

SC No.63/2025
STATE Vs. Anamul Ansari & Ors.
FIR No. 301/2024
PS Special Cell

17.09.2025

The proceeding has been conducted through Hybrid Mode.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for State.

Accused Shahbaz Ansari produced from j.c.
(Tihar Jail no.1)

Accused Anamul Ansari, Altaf Ansari, Mohd.
Rizwan, Rahmantulla and Faizan Ahmad are
produced from j.c. (Tihar Jail no. 3)

Accused Motiur Rehman is produced from j.c.
(Tihar Jail no. 5)

Accused Ishtiyaque Ahmad is produced from j.c.
(Rohini Jail)

Sh. Abu Bakr Sabbaq, Ld. Counsel for accused
Motiur-Rehman, Anamul Ansari, Altaf Ansari,
Shahbaz Ansari, Mohd. Rizwan and Rahmatulla.

Sh. Abu Bakr Sabbaq, proxy for Sh. Kartik
Murukutla, Ld. Counsel for accused Faizan Ahmed.

Sh. Saurav, Ld. counsel for accused Ishtiyaque
Ahmad. (Appeared physically)

Ms. Mansi Katiyar, Ld. counsel for accused
Ishtiyaque Ahmad. (Appeared through VC)

Today, matter is fixed for consideration.

I have heard the submissions made and gone through
the charge-sheet filed before me in the present case for the offences
punishable u/s 61 of BNS, u/s 16/17/18/18A/18B UAPA, u/s 4/5 of
Explosive Substance Act and u/s 25 Arms Act.

The record reveals that the charge-sheet has been filed against accused Anamul Ansari, Shahbaz Ansari, Altaf Ansari, Ishtiyaque Ahmad @ Captain, Mohd. Rizwan, Motiur Rahman, Rahmatullah and Faizan Ahmed.

Perusal of the charge-sheet and the material placed on record reveals that from May, 2024, secret inputs were being received that a highly radicalized Jharkhand based group having its other sympathizers based in/around Delhi conspiring /planning terror attack and on technical and manual surveillance, it was learnt that the said group is being headed by Dr. Ishtiyaq who alongwith his other associates had visited Delhi several times for planning and preparation of their sinister design. He also managed training in handling and operation of weapons and dedicated cadre of group has been entrusted with the task of carrying out terror attack and were in advanced stage of procuring sophisticated weapons for the same in furtherance of their conspiracy. On the basis of input and technical surveillance, it was learnt that some members of the group have come to Bhiwadi, Rajasthan for taking weapon training from Ranchi, Jharkhand. Teams were departed and stationed at Ranchi, Hazaribagh, Aligarh and Bhiwadi, Rajasthan. On 22.08.2024, several raids were conducted at different locations including Bhiwadi, Hazaribagh, Ranchi and Aligarh and during raid at Rajasthan, 7 persons were found taking weapon training , out of seven persons, six accused persons, namely, Anamul Ansari, Shahbaz Ansari, Altaf Ansari, Hasan Ansari, Arshad Khan and Umar Farooq were apprehended, however, one person who was taking training and their two trainers managed to escape due to deep forest. Assault rifle of AK series, one pistol, one revolver, 66 live cartridges, one hand grenade, one elbow shaped iron cast alongwith key remote control mechanism

and battery, one air gun, one dummy Insas rifle, 4 ground sheets, one target board were recovered from the spot and one ticket of South Eastern Railway(UTS) from Ranchi to Anand Vihar Terminal for journey on 19.08.2024 was recovered from the rented room of accused persons at Chaupanki, Bhiwadi Rajasthan at the instance of accused Anamul Ansari.

During raid conducted in Ranchi, Jharkhand, accused, namely, Ishtiaque Ahmad @ Captain, Mohd. Rizwan, Motiur Rehman and Rahmatullah were apprehended. Two swords and Rs. 5.1 lacs were recovered from the house of accused Ishtiaque Ahmad were recovered; one hand made SLR rifle, one hand made Carbine and one baton sword were recovered from the house of accused Altaf Ansari; one button operated sword stick, two swords of different size and 15 hand crafted iron blades were recovered from the house of accused Md. Rizwan at his instance. Accused Faizan Ahmed was apprehended during raid conducted in Hazaribagh, Jharkhand. Several books in Urdu/Arabic language were seized from accused Mohd. Rizwan, Istiyaque Ahmad and Faizan Ahmed. Several electronic items including mobile phones, laptops, hard disk etc belonging to accused persons were recovered at the time of their arrest and were taken into possession by the police. After completion of investigation, charge-sheet was filed in the Court against Anamul Ansari, Shahbaz Ansari, Altaf Ansari, Ishtiaque Ahmad @ Captain, Mohd. Rizwan, Motiur Rahman, Rahmatullah and Faizan Ahmed.

