

**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, D.K., MANGALURU.**

Dated this the 11th day of March, 2022.

Present

Smt. B. R. PALLAVI,

B.A.L., LL.B.

IV Additional District and Sessions Judge,
D.K., Mangaluru.

Sessions Case No.70/2020

Complainant :

The State of Karnataka,
Assistant Commissioner of Police,
Mangaluru North Sub Division,
Panambur.

(By Public Prosecutor, D.K. Mangaluru)

Versus

Accused :

Adithya Rao,

**(Initially by Sri Sukumar B.M., Advocate,
later retired)**

1. Date of commission of offence :	20.01.2020
2. Date of report of offence :	20.01.2020
3. Name of the complainant :	Manas Nayak, Inspector, Central Intelligence Security Force, (CISF)
4. Date of Arrest of Accused :	22.01.2020,since then in Judicial Custody.
5. Date of commencement of the evidence. :	13.09.2021
6. Date of closing evidence :	22.02.2022
7. Offences complained of :	Under Section 4 of Explosive Substances Act 1908 and Section 16 of Unlawful Activities (Prevention) Act, 1967.
8. Opinion of the Judge	Accused is found guilty for the offences punishable under Section 4 of Explosive Substances Act and Section 16 of Unlawful Activities (Prevention) Act.

JUDGMENT

The charge sheet was presented by the Assistant Commissioner of Police, Mangaluru North Sub Division, Mangaluru against this accused for the offences punishable under Section 4 of Explosive Substances Act 1908 and Section 16 of Unlawful Activities (Prevention) Act 1967 in Crime No.15/2020 of Bajpe Police Station which came to be registered as CC No.554/2020 on the file of JMFC., VI Court, Mangaluru.

2. The brief facts of the case are that; The accused, on 20.01.2020, in the morning at 8.33 a.m., in order to cause explosion, had kept the improvised explosive in a Black bag, with intent to endanger the life and property at the alighting point near the departure gate at International Airport, Mangaluru. The accused had also, with an intention to threaten the people by using improvised explosive substances, which is hazardous in nature, in order to cause death; injury to person; loss and damage, besides destruction of property, kept the improvised explosive substances at the said spot. For such acts of the accused, complaint came to be registered for the offence punishable under Section 5 and 6 of Explosive Substances Act, 1908, Section 10, 11, 13, 18 and 19 of Unlawful Activities (Prevention) Act, 1967 and Section 120B and Section 307 of IPC.

On receipt of complaint, the case came to be registered in Crime No.15/2020 by the Bajpe Police Station. The Investigating Officer-P.W56-K.U.Belliappa had taken up the investigation. Upon completion of investigation, the Investigating Officer had sought the permission from P.W50-Sindu B. Roopesh, the then District Magistrate of Mangaluru,

D.K. The said permission as per Ex.P.78 was given in compliance with Section 7 of Explosive Substances Act, 1908 . The Investigating Officer had also sought the previous sanction as envisaged under Section 45 of Unlawful Activities (Prevention) Act, 1967 from P.W51-Latha S.N., the under Secretary to State Government of Karnataka as per Ex.P79.

Upon sanction accorded by P.W50 and P.W51, the charge sheet came to be filed against the accused for the offence punishable under Section 4 of Explosive Substances Act, 1908 and Section 16 of Unlawful Activities (Prevention) Act, 1967.

3. Upon the charge sheet being filed before the Magistrate, the copy of the same was supplied to accused, by complying with Section 207 of Cr.P.C. The case came to be committed by the learned Magistrate to the Court of Principal District & Sessions Judge, Mangaluru. Thereupon, it was made over to this Court for disposal in accordance with law. The presence of the accused was secured before this court under production warrant. The accused was represented by Sri.Sukumar.B.M, advocate.

4. On 14.07.2021, the learned counsel for the accused, submitted that charge may be framed. On 30.07.2021, the accused was produced before the Court through video conference. On that day, the accused expressed his inclination to plead guilty of the offence committed by him. In order to avoid any disturbance of network through video conference, the accused was directed to be produced physically before this Court. On 06.08.2021, the accused was produced before the Open Court. This Court, on perusal of records, found sufficient materials to frame charge and proceeded to frame charge.

5. Upon charge being framed and read over to accused in a language known to him, the accused had pleaded guilty. The Court cautioned the accused as to the ramification, of pleading guilty. On being questioned, whether the accused needs any time for reflection, the accused insisted that his plead should be recorded. The accused had also sent a written requisition to record his plea of guilty. The letters written by the accused dated 12/7/2021 and 3/8/2021, forwarded through the Jail Superintendent , Mangaluru are available on record. For convenience the same are marked as S1 to S4. The contents of the letters had also showed the inclination of the accused to plead guilty. The

accused has voluntarily informed his decision in clear terms that he wants plead guilty.

Conviction in mechanical fashion by simply accepting plea of guilt would not be in the interest of justice in a serious offence of this nature. Even though the accused had pleaded guilty, the Court by exercising discretion under Section 229 of Cr.P.C had invited the prosecution to prove the charges leveled against the accused.. The Trial was fixed to 13.09.2021.

6. The learned counsel for the accused Sri Sukumar B.M., had filed a retirement memo on 13.09.2021. Upon enquiry, the accused submitted that he neither requires the service of any counsel nor any free legal assistance. The accused has refused any legal assistance proposed by this Court. Even the content of S1 shows that he does need the service of counsel and he would argue the matter by himself. The copy of the Final report was furnished to the accused again. Thereafter, a trial was held before this Court.

7. The prosecution in order to bring home the guilt of the accused beyond all reasonable doubt, got examined P.W1 to P.W56 out of total

charge sheet witnesses of 108; got marked Ex.P1 to Ex.P102 and M.O1 to M.O30 and closed its side. The other witnesses cited in the charge sheet were given up by the learned Public Prosecutor to avoid repetition. The incriminating evidence was read over to the accused. The accused did not refute or deny the incriminating materials that crept in the evidence.

8. The learned Public Prosecutor was heard. The accused did not have any submissions from his side.

9. Based upon the above materials, the points that would arise for determination are;

- (1) Whether the prosecution proves beyond all reasonable doubt that the accused who was previously convicted and imprisoned and with that vengeance, he had attempted to cause explosion by keeping the improvised explosive substance with an intention to endanger the life and property at the alighting point near the departure gate at Mangaluru International Airport on 20.01.2020 at about 8.33 a.m., and thereby committed an offence punishable under Section 4 of Explosive Substances Act, 1908?*
- (2) Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place, the accused had committed a terrorist act with intention to threaten and strike terror in the*

people by keeping the improvised explosive substances in a Black Bag near the departure gate of Mangaluru Airport and thereby, committed an offence defined under section 15 and punishable under Section 16 of Unlawful Activities (Prevention) Act, 1967?

(3) *What Order?*

10. My findings on the above points are as under:-

Point No.1 : In the affirmative,

Point No.2 : In the affirmative,

Point No.3 : As per the final order,
for the following;

REASONS

11. The facts which emerge from the prosecution papers are that; the accused, with intention to threaten the unity, integrity, security and sovereignty of India, had placed the improvised explosive substances and with intention to explode that substance so as to cause terror and endanger human life; had preplanned outline; had collected the information for preparing improvised explosive substances by dialing to 'just dial company'; had visited several Cyber Centres, browsed on the Internet; collected the information; upon such collection of information had ordered the necessary raw materials like Potassium Nitrate, Sulphur

Powder, white cement, underground wire, coins and acrylic sheets, from Amazon Website. By collecting the above raw materials, the accused without the knowledge of anyone else in the Staff Quarters of Kudla Family Restaurant, Mangaluru had stored those raw materials. Without any license or permission from any authority, had mixed the raw materials and prepared improvised explosive substances. Thereupon, he had kept that improvised explosive substances in a Black bag; moved to the sensitive area and crowded area at the departure gate of Mangaluru International Airport and had left the said Black bag containing improvised explosive substances and had escaped from the said place.

Further, the prosecution papers disclose that in the year 2018, the accused had applied for Security Supervisor at Bengaluru Airport and since he had spent ₹.7,500/- for securing the said job and when his attempts had failed and could not get the said job of Security Supervisor, he had made a hoax call that there is bomb in Bengaluru Airport and Railway Station. For such hoax call, he was convicted and sentenced for imprisonment of one year. Upon serving the sentence of one year, he had developed hatred towards the Government and with this hatred, had

committed the offence punishable under Section 4 of Explosive Substances Act, 1908 and Section 16 of Unlawful Activities (Prevention) Act, 1967.

12. The investigating Officer, upon investigation had come to the conclusion that the accused had committed the offence punishable under Section 4 of Explosive Substances Act, 1908 and Section 16 of Unlawful Activities (Prevention) Act, 1967. In order to prosecute the accused for the above offences, the previous sanction is necessary as envisaged under Section 7 of Explosive Substances Act, 1908 and Section 45 of Unlawful Activities (Prevention) Act, 1967.

Section 7 of Explosive Substances Act, reads as follows:-

7. Restriction on trial of offences.- No Court shall proceed to the trial of any person for an offence against this Act except with the consent of the Central Government.

13. In order to obtain the consent, the investigating Officer had submitted the First Information Report, copy of the charge sheet, Mahazar, FSL Report etc., to the District Magistrate. The said District Magistrate has been examined as P.W50. P.W50-Sindu B. Roopesh, the

then District Magistrate of Dakshina Kannada had testified that she had given permission to prosecute the accused for the offence punishable under Section 4 of Explosive Substances Act, 1908. The said permission is available at Ex.P.78.

Further, **Section 45 of Unlawful Activities (Prevention) Act** reads as follows:-

45. Cognizance of offences.—

(1) No court shall take cognizance of any offence—

(i) under Chapter III without the previous sanction of the Central Government or any officer authorized by the Central Government in this behalf;

(ii) under Chapter IV and VI without the previous sanction of the Central Government or, as the case may be, the State Government, and where such offence is committed against the Government of a foreign country without the previous sanction of the Central Government.

(2) Sanction for prosecution under sub-section (1) shall be given within such time as may be prescribed only after considering the report of such authority appointed by the Central Government or, as the case may be, the State Government which shall make an independent review of the evidence gathered in the course of investigation and make a recommendation, within such time as may be prescribed, to the Central Government or, as the case may be, the State Government.

