांच एजेंसी को किसी व्यक्ति को गिरफ्तार करने अथवा किसी भवन, वाहन अथवा स्थान की पड़ताल करने अथवा अपने अधीनस्थ किसी अधिकारी को किसी ऐसे व्यक्ति को गिरफ्तार करने अथवा ऐसे भवन, वाहन अथवा स्थान की पड़ताल करने के लिए प्राधिकृत करने का अधिकार प्रदान करती है।

[सं. 11034/8/2009-आई एस-VI(IV)]

राकेश सिंह, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

(INTERNAL SECURITY-I DIVISION)

ORDER

New Delhi, the 11th March, 2014

S.O. 742(E).—In exercise of the powers conferred by section 43A of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) and in supersession of the notification of the Government of India in the Ministry of Home Affairs number S. O. 1132 (E), dated 1st May, 2009 published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), dated 1st May, 2009, except as respects things done or omitted to be done before such supersession, the Central Government hereby empowers the Director General, National Investigation Agency to arrest a person or search a building, conveyance or place or to authorize any officer subordinate to him to arrest such person or search such building, conveyance or place.

[No. 11034/8/2009-IS.VI (IV)]

RAKESH SINGH, Jt. Secy.



**Notifications issued by  
the Central Government  
under the Unlawful  
Activities (Prevention)  
Act, 1967 and the  
National Investigation  
Agency Act, 2008**

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY  
भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 2005] नई दिल्ली, बृहस्पतिवार, अगस्त 11, 2016/श्रावण 20, 1938  
No. 2005] NEW DELHI, THURSDAY, AUGUST 11, 2016/SRAVANA 20, 1938

गृह मंत्रालय  
(आन्तरिक सुरक्षा-I प्रभाग)  
अधिसूचना  
नई दिल्ली, 11 अगस्त, 2016

का.आ. 2684(अ).—केन्द्रीय सरकार, विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा-2 की उप-धारा (1) के खण्ड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिनांक 10 मई, 2016 को भारत के राजपत्र, असाधारण, भाग-II, खण्ड-3, उप-खण्ड (ii) में प्रकाशित भारत सरकार, गृह मंत्रालय की दिनांक 10 मई, 2016 की अधिसूचना संख्या का.आ. एन.ओ. 1697(अ) का अधिक्रमण करते हुए, सिवाय उन कार्यों के जिन्हें ऐसे अधिक्रमण से पहले संपादित कर लिया गया था अथवा करने से लोप कर दिया गया था, भारत सरकार के गृह मंत्रालय में संयुक्त सचिव (आईएस-1) श्री सुधीर कुमार सक्सेना को एतद्वारा, उक्त अधिनियम के प्रयोजनार्थ नामित प्राधिकारी के रूप में विनिर्दिष्ट करती है।

[फा. सं. 11034/8/2009-आईएस-VI (IV)]  
महेश कुमार सिंगला, विशेष सचिव

3974 GI/2016

(1)

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

MINISTRY OF HOME AFFAIRS

(Internal Security-I Division)

NOTIFICATION

New Delhi, the 11th August, 2016

S.O. 2684(E).—In exercise of the powers conferred by clause (e) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), and in supersession of the notification of the Government of India in the Ministry of Home Affairs, S.O N.O. 1697(E), dated 10<sup>th</sup> May, 2016, published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), dated 10<sup>th</sup> May, 2016, except as respects things done or omitted to be done before such supersession, the Central Government hereby specifies Shri Sudhir Kumar Saxena, Joint Secretary (IS-I) in the Ministry of Home Affairs, Government of India, as the Designated Authority for the purposes of the said Act.

[F. No. 11034/8/2009-IS-VI (IV)]  
MAHESH KUMAR SINGLA, Special Secy.

