

Case No. 253/2024
FIR No. 142/2023
P.S Parliament Street (Investigated by Special Cell)
State v. Manoranjan D & ors

03.08.2024

The proceeding has been conducted through Hybrid Mode.

Present: Sh. Akhand Pratap Singh, Ld. SPP for the State.
ACP Rahul Vikram in person with SI Amit Bhati.

Accused Manoranjan D., Amol Dhanraj @ Amol,
Sagar Sharma, Neelam Ranoliya @ Neelam
Prajapati @ Neelam Azad, Lalit Jha and Mahesh
Kumawat are produced from J.C.

Sh. Sunil Arora, proxy for Sh. Balraj Singh, Ld.
counsel for accused Neelam Ranoliya.

Sh. Somarjuna V. M., Ld. Counsel for accused
persons Amol Dhanraj @ Amol, Sagar Sharma,
Lalit Jha and Mahesh Kumawat.

Sh. Lavish, proxy for Sh. Rahul Gautam, Ld.
Counsel for accused Manoranjan D.

Today, the matter is listed 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 186/353/153/452/201/34/120B IPC and u/s 13/16/18 UAPA.

The record reveals that the charge-sheet has been filed against accused Manoranjan D., Amol Dhanraj @ Amol, Sagar Sharma, Neelam Ranoliya @ Neelam Prajapati @ Neelam Azad, Lalit Jha and Mahesh Kumawat alongwith requisite sanctions u/s 45 of UAPA and u/s 195 CrPC.

Perusal of the charge-sheet and the material placed on record reveals that on 13.12.2023, after paying homage to the martyrs of 13.12.2001 terrorist attack on the Parliament of India, the regular proceedings of Lok Sabha began which was live across the country. At around 01:01 PM, when Sh. Khagen Murmu, Hon'ble MP from Maldah, North-west Bengal was speaking, two persons jumped from the public gallery No. 4, inside the Lok Sabha main hall, which was out of bound for the visitors, spectators and public. One of the above said two persons moved towards the Well of Lok Sabha by jumping over seats which were empty. The identity of said person was later established to be accused Sagar Sharma. When Sagar Sharma was within some distance of the Well/Hon'ble Speaker of the Lok Sabha, he was surrounded by the Parliament staff and some MPs who were present in the ongoing proceedings. Finding himself surrounded, Sagar Sharma took out a canister shaped object from his Left shoe and released its contents in the Lok Sabha Central Hall. The hall was engulfed in thick, yellow smoke coming out from the canister. Meanwhile, the second person, who had also jumped from the Public Gallery and whose identity was later established as Manoranjan D, had also taken out a smoke canister from the left shoes and opened it inside the Central Hall of the Lok Sabha. Both accused persons were somehow restrained and apprehended by Parliament staff along with the help of MPs. Due to emission of thick, coloured smoke triggered terrorized reactions amongst those present in the Lok Sabha resulting in fearful evacuation and due to disruptive nature of the incident, the parliamentary session was brought to an end and was abruptly adjourned by the Chair. The act had

inflicted terror in the minds of not only the members and spectators present in the Lok Sabha but also of the millions who were watching the proceedings live on TV. Immediately after the incident, the terror-struck images and scenes of Parliament were being telecasted on all national and regional news channels.

While the above incident was playing inside the Lok Sabha, just before the inside incident, a similar incident had taken place outside Gate no. 2 and 3 of the same Parliament building and in that incident, one lady, later identified as present accused Neelam Ranoliya and one male, later identified as present accused Amol Shinde, had also opened similar smoke canisters in full public view along with throwing of pamphlets. These accused were raising slogans also. Seeing this, a PCR call was made by PCR staff and information was flashed over police radio also. The alert raised by the PCR staff was recorded vide DD No. 42A and 43A, dated 13.12.2023, at PS Parliament Street, New Delhi District. The above two accused viz. Neelam Ranoliya @ Neelam Prajapati and Amol Dhanraj @ Amol were apprehended by the Delhi Police staff deployed outside the Parliament and were brought to Police Station Parliament Street for enquiry along with their belongings.