It is submitted by Ld. Addl. PP that investigation qua other co-accused persons, namely, Umar Farooq, Hasan Ansari, Arshad Khan and Shahbaz Ansari S/o Khalil is kept open and supplementary charge-sheets shall be filed in accordance with law.

Documents relied upon by the prosecution i.e.

statements of witnesses, documentary evidence including electronic evidence are filed alongwith the charge-sheet.

Requisite sanctions u/s 45 of UAPA, u/s 7 of Explosive Substance Act and u/s 39 Arms Act have already been filed on the judicial record.

It is settled proposition of law that detailed order need not be passed at the stage of cognizance upon a police report u/s 190(1)(b) Cr.P.C, Hon'ble Supreme Court of India in the case of **State of Gujarat vs. Afroz Mohammad Hasanfatta (2019) 20 SCC 539** has observed as under:-

22. In so far as taking cognizance based on the police report, the Magistrate has the advantage of the charge sheet, statement of witnesses and other evidence collected by the police during the investigation. Investigating Officer/SHO collects the necessary evidence during the investigation conducted in compliance with the provisions of the Criminal Procedure Code and in accordance with the rules of investigation. Evidence and materials so collected are sifted at the level of the Investigating Officer and thereafter, charge sheet was filed. In appropriate cases, opinion of the Public Prosecutor is also obtained before filing the charge sheet. The court thus has the advantage of the police report along with the materials placed before it by the police. Under Section 190 (1)(b) Cr.P.C., where the Magistrate has taken cognizance of an offence upon a police report and the Magistrate is satisfied that there is sufficient ground for proceeding, the Magistrate directs issuance of process. In case of taking cognizance of an offence based upon the police report, the Magistrate is not required to record reasons for issuing the process. In cases instituted on a police report, the Magistrate is only required to pass an order issuing summons to the accused. Such an order of issuing summons to the accused is based upon subject to satisfaction of the Magistrate considering the police report and other documents and satisfying himself that there is sufficient ground for proceeding against the accused. In a case based upon the police report, at the stage of issuing the summons to the accused, the Magistrate is not required to record any reason. In case, if the charge sheet is barred by law or where there is lack of jurisdiction or when the charge sheet is rejected

or not taken on file, then the Magistrate is required to record his reasons for rejection of the charge sheet and for not taking on file.

Therefore, there is sufficient material available on record to proceed further against accused Anamul Ansari, Shahbaz Ansari, Altaf Ansari, Ishtiyaque Ahmad @ Captain, Mohd. Rizwan, Motiur Rahman, Rahmatullah and Faizan Ahmed, hence, I take cognizance of the offences punishable u/s 61 BNS, u/s 16/17/18/18A/18B UAPA, u/s 4 and 5 of Explosive Substance Act and u/s 25 Arms Act.

Copy of supplementary charge-sheet containing sanction u/s 45 of UAPA has been supplied today to all the accused persons.

Copy of main charge-sheet and of remaining supplementary charge-sheets alongwith documents be also supplied to accused persons against receipt.

It is submitted by Ld. Addl. PP for State that Pairvi Officer of the present case is out of station in investigation of another case and will come back on 21.09.2025.

IO is directed to supply copy of the main charge-sheet, remaining supplementary charge-sheets along with documents to the accused persons.

Compliance Report received to the application seeking supply of eye glasses filed on behalf of accused Ishtiyaque Ahmed.

As per report, accused Ishtiyaque Ahmed is allowed to wear eyeglasses inside the Jail.

Compliance Report to the applications seeking directions to the Jail Superintendent to provide calling facility and e-mulaqat facility filed on behalf of accused persons Mohd. Rizwan and Faizan Ahmed received from concerned Jail

Superintendent.

As per reports, request letters for seeking No Objection Certificate as well as comments in reference to the request of accused persons were sent to investigation agency i.e. Police Station, Special Cell. However, this office has not received any reply from the concerned agency till date.

Compliance Report to the applications seeking directions to the Jail Superintendent to provide calling facility and e-mulaqat facility filed on behalf of accused Motiur Rehman received from concerned Jail Superintendent.

As per report, reply filed by the IO is not supplied to the Jail Authorities.

Ahlmad is again directed to send copy of reply filed by the IO to the aforesaid applications to the concerned Jail Superintendents along with copy of order passed today and copy of the order dated 10.09.2025 for necessary information and compliance.

Concerned Jail Superintendents are directed to file compliance report on NDOH.

List the present matter for supply of copy of charge-sheets alongwith documents on 22.09.2025 at 2.00 p.m.

**(Dr. Hardeep Kaur)
Additional Sessions Judge-02,
NDD/PHC/New Delhi
17.09.2025**