14. In order to obtain the sanction, the Investigating Officer had submitted the First Information Report, copy of the charge sheet, Mahazar, FSL Report etc., to the Under Secretary, Crime Branch, Internal Affairs of State Government of Karnataka. In order to prove the said sanction, P.W51-Latha S.N., the Under Secretary to Government has been examined. P.W51-had testified that she had got the requisition by the Director General and Inspector General of Police, Bengaluru dated 08.05.2020.

15. Exercising powers under Section 45 of the Unlawful Activities (Prevention) Act, 1967 had upon scrutiny of the entire charge sheet and obtaining opinion and also applying her independent mind, had given the sanction to prosecute the accused for the offence punishable under Section 16 of this Act. The said sanction is available at Ex.P79.

Upon such compliance, the investigating officer had laid the final report against the accused for the offence mentioned in the final report.

16. **Point Nos.1 and 2**: Both these points are taken together for common discussion since they emanate from same set of facts.

In order to understand what is an explosive substance, **Section 2 of the Explosive Substance Act, 1908** needs to be visited.

Section 2: Definition of "explosive substance"-

In this Act, the expression "Explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement.

Further, **Section 15 of the Unlawful activities (Prevention) Act, 1908** reads as follows;

Section 15:

Terrorist act: *Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security or-sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country:*

(a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause—

*(i) death of, or injuries to, any person or persons;
or*

*(ii) loss of, or damage to, or destruction of,
property; or*

*(iii) disruption of any supplies or services
essential to the life of the community in India or in
any foreign country; or*

*(iv) damage or destruction of any property in
India or in a foreign country used or intended to
be used for the defence of India or in connection
with any other purposes of the Government of
India, any State Government or any of their
agencies; or*

*(b) overawes by means of criminal force or the
show of criminal force or attempts to do so or
causes death of any public functionary or
attempts to cause death of any public functionary;
or*

*(c) detains, kidnaps or abducts any person and
threatens to kill or injure such person or does any
other act in order to compel the Government of
India, any State Government or the Government
of a foreign country or any other person to do or
abstain from doing any act, commits a terrorist
act.*

There is presumption as to an offence under Section 15 of UAPA
envisage under Section 43E which read as follows:

In a prosecution for an offence under section 15, if it is proved:

(a) that the arms or explosives or any other substances specified in the said section were recovered from the possession of the accused and there is reason to believe that such arms or explosives or other substances of a similar nature were used in the commission of such offence; or

(b) that by the evidence of the expert the fingerprints of the accused or any other definitive evidence suggesting the involvement of the accused in the offence were found at the site of the offence or on anything including arms and vehicles used in connection with the commission of such offence,

the Court shall presume, unless the contrary is shown, that the accused has committed such offence.

In order to prove the charges leveled against the accused, the prosecution has to prove the following;

(i) that the substance in question is explosive substance;

(ii) that the accused makes or knowingly has in his possession or under his control any explosive substance; and,

(iii) that he does so under such circumstances as to give rise to a reasonable suspicion that he is not doing so for a lawful object.

With the above prelude, the evidence led in by the prosecution need to be appreciated. At the threshold, it is pertinent to mention here that the accused had not chosen to cross-examine any of the witnesses. However, the prosecution had to discharge its initial burden to prove beyond reasonable doubt that the accused is guilty of the offence. This Court, in order to get itself satisfied as to the guilt of the accused, called upon the prosecution to prove the ingredients of the offence. With this background, this Court has to see, whether the prosecution has proved its story, by examining the witnesses cited in the charge-sheet and proved the other attending circumstances and the motive which prompted the accused to commit the offence.

17. The prosecution, in order to prove the fact that there was an unattended Black bag seen at the alighting point at the departure gate of Mangaluru International Airport, got examined the complainant-P.W1-Manas Nayak. P.W1 admits the complaint lodged by him as per Ex.P1. It is the testimony of P.W1 that on 20.01.2020, in the morning at 8.40 a.m.,

he received a message from Control Room through wireless that there was a black bag, kept unattended at the alighting point lounge. Upon receipt of the message, he had gone to the spot. The dog squad and the QRT (Quick Response Team) were also present. Upon checking the bag with Explosive Trace Detector (ETD) Technology and by the dog sniff, the result came positive. Immediately consulting the higher authority, the bag was taken to a secluded open place by P.W16-M.L.Chandregowda. P.W1 has also stated that the place where the bag was kept was a public place crowded with people and having public access. He has also testified that the place where the bag was kept was within the view of CC Cameras installed. He had watched the CC TV footage in which it was seen that a man wearing a cap with full sleeves shirt had left the said bag at that place. Thereafter, the said person had gone in an auto rickshaw. He has also testified that Mangaluru International Airport is a sensitive area. The intention of the person in leaving the bag at the alighting point was to scare the public and cause loss to the property. Thereupon, he lodged the complaint as per Ex.P1 to the jurisdictional police i.e., Bajpe Police Station. A high alert was shared with other Airports. P.W1 had identified the accused as the person seen in the CC TV footage.

18. P.W16-M.L.Chandregowda has also, in his testimony spoken with regard to shifting of black bag that was kept unattended to a secluded place. It is the testimony of P.W1 that the bag was shifted to a secluded area, since it was possible to explode, endangering the life of the public at the Airport.

19. P.W2-Giridhahilal Deshmukh is the person who was the constable at Central Intelligence Security Force (CISF) at International Airport, Mangaluru. The testimony of P.W2 was to the effect that when he was on duty, he had seen an unattended bag kept at the alighting point. It is his further testimony that they were all on high alert pre-Republic day on January 26th. At around 8-30 a.m., he had observed a man coming with a bag and keeping it on steel chair at the alighting point. The said person was wearing a white shirt, black pant and a cap. Sometime later, the said person was not there. Thinking that, that person might have gone to the rest room, PW-2 waited for the return of that person. Even after waiting, that person did not come back near the bag. Since it was unattended bag, it was informed to higher officials. He messaged the Control room which was in-charge of P.W13-Sathish Kumar.

20. P.W13-Sathish Kumar, in his testimony spoken with regard to receiving information from P.W2. From the Control Room, the message was transmitted to the complainant-P.W1.

21. P.W3-Adam Beary is an eye-witness for having seen the person keeping the black bag at the alighting point and not returning to the place to pick up the black bag. P.W3 has testified that the person who had kept the bag was wearing a white shirt, pant and was wearing a cap on his head.

22. P.W18-M.M.Outi is the Dog Handler at Central Intelligence Security Force (CISF). He has testified with regard to receiving the information about the unattended bag. He has also testified that he with the Dog Squad had gone to the place where the unattended bag was left. The Dog, upon sniffing had confirmed that there was some suspicious substances inside the bag.

By examining P.W1 to P.W3, P.W16 and P.W18, the prosecution has proved with regard to the black bag kept unattended by a stranger

wearing a white shirt, pant and a cap at the alighting point at 8.33 a.m., on 20.01.2020.

Since the black bag was kept and left by a stranger the prosecution has to establish the chain of circumstances that led to the commission of the offence by the accused besides establishing the identity of that stranger. IN other words, the case of the prosecution relies on the various chain of circumstances.

23. Circumstantial evidence is unrelated facts that, when considered together, can be used to infer a conclusion about something unknown. Circumstantial evidence is usually a theory, supported by a significant quantity of corroborating evidence. Circumstantial evidence plays a pivotal role in criminal case. Circumstantial evidence is proof of a fact or set of facts from which one could infer that the fact in question. The circumstantial evidence can be a sole basis for conviction provided the conditions as stated below is fully satisfied.

1) The circumstances from which guilt is established must be fully proved;

2) That all the facts must be consistent with the hypothesis of the guilt of the accused;

3) That the circumstances must be of a conclusive nature and tendency;

4) That the circumstances should, to a moral certainty, actually exclude every hypothesis except the one proposed to be proved.

In a case based on circumstantial evidence, settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete, forming a chain and there should be no gap left in the chain of evidence. Further, the proved circumstances must be consistent only with the hypothesis of the guilt. It is also well settled that, each fact in case of Circumstantial Evidence sought to be relied upon must be proved individually.

In the recent authority reported in **(2020) 10 SCC 166 between Anwar Ali and another Vs State of Himachal Pradesh, (Cri. Appeal 1121/2016)** the Hon'ble Apex court has reiterated that,

“As held by this Court in catena of decisions that in case of a circumstantial evidence, the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else and the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than

that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence”.

24. The prosecution in order to prove the circumstances has examined several witnesses. In order to bring about the identity of the said stranger, P.W4-Salman @ Mohammad Salman has been examined. P.W4 has testified that he runs a saloon at 313 Apartment near Kenjaru. His shop would be open from morning 8-00 a.m., till 9 'O' clock in the night. He testified that on 20.01.2020 at 8.20 a.m., a person who came in "Rajkumar" bus had kept his black bag in his shop saying that, he would come back from Airport and take back the said bag. P.W4 guided him to the Security Guard of 313 Apartment. Thereupon, that person had kept black bag and from inside the black bag, he had taken another bag and left towards the Airport. After half an hour, he came in an Auto rickshaw, picked up the bag and went away.

25. P.W5-Anil Kumar is the person who was the Auto rickshaw driver. It is his testimony that on 20.01.2020, he was waiting for passenger at Airport departure. At that time, a passenger wearing a cap

on his head, shirt and pant came near him and asked to leave him near 313 Apartment. P.W5 had left that person near 313 Apartment.

26. P.W6-Ramananda Rai is the conductor of 'Rajkumar' bus. It is his testimony that on 20.01.2020, at 7.35 a.m., when the bus was about to start, a person came running with a bag in his hand and purchased ticket to go to Airport. The said person was wearing a cap, shirt and pant. On reaching 313 Apartment at Kenjaru, he had alighted from the bus.

27. P.W11-Uday Kumar is another witness who is the conductor of the bus which plies from Karkala to Mangaluru. He has testified that on 20.01.2020, there were three passengers. The bus started at 5.40 a.m. Among the said three persons, there were one passenger who got down near the stop at State Bank, Mangaluru. The said person had asked the way to Airport. P.W11 had guided him as to taking another bus to reach a Airport from State Bank, Mangaluru.

