

IN THE COURT OF SESSIONS FOR GR. MUMBAI

SESSIONS CASE NO. 175 OF 2009

The State of Maharashtra

D.C.B.C.I.D.-

1. C.R.No.182/08 (D.B.Marg P.Stn.C.R.No.305/08)
2. C.R.No.186/08 (Yellow Gate P.Stn.C.R.No.52/08)
3. C.R.No.187/08 (Azad Maidan P.Stn.C.R.No.245/08)
4. C.R.No.188/08 (Azad Maidan P.Stn.C.R.No.246/08)
5. C.R.No.191/08 (Marine Drive P.Stn.C.R.No.231/08)
6. C.R.No.192/08 (Marine Drive P.Stn.C.R.No.230/08)
7. C.R.No.193/08 (Colaba P.Stn. C.R.No.240/08)
8. C.R.No.194/08 (Colaba P.Stn. C.R.No.242/08)
9. C.R.No.197/08 (Colaba P.Stn.C.R.No.241/08)
10. C.R.No.198/08 (Vile Parle P.Stn.C.R.No.464/08)
11. C.R.No.200/08 (Byculla P.Stn.C.R.No.318/08)
12. C.R.No.213/08 (A.T.S.C.R.No.20/08 &
C.S.T.Rly.P.Stn.C.R.No.155/08)

...

Complainant

V/s

1. Mohammad Ajmal Mohammad Amir Kasab
@ Abu Mujahid.
Age : 21 yrs, Resident of -
Village Faridkot, Tal. Dipalpur,
Dist., Okara, Punjab, Pakistan.



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Khan
21/5/2010
Superintendent
City Sessions Court, Bombay

2. Fahim Harshad Mohammad Yusuf Ansari
@ Abu Jarar @ Sakib @ Sahil Pawarkar
@ Samir Shaikh @ Ahmed Hasan
Age : 35 yrs. Resident of – Room No. 2409,
Chawl No. 303, Motilal Nagar No. 2,
M.G. Road, Goregaon (W), Mumbai

3. Sabuddin Ahmed Shabbir Ahmed Shaikh
@ Saba @ Farhan @ Mubbashir @ Babar
@ Sameersingh @ Sanjiv @ Abu-AL-Kasim
@ Iftikhar @ Murshad @ Mohammad Shafiq
@ Ajmal Ali.
Age : 24 yrs. Resident of At post Gandwar
(Sakri Police Station) via Pandol
Dist. Madhubani, Bihar State. ... Accused.

**CORAM: H.H.ADDL.SESIONS JUDGE.
SHRI M.L.TAHALIYANI**

DATED : 6TH MAY, 2010

Mr.Ujjwal Nikam, Spl.P.P. for the State.

Mr.Abbas Kazmi a/w Mr.K.P.Pawar, Advocates for Accused No.1.

Later on Mr.K.P. Pawar, a/w Mr. More, Advocates for Accused No.1

Mr.Shahid Azmi a/w Ms.Saba Qureshi & Mr. Nilesh Jadhav, Advocates
for Accused No.2

Later on Mr.R.B.Mokashi a/w Mr.Khalid Azmi & Mr. S.R.Mourya ,
Advocates for Accused No.2

Mr.Ejaj Naqvi a/w Mr.G.H.Thonge, Advocates for Accused No.3



J U D G M E N T

1. Death of 166 persons, minor to major injuries to 238 persons and loss of huge property at various places including prime locations like Chhatrapati Shivaji Terminus (C.S.T.), Hotel Taj and Oberoi, has been attributed to the well planned ill acts of accused Nos. 1, 2 and 3, nine deceased accused namely :

1. Ismail Khan@Abu Ismail, Resident of Dera Ismail Khan, Punjab, Pakistan.
2. Imran Babar @ Abu Aakasha
Resident of Multan, Punjab, Pakistan.
3. Nasir @ Abu Umar,
Resident of Faislabad, Pakistan.
4. Nazir @ Abu Umer,
Resident of Faislabad, Pakistan.
5. Hafiz Arshad @ Abdul Rehaman Bada
@ Hayaji.
Resident of Multan Road, Punjab, Pakistan.
6. Abadul Reheman Chhota @ Saakib,
Resident of Arafwala, Multan Road,
Punjab, Pakistan.
7. Fahad Ullah,
Resident of Ujarashamnkam, Dipalpur,
Harun Shaikh, Kasoor Road, Pakistan.



8. Javed @ Abu Ali.
Resident of District Okara, Panjab, Pakistan.
9. Shoaib @ Abu Soheb,
Resident of Naroral, Shakkar Road,
Sialkot, Panjab, Pakistan.

and thirty five wanted accused namely :

1. Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab
2. Zaki-Ur-Rehaman Lakhvi
3. Abu Hamza
4. Abu Al Kama @ Amjid
5. Abu Kaahfa
6. Mujja Mil @ Yusuf
7. Zarar Shah
8. Abu Fahad Ullah
9. Abu Abdul Rehman
10. Abu Anas
11. Abu Bashir
12. Abu Imran
13. Abu Mufti Saeed
14. Hakim Saab
15. Yusuf
16. Mursheed
17. Aakib
18. Abu Umar Saeed



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19. Usman
20. Major General Sahab – (Name not known)
21. Kharaksing
22. Mohammad Ishfak
23. Javid Iqbal
24. Sajid Iftikhar
25. Col. R. Sadat Ullah
26. Khurram Shahdad
27. Abu Abdur Rehaman
28. Abu Mavia
29. Abu Anis
30. Abu Bashir
31. Abu Hanjla Pathan
32. Abu Saria
33. Abu Saif-Ur-Rehman
34. Abu Imran
35. Hakim Saheb.

Though the accused No.1 who is the sole surviving alleged attacker was arrested on the night of alleged attack i.e. **26th November, 2008**, the date which probably no Mumbait will forget, the alleged terror attack went on till the early hours of 29th November, 2008 at Hotel Taj, Hotel Oberoi and Nariman House in Colaba, Mumbai. During the whole incident, the



scenario went on changing so fast that saving lives of those hauled up at various places sieged by the attackers had become a matter of prime concern. Almost all the administrative agencies and security agencies in Mumbai were engaged to combat the attack and to apprehend the alleged terrorist who had been destroying property and killing people at four prime places in South Mumbai namely C.S.T.M. Railway Station, Hotel Taj, Total Oberoi & Trident ,and Jewish prayer centre at Nariman House.

2. During the said attack Mumbai Police and Government Railway Police lost 13 policemen which included two very senior police officers namely Shri Hemant Kamlakar Karkare (I.P.S.) and Shri Ashok Marutrao Kamate (I.P.S.), young and dynamic Sr.Police Inspector Mr.Vijay Salaskar and Assistant Sub-Inspector Mr.Tukaram Ombale.