On the complaint of Deputy Director (Security) Lok Sabha, present FIR was registered. During investigation, exhibits i.e. four used and one unused smoke canisters from outside the Parliament House, two pair of shoes, Aadhar Card of accused Manoranjan D. and Sagar Sharma, two partially torn pamphlets, two used smoke canisters, one Lok Sabha Gallery Pass in the name of Sagar Sharma were collected from the spot. During investigation, accused Manoranjan D., Amol Dhanraj @ Amol,

Sagar Sharma, Neelam Ranoliya @ Neelam Prajapati @ Neelam Azad were interrogated and they disclosed that they all four committed the terror act with common intention in a premeditated and conspiratorial manner and it was revealed that accused Lalit Jha and Mahesh Kumawat were also involved in the said conspiracy; accused Lalit Jha was assigned the task of videographing the act committed by accused Neelam and Amol, to upload and circulate the same on social media and to share the same with national as well as international media as an integral part of the conspiracy and accused Mahesh Kumawat was supposed to participate in the terror act but he could not participate as he could not reach Delhi on time. During investigation, it was revealed that all the accused persons had formatted/erased all data from their mobile phones, destroyed their Sim Cards before entering the Parliament and they handed over their mobile phones to Lalit Jha with the task to burn them in order to destroy all the evidence; accused Lalit Jha alongwith Mahesh Kumawat had destroyed four mobile phones in Nagaur Rajashtan and threw their own mobile phones. During investigation, accused Lalit Jha and Mahesh Kumawat were also arrested in the present case. During investigation, burnt mobile phones of all accused persons alongwith other exhibits recovered at the instance of accused persons were sent to FSL for expert examination; after obtaining permission from the court, duplicate sim cards of the accused persons were got issued and were activated on newly purchased six mobile phones in presence of independent witnesses. During investigation, CDR, CAF and IPDRs of accused persons were collected and the same were annexed alongwith the charge-sheet.

Further, necessary sanctions u/s 45 of UAPA and u/s 195 CrPC to prosecute the accused persons for the offences

punishable u/s 186/353/153/452/201/34/120B IPC and u/s 13/16/18 UAPA filed by way of supplementary charge-sheets.

Documents relied upon by the prosecution i.e. statements of witnesses, digital evidence as well as the documentary evidence are filed alongwith the charge-sheet.

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 Manoranjan D., Amol Dhanraj @ Amol, Sagar Sharma, Neelam Ranoliya @ Neelam Prajapati @ Neelam Azad, Lalit Jha and Mahesh Kumawat, hence, I take cognizance of the offences punishable under Section 186/353/153/452/201/34/120B IPC and under Section 13/16/18 UAPA.

Soft copy of charge-sheet/supplementary charge-sheets and relevant documents filed alongwith the charge-sheet supplied to the accused persons.

As prayed by Ld. Defence counsels, IO is directed to supply hard copy of the documents within one week from today to Ld. Counsel for accused persons.

FSL result qua non-digital exhibits is still pending.

Reply received from the concerned Jail Superintendent to the application moved on behalf of accused Manoranjan D, Amol Dhanraj @ Amol, Sagar Sharma, Lalit Jha and Mahesh Kumawat seeking directions to open the Cell from 6.00 a.m to 6.00 p.m.

As per the reply, accused persons have been kept in Special Security Ward under safe custody and they are also being opened for specific time in the morning and evening for their movement and are being provided with all basic facilities available in the jail including inmate calling system. It is further stated that due to threat perceptions, the opening of accused persons with other accused persons in same time may be hazard their security.

Ld. Counsels for accused persons objected to the above reply and submitted that at least for one hour, accused persons may be opened for their movement.

Issue notice of this application to the concerned DG Prison to file reply on NDOH.

List the matter for scrutiny of documents and further proceedings on 09.09.2024.

(Dr. Hardeep Kaur)
ASJ-02, NDD/PHC/New Delhi
03.08.2024