28. P.W12-Ratnakar is the Autorickshaw driver, who dropped the person from 313 Apartment to Airport.

By examining the above witnesses P.W.4 to P.W6, P.W11 and P.W12, the prosecution has proved with regard to the movement of the person who had left a black bag containing suspicious explosives at the alighting point near the departure gate of Mangaluru International Airport, from Karkala to State Bank, State Bank to 313 Apartment at Kenjaru, from there to the Airport and from the Airport back to 313 Apartment.

29. Thereafter, the accused had surrendered before C.W75-Shivaraj Patil, the Police Inspector of KSISF (KARNATAKA STATE INDUSTRIAL SECURITY FORCE) on 22.01.2020. The accused was handed over to Hulsoor Gate Police Station, Bengaluru. P.W45-Puttegowda, ASI of Hulsoor Gate Police Station has testified that C.W75-Shivaraj Patil was the Police Inspector and C.W77-Sri Nikhil Bharki was the Police Constable at KSISF. On 22.01.2020, when he was on duty, C.W75 had brought a person in his custody and on enquiry, the person in custody had stated that he wanted to meet the DGP (Director General of Police) and ADGP(Assistant Director General of Police) as he wanted to surrender. He further informed that he was the person who had kept the explosive at Bengaluru Airport. Thereupon, the said information was transmitted to the higher officials. Later, the Hulsoor Gate Police Station

took the person into their custody and took him to the Police Station. With regard to this, the report is available at Ex.P73. Thereupon, the matter was informed to the Investigating Officer in this case.

30. The Investigating Officer-K.U.Belliappa has been examined as P.W56. Upon registering the complaint, P.W56 taken the records of the case. On verification of the records, P.W56 noticed that in pursuance of the permission of the jurisdictional Magistrate, the explosive substances was blasted at the secluded place. On 20.01.2020, he had visited the spot of incident. The complainant had shown the spot; in the presence of the witnesses, the Spot Mahazar-Ex.P2 was drawn in the presence of the witness-P.W16-M.L.Chandregowda and P.W17-Pratheesh Kumar. P.W16 and P.W17 besides the complainant-P.W1 have testified with regard to drawing of the Mahazar on 20.01.2020. At the same time, the Spot Sketch was also prepared by the Investigating Officer which is available at Ex.P89. On the same day, the Investigating Officer recorded the statement of P.W2-Giridhahilal Deshmukh, P.W3-Adam Beary, P.W4-Salam @ Mohammad Salman and P.W5-Anil Kumar.

31. P.W19-Gangaiah Naik, is the Armed Reserve Sub Inspector and was working at Bomb Detection and Disposal Squad(BDDS). It is the testimony of P.W19 that he had taken training at NST (NATIONAL SECURITY TRAINING) with regard to disposal of bomb. Thereupon, he is working at the jurisdiction within the Mangaluru Airport(Western Division). On 20.01.2020, at 9-30 a.m., he received an information from the Control room with regard to a suspicious material at the Airport. Thereupon, P.W19 along with Squad visited the Airport. They were supported with the Dog Squad and searching equipment and disposal equipment. When they visited the spot, all the higher officials were present. The bag containing the explosive was kept at the secluded place. The said bag was sniffed by the dogs Squad. Upon getting confirmation that the bag contains explosive substances, the same was kept in Total Continental Vessel. Thereupon, with the permission of the jurisdictional Magistrate, the said bag was taken in the security of the police and using equipments, the same was destructed (ನಿಷ್ಕ್ರಿಯಗೊಳಿಸಿದೆ) without harming anyone. Consequent upon disposal of the explosive substances following protocol, the residues from the surrounding area was collected and handed over to the Investigating Officer. Around 13

items were handed over to the Investigating Officer. The testimony of P.W19 is corroborated by the evidence of P.W56-Investigating Officer.

32. With regard to the collection of these 13 items from the place where the explosive was blasted, a Mahazar was drawn and is available at Ex.P40. Ex.P94 is the photograph taken at the time of blasting the explosive substance at a secluded area. The witness to Ex.P40 i.e., P.W15-Sathish Devadiga and P.W19-Gangaiah Naik in their testimony supported the drawing of said Mahazar-Ex.P40 at the spot where the explosive was blasted by P.W19. The 13 items which were seized under Ex.P40 were sent to the SFSL (State Forensic Science Laboratory) at Bengaluru. The statement of P.W6 and other witnesses was recorded by the Investigating Officer-P.W56.

33. It is the testimony of P.W56 that on 22.01.2020, he received the information from C.W102-Harivardhan who was the Police Inspector of Hulsoor Gate Police Station and consequently, the Investigating Officer had gone to Bengaluru and took the accused to his custody along with Mahazar and the transit warrant from the concerned Court and brought the accused to Mangaluru. As per the Mahazar-Ex.P90, a mobile

phone of Nokia brand and a notebook was seized from the possession of the accused, was handed over to the Investigating Officer-P.W56 by C.W102. These articles are marked as M.O27 and M.O28. Ex.P91 is the Mahazar by which the accused was taken to the custody of P.W56 from the custody of C.W102.

34. On 22.01.2020, the accused was taken to the custody from C.W102-Harivardhan by the Investigating Officer. On 23.01.2020, the voluntary statement of the accused was recorded by P.W56. Upon recording the Voluntary Statement of the accused, there was disclosure statement as per Ex.P92 which reads as follows:

" ನಾನು ಬಾಂಬ್ ತಯಾರಿಸಲು ಅಮೇಜಾನ್‌ನಿಂದ ಆನ್‌ಲೈನ್‌ನಲ್ಲಿ ಖರೀದಿಸಿರುವ ವಿಚಾರ ಮತ್ತು ಮಂಗಳೂರು ಕದ್ರಿಯಲ್ಲಿರುವ ಹಾರ್ಡ್ ವೇರ್ ಅಂಗಡಿ ಮತ್ತು ಇತರ ಅಂಗಡಿಗಳಿಂದ ಸುಧಾರಿತ ಬಾಂಬ್ ತಯಾರಿಸುವರೆ ಖರೀದಿಸಿದ ಅಂಗಡಿಗಳನ್ನು ಮತ್ತು ನಾನು ಬಾಂಬ್ ತಯಾರಿಸಿದ ನಮ್ಮ ಕುಡ್ಲ ಹೋಟೇಲಿನ ಬಾಬ್ತು ತಂಗುತ್ತಿದ್ದ ಮನೆಯ ರೂಮ್‌ನ್ನು, ಉಡುಪಿಯಲ್ಲಿ ಕರ್ನಾಟಕ ಬ್ಯಾಂಕ್ ಲಾಕರ್ ನಲ್ಲಿರುವ ಸೈನೆಡ್ ಮತ್ತು ದಾಖಲೆ, ಕದ್ರಿ ಕರ್ನಾಟಕ ಬ್ಯಾಂಕ್ ಲಾಕರ್‌ನಲ್ಲಿರಿಸಿದ ನೋಟ್ ಬುಕ್ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಹಾಗೂ ಮಲ್ಟಿ ಬೀಚ್‌ನ ಬಳಿಯಿಂದ ನಾನು ಮಂಗಳೂರು ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಏರ್ ಪೋರ್ಟ್ ಮ್ಯಾನೇಜರ್‌ಗೆ ನನ್ನ ಮೊಬೈಲ್ ನಿಂದ ಪೋನ್ ಕರೆ ಮಾಡಿದ ಸ್ಥಳವನ್ನು ನಾನು ದಿನಾಂಕ: 20-01-2020 ರಂದು ಬೆಳಿಗ್ಗೆ 8-20 ಗಂಟೆಯ ಬಳಿಕ 313 ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ನಲ್ಲಿ ನನ್ನ ನೀಲಿ ಬಣ್ಣದ ಬ್ಯಾಗ್ ಇಟ್ಟ ಸ್ಥಳವನ್ನು ರಾಷ್ಟ್ರೀಯ

ವಿಮಾನ ನಿಲ್ದಾಣ ಬಜಪೆಯಲ್ಲಿ ಸುಧಾರಿತ ಸ್ಟೋಟಕ ಬಾಂಬ್ ಇದ್ದ ಕಪ್ಪು ಬಣ್ಣದ ಬ್ಯಾಗ್ನಿಟ್ಟ ಸ್ಥಳವನ್ನು, ಆ ಬಳಿಕ ನಾನು ತಲೆ ಮರೆಸಿಕೊಂಡು ಸುತ್ತಾಡಿರುವ ಸ್ಥಳಗಳನ್ನು ನನ್ನ ಜೊತೆ ಪೋಲೀಸರಾದ ನೀವು ನನ್ನ ಜೊತೆ ಬಂದರೆ ತೋರಿಸಿ ಕೊಡಬಲ್ಲೆ".

Recovery at the instance of accused :

Section 27 of Indian Evidence Act reads as follows:

How much of information received from accused may be proved.—Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

35. Section 27 of the Indian Evidence Act, 1872 deals with how much information received from an accused person can be proved against him, which is an exception to Section 25 and 26 of the Indian Evidence Act. As per Section 27 of the Indian Evidence Act when any fact is discovered in consequence of information received from an accused person while in custody of a police officer, such information which distinctly relates to the fact discovered thereby can be proved in evidence. Perusal of Section 27 of the Indian Evidence Act clearly shows that to attract Section 27 of the Indian Evidence Act there must be a

statement first and it would be followed by the discovery. Whether the investigating Officer has discovered facts upon the Disclosure Statement as per Ex.P92 has to be appreciated by this Court.

36. The Investigating Officer had produced the accused before the jurisdictional Magistrate and was taken to Police custody for 10 days for further investigation. In pursuance of police custody, the accused, on 24.01.2020 had surrendered M.O18 i.e., Puma shoes, which he had worn at the time of incident. The Mahazar corroborate the seizure of M.O18 is available at Ex.P41. The witness to the said Mahazar, P.W15 has supported the prosecution.