3. According to prosecution case the prime object of the terror attack was to separate Kashmir from India. It is a well known fact that the State of Jammu & Kashmir was acceded to India by an instrument of accession dated 26th October, 1947 by Shri Hari Singhji Maharajadhiraj of Jammu & Kashmir. It may also be noted here that Jammu



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& Kashmir was one of the provincial States of India on which the British Paramountcy lapsed at the stroke of midnight of 15th August, 1947. By the Indian Independence Act, 1947, two independent dominions i.e. India and Pakistan were settled. The rulers of Provincial States had an option to join either of the two dominions- India or Pakistan. As stated earlier by me, Maharaja of Jammu & Kashmir Shri Hari Singhji acceded Jammu & Kashmir to the dominion of India by the instrument dated 26th October, 1947. This was accepted by the Governor General Lord Mountbatten on next day. There was intrusion by Pakistan in the territory of Kashmir and ultimately there was a ceasefire which had brought about a line of control which is popularly known as L.O.C. It is the prosecution case that it was the object of accused No.1, the nine deceased accused and thirty five wanted accused to wage war against the Government of India and that actually they waged war to achieve their object of so called liberation or independence of Indian administered Kashmir.

4. To achieve this object , the accused No.1 , deceased accused Nos. 1 to 9 and thirty five wanted accused had allegedly made preparations for more than one year before launching attack on India on the night of 26th



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& 27th November,2008. Briefly stated, during the course of preparations, they had allegedly acquired electrical gadgets including satellite phone, VOIP service, outboard machine for a speed boat and other articles. Physical and psychological training was imparted to the accused No.1 and the nine deceased accused. It is alleged that the accused No.1 and the nine deceased accused had undergone rigorous training at various camps held by Lashkar-e-Taiba in Pakistan as well as in Pakistan occupied Kashmir.

5. The accused No.1 and the nine deceased accused took part in the alleged incident. All of them had reached Badhwar Park, Cuffe Parade, Mumbai on 26th November, 2008 at about 9.00 p.m. by an inflatable boat powered by Yamaha Enduro O.B.M. Two of them including accused No.1 proceeded to C.S.T.M., another two proceeded to Nariman House, Colaba, the third pair proceeded to Hotel Leopold at Colaba, the fourth pair went to Hotel Taj. The last pair proceeded to Hotel Oberoi. The two accused who had proceeded to Hotel Leopold had, after opening indiscriminate fire at the Hotel, had joined their two associates at Hotel Taj. As already stated, in all 166 persons had died and 238 persons were injured. The total loss of property is calculated to be Rs.155,56,77,105/- (Rs. One hundred fifty five



crores fifty six lakhs, seventy seven thousand, one hundred five.). According to the prosecution case accused No.1-Ajmal Kasab and deceased accused No.1-Abu Ismail were responsible for the incident at C.S.T.Rly. Station , Cama Hospital (In), Cama Hospital (Out) and Vinoli Chaupaty. They were also responsible for the bomb explosion in taxi No. MH-01-G-7792 on Western Express Highway, Opp.City Swan Club, Vile Parle (East), Mumbai. Deceased accused No.2-Imran Babar @ Abu Aakasha and deceased accused No.3-Nasir @ Abu Umar were responsible for the incident at Nariman House. Deceased accused No.4-Nazir @ Abu Umer and deceased accused No.9- Shoaib @ Abu Soheb were responsible for the incident at Hotel Leopold. They had also joined deceased accused No.5 & 8 at Hotel Taj. Deceased accused No.4 and 9 were also responsible for the bomb explosion in taxi No. MH-01-J-5308 at Wadibunder. Deceased No.5- Hafiz Arshad @ Abdul Rehaman Bada @Hayaji. and deceased accused No.8- Javed @ Abu Ali had attacked on Hotel Taj and deceased accused No.6 -Abdul Rehaman Chhota @ Saakib and deceased accused No.7- Fahad Ullah were responsible for the incident at hotel Oberoi. It is alleged that the offences committed by the accused No.1 and the deceased accused Nos.1 to 9 were in furtherance of the conspiracy hatched within and



without India by the accused Nos. 1, 2 and 3, deceased accused Nos. 1 to 9 and the wanted accused Nos. 1 to 35.

6. It is alleged by the prosecution that the attack was masterminded by Pakistan based terrorist organization Lashkar-e-Taiba which is now known as Markaz-ud-Dawa-wal-Irshad. Lashkar-e-Taiba was allegedly formed in the year 1989 in Afghanistan. It is led by wanted accused No.1-Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab. It is alleged that the defining object of the group is to Islamicise the South Asia. As far as India is concerned, the alleged prime object of the group is to get so called freedom for Muslims in Indian Administered Kashmir. The organization, it may be noted, is banned in India under Unlawful Activities (Prevention) Act, 1967 . It is also banned in Pakistan, United Kingdom and many other countries. The wanted accused No.1- Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab has been listed as Major of Lashkar-e-Taiba. The United National Security Council has also listed the wanted accused No.2- Zaki-Ur-Rehaman Lakhvi as one of the senior members of Lashkar-e-Taiba.



7. It is the case of prosecution that the wanted accused No.2- Zaki-Ur-Rehman Lakhvi is listed as terror group's chief for anti India operations. The prosecution has also alleged that the new outfit named as Jammatt-Ud-Dawa has also been recently declared as terrorist front by United Nations as per its Resolution No.1267.

8. It is the case of prosecution that Lashkar-e-Taiba has its training camps in Pakistan Occupied Kashmir (P.O.K.) and that accused No.1 and the nine deceased accused had undergone rigorous training in three to four stages at various places before they began their journey from Karachi to Mumbai with the arms and ammunitions and requisite ration and other articles required during the journey period. The accused had sophisticated electronic gadgets to successfully carry out the planned attack on various places in Mumbai. For this purpose it was necessary for the attackers to be in touch with their alleged handlers including the wanted accused No.1 and 2 who were allegedly based in Pakistan. For the purpose of communication between the attackers and handlers, they had decided to use mobile phones and for that purpose five **Nokia 1200 model** phones were acquired by the conspirators. The said five Nokia phones were



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shipped from Dong Guan factory of Nokia located in China. They were shipped in the names of two dealers in Pakistan the details of which are as under :

United Mobile, Pakistan. - 2 phones

12, Pakistan Pvt.Ltd. - 3 phones.

I.M.E.I. numbers of the said phones were as under :

353526024049451

353526025840890

353526025828739

353526025842235

353526025933620

The conspirators had also acquired some Indian Sim Cards to be installed on the cell phones to be used by the attackers. As far as the handlers were concerned, it was planned that they would be using Voice Over Internet Protocol (VOIP) to contact the attackers in Mumbai. Obviously the purpose was to have long time conversation at minimum charges. It was also obvious from this plan that the mobile phones proposed to be handed over to the attackers would be used only for limited purpose of contacting the handlers.



9. For the purpose of obtaining VOIP service, an account was opened on Internet with Callphonex of New Jersey in the name of Kharak Singh. The said Kharak Singh introduced himself as reseller of VOIP in India and therefore Callphonex had opened an account in the name of Kharak Singh.

10. It need not be stated here that the VOIP service allows an individual to make and receive telephone calls between the computer to computer (PC to PC), computers to telephones and/or telephone to telephone through the Internet. This service is available to any individual or entity with Internet connectivity regardless of where the individual or entity is located. Customer can also purchase Direct Inward Dialing (DID) numbers from the service providers. A DID allows telephones on public switched telephone network to connect to a VOIP account. Callphonex with whom an account was opened in the name of Kharak Singh for availing VOIP had purchased specific DID numbers from Voxbone, a separate and distinct corporate entity located in Belgium. Each account provided by the VOIP service provider has distinct account number. A client can pay for inter-net telephony via money orders or credit cards.