6/8



  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
 EXTRAORDINARY  
 भाग II—खण्ड 3—उप-खण्ड (ii)  
 PART II—Section 3—Sub-section (ii)  
 प्राधिकार से प्रकाशित  
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गृह मंत्रालय  
 (आतंकवाद-रोधी एवं कट्टरवाद-रोधी प्रभाग)  
 अधिसूचना  
 नई दिल्ली, 5 फरवरी, 2018

का.आ. 519(अ).—केन्द्रीय सरकार विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 2 की उप-धारा (1) के खण्ड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत का राजपत्र, असाधारण, भाग-II, खण्ड-3, उप-खण्ड (ii) में प्रकाशित भारत सरकार के गृह मंत्रालय की दिनांक 11 अगस्त, 2016 की अधिसूचना संख्या का. आ. 2684 (अ) का अधिक्रमण करते हुए, ऐसे अधिक्रमण से पहले पूरी की गई या पूरा करने के लिए लोप की गई चीजों के सिवाए एतद्वारा यह विनिर्दिष्ट करती है कि गृह मंत्रालय, भारत सरकार में संयुक्त सचिव, आतंकवाद-रोधी एवं कट्टरवाद-रोधी प्रभाग (सीटीसीआर), उक्त अधिनियम के प्रयोजनों के लिए मनोनीत प्राधिकारी होंगे।

[फा. सं. 11034/8/2009-आईएस-VI (IV)]

रीना मित्रा, विशेष सचिव

MINISTRY OF HOME AFFAIRS  
 (COUNTER TERRORISM AND COUNTER RADICALIZATION DIVISION)

NOTIFICATION

New Delhi, the 5th February, 2018

S.O. 519(E).—In exercise of the powers conferred by clause (e) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), and in supersession of the notification of the Government of India in the Ministry of Home Affairs number S.O. 2684 (E), dated the 11<sup>th</sup> August, 2016, published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), except as respects things done or omitted to be done before such supersession, the Central Government hereby specifies that the Joint Secretary, Counter Terrorism and Counter Radicalization Division (CTCR), in the Ministry of Home Affairs, Government of India, shall be the Designated Authority for the purposes of the said Act.

[F. No. 11034/8/2009-IS-VI (IV)]

RINA MITRA, Special Secy.

RAKESH  
SUKUL

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**RAJIV GANDHI**  
Former Prime Minister

**MODEL CHARGE IN  
RAJIV GANDHI  
ASSASSINATION  
CASE**

**BEFORE THE DESIGNATED  
COURT NO.1 UNDER THE  
TADA ACT, MADRAS - 56.  
(1<sup>st</sup> Additional Sessions and  
City Civil Court, Madras)**

**C.C.No.3/92  
(Crime No. RC 9/S/91 of CBI.,  
SIT., Madras)**

**CHARGES WITH TWO OR  
MORE HEADS**



I, S. M. Sidickk, Presiding Judge of Designated Court No.1, Madras, hereby charge you:

1. S. Nalini
2. T. Suthendraraja @ Santhan
3. Sriharan @ Murugan @ Thas @ Indu Master
4. Shankar @ Koneswaran
5. D. Vijayanandan @ Hari Ayya
6. Sivaruban @ Suresh @ Suresh Kumar @ Ruban
7. S. Kanagasabapathy @ Radhayya
8. A. Chandralekha @ Athirai @ Sonia @ Gowri
9. B. Robert Payas @ Kumaralingam
10. S. Jayakumar @ Jayakumaran @ Jayam
11. J. Shanthi
12. S. Vijayan @ Perumal Vijayan
13. V. Selvaluxmi
14. S. Bhaskaran @ Velayudam
15. S. Shanmugavadivelu @ Thambi Anna
16. P. Ravichandran @ Ravi @ Pragasam
17. M. Suseendran @ Mahesh
18. G. Perarivalan @ Arivu
19. S. Irumborai @ Duraisingam
20. S. Bhagyanathan
21. S. Padma
22. A. Sundaram @ Subha Sundaram
23. K. Dhanasekaran @ Raju
24. N. Rajasuriya @ Rangan
25. T. Vigneswaran @ Vicky
26. J. Ranganath