37. Later, the accused had taken the Investigating Officer and other witnesses to 313 Apartment at Kenjaru, at which place he had kept the bag. In pursuance of the same, Ex.P43 has been drawn by the Investigating Officer in presence of P.W20. P.W20-Srinivasa has testified in support of the said Mahazar. The accused keeping the said bag on 20.01.2020 has been corroborated by the testimony of P.W4-Salman, the testimony of whose has already been discussed in the preceding paras.

38. Thereupon, the accused had taken the Investigating Officer and the witnesses to Airport Departure gate and had shown the place where the black bag containing the improvised explosive substances was kept. The Mahazar has been drawn as per Ex.P44 and the witness to Ex.P44 is P.W21-Chethan Kumar and he has testified with regard to the Mahazar drawn at the said place.

39. On 25.01.2020, the accused had taken the Investigating Officer and the witnesses to Karnataka Bank, Kunjibettu branch at Udupi and had opened the locker bearing No.322 which was in his name and from therein, he had handed over a box which contained cyanide. The said articles which were within the locker was seized by the Investigating Officer and Ex.P45 is the Mahazar that has been drawn for seizing the said articles. P.W22-Upendra Kumar is the witness who has testified in support of Ex.P45.

40. P.W31-Raghavendra T., was the Assistant Manager, Karnataka Bank. He has testified with regard to the Investigating Officer visiting the bank with accused person, whose face was covered with the black mask. He has also testified with regard to the contents of the Mahazar that was drawn as per Ex.P45.

41. On the same day, the accused had taken the Investigating Officer and the witnesses to a petty shop at Malpe beach, Udupi and shown that place as to the place from where he had made a call to the Airport Authority threatening that, there was bomb in the flight which were about to fly from the airport. The Mahazar has been drawn as per Ex.P46 and the witness to the said Mahazar is P.W23-Shivaprasad, who has testified in support of the said Mahazar.

42. P.W14-Abdul Hameed, the Terminal Manager at the International Airport, Mangaluru has testified that, he was on duty on 20.01.2020 and at that day, around 2.45 p.m., to 3.00 p.m., he received a call on his official mobile. When he received the said call, the person had asked that he wanted to talk to the Director. When the phone was handed over to the Director, the person on the other side had threatened that he had kept explosive substance in Indigo Flight No.6E528. When enquired as to why the explosive was kept in the flight, the person from the other side had told that since he was sentenced to imprisonment, with that vengeance, he had kept the explosives in the flight. The testimony of P.W14 is corroborated on the basis of Ex.P46, which was drawn at the

place shown by the accused to be a place from where the threatening call was made by the accused.

43. Thereupon, the accused had taken them to Karkala Kings Court and had shown the place where he was keeping the black colour bag and blue colour bag. The Mahazar is marked at Ex.P48. At the time of drawing the Mahazar at Kings Court, the DVR installed at the hotel premises was also seized.

44. The Manager at Karkala Kings Court hotel has been examined as P.W24-Ashok Shetty. It is his testimony that the accused was working in Karkala Kings Court hotel. It is his testimony that on 18.01.2020, the accused had come to his hotel and had asked for a work. Upon verification of the identity of the said person, on the basis of the Aadhaar Card and Pan Card, he was given the work of a waiter for a salary of ₹.5,500/- per month. He was also accommodated in the Staff Quarters. On 20.01.2020, in the morning at 4.30 a.m., the said person/accused had left the hotel without informing anyone. P.W24 has spoken with regard to the fact that he was present when Ex.P48 was drawn on 25.01.2020 by the Investigating Officer. Even, another attesting witness to Ex.P48 i.e.,

P.W23-Shivaprasad has also spoken with regard to Ex.P48 being drawn in his presence.

45. On 26.01.2020, the accused had shown the various websites visited by him. The details of the website were collected by the Investigating Officer with the assistance of technical staff in the presence of witnesses. The password to open the account in the name of the accused was given by the accused. Ex.P49 is the Mahazar drawn to the said effect. The technical staff i.e., Rajendra, HC 611, CCB Division has been examined as P.W55. He has testified with regard to taking the print out of various websites visited by the accused. P.W25-Yashwanth, the panch witness has also spoken with regard to the mahazar as to various websites visited by the accused. The details of the websites visited by the accused has been detailed in Ex.P49. Ex.P49 also contains the description of the articles that were ordered by the accused on Amazon Platform, the amount paid by the accused as well as the shipping address. As per Ex.P49, the shipping addresses are shown to be Kudla Family Restaurant, situated at Balmatta, Mangaluru. In order to substantiate the contents of Ex.P49, the Delivery Personnel of Amazon Platform have been examined as P.W7-Nagesh and P.W8-Pramod.

46. P.W7-Nagesh in his testimony spoken with regard to the fact that he was a delivery boy at Amazon Company during the year 2019 and 2020. He had identified the accused during trial and stated that on 23.12.2019, he delivered two parcels to the accused at Kudla Restaurant and had collected the cash thereupon. In the same manner, P.W8-Prمود, the delivery boy at Amazon Company has also testified in line and length of P.W8. He has testified that in the month of December, 2019, he had delivered the parcels to the accused 2 to 3 times at Kudla Restaurant. The testimony of P.W7 and P.W8 corroborates the details mentioned in Ex.P49.

47. On 28.01.2020, the accused had taken the Investigating Officer to Karnataka Bank, Kadri branch, Mangaluru and had handed over a diary which was in the locker of the said bank. Undoubtedly, the said locker was in the name of the accused. P.W26-Sajiva Kumar has spoken with regard to the Mahazar drawn as per Ex.P51. P.W26 is the Manager at Karnataka Bank, Kadri branch and spoken with regard to the contents of the Mahazar. Thereupon, the accused had taken the Investigating Officer and the witnesses to the Hardware shop at

Mallikatte and shown that shop to be the shop from where he had purchased the materials for preparing the explosive. Ex.P56 is the Mahazar that was drawn at the said hardware shop and P.W27-M.Sadananda Shetty is the Mahazar witness who has spoken with regard to the drawing of Ex.P56.

48. The shop owner-Ajith has been examined as P.W9. P.W9, in his testimony has spoken with regard to the accused coming to his shop and purchasing materials like Acrylic paint, wire cutter, silver paint, white cement, Cello tape and nails (ಮೊಳೆಗಿಳು). He had also stated that when the accused was brought to his ship for Mahazar, his face was closed with black mask (Black cloth). The accused had also taken the investigating officer to Vasuki Watch shop and had shown that shop to be a shop from where he had purchased a time piece. Thereupon, he had taken to S.R Electricals and shown it to be a place from where, he had purchased battery. At the shop from where the battery was purchased, a Mahazar was drawn at Ex.P57. The witness to Ex.P57 is P.W27-Sadananda Shetty and he has supported the Mahazar at Ex.P27.

49. Next, the accused had taken to the Staff Quarters of Kudla hotel and had shown the place at which he had prepared the explosive. The Mahazar drawn at the said spot is available at Ex.P30. The witness to the said Mahazar is P.W10 and he has spoken with regard to the contents of Ex.P30 and has also testified in support of Ex.P30.

50. P.W10-Rajesh Shetty is a staff working at Kudla hotel. He has testified that he was working as a Captain at a Kudla Bar and Restaurant. The accused was also working at the said hotel. On 28.01.2020, the police had brought a man covered with black mask. The said person who was brought by the police had shown the room at the Staff Quarters and had also shown the white cement packet, a container and other related things. The chemical contents in a plastic cover was also seized by the police. The items which were seized by the police were packed at the spot. The Mahazar was drawn and it was signed by P.W10.

51. P.W33-Ganesh is the Electrician working at Kudla Restaurant. He has identified the accused person and testified that the accused was working in the billing section of Kudla hotel, for the period from 16.12.2019 to 14.01.2020. The accused was less talkative and used to

get items delivered from Amazon. When enquired as to what were the items he purchased from Amazon website, the accused used to tell P.W33 that they were the powder used for body strengthening/body building. Thereby, the prosecution has established that the accused was working at Kudla Bar and Restaurant, was residing at the Staff Quarters arranged by the hotel and has proved with regard to the accused getting delivered items which he had ordered from Amazon Website.

52. On 31.01.2020, the voice of the accused was recorded at ACB office as per Ex.P58. On 31.01.2020, the accused had taken the Investigating Officer to Nrupathunga road at Bengaluru and had shown the place from where the accused had lost his bag. At the said place, a Mahazar was drawn as per Ex.P61. Thereupon, the accused had taken the Investigating Officer to the Just Dial Company and Ex.P62 is the Mahazar drawn at the said place. P.W30-Shivaraj is the witness to the said Mahazar.

53. The officer of Just Dial Company i.e., Anand Kumar Y., has been examined as P.W54. It is the testimony of P.W54 that he was working as a Senior Quality Analyst at Just Dial Company from 2011 to

2021. When the customers call to their Company and ask for information, they send the information over SMS. On 31.01.2020, the police had brought the accused to their Company and had requested to hand over the voice recorded when the accused had called to Just Dial seeking information. It was learnt that the accused had sought information with regard to the place from where he could secure Potassium Sulphate and Sulphur and other raw materials. The said voice of the accused which was recorded by the Just Dial Company was transferred to four CDs and handed over to the Investigating Officer and the Certificates given by P.W54 are available at Ex.P87 and Ex.P87(a). Ex.P87 and Ex.P87(a) are nothing but the Certificates issued in compliance of Section 65B of Indian Evidence Act. On 01.02.2020, upon completion of the police custody, the accused was produced before the Magistrate. By the above evidence the prosecution has established and successfully proved the chain of link.

Now it has to be appreciated whether the identity of the accused person as the person leaving the explosive substance in the bag at the Mangaluru Airport is established by the prosecution. IN this regard, the prosecution has examined the eye witnesses and the Executive Magistrate conducting the test identification parade.

54. P.W47-Guruprasad, the Tahsildar and Executive Magistrate of Mangaluru had conducted Test Identification Parade. Ex.P75 is the report of the Test Identification Parade in detail. The role of the witness is very important in establishing the identity of the accused. One of the methods for establishing the identity is Test Identification Parade.

Section 9 of the Indian Evidence Act read as follows:

“Facts necessary to explain or introduce relevant facts-Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose”.