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11. International Connection Service, Incorporated (I.C.S.) owned by Nizar Al Sharif, was running a business under the brand name Callphonex and had telephone number (201) 253-1824 for VOIP services until January 6, 2009. The peculiarity of this system is that the customer using the internet telephony will be disclosing his Caller ID as the number given by the service provider and in the present case it was (201) 253-1824. As such, in brief, it is the case of prosecution that the planners of attack had a telephone number (201) 253-1824 provided by Callphonex and if the internet telephony (VOIP) was to be used in between DID numbers purchased from Callphonex and the mobile phones of attackers, the Caller ID of the handlers on the mobile phones of the attackers would be (201) 253-1824. As already stated, one Kharak Singh had contacted Callphonex through their website and introduced himself as a reseller of VOIP in India and had opened an account. He had allegedly negotiated with Callphonex and made down payment of approximately Rs. \$120 to Rs. \$150.

12. On or about October 27, 2008, Callphonex established various accounts for Kharak Singh. Singh's account consisted of 15 PC To Phone accounts and ten common client accounts. It also included five Direct



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Inward Dialing (DID) Austrian Phone numbers. The 15 PC to phone accounts each had eight digit account number. The details of which can be stated as under:

40000000	40000008
40000001	40000009
40000002	40000010
40000003	40000011
40000004	40000012
40000005	40000013
40000006	40000014
40000007	

The ten Common Client accounts with eight digit account number each were as under :

31000000	31000005
31000001	31000006
31000002	31000007
31000003	31000008
31000004	31000009

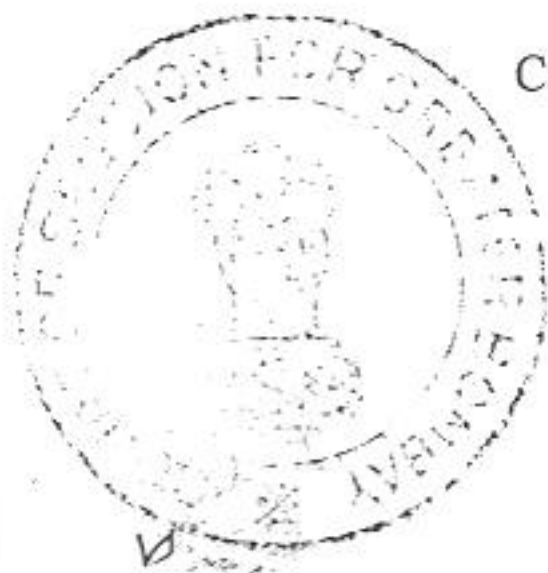


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13. The five Austrian DID numbers were programmed to connect directly to Singh's PC to phone account numbers. When a caller dialed one of the said DID numbers it would connect directly to one of Singh's account numbers/computers. The DID numbers and corresponding PC to phone account number could be listed as under :

43720880764 ----- 40000000
43720880765 ----- 40000001
43720880766 ----- 40000002
43720880767 ----- 40000003
43720880768 ----- 40000004

14. The above said five DID numbers were purchased by Callphonex from Voxbone. Voxbone is a separate and distinct corporate entity located in Belgium. Callphonex then resold the DID numbers to the said Singh. It is the case of prosecution that these DID numbers were to be used from computers (internet telephony) to contact the attackers in Mumbai. The payments to Callphonex for Kharak Singh's account were made on October 27, 2008 and November 25, 2008 from Pakistan. The first payment dated October 27, 2008 of Rs. \$ 250.00 was wired to Callphonex via Money Gram (M.G.). The sender of this payment was one



Mohammad Ishfaq. The payment was sent through the agent namely Paracha International Exchange , located at Road Anarkali Fayazuddin in Lahore, Pakistan. The second payment dated November 25, 2008 of Rs. \$229.00 was wired to Callphonex via Western Union. The sender of this payment was one Javaid Iqbal. The sender had used Western Union's agent Madina Trading, located in Bescia, Italy to make the said payment to Callphonex.

15. During the course of investigation it was found that no payment was made to Callphonex after November 25, 2008. It was noticed that none of the payments to Callphonex were sent from India though Kharak Singh had introduced himself to be a reseller of VOIP in India.

16. It is alleged that during the course of investigation, Federal Bureau of Investigation (F.B.I.), U.S. had found that the **email account Kharak_telco@yahoo.com. was created on October 20, 2008 via Internet Protocol (I.P.) address 66.90.73.125.** The user with access to this account had logged in from following I.P. addresses :



<u>I.P.Address</u>	<u>Location</u>
58.27.167.153	(Pakistan)
66.90.73.125	(U.S.-apparent proxy)
67.159.44.63	(U.S.-apparent proxy)
80.78.132.155	(Kuwait)
82.114.138.18	(Russia-apparent proxy)
82.114.141.99	(Russia-apparent proxy)
118.107.140.138	(Pakistan)
203.81.224.201	(Pakistan)
203.81.224.202	(Pakistan)
203.81.224.203	(Pakistan)

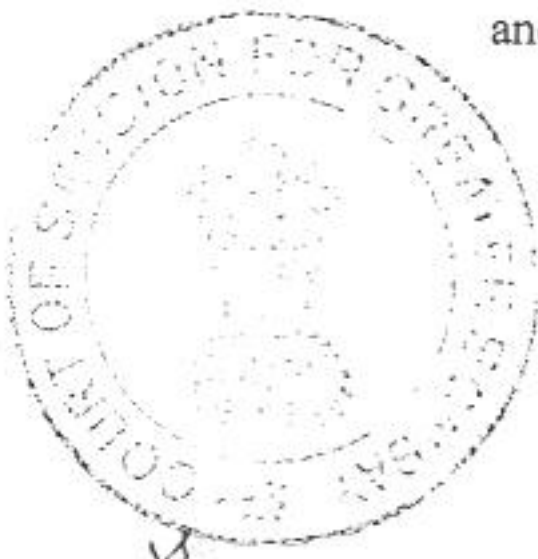
17. Apart from this acquisition of telephone services through internet telephony to achieve the desired effects of the alleged attack on Mumbai, the alleged planners had also acquired one Yamaha Speed Boat which was allegedly used by the ten attackers to reach Indian seashore after alighting from the vessel **Kuber** which was hijacked on high sea. It is alleged that on the basis of serial numbers of Yamaha Enduro Outboard Machine (O.B.M.), it was discovered that the said machine was manufactured in Japan and was shipped to Business & Engineering Trading (B.E.T.) in republic of Pakistan.



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18. As such it is the case of prosecution that various modern equipments were acquired before dispatch of ten attackers to India by the planners of the attack i.e. wanted accused Nos.1 to 35. It is also the case of prosecution that accused Nos.1,2 & 3 and deceased accused Nos. 1 to 9 were also part of the said conspiracy. The conspirators had also acquired firearms, ammunitions, hand grenades and the material, including RDX, to assemble deadly bombs. The accused No.1 and the deceased accused Nos. 1 to 9 were sent to Mumbai equipped with modern communication gadgets , lethal firearms, ammunitions, hand grenades, RDX bombs and miscellaneous articles. The ten attackers had also carried dry fruits with them for their survival during the period of attack.