as follows:-



## **Charge No.1 against A1 to A26:-**

**FIRST**:- That you A1 S.Nalini, A2 T.Sunthendraraja @ Santhan, A3 V.Sriharan @ Murugan @ Thas @ Indu Master, A4 Shankar @ Koneswaran, A5 D.Vijayanandan @ Hari Ayya, A6 B.Ruban @ Suresh, A7 A.Kanagasabapathy @ Radhayya, A8 A.Chandrakleha @ Athirai @ Sonia @ Gowri, A9 Robert Payas, A10 S.Jayakumar, A11 J.Shanthi, A12 S.Vijayan @ Perumal Vijayan, A13 Selvaluxmi, A14 S.Bhaskaran @ Velayudam, A15 S.Shanmugavadivelu @ Thambi Anna, A16 P.Ravichandran @ Ravi @ Pragasam, A17 Suseendran @ Mahesh, A18 G.Perarivalan @ Arivu, A19 S.Irumborai @ Duraisingam, A20 S.Bhagyanathan, A21 S.Padma, A22 A.Sundaram @ Subha Sundaram, A23 K.Dhanasekaran @ Raju, A24 N.Rajasuriya @ Rangan, A25 T.Vigneswaran @ Vicky and A26 J.Ranganath along with Prabhakaran (absconding), Pottu Omman (absconding) and Akila (absconding), S.Packiachandran @ Raghuvaran @ Sivarasan (since deceased), Dhanu @ Anbu @ Kalaivani (since deceased), Subha @ Nithya (since deceased), S.Haribabu (since deceased), Nehru @ Nero @ Gokul (since deceased), N.Shanmugam @ Jayaraj (since deceased), Trichy Santhan @ Gundu Santhan (since deceased), Suresh Master (since deceased), Dixon @ Kishore (since deceased), Amman @ Gangaikumar (since deceased), Driver Anna @ Keerthi (since deceased) and Jamuna @ Jameela (since deceased) and others, between July 1987 and May 1992 at Jaffna, Mathakkal, Velvettithurai and other places in Sri Lanka, Rameswaram, Kodiakkarai, Madras, Sriperumbudur and other places in Tamil Nadu, Bangalore and other places in Karnataka State, Jaipur, Delhi and other places in India, entered into a criminal conspiracy to do or cause to be done illegal acts to wit:- to infiltrate into India clandestinely, to carry and use unauthorised arms, ammunition and explosives to set up and operate unauthorised wireless sets to communicate with LTTE leaders in Sri Lanka from time to time to cause and carry out acts



of terrorism time to time to cause and carry out acts of terrorism and disruptive activities in Tamil Nadu and other places in India by use of bombs, explosives and lethal weapons so as to scare and create panic by such acts in the minds of the people and thereby to strike terror in the people in the course of such acts, to assassinate Rajiv Gandhi, former Prime Minister of India and others, who were likely to be with him to cause disappearance of evidence thereof and to escape, to screen themselves from being apprehended, to harbour the accused and escape from the clutches of law and to do such other acts as may be necessary to carry out the object of the criminal conspiracy as per the needs of the situation and in pursuance of the said criminal conspiracy and in furtherance of the same, you A1 to A26 and other accused mentioned above to carry out the object of the said criminal conspiracy; you A2 T.Santhan @ Suthendraraja, A3 V.Sriharan @ Murugan, A4 Shankar @ Koneswaran, A5 D.Vijayanandan @ Hari Ayya, A6 B.Ruban @ Suresh, A7 Kanagasabapathy, A8 S.Athirai, A9 B.Robert Payas, A10 S.Jayakumar, A11 J.Shanthi, A12 S.Vijayan, A13 V.Selvaluxmi, A14 S.Bhaskaran, A24 N.Rangan and A25 T.Vikcy along with the deceased accused Sivarasan, Dhanu, Subha, Nehru, Gundu Santhan, Suresh Master, Dixon, Amman, Driver Anna and Jamuna infiltrated into India from Sri Lanka clandestinely and otherwise on different dates during the said period of criminal conspiracy; Shanmugam (since deceased) amongst you arranged to receive, accommodated and rendered all assistance to the members of the conspiracy, you A9 Robert Payas, A10 Jayakumar, A11 Shanthi, A12 Vijayan, A13 Selvaluxmi and A14 Bhaskaran after having come over to India secured houses at Porur and Kodungaiyur in Madras at the instance of Sivarasan (since deceased) amongst you for accommodating one or the other of the co-conspirators amongst you all from time to time and for chalking out the modalities of the course of action to be followed for the achievement of the object of the said criminal conspiracy; Nehru @ Nero @ Gokul (since deceased) amongst you established contacts with Prabhakaran (absconding) through Pottu Omman (absconding) through illegally