The idea of Test Identification Parade is to test the veracity of the witness as to whether he is capable to identify among several persons, the person whom the witness had seen committing the offence. During Test Identification Parade, the identity of the person to be established must be kept out of the view of the witness. That person has to be mingled with other person of similar description, status, build and age, proportion of minimum of 1:5 and maximum 1:10. Even if a witness makes a mistake, it

should be recorded by the Magistrate conducting the proceedings. The proceedings must contain a complete detail of the identification parade. Upon the identification of the person is made by one witness, the process of identification has to be repeated to the other similar person has to be changed their position and repeat the identification parade. In ***Siddharth Vashist @ Manu Sharma Vs. State (NCT of Delhi)***-AIR 2010 SC 235, the Hon'ble Apex Court, at para 254 has held that;

“It is only by virtue of Section 9 of the Evidence Act that the same i.e., the act of identification becomes admissible in Court. The logic behind Test Identification Parade which will include photo identification lies in the fact that it is only an aid to investigation where an accused is not known to the witness, the Investigating Officer conducts a Test Identification Parade to ensure that he has got the right person as an accused. The practice is not operation out of the procedure, but out of prudence. At best, it can be brought under Section 8 of the Evidence Act, as an evidence of conduct of a witness in photo identifying the accused in the presence of the Investigating Officer or the Magistrate, during the course of investigation”.

Also in 1993 SCC(Cri.) 496 in ***Mullagiri Vajram and others Vs. State of Andra Pradesh***, it was held that;

“Though the accused was seen by the witness in custody, any infirmity in Test Identification Parade will not affect the outcome of the case, since the depositions of the witnesses in Court were reliable and

could sustain a conviction. The photo identification and Test Identification Parade are only aides in the investigation and does not form substantive evidence. The substantive evidence is the evidence in the Court on oath”.

In the background of the above authority by the Hon'ble Apex Court, there is testimony of P.W47 with regard to the procedure of conducting Test Identification Parade. Ex.P75 is the entire details with regard to the Test Identification Parade. Further more, P.W2-Giridhahilal Deshmukh, the constable of CISF, P.W3-Adam Beary, the eyewitness, P.W4-Salman, who had seen the accused keeping bag at 313 Apartment, P.W5-Anil Kumar, the autorickshaw driver who had dropped the accused from Airport exit Tollgate to 313 Apartment, P.W6-Ramananda Rai, the conductor of the bus which plied from State Bank, Mangaluru to 313 Apartment at Kenjaru, P.W7 and P.W8-the delivery boys of the Amazon Company, P.W9-Ajith- the shop owner from where the accused had purchased the materials several times, P.W10-Rajesh Shetty-the staff at Kudla Restaurant, P.W11-Uday Kumar-the Conductor of the bus which travelled from Karkala to Mangaluru and P.W12-Ratnakar, the Autorickshaw driver who had dropped the accused from 313 Apartment to the Airport, have all participated in the Test

Identification Parade. All these witnesses who had participated in the TIP have also identified the accused before the court during trial. The report of the identification by these persons is available at Ex.P5, Ex.P6, Ex.P10, Ex.P11, Ex.P13, Ex.P14, Ex.P16, Ex.P17, Ex.P19, Ex.P20, Ex.P22, Ex.P23, Ex.P25, Ex.P26, Ex.P28, Ex.P29, Ex.P32, Ex.P33, Ex.P35, Ex.P36, Ex.P37, Ex.P38 and Ex.P39.

55. The witnesses P.W2 to P.W12 during trial have identified the accused person in consonance with their testimony before the Court. Thereby, the prosecution has successfully established that it was the accused person who had kept unattended black bag containing explosive substance at the alighting point at the departure gate of Mangaluru International Airport. As per Ex.P92, the place from where the accused had purchased the raw materials, time piece and the details of the purchase from the Amazon Platform, have all been established by the prosecution so as to link the chain of evidence.

56. Explosives are reactive substances that contains a great amount of potential energy that can produced an explosion if released suddenly, usually accompanied by the production of light, heat sound

and pressure. Explosive can be mixture of two substances. Now, it has to be seen whether the black bag which was left unattended by the accused person indeed contained the explosive substance which would on explosion take away the lives of people and so also damage and cause loss to the property. The evidence of P.W19-Gangayya Naik, who is the Armed Reserve Sub Inspector at BDDS(Bomb Detection and Disposal Squad) shows that the substance inside the black bag was carried in Total Continental Vessel and it was blasted at a secluded place and 13 items which were collected from the spot were handed over to the Investigating Officer. It is the testimony of the Investigating Officer that 13 items which were collected from P.W19 was sent to SFSL, Bengaluru.

57. The prosecution has examined the expert from the SFSL , to prove that the articles seized were explosive substance as defined under the Act. Recovery of residuary is corroborated by the opinion of PW-52 that the substances were explosive substances. There is the testimony of P.W52-Dr.Vani N., who is the Assistant Director at FSL, Bengaluru. It is the testimony of P.W52 that on 22.01.2020, the office of SFSL had received 13 articles from Bajpe Police Station. The articles were forwarded to P.W52 for chemical examination. The articles were given

marking as A to M by the Investigating Officer.(The said marking is corroborated from the contents of Ex.P40, the mahazar drawn at the place where destruction was effected by the BDDS). The Article A, B, E and H had presence of traces and decomposed products of improvised gun powder such as Potassium Nitrate, Sulphur, Charcoal along with Potassium Chlorate. The Article A, B, E and H are nothing but one steel box, plastic panel cover, pieces of cardboard box and one cover containing mud. Further, there was presence of Sulphur particles on the plastic panel found in Article S. Article K is the bag which was used to keep the explosive substance. The opinion of P.W52 is available at Ex.P80. Further, 9 articles were sent to the FSL for chemical examination. Those articles were burnt plastic collected at blasted area, burnt plastic bag pieces, fragmented plastic and paper pieces and swab collected at the blasted area, white port land cement, white colour plastic container, different types of chemicals in plastic covers. These articles were given marking as letter 'P' to 'X'. In Article 'X', the presence of improvised gun powder composition, such as Potassium Chlorate, Potassium Nitrate, Sulphur and charcoal were detected and its traces with decomposed products were detected in Article 'P', 'Q', 'R' and 'S'.

As per Ex.P81, it is the opinion of P.W52 that the improvised gun powder composition can cause damage to human life and property on explosion. The cyanide packet which was seized from the locker of the accused person was also sent to SFSL for examination. Upon subjecting the articles for chemical examination, P.W52 testified that the sample found in Article was Potassium cyanide and is highly toxic salt. The above materials collected at the place of blasting the substances which was in the black bag left by the accused was collected by P.W19 was handed over to the Investigating Officer. The Investigating Officer in turn had sent the same to FSL for chemical examination. The report of the expert shows the presence of Gunpowder. { Gunpowder, is a chemical explosive which consists of a mixture of sulfur, carbon (in the form of charcoal) and potassium nitrate (saltpeter)}. The opinion of the expert as per Ex.P80 and Ex.P81 clearly establishes the fact that the bag had contained substances like Potassium Chlorate, Potassium Nitrate, Sulphur and charcoal which on explosion could cause loss to human life and property.

58. The Investigating Officer during investigation has collected the CCTV camera footage installed at 313 Apartment as well as the

CCTV footage which were installed at the departure gate of Airport. These documents collected also shows that the accused was the person who had kept the black bag containing explosive.

59. P.W29-Umesh is the witness for having seized the CCTV camera footages in a pen drive and the said Mahazar for having drawn at the 313 Apartment and at Syndicate Bank as per Ex.P59. Even the hard disc containing the CCTV footage at the Airport Department gate was seized as per Ex.P60. M.O29 is the Pen drive which shows the movement of the accused at the 313 Apartment and the accused keeping the bag at the said premises. All the above evidence clearly proves the fact i.e., linking the accused to the chain of circumstance the prosecution basing on.

MOTIVE

In order to prove the motive for commission of the offence, the prosecution alleges that the accused in the year 2018 had made a hoax call threatening that there was bomb in Bengaluru Airport and at the Railway Station. The said allegations against the accused being proved, he was sentenced to imprisonment for one year and had served the sentence at the prison at Chikkaballapura jail. In order to prove these

facts, P.W36 Sandeep has been examined. P.W36 has testified that he was in custody for a period of six months at Chikkaballapura prison. The accused was also serving the sentence at the same prison. The accused had conversed with P.W36 and told him that as he failed to get a job of Security Supervisor at Airport, he had vengeance and had made a hoax call. The accused had also told him that he has made up his mind to place a bomb at Airport.

60. In the same manner, P.W34-Kishore B., is the Karate Trainer and he has testified that the accused was attending institution run by P.W34 to learn Karate. Ex.P66 is the application form given by the accused to join the Institute of Karate run by P.W34. P.W34 also testified in line and length of the testimony of P.W36. P.W44-B. Krishna Murthy is the father of the accused and testified with regard to the accused serving sentence of one year in the prison. Father too corroborates the imprisonment of the accused. The accused had expressed his ill-will against the system. All the attempt of P.W44 to reform his son had failed. By the testimony of P.W36 and P.W44, the prosecution has established that the accused had ill-will against the system and he wanted to take

revenge by placing an explosive in the Airport. The motive attributed to the commission of the offence is proved by the prosecution.

MENTAL CAPACITY OF THE ACCUSED.

Since the accused has pleaded guilty in a heinous offence of this nature, his mental capacity or stability has to be considered in order to rule out that due to any mental impairment he had done the act or that due to such mental impairment or imbalance he had pleaded guilty. Entire trial of the case was conducted before this court. This court had the opportunity to observe the behaviour of the accused before court. The accused had normal behavior and nothing to suspect his mental impairment was observed by this court. However, this court cannot to venture to assess the mental capacity of the accused without any basis. It has to be seen whether there are any supporting materials placed by the prosecution which shows the mental health of the accused.