19. The conspiracy was hatched within and without India to wage war against India or to attempt to wage war against India, to collect arms with intention to wage war against Government of India and also to commit various offences including murder, attempt to murder, causing grievous hurt, causing damage to public property, offences under Arms Act, Explosives Act, Explosive Substances Act, Customs Act, Foreigners Act and Passport (Entry into India) Act, 1920. Out of ten attackers, nine



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attackers (deceased accused Nos. 1 to 9) were killed by the security agencies. The accused No.1 is the sole surviving attacker. As far as accused Nos.2 and 3 are concerned, they were not present on the scene at the time of offence. However, they are alleged to be part of the conspiracy since beginning. In brief, for the time being, it can be stated here that the accused No.2 had prepared certain maps to guide the attackers and accused No.3 was instrumental in transporting those maps to Pakistan so that they could be explained to the attackers by the handlers and also so that they could be carried by the alleged ten attackers with them to facilitate their alleged operation in Mumbai.

20. Accused Nos. 1, 2 and 3 are charge-sheeted for the offences punishable u/ss 120-B, 121 r/w 120-B r/w 109, 121-A, 122 r/w 120-B r/w 109, 302 r/w 120-B r/w 109, 307 r/w 120-B r/w 109, 333 r/w 120-B r/w 109, 342 r/w 120-B r/w 109, 343 r/w 120-B r/w 109, 364 r/w 120-B r/w 109, 465 r/w 120-B r/w 109, 468 r/w 120-B r/w 109, 419 r/w 120-B r/w 109 of Indian Penal Code, u/ss. 25 (1B)(a) of Arms Act r/w 120-B r/w 109 of Indian Penal Code, 25 (1A) of Arms Act r/w 120-B r/w 109 of Indian Penal Code, 25 (2) (3) of Arms Act r/w 120-B r/w 109 of Indian



Penal Code, 27 of Arms Act r/w 120-B r/w 109 of Indian Penal Code, u/ss.10, 13, 16, 18 and 23 of The Unlawful Activities (Prevention) Act, 1967, u/sec. 9-B(1)(a)(b) of Explosives Act r/w 120-B r/w 109 of Indian Penal Code, u/sec. 3 of Explosives Substances Act r/w 120-B r/w 109 of Indian Penal Code, u/sec.4(a) of Explosives Substances Act r/w 120-B r/w 109 of Indian Penal Code, u/sec.3(3) of Passport (Entry into India) Act, 1920 r/w 120-B r/w 109 of Indian Penal Code, u/ss. 3 and 4 of Prevention of Damage to Public Property Act, 1984 r/w 120-B r/w 109 of Indian Penal Code, u/ss. 151, 152 and 153 of the Railway Act r/w 120-B r/w 109 of Indian Penal Code, u/s.135 of Customs Act r/w 120-B r/w 109 of Indian Penal Code, u/s. 14 of Foreigners Act r/w 120-B r/w 109 of Indian Penal Code,

21. In addition to that accused no.1 is also charge-sheeted for the offences punishable u/ss. 302 r/w 34, 307 r/w 34, 333 r/w 34, 342 r/w 34, 343 r/w 34, 364 r/w 34, 465 r/w 34, 468 r/w 34, 419 r/w 34 of Indian Penal Code, u/ss. 25 (1B)(a) of Arms Act r/w 34 of Indian Penal Code, 25 (1A) of Arms Act r/w 34 of Indian Penal Code, 25 (2) (3) of Arms Act r/w 34 of Indian Penal Code, 27 of Arms Act r/w 34 of Indian Penal



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Code, u/sec. 9-B(1)(a)(b) of Explosives Act r/w 34 of Indian Penal Code, u/sec. 3 of Explosives Substances Act r/w 34 of Indian Penal Code, u/s. 4(a) of Explosive Substances Act r/w 34 of Indian Penal Code u/sec.3(3) of Passport (Entry into India) Act, 1920 r/w 34 of Indian Penal Code, u/ss. 3 and 4 of Prevention of Damage to Public Property Act, 1984 r/w 34 of Indian Penal Code, u/ss. 151, 152 and 153 of the Railway Act r/w 34 of Indian Penal Code, u/s.135 of Customs Act r/w 34 of Indian Penal Code, u/s. 14 of Foreigners Act r/w 34 of Indian Penal Code.

22. Further, accused no.1 is also charge-sheeted independently for the offences punishable under sections 302, 307, 333, 342, 343, 364, 465, 468, 419 and 397 of Indian Penal Code, u/ss. 25 (1B)(a) of Arms Act, 25 (1A) of Arms Act, 25 (2) (3) of Arms Act, 27 of Arms Act, u/sec. 9-B(1)(a)(b) of Explosives Act, u/sec. 3 and 4(a) of Explosives Substances Act, u/sec.3(3) of Passport (Entry into India) Act, 1920, u/ss. 3 and 4 of Prevention of Damage to Public Property Act, 1984, u/ss. 151, 152 and 153 of the Railway Act, u/s.135 of Customs Act, u/s. 14 of Foreigners Act.



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23. Accused no.2 has been independently charge-sheeted for the offences punishable u/ss. 465 and 471 of **Indian Penal Code**.

24. What has been stated by me herein above, is brief summary of the plan to commit the alleged offences. Now, let me advert to the prosecution case in detail particularly against accused No.1, 2 and 3.

PROSECUTION CASE IN DETAIL :

25. The accused No.1 Mohammad Ajmal Mohammad Amir Kasab @ Abu Mujahid is a Pakistani national resident of Village Faridkot, Tal. Dipalpur, Dist., Okara, Punjab, Pakistan, the accused No.2-Fahim Harshad Mohammad Yusuf Ansari is Indian and he is permanent resident of Room No. 2409, Chawl No. 303, Motilal Nagar No. 2, M.G. Road, Goregaon (W), Mumbai and accused No.3-Sabuddin Ahmed Shabbir Ahmed Shaikh, also an Indian, is permanent resident of post Gandwar (Sakri Police Station) via Pandol Dist. Madhubani, Bihar State.

26. The prosecution case in brief is that a conspiracy was hatched within Pakistan and India by the wanted accused Nos. 1 to 35, deceased



accused Nos.1 to 9 and the arrested accused Nos. 1, 2 and 3 during the period between December, 2007 and November, 2008 to wage war against the Government of India, and to commit various other offences punishable under Indian Penal Code and other enactments. It is alleged that to achieve the object of conspiracy, the wanted accused, deceased accused and the arrested accused had also collected the arms and ammunitions within and outside India and had also made other preparations to wage war against the Government of India. They had also conspired to overawe by means of criminal force and the show of criminal force, the Central Government and the Government of Maharashtra.