operated wireless sets brought into India by Sivarasan (since deceased) amongst you through illicit channel from the house of A12 Vijayan amongst you; you A7 Kanagasabapathy and A8 Athirai came to India through illicit channel and set up hide outs in Delhi; Sivarasan (since deceased) amongst you brought you A2 Santhan, A4 Shankar, A5 Vijayanandan and A6 Ruban amongst you along with the deceased accused Dhanu, Subha, Nehru and Driver Anna to Kodiakkarai and got you all accommodated in several places in Tamil Nadu to be of assistance in carrying out the object of criminal conspiracy, you A18 Perarivalan @ Arivu amongst you visited Jaffna and other places in Sri Lanka along with you A19 Irumborai @ Duraisingam clandestinely in June 1990, purchased on 4.5.1991 at Madras a Kawasaki Motor cycle to facilitate quick movement of yourself and one or the other of the co-conspirators, arranged payment for printing the compilation described as "The Satanic Forces" and sent one copy of the same to Prabhakaran (absconding) amongst you through Sivarasan (since deceased) and another set through A3 Sriharan amongst you, purchased and provided a battery for operating the wireless apparatus and another two battery cells, which were used as detonator in the belt bomb used by Dhanu (since deceased) amongst you for the murder of Rajiv Gandhi and 15 others; you A4 Shankar @ Koneswaran, A5 Vijayanandan and A6 Ruban along with Driver Anna (since deceased) rendered all assistance necessary therefor; Sivarasan (since deceased) amongst you decided to murder Rajiv Gandhi, former Prime Minister of India in the public meeting to be held at Sriperumbudur on 21.5.91 on learning that Rajiv Gandhi was to address the meeting on the said day and finalised the method of operation to murder Rajiv Gandhi by enlisting the services of you A1 Nalini to be of help at the scene of crime; you A18 Perarivalan amongst you handed over the film roll for the purpose of taking photographs of the events to Haribabu (since deceased), who also purchased a sandal wood garland from Poompuhar



Handicrafts, Mount Road, Madras to be used for garlanding Rajiv Gandhi at the scene of occurrence by Dhanu (since deceased) amongst you so as to gain access to the VVIP under the guise of garlanding; Dhanu (since deceased) amongst you equipped herself with the necessary apparel in order to hide a belt bomb and detonator attached thereto for detonating the same when she was in close proximity to Rajiv Gandhi; Haribabu (since deceased) amongst you met A22 Subha Sundaram amongst you on 21.5.1991 and thereafter took a Chinon camera from a friend for taking photographs at the scene of offence and loading the camera with the film already provided by you A18 Arivu amongst you; you A1 Nalini amongst you along with the deceased accused Sivarasan, Dhanu and Subha amongst you met Haribabu (since deceased) amongst you at Parrys Corner, Broadway Bus Stand and proceeded to the venue of the public meeting at Sriperumbudur on the evening of 21.5.1991 where you A1 Nalini provided cover to Dhanu and Subha (since deceased) amongst you and when Rajiv Gandhi arrived at the scene of crime at about 10.10 P.M. Dhanu (since deceased) amongst you gained access nearer to Rajiv Gandhi and while in close proximity to Rajiv Gandhi, Dhanu (since deceased) amongst you detonated the improvised explosive device kept concealed in her waist belt at about 10.20 p.m. resulting in the blast and assassinated Rajiv Gandhi and 15 others and also by killing herself (Dhanu) and also causing the death of Haribabu accused amongst you and causing injuries to 43 persons; you A1 Nalini amongst you along with the deceased accused Sivarasan and Subha immediately fled from the scene of occurrence, reached the house of A10 Jayakumar and A11 Shanthi amongst you and took shelter in A10 Jayakumar's house; you A22 Subha Sundaram amongst you attempted to retrieve the camera used by Haribabu (since deceased) amongst you from the scene of occurrence, caused