61. In this regard the testimony of P.W26-Sajiv Kumar, the Senior Bank Manager at Karnataka Bank, Kadri branch, Mangaluru gains significance. He has testified that the accused was brought by the police on 28.02.2020. The accused was the customer of the bank and

the accused had obtained the facility of locker at the bank. The locker Number was 39B. Upon opening the locker, there was a notebook and a medical report. The Mahazar is available at Ex.P51. From the locker, the accused had handed over a Medical Report which has been marked at Ex.P52. Ex.P52 is nothing but the Medical Report issued by the Department of Psychiatric, National Institute of Mental Health and Neuro Sciences, Hosur Road, Bengaluru. The details as could be seen from Ex.P52 is that the accused when he was an under-trial prisoner vide No.8040 at the Central Prison, Bengaluru was directed by the Civil Judge and JMFC., Court, Devanahalli for evaluation of mental status. Ex.P52 is pertaining to the accused herein. Thereupon, the accused was admitted in prison for evaluation of mental status, after ward observation and mental status examination, the Doctor treating him has mentioned in the report that the accused was not found to have any syndromal psychiatric illness. Basing on this document recovered at the instance of the accused, the learned Public Prosecutor argued that the mental status of the accused was stable. On the above evidence, it is clearly seen that the medical report was recovered at the instance of the accused on his disclosure statement. As such, there is nothing on record to suspect that

the accused did not have mental impairment and his mental health was normal.

62. In the background of the above discussion, the prosecution has proved that on 20.01.2020 at 8.33 a.m., the accused had left a black bag containing explosive substances at the alighting point at the departure gate of Mangaluru International Airport. The eyewitnesses have supported the prosecution and testified that they had seen the accused coming to the Airport and leaving the black bag unattended. The evidence of CISF officials coupled with footage of surveillance camera also proved that it was the accused who had left the bag at the time and place put forth by the prosecution. There is evidence by the Conductor of the bus and Auto rickshaw drivers who have testified that the accused on the date of the incident had traveled in the morning at 5.30 a.m., from Karkala, reached near State Bank, Mangaluru; from there he had in another bus reached 313 Apartment at Kenjaru, Mangaluru. There is CC TV footage which has recorded the movements of the accused coming near 313 Apartment and leaving the bag and taking another bag from within, proceeding from there in an auto rickshaw to the Airport. There is also evidence with regard to the accused upon leaving the bag

unattended at the Airport, had returned in an auto rickshaw to 313 Apartment. Thereby, the movements of the accused has been proved by the prosecution by examining the officials of CISF who were on duty on the fateful day and so also, the other attending circumstances.

63. The unattended bag left by the accused was removed and taken to a secluded place by the personnel of BDDS (Bomb Detection and Disposal Squad), the explosive was destructed at a secluded place so as not to harm any life or property. The residues were collected from the place of blast and the residues were thereupon sent to SFSL at Bengaluru.

There is evidence to the fact that the accused was working at Kudla Restaurant. He used to get the goods delivered from Amazon Platform to Kudla Restaurant. There is also evidence that the raw materials were purchased from Hardware shop, time piece and other raw materials required to prepare the explosive substances. There is evidence of the inmates of the Kudla Staff Quarters who have corroborated the fact of goods delivered to the accused. There is also document which evidences the various websites visited by the accused and from which, he had collected information for preparation of the

bomb/explosive substances. There is evidence that the accused used to call 'Just Dial Company' and collected information so as to collect raw materials for preparing explosive.

With regard to the motive, there is evidence of the inmates of the jail at Chikkaballapura who reinforced the motive expressed by the accused. Further more, there is documentary evidence which rules out any mental instability with the accused.

There is also evidence that the area in which the bag containing explosive substance was left was crowded area. There is definite opinion by the expert that the residues which were sent by the Investigating Officer for examination contain substances like Potassium Chlorate, Potassium Nitrate, Sulphur and charcoal which could be hazardous to life and to the property.

With the above evidence, it logically follows that the facts placed before this Court by the prosecution are in respect of the plea of guilt by the accused and is sufficient to sustain the commission of the offence charged with. Thereby, the prosecution has successfully discharged its burden that the substances left in the bag by the accused was explosive

substances and the accused had with clear intention, made the preparation and executed in the manner narrated by the prosecution.

The accused knowingly had in his possession that explosive substance and he had left the bag to cause explosion which give rise to reasonable conclusion that he was not doing it for lawful object. Had the explosive substances if not detected at the appropriate time was left, would have definitely exploded and taken away the life of the several people and also it could have destructed the property. In **Hitendra Vishnu Thakur vs State Of Maharashtra** reported in **AIR 1994 SC 2623** their lordship have observed that;

7. 'Terrorism' is one of the manifestations of increased lawlessness and cult of violence. Violence and crime constitute a threat to an established order and are a revolt against a civilised society. 'Terrorism' has not been defined under TADA nor is it possible to give a precise definition of 'terrorism' or lay down what constitutes 'terrorism'. It may be possible to describe it as use of violence when its most important result is not merely the physical and mental damage of the victim but the prolonged psychological effect it produces or has the potential of producing on the society as a whole. There may be death, injury, or destruction of property or even deprivation of individual liberty in the process but the extent and reach of the intended terrorist activity travels beyond the effect of an ordinary crime capable of

being punished under the ordinary penal law of the land and its main objective is to overawe the Government or disturb harmony of the society or "terrorise" people and the society and not only those directly assaulted, with a view to disturb even tempo, peace and tranquillity of the society and create a sense of fear and insecurity. A 'terrorist' activity does not merely arise by causing disturbance of law and order or of public order. The fall out of the intended activity must be such that it travels beyond the capacity of the ordinary law enforcement agencies to tackle it under the ordinary penal law. Experience has shown us that 'terrorism' is generally an attempt to acquire or maintain power or control by intimidation and causing fear and helplessness in the minds of the people at large or any section thereof and is a totally abnormal phenomenon. What distinguishes 'terrorism' from other forms of violence, therefore, appears to be the deliberate and systematic use of coercive intimidation.

Further observed that,

“ 11.which cannot be classified as a mere law and order problem or disturbance of public order or even disturbance of the even tempo of the life of the community of any specified locality but is of the nature which cannot be tackled as an ordinary criminal activity under the ordinary penal law by the normal law-enforcement agencies the intended extent and reach of the criminal activity of the 'terrorist' is such which travels beyond the gravity of the mere disturbance of public order even of a 'virulent nature' and may at times transcend the frontiers of the locality and may include such anti-national activities which throw a challenge to the very integrity and sovereignty of the country in its democratic polity.....”.

64. Even in this case there is evidence with regard to the preparation for planting the Explosive Substance in the public area by the accused. There is motive attributed to the accused. The manner in which the accused has pre-planned to commit the offence is something which could not have been tackled by normal law enforcement agencies. The criminal activity by the accused is more than mere disturbance of public order. The act of the accused clearly reflects the intention of the accused to cause the explosion and thereby endanger life and cause serious injury to property. The act of the accused is nothing but an act with intention to threaten the unity, integrity security of India besides striking terror in the people.

65. On the above discussions and the appreciation of the evidence, the chain leading to the sole conclusion that it is the accused person and nobody else who had committed the crime is established by the circumstances set forth above. All of such circumstances are assumed to be proved against the accused. All the evidence put forth by the prosecution are impeccable. Hence, for the above reasons, this Court holds that inspite the accused had pleaded guilty, the prosecution has

proved all the facts and circumstances which constitute the offence committed by the accused. The plea of the accused seems to be clean, unambiguous and unqualified. Since the prosecution has proved beyond reasonable doubt the guilt of the accused, this Court does not hesitate to accept the plea of the accused and record a conviction based on the plea of guilt. This observation of the Court receives support from the authority of the Hon'ble Apex Court reported in **AIR 1992 SCC 2100** between ***State of Maharashtra Vs. Sukhdev Singh.***

66. For the above discussions made supra, the accused deserves to be convicted for the charges leveled against him. Accordingly, the point Nos.1 and 2 under consideration are answered in the ***affirmative.***

67. **Point No.3:-** In view of my answer to points No.1 and 2 in ***affirmative*** and for the reasons stated above, this Court proceeds to pass the following;

ORDER

Acting under Section 229 of Code of Criminal Procedure, the accused-**Adithya Rao** is hereby convicted of the offence punishable under Section 4 of

Explosive Substances Act, 1908 and Section 16 of
Unlawful Activities (Prevention) Act, 1967.

(Dictated to the Judgment Writer, the transcript revised, corrected, signed and then pronounced by me in open Court, today this the **11th day of March, 2022**).

(B.R. PALLAVI.)

IV Additional District & Sessions Judge,
D.K., Mangaluru.

ORDER ON SENTENCE

Heard the learned Special Public Prosecutor and also the accused regarding sentence.

2. The accused has submitted that he is guilty of the offence and prayed for 14 years imprisonment. On further enquiry, he submitted that he is B.E Graduate in Mechanical Engineering and also MBA holder. He prayed for imposing the above sentence as he has been honest to accept his guilt.

3. Per contra, the learned Public Prosecutor has submitted that the accused has committed heinous offence as such strict view may be taken and the accused may be sentenced to a maximum punishment.

4. In the authority reported in **2013 SAR (Criminal) 652 SC between Hazara Singh vs. Raj Kumar and Ors.**, wherein it has been observed that:

'Undue sympathy to impose inadequate sentence would do more harm to justice system to undermine the public confidence in the efficacy of law – It is duty of every court to award proper sentence having regard to the nature of offence and the manner in which it was executed or committed- Court must not only keep in view the rights of victim

of crime but also the society at large while considering the imposition of appropriate punishment'.

The cardinal principle of sentencing policy is that the sentence imposed on an offender should reflect the crime he has committed and it should be proportionate to the gravity of offence. Having regard to this principle and also having regard to the age accused, the nature of the commission of offence and its impact on the society, sentence has to be imposed.

5. The sentencing reflects the measure of judgment and the rationale, the society has for a certain crime. It is the primary rationale guiding the criminal justice delivery system of a country. The kind infliction or punishment will depend on both the crime committed and the society. It has to take into account the various factors guiding the case like severity, liability, guilty mind and then award a sentence. Aggravating circumstances or factors are those which increase the severity of the crime. While mitigating circumstances are those which decrease the severity of the crime.