27. The accused Nos. 2 and 3 did not take part in the actual training alleged to have been imparted to the accused No.1 and nine deceased accused by the wanted accused at Muridake and Manshera in Pakistan occupied Kashmir. However, it is alleged that they had been part of conspiracy since beginning and their role was to assist the perpetrators of crime mainly by providing sketch maps of various places of Mumbai so that the planned attack could be executed safely and in the manner conspired by the conspirators. It is alleged that the accused No.2 had



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prepared sketch maps in his own handwriting of various locations of Mumbai city and he had travelled to Nepal from Mumbai to handover the said sketch maps to the accused No.3. It is further alleged that accused No.3 had sent or delivered the said maps to the perpetrators of the crime in Pakistan. One Mr.Naruddin Mehboob Shaikh (P.W.160) of Goregaon who was childhood friend of accused No.2 had gone to Nepal during the same period and he had occasion to meet accused No.2 on the main road of Kathmandu. He had also occasion to visit the hotel room of accused No.2 where he had seen accused No.2 handing over certain sketch maps to accused No.3. It is how the said Naruddin Shaikh had seen the accused No.3 for the first time at Nepal.

28. It is the case of prosecution that during the course of training to the accused No.1 and other nine deceased accused the sketch map handed over to the accused No.3 by the accused No.2 was given to the deceased accused No.1-Abu Ismail. The said sketch map was recovered from the clothes of deceased accused No.1- Abu Ismail during inquest panchanama of his dead body after his death in an encounter with police at Chowpaty, Mumbai. The specimen handwriting of accused No.2 was taken during the



course of investigation. The specimen handwriting and the sketch map were sent to the Government Document Examiner. It is alleged that the document examiner had opined that the specimen handwriting and the handwriting on the sketch map is of one and the same author. It is how the accused No.2 and 3 are alleged to be part of the conspiracy. In addition to this, it may also be mentioned here that the accused No.2 was found in possession of a Pakistani passport issued in the name of Hassan Hammad. It is alleged that the said passport had been issued by the Pakistani authorities on the basis of bogus documents produced by the accused No.2. The accused No.2 and 3 were in judicial custody of Addl.Sessions Judge, Rampur, U.P. on the date of the incident dated 26th November, 2008. The accused No.2 is facing trial in the Rampur Court for certain charges including the charge of holding Pakistani passport.

29. As far as accused No.1 is concerned, prosecution states that he left school in the year 2000 and started work as a labour along with his friend Dittu. He left his native place in the year 2000 along with his father in search of a job at Lahore, Pakistan. He was staying with his father and uncle Gulam Rasool at Mohalla Toriyabad, Lane No.54, House No.12 near



vegetable market. At Lahore also he engaged himself in labour work and worked there for about five years. His father and uncle left Lahore in the year 2005 for their native place. Accused No.1 was left alone at Lahore. He was intermittently visiting his native place while he continued to earn his livelihood at Lahore. On one occasion there was a quarrel between accused No.1 and his father over the amount earned by accused No.1 during his stay at Lahore. The accused No.1, therefore, got annoyed and started staying independently at Dargah of Ali Hajeri at Lahore.

30. While staying at Dargah of Ali Hajweri, accused No.1 came into contact with a boy named Shafiq. Both of them started working at Welcome Tent Service at Rawalpindi Road, Lahore. While working with Welcome Tent Service accused No.1 came into contact with one Mujjafar Lal Khan.

31. Accused No.1 and the said Mujjafar Lal Khan, in the year 2007, left Lahore for Rawalpindi in search of a better job. Both of them had been staying on rental basis in a house at Bangash Colony Rawalpindi. While they were staying at Rawalpindi, they had seen some persons of



Lashkar-e-Taiba purchasing skin of goats in the name of Jammat-Ul-Dawa. Those persons allegedly belonging to Lashkar-e-Taiba had been calling upon the people to extend help to liberate Kashmir. The accused No.1 and his friend Shafiq, therefore, developed a sense of respect for those persons belonging to Lashkar-e-Taiba. They thought of helping the persons belonging to Lashkar-e-Taiba since they had been fighting for Azad Kashmir (Independent Kashmir).

32. Accused No.1-Mohd.Ajmal Kasab and his friend Mujjafar knew that the persons of Jammat-Ul-Dawa had been organizing camps at various places. Accused No.1 and his friend therefore decided to attend those camps to hear discourses of leaders of Jammat-Ul-Dawa. During the same period accused No.1 and his friend also decided to take training for Jihad. Both of them therefore, in the month of December 2007, obtained address of office of Lashkar-e-Taiba situated at Raza Bazaar, Rawalpindi. The Raza Bazaar locality was situated near Bangash colony where the accused No.1 and his friend Mujjafar had been staying. Accused No.1 and his friend Mujjafar reached office of Lashkar-e-Taiba on one day in the month of December, 2007 and informed the guards of their intention to



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participate in Jihad. The members of Lashkar-e-Taiba took details of accused No.1 and Mujjafar and asked them to attend the office on next day with their baggage. Accused No.1 and his friend Mujjafar accordingly reached the said office on next day. One of the persons manning the office gave them a chit containing address of Daura-e-Sufa, Markaz Taiba Muridake and asked them to proceed further to the said address. Accused No.1 and his friend Mujjafar after travelling in a bus for about six hours reached Muridake Bus Stand. They had to walk down one and a half kilometer to reach the camp of Lashkar-e-Taiba. They were allowed to enter the camp after their personal search. The chit given to them at Rawalpindi was handed over to the person by name Fahad Ullah. The said Fahad Ullah after taking details of accused No.1 and Mujjafar, gave them entry for training at Daura-e-Sufa.

33. According to prosecution, there were thirty (30) boys in the training camp at that time and they had taken training of 21 days. In the first place, all the trainees were converted to Ahele Hadis from Sunnis and they were trained to be Hadis instead of Sunnis. During the course of further training they were given physical training and they were also given



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discourses/lectures on Jihad. The trainers, during the said period, were wanted accused No.8-Abu Fahad Ullah and wanted accused No.13-Abu Mufti Saeed. This training was concluded in the month of January, 2008. During the period of said training of 21 days, wanted accused No.1-Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab, wanted accused No.2- Zaki-Ur-Rehaman Lakhvi, wanted accused No.3-Abu Hamza. wanted accused No.4- Abu Al Kama @ Amjid, wanted accused No.6-Mujja Mil @ Yusuf and wanted accused No.18-Abu Umar Saeed were introduced to the accused No.1 and other trainees. Prosecution alleges that the wanted accused No.1- Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab, while addressing the trainees, had told them that all the Mujahidin have to fight for liberating Kashmir. The wanted accused No.2-Zaki-Ur-Rehaman Lakhvi had said that the time for Jihad was nearing. He further said that their community (Jammat) had been fighting for Kashmir since last fifty years and despite that Indian Government had not given independence to Kashmir. It was further said by him that Kashmir could be acquired only after waging war against India. After this address, all the trainees were asked as to whether they were ready for the war. The trainees replied in affirmative. It is alleged that the wanted accused No.4- Abu Al Kama @ Amjid told the trainees that big



cities of India were to be targeted and that their intention was to wage war against India from inside the country so that India could be made weaker from inside. The trainees were psychologically elevated to believe that one who dies would acquire martyrdom and would get place in heaven. Influenced by the lectures of the leaders of Lashkar-e-Taiba, all the trainees were mentally prepared to attack India.