destruction of documents and material objects linking Haribabu (since deceased) amongst you in this case and arranged to issue denial in the Press about any connection of the said Haribabu (since deceased) with LTTE; you A20 Bhagyanathan and you A21 Padma amongst you rendered all assistance and harboured the deceased accused Sivarasan and Subha, A3 Sriharan and A18 Perarivalan amongst you; you A1 Nalini, you A3 Sriharan, and you A21 Padma amongst you accompanied the deceased accused Sivarasan and Subha amongst you to Tirupathi, where you A1 Nalini did "Angapradakshinam"; thereafter you A1 Nalini and you A3 Sriharan amongst you hid yourselves in different places in Tamil Nadu and Karnataka State in order to evade arrest; you A23 Dhanasekaran, you A24 Rangan and you A25 Vicky amongst you harboured the deceased accused Sivarasan, Subha and Nehru @ Nero @ Gokul amongst you by transporting them and concealing them inside a tanker lorry bearing No.TN-27-Y-0808 belonging to you A23 Dhanasekaran from Madras to Bangalore; Nehru @ Nero @ Gokul (since deceased) amongst you operated the wireless set and communicated with the absconding accused Prabhakaran and Pottu Omman amongst you and conveyed the developments on behalf of the accused Sivarasan (since deceased), and the deceased accused Nehru @ Nero @ Gokul, Gundu Santhan, Suresh Master, Dixon, Amman and Driver Anna amongst you rendered all assistance to the deceased accused Sivarasan amongst you; you A24 Rangan rendered all assistance to Sivarasan (since deceased) and others by transporting them in a Maruthi Gypsy in Bangalore and other places in Karnataka purchased by you A23 Dhanasekaran using LTTE funds; you A26 Ranganath harboured the accused A24 Rangan and the deceased accused Sivarasan, Subha, Nehru, Suresh Master, Amman, Driver Anna and Jamuna amongst you at Konanakunte, Bangalore and on 19.08.1991 the deceased accused Sivarasan, Subha, Nehru @ Nero @ Gokul, Suresh Master, Amman, Driver Anna @ Keerthi and Jamuna amongst you committed suicide and you

A15 Shanmugavadivelu @ Thambi Anna rendered financial assistance to Sivarasan (since deceased) and to one or the other of co-conspirators to carry out the object of conspiracy and abetted the commission of the said offence and you A1 to A26 caused the disappearance of evidence of murder of Rajiv Gandhi and thereby you A1 to A26 committed offences punishable under Section 120-B of IPC read with Sections 302 of IPC, 326 of IPC, 324 of IPC, 201 of IPC, 212 of IPC and 216 of IPC; Sections 3, 4 and 5 of Explosive Substances Act of 1908; Sections 25 of Arms Act of 1959; Section 12 of Passport Act of 1967; Section 14 of the Foreigners Act of 1946; Section 6(1A) of the wireless Telegraphy Act of 1933 and Sections 3, 4 and 5 of TADA Act of 1987, and within the cognizance of this Court.

### **Against A1 Nalini:-**

**SECONDLY**: - That you A1 Nalini in pursuance of the said criminal conspiracy referred to in Charge No.1 and in the course of the same transaction and in furtherance of the common intention of you A1 Nalini and the deceased accused Sivarasan, Dhanu, Subha and Haribabu to commit the murder of Rajiv Gandhi and others, who were likely to be with him on 21.5.1991 at about 10.20 P.M. at Sriperumbudur in the public meeting you A1 Nalini were physically present at the scene of crime and provided the assassin Dhanu (since deceased) with necessary cover from being detected as a foreigner, which enabled the assassin to move freely in the scene of crime and gain access nearer to Rajiv Gandhi to accomplish the object of conspiracy, where the said Dhanu (since deceased) did commit murder and intentionally caused the death of Rajiv Gandhi, former Prime Minister of India, by detonating the improvised explosive device, which was kept concealed in her waist belt when she was in close proximity to Rajiv Gandhi, and thereby you A1 Nalini committed an offence punishable under Section 302 read with Section 34 of I.P.C. and within the cognizance of this Court.



### **Against A1 Nalini:-**

**THIRDLY:-** That you A1 Nalini in pursuance of the said criminal conspiracy referred to in Charge No.1 and in the course of the same transaction and in furtherance of the common intention of you A1 Nalini and the deceased accused Sivarasan, Dhanu, Subha and Haribabu to commit the murder of Rajiv Gandhi and others, who were likely to be with him on 21.5.91 at about 10.20 P.M. at Sriperumbudur in the public meeting you A1 Nalini were physically present at the scene of crime and provided the assassin Dhanu (since deceased) with necessary cover from being detected as a foreigner which enabled the assassin to move freely in the scene of crime and gain access nearer to Rajiv Gandhi to accomplish the object of conspiracy, where the said Dhanu (since deceased) did commit murder and intentionally

# Case References

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Case Title

Citation

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**State of Andhra Pradesh v. Cheemalapati Ganeswara Rao and Ors.**    **AIR 1963 SC 1850**

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**Banwari Lal Jhunjunwala and Ors. v. Union of India and Ors**    **AIR 1963 SC 1620**

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**Ajay Agarwal v. Union of India and Ors.**    **1993 (3) SCC 609**

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**Bimbadhar Pradhan v. State of Orissa**    **AIR 1956 SC 469**