In ***State of M.P. v. Bablu Natt, (2009) 2 SCC 272***, the Supreme Court observed that:

“The principle governing imposition of punishment would depend upon the facts and circumstances of each case. An offence which affects the morale of the society should be severely dealt with.”

Also in ***Alister Anthony Pareira Vs. State of Maharashtra(AIR2012***

SC 3802), the Hon'ble Apex Court held that:

12. “Sentencing policy is an important task in the matters of crime. One of the prime objectives of the criminal law is imposition of appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straitjacket formula for sentencing and accused on proof of crime. The courts have evolved certain principles: twin objectives of the sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offence and all other attendant circumstances. The principle of proportionality in sentencing a crime doer is well entrenched in criminal jurisprudence. As a matter of law, proportion between crime and punishment bears most relevant influence in determination of sentencing the crime doer. The court has to take into consideration all aspects including social interest and consciousness of the society for award of appropriate sentence.”

6. In the background of the above authorities, the quantum of sentence has to be decided by this court. The accused has been convicted for the offence punishable under Section 4 of Explosive and

Substance Act 1908 and Section 16 of Unlawful Activities (Prevention)

Act, 1967. Section 4 read as follows:

Section 4 of Explosive Substances Act, 1908.

“Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property

.—Any person who unlawfully and maliciously—

(a) does any act with intent to cause by an explosive substance or special category explosive substance, or conspires to cause by an explosive substance or special category explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance or special category explosive substance with intent by means thereof to endanger life, or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property in India, shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished—

(i) in the case of any explosive substance, with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

(ii) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Section 16 of Unlawful Activities (Prevention) Act, reads as follows:

16. Punishment for terrorist act.—(1) Whoever commits a terrorist act shall—

(a) if such act has resulted in the death of any person, be punishable with death or imprisonment for life, and shall also be liable to fine;

(b) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

In the case on hand, the offence was committed by the accused with the intention to create a fear psychosis in the public at large and was committed in a public place by keeping Explosive Substance which clearly could be hazardous to the life of more than one person and cause loss to property. The condition of the accused shows that he was not mentally defective and such defect impaired his capacity to appreciate the circumstances of his criminal conduct. The accused is a literate person and a graduate in Mechanical Engineering and holding degree in MBA. This Court upon proper appreciation of evidence is of the view that the crime was committed in a preordained manner. The accused very well had the knowledge the catastrophe that would be caused by his act of keeping the explosive substance hidden in a bag at the heavy crowded place of international Airport at Mangalore. The

said act of the accused is nothing but an act create distress, fear, panic in the general public.

In ***Ankush Maruti Shinde & Ors. v. State of Maharashtra***,(AIR **2009 SC 2609**) the Hon'ble Apex Court held that, "protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence".

Having regard to the facts and circumstances of the case, I am of the opinion that the only mitigating circumstance is that accused has pleaded guilty of the offence committed by him. The accused is guilty and full of remorse. The aggravating circumstances are that, the accused is not a first time offender, but had resorted to hoax call by which he had threatened the security at the airport and railway station at Bengaluru. The accused is well educated and literate and not a rustic villager. He very well knew the bitter outcome of his actions.

However mere pleading guilty would not absolve the accused and he is liable for punishment. The motive, the preparation, the manner in which the Crime was committed by the accused has to be taken in to consideration. Further, the act of the accused has not

resulted in death of any person and the accused is liable to be punished under Section 16(b) of Unlawful Activities (Prevention) Act.

7. Accordingly, the accused is sentenced to undergo Rigorous Imprisonment for 5 years and also liable to pay a fine of Rs.10,000/-, in default of payment of fine, he shall further undergo simple imprisonment for a period of 6 months, for the offence punishable under Section 4 of The Explosive Substance 1908.

The accused is sentenced to undergo Rigorous Imprisonment for a term of 20 years and also liable to pay a fine of ₹.10,000/- in default of payment of fine, he shall further undergo simple imprisonment for a period of 6 months, for the offence punishable under Section 16(b) of The Unlawful Activities (Prevention) Act, 1967.

Imposing the above sentence would be just and adequate.

8. In view of the discussions made above, this Court proceeds to pass the following:

ORDER

The accused is sentenced to undergo the Rigorous Imprisonment for 5 years and also liable to pay

a fine of Rs.10,000/-, in default of payment of fine, he shall further undergo simple imprisonment for a period of 6 months, for the offence punishable under Section 4 of The Explosive Substance Act.1908.

Further, the accused is sentenced to undergo Rigorous Imprisonment for a term of 20 years and also liable to pay a fine of ₹.10,000/- in default of payment of fine, he shall further undergo simple imprisonment for a period of 6 months, for the offence punishable under Section 16(b) of The Unlawful Activities (Prevention) Act, 1967.

The period of detention already undergone by the accused during the period of investigation, enquiry and trial in the present case shall be set off under Section 428 of Cr.P.C.

Both the sentence shall run concurrently.

M.O.1 to M.O.15, M.O.17 to M.O.25 are ordered to be destroyed as worthless, after the appeal period is over.

M.O.16, M.O.26 to M.O.30 are ordered to be confiscated to the Government, after the appeal period is over.

Office to issue a free copy of the judgment and order to the accused.

Issue Commitment Warrant against the accused accordingly to the Superintendent, District Prison, Mangaluru.

(Dictated to the Judgment Writer, the transcript revised, corrected, signed and then pronounced by me in open Court, today this the **16th day of March, 2022**).

(B.R. PALLAVI.)

IV Additional District & Sessions Judge,
D.K., Mangaluru.

ANNEXURE

List of witnesses examined on behalf of the Prosecution:

P.W1	Manas Nayak
P.W2	Giridhahilal Deshmukh
P.W3	Adam Beary
P.W4	Salman

P.W5	Anil Kumar
P.W6	Ramananda Rai
P.W7	Nagesh
P.W8	Pramod
P.W9	Ajith
P.W10	Rajesh Shetty
P.W11	Uday Kumar
P.W12	Ratnakar
P.W13	Sathish Kumar
P.W14	Abdul Hameed
P.W15	Sathish Devadiga
P.W16	M.L. Chandregowda
P.W17	Pratheesh Kumar
P.W18	M.M.Outi
P.W19	Gangayya Naik
P.W20	Srinivas
P.W21	Chethan Kumar
P.W22	Upendra Kumar
P.W23	Shivaprasad
P.W24	Ashok
P.W25	Yashwanth
P.W26	Sanjeeva Kumar
P.W27	Sadananda Shetty
P.W28	Ganesh Bolar
P.W29	Umesh

P.W30	Shivraj
P.W31	Raghavendra
P.W32	Subhashchandra
P.W33	Ganesh
P.W34	Kishore
P.W35	Satheesh
P.W36	Sandeep
P.W37	Shivananda Kempanna
P.W38	Gajanana Poojary
P.W39	Naveen
P.W40	Ajith Shetty
P.W41	Karthik
P.W42	Rangi Samrat
P.W43	T.D.Shridhar
P.W44	Krishna Moorthy
P.W45	Puttegowda
P.W46	Shailesh
P.W47	Guruprasad
P.W48	Santhosh
P.W49	Kamala
P.W50	Sindhu B.Roopesh
P.W51	Latha S.N.
P.W52	Dr. Vani N.
P.W53	Muralidharan
P.W54	Ananda Kumar

P.W55 Rajendra
P.W56 K.U.Belliappa

List of witnesses examined on behalf of the Defence:

- None -

List of exhibits marked for Prosecution:

Ex.P1 Complainant
Ex.P1(a) Signature of P.W1
Ex.P1(b) Signature of P.W49

Ex.P2 Mahazar dated 20.01.2020
Ex.P2(a) Signature of P.W1
Ex.P2(b) Signature of P.W16
Ex.P2(c) Signature of P.W17
Ex.P2(d) Signature of P.W56

Ex.P3 Statement of P.W2 under Section 164(3)
Ex.P3(a) Signature of P.W2
Ex.P4 Notice dated 04.03.2020
Ex.P4(a) Signature of P.W2
Ex.P4(b) Signature of P.W3
Ex.P4(c) Signature of P.W4
Ex.P4(d) Signature of P.W5
Ex.P4(e) Signature of P.W6
Ex.P4(f) Signature of P.W7
Ex.P4(g) Signature of P.W8
Ex.P4(h) Signature of P.W9
Ex.P4(i) Signature of P.W10
Ex.P4(j) Signature of P.W11
Ex.P4(k) Signature of P.W12

Ex.P5 Test Identification Parade Report
Ex.P5(a) Signature of P.W2
Ex.P5(b) Signature of P.W47

Ex.P6	Test Identification Parade Report
Ex.P6(a)	Signature of P.W2
Ex.P6(b)	Signature of P.W47
Ex.P7 & Ex.P8	Two Photos
Ex.P9	Statement of P.W3 under Sec.164(3)
Ex.P9(a)	Signature of P.W3
Ex.P10	Test Identification Parade Report
Ex.P10(a)	Signature of P.W3
Ex.P10(b)	Signature of P.W47
Ex.P11	Test Identification Parade Report
Ex.P11(a)	Signature of P.W3
Ex.P11(b)	Signature of P.W47
Ex.P12	Statement of P.W4 under Sec.164(3)
Ex.P12(a)	Signature of P.W4
Ex.P13	Test Identification Parade Report
Ex.P13(a)	Signature of P.W4
Ex.P13(b)	Signature of P.W47
Ex.P14	Test Identification Parade Report
Ex.P14(a)	Signature of P.W4
Ex.P14(b)	Signature of P.W47
Ex.P15	Statement of P.W5 under Sec.164(3)
Ex.P15(a)	Signature of P.W5
Ex.P16	Test Identification Parade Report
Ex.P16(a)	Signature of P.W5
Ex.P16(b)	Signature of P.W47
Ex.P17	Test Identification Parade Report
Ex.P17(a)	Signature of P.W5