34. In the month of February, 2008 those trainees were selected for the Daura-e-Aam training. They were given a chit bearing address of Bhai Vasool, Daura-e-Aam and were asked to proceed for Mansera Markaz Aksha. After travelling for about 12 hours, the trainees reached Mansera (Manshera). There after they had to walk to hilly area where the training camp was situated. Their personal search was taken at the gate. The trainees handed over the chit given to them by wanted accused No.8-Abu Fahad Ullah to the person who was manning the gate of training camp. After verifying contents of the said chit, those trainee boys were allowed entry in the training camp. After keeping them for a day at the said camp, they were taken to village Battal in an auto vehicle. They were taken to another training camp where they had undergone training of 21 days which



included physical training, use of arms and ammunitions, training in folding and unfolding the weapons etc. During the period of this training elder brother of Mujjafar Lal had come there and he had taken back his brother to their native place. The rule of training camp permitted any Mujahidin to leave the camp. In alternate he had to be there for three months in the service (khidamat) of leaders. Accused No.1 did not leave the camp and opted to remain there in service of the said leaders. During the said period of said service, wanted accused No.9-Abu Abdul Rehman, wanted accused No.10-Abu Anas, wanted accused No.11-Abu Bashir and wanted accused No.15-Yusuf had been imparting training to the trainees.

35. Once the service period was over, the accused No.1 and his co-trainees were sent for another training called Daura-e-Khas. The training camp for Daura-e-Khas was situated at Okara. Accordingly all the trainees reached Mansera bus stand in the vehicle belonging to Lashkar-e-Taiba. They travelled for about 12 hours and reached Lahore Lorry Terminus. From there they proceeded to Okara Bus Terminus and visited the office of Lashkar-e-Taiba situated at Model town. After completing necessary formalities in the said office, the trainees were sent to Mujjafarabad for



further training. After travelling for about 16 to 17 hours from the office of Lashkar-e-Taiba they reached Mujjafarabad in Pak Occupied Kashmir (P.O.K.). The place named as Maskar Aksa which is a training camp of Lashkar-e-Taiba was about one hour walking distance from Mujjafarabad. The accused No.1 and others, after walking for one hour, reached the place known as Maskar Aksa. The said place was situated at a hilly area . There were only 10 to 12 residential houses and one mosque . This training was very strict and rigorous. No trainee was allowed to go out during the period of said training. The wanted accused No.28-Abu Mavia was the trainer during the said training period. This training went on for about three months i.e. May, June and July, 2008. This training was a kind of final training to make a person as hardcore Jihadi. This training included teaching of Hadis, Quran, using arms and ammunitions including AK-47 rifle, folding, unfolding pistol, firing, use of launchers, hand grenade G.P.S. and map reading. In addition to these things, they were trained to remain without food for about 60 hours. It is the case of prosecution that this training was quite rigorous and everyone was not able to sustain the same.



36. When the accused No.1 and others were in the last leg of this training, ten of the trainees had deserted the place because of rigorousness of the training. The trainees were trained by wanted accused No.28-Abu Mavia and wanted accused No.31-Abu Hanjla Pathan during the said period. During the said training at Maskar Aksa the wanted accused No.20-Major General Sahab (name not known) had visited the camp and he had addressed all the trainees. After completion of the training, accused No.1 was given Rs.1300/- to visit his native place and thereafter return to the office of wanted accused No.1-Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab at Baitul Mujahidin (House of Mujahidin). Accused No.1 visited his native place and returned to Baitul Mujahidin in July, 2008. The accused No.1 was thereafter taken to selection point by wanted accused No.28-Abu Mavia . 20 to 22 other trainees (Mujahid) were present at the selection point near Sewai Creek. Apart from wanted accused No.1- Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab , one Salauddin was present at the selection point and he had played a C.D. on his laptop to show the trainees as to how a Fidaeen attack was carried out at Kashmir. The wanted accused No.4-Abu Al Kama @ Amjid had also addressed all the trainees and explained to them as to how Fidaeen attacks are successfully made.



37. The wanted accused No.1-Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab had selected fifteen persons including the accused No.1 for Fidaeen attacks and the said fifteen persons were sent to Markas Taiba Muridake for the training known as Daura-E-Ribat. This training was for intelligence collection, keeping knowledge of targets, keeping watch on the targets, chasing targets and also escaping in case of target hits back. They were also trained to misguide the people by giving false identity of their names and other details. During this training, two of the trainees namely Nasad and Abu Mavia left the training.

38. The trainers during the said period were wanted accused No.5- Abu Kaahfa and wanted accused No.34-Abu Imran. The wanted accused No.20-Major General Sahab (name not known) had visited this camp twice during the said training and had boosted moral of the trainees. The said training was concluded in the month of August,2008. The next leg of training was marine training. Therefore the accused No.1 and others were brought to Karachi and they were kept in a house in Ajijabad Mohalla. During their stay in the said house Holy month of Ramjan had commenced. They were given marine training by the wanted accused No.35-Hakim



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Saheb. During the marine training they were also trained to read maps, to use G.P.S., to spread fish nets and to navigate vessels. After completion of this training the wanted accused Kaahfa had taken them back to Baitul Mujahidin (Lashkar Head Quarters). After completion of the training five Mujahidin were sent to carry out an attack on a place at Kashmir. Next day, already trained three mujahids i.e. the deceased accused No.1-Ismail Khan @ Abu Ismail , deceased accused No.7-Fahad Ullah and deceased accused No.8-Javed @ Abu Ali were inducted in the group of accused No.1.

39. It is on 13th day of Ramjan that wanted accused No.1 -Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab and wanted accused No.2-Zaki-Ur-Rehaman Lakhvi and other wanted accused had called the trainees to their office at Baitul Mujahid. The wanted accused No.1- Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab had told them that the time for Jihad had come and they had a plan to attack India. The wanted accused No.2-Zaki-Ur-Rehaman Lakhvi had told the trainees that the financial strength of India depends on the income of commercial city Mumbai. Therefore, it was necessary to carry out attack on Mumbai. They



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were also told that they had to reach Mumbai by sea. During this period also, wanted accused No.20- Major General had come there and had taken test of all the trainees. The accused No.1 was considered to be one of the best as far as firing from AK-47 rifle was concerned. They were told as to how they had to carry out the attack by means of AK-47, hand grenades and RDX bombs. The trainees were also told that they would be given identity cards bearing Hindu names and they had to tie a thread on their wrists which normally is tied by Hindus in India.

40. It was decided that accused No.1 and deceased accused No.1- Abu Ismail would carry out attack at C.S.T. and Malabar Hill. The deceased accused No.5-Hafiz Arshad @ Abdul Rehman Bada @ Hayaji and deceased accused No.8-Javed @ Abu Ali would attack Hotel Taj, deceased accused No.7-Fahad Ullah and deceased accused No.6-Abdul Rehman Chhota @ Saakib would attack Hotel Oberoi, deceased accused No.2-Imran Babar @ Abu Akasha and deceased accused No.3-Nasir @ Abu Umar would attack Nariman House . It was also decided that deceased accused No.9-Shoaib @ Abu Soheb and deceased accused No.4-Nazir @ Abu Umer, after firing at Hotel Leopold, would join the deceased accused No.5 and deceased accused



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No.8 at Hotel Taj. It was further decided that the accused No.1 would plant a bomb in a taxi which he would be hiring to reach C.S.T. station. The deceased accused No.4- Nazir @ Abu Umer would plant a bomb in a taxi which he would be hiring for going to Hotel Leopold. The other trainees were also directed to plant bombs near the proposed places of attack. It was decided that the attackers of Nariman House and Taj Hotel would keep some persons hostages and speak to media. It was decided that they would disclose their identity as Indian Muslims and throw challenge to Indian Government for liberating Kashmir. All the trainees i.e. accused No.1 and the nine deceased accused were taken to one hall. They were shown maps of various places of Mumbai on T.V. screen and on websites. The accused No.1 and the deceased accused Ismail Khan were shown maps of C.S.T. and Malabar Hill.

41. It is at this point of time that the maps drawn by accused No.2- Fahim Ansari were shown to the trainees. On 15th day of Ramjan the trainees were taken to Hills of Mujjafarabad and to practise firing from AK-47 rifle. They were also trained to prepare tiffin bombs of RDX and to install timers on those bombs. On the same night they were brought back to



Baitul Mujahidin . On the next day they were directed to remove their mustache and beard. New clothes and other necessary articles were brought for them from the market. Their photographs were also taken for identity cards.

42. On 17th day of Ramjan they were taken to the same house of Ajijabad locality of Karachi where they were earlier staying for sometime. In the said house, accused No.1 had seen photographs of some of the ex-trainees in one of the periodicals (magazine) who had died during the so called Fidaeen attack on Kashmir.

43. Ten Time bombs were brought on 16th day of Ramjan. All the trainees were directed to put their names on the labels affixed to the timers of bombs and those timers were kept by the wanted accused No.5 Abu Kaafa in his custody. The identity cards were also prepared and given to the trainees. The identity cards bore their photographs and fake names of colleges of cities of India. During the course of further training they were trained to inflate inflatable boat. They were also trained as to how sea valve of the vessels could be removed so that vessel sinks in sea. The said



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trainees however could not be dispatched to India as per the original plan as there was some difficulty. That is what the trainees were told by the wanted accused No.2- Zaki-Ur-Rehaman Lakhvi. The trainees celebrated 'Id' in the same house in Ajijabad Mohalla of Karachi. During the said period, they were also trained as to how bomb could be placed below driver's seat in a running car.

44. It is on 21/11/2008 that journey of these ten persons i.e. accused No.1 and nine deceased accused commenced to commit terror attack on the city of Mumbai. On 21/11/2008 they were brought in a house near a creek from Ajijabad Mohalla of Karachi. The deceased accused No.1- Abu Ismail was nominated as a leader of the whole operation proposed to be carried out by the accused No.1 and his nine associates. Arms and ammunitions were handed over to accused No.1 and nine deceased accused in this house. Deceased accused No.1-Abu Ismail was told as to how the arms and ammunitions were to be distributed amongst the ten accused. Five pairs of the said ten accused were drawn and each pair was given one mobile phone each. They were told that the mobile phones were loaded with Indian Sim Cards and they would start working as soon as



the accused No.1 and nine deceased accused reached Mumbai. The telephone number on which the accused No.1 and nine deceased accused were supposed to call, was already fed in all the mobile phones. One satellite phone was given to deceased accused Ismail Khan. One haversack was given to each of the accused. Each of the sacks contained one AK-47 rifle, eight AK-47 magazines, 240 rounds, eight hand grenades, one bayonet, one pistol, three pistol magazines and twenty one extra rounds, a water bottle, one kg. raisin, one head phone, three batteries of nine volt each and chargers. They were also given RDX tiffin bombs, G.P.S. system and black waist belts with pouches. The haversacks were kept in a vehicle belonging to Lashkar-e-Taiba to be handed over to the accused No.1 and nine deceased accused later on. The accused No.1 and nine deceased accused were given Indian identity cards for keeping them in their pockets.

45. It is the case of prosecution that on 22/11/2008 at 6.00 a.m. after offering Namaz, accused No.1 and the nine deceased accused proceeded to the creek where wanted accused No.2- Zaki-Ur-Rehman Lakhvi told the accused No.1 and nine deceased accused that wanted accused No.1- Hafeez Mohammad Saeed @ Hafiz @ Hafiz Saab had



worked hard on the whole operation and that the operation needed to be a successful one. The accused No.1 and the nine others were also told that the pairs of terrorists who would be occupying Nariman House, Hotel Taj, Hotel Oberoi, would try to contact the media. They were also given the sketch maps allegedly prepared by accused No.2 and 3. It is the case of prosecution that accused No.1 and deceased accused Abu Ismail were given the sketch map indicating road map leading to C.S.T.Station and Malabar Hill. They were told to tear off the maps after reaching their destination.

46. On the same day around 7.00 p.m. accused No.1 and the nine deceased accused were taken to a big marine vessel in high sea where wanted accused No.14-Hakim Saab was present along with his three associates. The haversacks containing arms and ammunitions and other articles to be carried by the accused No.1 and the deceased accused Nos.1 to 9 were transported to seashore in a separate vehicle. They were also loaded in the said big marine vessel. At about 9.00 p.m. the accused No.1 and the deceased accused Nos.1 to 9 were transferred from the said marine vessel to another ship by name Al-Hussaini. The haversacks were also



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transferred to Al-Hussaini. The wanted accused No.14-Hakim Saab and his three associates who were present on the said big marine vessel, stayed back in the said vessel only. It is the case of prosecution that when the accused No.1 and the deceased accused Nos.1 to 9 were transferred to Al-Hussaini, seven persons including wanted accused No.16-Mursheed, wanted accused No.17-Aakib and wanted accused No.19-Usman were present on board of Al-Hussaini. The haversacks were handed over to accused No.1 and the nine deceased accused by wanted accused No.16-Mursheed on board of Al-Hussaini. Accused No.1 and the nine deceased accused were also given life saving jackets, blankets, ration for their journey period upto Mumbai which included milk powder, wheat flour, match box, detergent powder, tissue papers, cold drink bottles, dental cream, spray, towels , shaving kits etc. With these equipments, arms and ammunicions , articles required for the journey and ration, accused No.1 and nine deceased accused started travelling in Al-Hussaini along with the said seven persons including three wanted accused named above.

47. It is on 23/11/2008 at about 12.00 Noon that fishing vessel Kuber was hijacked in high sea. Four out of five fishermen of the hijacked



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vessel were brought to vessel Al-Hussaini. The articles which were loaded on Al-Husaini, were transferred to fishing vessel Kuber. The fifth fisherman who was navigator of Kuber was taken hostage by the accused No.1 and nine others. Since the diesel in the fuel tank of vessel Kuber was found not to be sufficient to cover the journey upto Mumbai, the diesel already loaded on Al-Husaini was also transferred to vessel Kuber.