- Ex.P17(b) Signature of P.W47
- Ex.P18 Statement of P.W6 under Sec.164(3)
Ex.P18(a) Signature of P.W6
- Ex.P19 Test Identification Parade Report
Ex.P19(a) Signature of P.W6
Ex.P19(b) Signature of P.W47
- Ex.P20 Test Identification Parade Report
Ex.P20(a) Signature of P.W6
Ex.P20(b) Signature of P.W47
- Ex.P21 Statement of P.W7 under Sec.164(3)
Ex.P21(a) Signature of P.W7
- Ex.P22 Test Identification Parade Report
Ex.P22(a) Signature of P.W7
Ex.P22(b) Signature of P.W47
- Ex.P23 Test Identification Parade Report
Ex.P23(a) Signature of P.W7
Ex.P23(b) Signature of P.W47
- Ex.P24 Statement of P.W8 under Sec.164(3)
Ex.P24(a) Signature of P.W8
- Ex.P25 Test Identification Parade Report
Ex.P25(a) Signature of P.W8
Ex.P25(b) Signature of P.W47
- Ex.P26 Test Identification Parade Report
Ex.P26(a) Signature of P.W8
Ex.P26(b) Signature of P.W47
- Ex.P27 Statement of P.W9 under Sec.164(3)
Ex.P21(a) Signature of P.W9

- Ex.P28 Test Identification Parade Report
Ex.P28(a) Signature of P.W9
Ex.P28(b) Signature of P.W47
- Ex.P29 Test Identification Parade Report
Ex.P29(a) Signature of P.W9
Ex.P29(b) Signature of P.W47
- Ex.P30 Mahazar dated 28.01.2020
Ex.P30(a) Signature of P.W56
Ex.P30(b) Signature of P.W56
- Ex.P31 Statement of P.W10 under Sec.164(3)
Ex.P31(a) Signature of P.W10
- Ex.P32 Test Identification Parade Report
Ex.P32(a) Signature of P.W10
Ex.P32(b) Signature of P.W47
- Ex.P33 Test Identification Parade Report
Ex.P33(a) Signature of P.W10
Ex.P33(b) Signature of P.W47
- Ex.P34 Statement of P.W11 under Sec.164(3)
Ex.P34(a) Signature of P.W11
- Ex.P35 Test Identification Parade Report
Ex.P35(a) Signature of P.W11
Ex.P35(b) Signature of P.W47
- Ex.P36 Test Identification Parade Report
Ex.P36(a) Signature of P.W11
Ex.P36(b) Signature of P.W47
- Ex.P37 Statement of P.W12 under Sec.164(3)
Ex.P37(a) Signature of P.W12
- Ex.P38 Test Identification Parade Report

- Ex.P38(a) Signature of P.W12
Ex.P38(b) Signature of P.W47
- Ex.P39 Test Identification Parade Report
Ex.P39(a) Signature of P.W12
Ex.P39(b) Signature of P.W47
- Ex.P40 Mahazar dated 20.01.2020
Ex.P40(a) Signature of P.W15
Ex.P40(b) Signature of P.W19
Ex.P40(c) Signature of P.W56
- Ex.P41 Mahazar dated 24.01.2020
Ex.P41(a) Signature of P.W15
Ex.P41(b) Signature of P.W56
- Ex.P42 Mahazar dated 27.01.2020
Ex.P42(a) Signature of P.W15
Ex.P42(b) Signature of P.W56
- Ex.P43 Mahazar dated 24.01.2020
Ex.P43(a) Signature of P.W20
Ex.P43(b) Signature of P.W56
- Ex.P44 Mahazar dated 24.01.2020
Ex.P44(a) Signature of P.W21
Ex.P44(b) Signature of P.W56
- Ex.P45 Mahazar dated 25.01.2020
Ex.P45(a) Signature of P.W22
Ex.P45(b) Signature of P.W56
- Ex.P46 Mahazar dated 25.01.2020
Ex.P46(a) Signature of P.W22
Ex.P46(b) Signature of P.W56
- Ex.P47 Two photos

- Ex.P48 Mahazar dated 25.01.2020
Ex.P48(a) Signature of P.W33
Ex.P48(b) Signature of P.W34
Ex.P48(c) Signature of P.W56
- Ex.P49 Mahazar dated 26.01.2020
Ex.P49(a) Signature of P.W25
Ex.P49(b) Signature of P.W55
Ex.P49(c) Signature of P.W56
- Ex.P50 Laptop Print Out
Ex.P50(a) Signature of P.W25
Ex.P50(b) Signature of P.W25
- Ex.P51 Mahazar dated 20.01.2020
Ex.P51(a) Signature of P.W26
Ex.P51(b) Signature of P.W55
- Ex.P52 Medical Report
- Ex.P53 To Bank Documents
Ex.P55
Ex.P53(a) Signature of P.W26
To
Ex.P55(a) & (b)
- Ex.P56 Mahazar dated 28.01.2020
Ex.P56(a) Signature of P.W27
Ex.P56(b) Signature of P.W56
- Ex.P57 Mahazar dated 28.01.2020
Ex.P57(a) Signature of P.W27
Ex.P57(b) Signature of P.W56
- Ex.P58 Mahazar dated 30.01.2020
Ex.P58(a) Signature of P.W28
Ex.P58(b) Signature of P.W48
Ex.P58(c) Signature of P.W56

- Ex.P59 Mahazar dated 30.01.2020
Ex.P59(a) Signature of P.W29
Ex.P59(b) Signature of P.W56
- Ex.P60 Mahazar dated 30.01.2020
Ex.P60(a) Signature of P.W29
Ex.P60(b) Signature of P.W53
Ex.P60(c) Signature of P.W56
- Ex.P61 Mahazar dated 31.01.2020
Ex.P61(a) Signature of P.W30
Ex.P61(b) Signature of P.W56
- Ex.P62 Mahazar dated 31.01.2020
Ex.P62(a) Signature of P.W30
Ex.P62(b) Signature of P.W56\
- Ex.P63 Copy of letting of Safe Deposit Locker
- Ex.P64 Statement of Accounts
- Ex.P65 Accused Biodata
Ex.P65(a) Signature of P.W33
- Ex.P66 Application form of Institute of Karate and Allied Arts
- Ex.P67 Copy of Register of Jayashree Lodge
- Ex.P68 Copy of License
- Ex.P69 Delivery Manifest of Department of Post
Ex.P69(a) Signature of P.W41
- Ex.P70 Delivery Manifest of Department of Post
Ex.P70(a) Signature of P.W41
- Ex.P71 Documents furnished by CISF, Mangaluru Airport

- Ex.P71(a) in Annexure A to F
Signature of P.W42
- Ex.P72 Sketch of Mangaluru Airport
Ex.P72(a) Signature of P.W43
- Ex.P73 Acknowledgment by Karnataka State Police
Ex.P73(a) Signature of P.W43
- Ex.P74 Certificate under Sec.65B of Evidence Act
Ex.P74(a) Signature of P.W46
- Ex.P75 Proceedings of P.W47/Tahsildar, D.K., Mangaluru
Ex.P75(a) Signature of P.W47
- Ex.P76 Certificate under Sec.65B of Evidence Act
Ex.P76(a) Signature of P.W48
- Ex.P77 FIR
Ex.P77(a) Signature of P.W49
- Ex.P78 Proceedings of D.C., Mangaluru
Ex.P78(a) Signature of P.W50
- Ex.P79 Proceedings of State of Karnataka
Ex.P79(a) Signature of P.W51
- Ex.P80 Opinion from RFSL, Bengaluru
Ex.P80(a) Signature of P.W52
- Ex.P81 Opinion from RFSL, Bengaluru
Ex.P81(a) Signature of P.W52
- Ex.P82 Opinion from RFSL, Bengaluru
Ex.P82(a) Signature of P.W52
- Ex.P83 To Sample Seal
Ex.P85
Ex.P83(a) To Signature of P.W52

- Ex.P85(a)
- Ex.P86 Certificate under Sec.65B of Evidence Act
Ex.P86(a) Signature of P.W53
- Ex.P87 Certificate under Sec.65B of Evidence Act
Ex.P87(a) Signature of P.W54
- Ex.P88 Certificate under Sec.65B of Evidence Act
Ex.P88(a) Signature of P.W55
- Ex.P89 Spot Sketch
Ex.P89(a) Signature of P.W56
- Ex.P90 Seizure Mahazar
Ex.P90(a) Signature of P.W56
- Ex.P91 Request letter to the Assistant Commissioner of
Police regarding custody of the accused.
Ex.P91(a) Signature of P.W56
- Ex.P92 Voluntary statement of the accused
- Ex.P93 Transit Warrant
Ex.P93(a) Signature of P.W56
- Ex.P94(a) Five Photos
To
Ex.P94(e)
- Ex.P95 Dialed call details
- Ex.P96 Certificate under Section 65B of Evidence Act
To
Ex.P99
- Ex.P100 Delivery details furnished by Department of Post
- Ex.P101 RFSL Report

Ex.P101(a) Note Book
Ex.P101(b) Account opening Form

Ex.P102 Specimen of handwritings (37 pages)

List of exhibits marked for Defence :

- NIL -

List of Material Objects marked :

M.O1	White Cement
M.O2	Plastic Container
M.O3	Strainer
M.O4	Cover containing Chemical Substances
M.O5	Steel Box
M.O6	Cover containing plastic panel
M.O7	Cover containing bharani pieces
M.O8	Cover containing Eveready battery
M.O9	Cardboard box pieces
M.O10	Newspaper pieces
M.O11	Cover containing burnt residuals
M.O12	Cover containing mud collected at the spot of incident
M.O13	Cover containing sample mud
M.O14	Bag containing newspaper
M.O15	Bag containing plastic panel
M.O16	Bag containing iron nails weighing 450 grams
M.O17	Black coloured bag
M.O18	One pair shoe

M.O19	Burnt plastic
M.O20	Pieces of burnt plastic bag
M.O21	Pieces of Plastic and Paper
M.O22	Swab
M.O23	Sample Swab
M.O24	Copy of Aadhaar Card
M.O25	Cardboard box containing cyanide
M.O26	Pen Drive
M.O27	Mobile Phone
M.O28	Watch
M.O29	Pen Drive
M.O30	Hard Disk

Ex.S1 Letter by Jail Superintendent

Ex.S2 Letter written by Accused

Ex.S3 Letter by Jail Superintendent

Ex.S4 Letter written by Accused

(B. R. PALLAVI)

IV Additional District & Sessions Judge,
D.K., Mangaluru.