48. After taking the navigator of Kuber as hostage on board fishing vessel Kuber, accused No.1 and the nine deceased accused started their journey towards Mumbai seashore. With the help of G.P.S. and the navigator Amarchand Solanki, accused No.1 and the nine deceased accused had been successfully navigating the boat. They were guarding the boat also one by one. During the course of their journey on fishing vessel Kuber accused No.1 and the nine deceased accused had been communicating with wanted accused No.3-Abu Hamza on satellite telephone. At about 11.00 a.m. on 26/11/2008, accused No.1 and the nine deceased accused tied threads to their respective wrists. This obviously was with a view to hide their identity as foreigners/Pakistani nationals. The vessel reached Indian territorial waters at about 4.00 p.m. on 26.11.2008.



49. It is alleged that the deceased accused No.1- Abu Ismail after reaching Mumbai waters, received certain instructions on satellite phone. Accused No.1 advised deceased accused No.1-Abu Ismail that it would be advisable to kill the said navigator Amarchand Solanki. The deceased accused No.1-Abu Ismail subscribed the view of accused No.1 and they decided to kill the navigator. Thereafter the deceased accused No.9-Shoaib @ Abu Soheb and deceased accused No.3-Nasir @Abu Umar caught hold of hair of the navigator Amarchand Solanki and pulled his neck. Accused No.1 slit neck of the deceased Amarchand Solanki in the engine room of boat Kuber.

50. Thereafter the deceased accused No.1-Abu Ismail , deceased accused No.3-Nasir @ Abu Umar, deceased accused No.7-Fahad Ullah and deceased accused No.8-Javed @Abu Ali pumped air into the inflatable boat and the said boat, after reassembling, was downed in the sea. Accused No.1 and the nine deceased accused changed their clothes. They wore new clothes they had bought from Karachi Market. All of them put on life saving jackets as well as waterproof trousers. Their earlier clothes were left in the boat Kuber. After changing their wearing apparels they had



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offered Namaz. The arms and ammunitions were also transferred to the inflatable speed boat. At this point of time they had seen one vessel approaching from the opposite direction. Accused No.1 and other accused thought it to be a naval vessel and therefore they hurriedly jumped into the inflatable boat to leave the spot speedily. In fact according to the original plan the accused No.1 and the nine deceased accused were supposed to remove the sea valve of the boat Kuber. However, in view of the fact that they were hurriedly required to leave the place in inflatable speed boat, they could not remove the sea valve of boat Kuber. With the use of G.P.S. they reached seashore of Mumbai at Badhwar Park, Cuffe Parade. Accused No.1 and the deceased accused Abu Ismail got out of the speed boat first of all. They collected their haversacks and the bags containing RDX bombs. It was around 9.00 p.m. at that time. The case of prosecution is that some of the fishermen staying in the fishermen colony at Badhwar Park had inquired from accused No.1 and others regarding their identity and the purpose of being in the said locality. Accused No.1 had told them that they were students. There was a verbal quarrel between the accused No.1 and a fisherman for a while.



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51. It is here at Badhwar Park that the five pairs (buddies) proceeded to their targets. In accordance with the plan accused No.1 and deceased accused No.1- Abu Ismail hired a taxi for C.S.T. railway station (herein after referred to as C.S.T.station). During the course of their journey from Badhwar Park to C.S.T. station deceased accused No.1- Abu Ismail kept the driver engaged in talk and accused No.1 installed a timer on a RDX bomb and placed the same below the driver's seat. Within 15 to 20 minutes they reached C.S.T. from Badhwar Park. After reaching the station accused No.1 and the deceased accused No.1- Abu Ismail tried to contact the wanted accused No.3-Abu Hamza but could not establish contact due to network problem. Both of them could see that there was main waiting hall meant for the long journey passengers. It is the case of prosecution that the deceased accused No.1-Abu Ismail thereafter went to toilet situated within the waiting hall and installed timer on the bomb which was in his custody and left the same in luggage of passengers lying in the waiting hall. Thereafter the accused No.1 and deceased accused No.1-Abu Ismail, as per their plan, went on the killing spree by means of AK-47 rifles. First of all, the deceased accused No.1- Abu Ismail took out hand grenade from his bag and threw in the direction of passengers in the waiting hall. Immediately



thereafter another hand grenade was thrown by the deceased accused No.1- Abu Ismail. Thereafter the accused No.1 and the deceased accused No.1- Abu Ismail took out their AK-47 rifles and started firing indiscriminately on the passengers. The police officers who tried to retaliate the firing were also shot at. Some of the policemen were also killed during the incident of firing. After killing large number of passengers in an indiscriminating firing, accused No.1 and deceased accused Abu Ismail proceeded towards the waiting hall of local railway. For this purpose they were supposed to pass through an open passage between the waiting hall of long journey passengers and waiting hall of local passengers. While crossing the said passage they had killed one of the police officers on duty. They had also killed one book stall owner. After reaching the local railway waiting hall, accused No.1 and deceased accused No.1-Abu Ismail had fired on the policemen belonging to Government Railway Police (G.R.P). Some of the Railway Protection Force Jawans (R.P.F. jawans) and G.R.P. had attempted to capture or kill the accused No.1 and the deceased accused No.1- Abu Ismail, The policemen had for this purpose used carbine and pistol but unfortunately neither the accused No.1 nor his associate deceased accused No.1-Abu Ismail were either caught or injured during the exchange



of fire between the police and R.P.F.men on one hand and the accused No.1 and deceased accused No.1-Abu Ismail on the other hand. The accused No.1 and his associate had also fired at the announcer who was sitting in the public announcement room in the mezzanine floor of the local waiting hall. During this period two photographers of Times of India Group who were in their office which is situated across the road opposite C.S.T., had entered C.S.T. railway station and had taken photographs of accused No.1 and the deceased accused No.1-Abu Ismail. An F.I.R. vide C.R.No.155/08 (A.T.S.CR No.20/08) in respect of this incident was registered at V.T. Rly. Police station on the complaint of API Mr.Bharat Bhosale. Investigation of this crime was later on handed over to DCBCID. A fresh C.R.No.213/08 came to be registered and further investigation was done by Police Inspector Mr.Gangawane.

52. According to prosecution case total number of deaths caused by the accused No.1 and his associate deceased accused No.1-Abu Ismail at C.S.T. main station and local station were 52 and total number of persons injured were 109. After committing such a mayhem at one of the busiest places in this city, the accused No.1 and his associate deceased accused



No.1-Abu Ismail went out of the station via foot over bridge and landed in a bylane known as Badruddin Tayyabji Road. It may be stated here that the Times Group's photographer Mr.Vernekar who had earlier taken photographs at C.S.T.railway station, noticing that the accused had been going out of the station via foot over bridge, immediately went to Times of India building which is on the corner of Badruddin Tayyabji Road. The said photographer knew that he could take photographs of the accused No.1 and his associate from the second floor of Times of India Building when they would be passing over the foot over bridge. He therefore, immediately went to the second floor of Times of India building. He had taken at least two photographs of accused No.1 holding AK-47 rifle in his hand and violently moving forward on foot over bridge.

53. After landing at Badruddin Tayyabji Road from the foot over bridge, accused No.1 and his associate deceased accused No.1- Abu Ismail had been in search of a vehicle to leave the spot. They therefore attempted to open any one of the cars parked in the by lane. Since almost all the cars were found locked and the accused could not open any one of them, they proceeded further and entered Cama Hospital from one of backside gate of

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