

**FORM CHALLAN**

\*\*\*\*\*

**FORM CHALLAN FINAL (SUPPLEMENTARY) CHARGE-SHEET U/S 173 (8) Cr.PC****District: KATHUA Police Station: HIRANAGAR, FIR No. 10/2018 U/S 363,343,376-D, 302, 201, 120-B RPC****Charge Sheet No:****Dated:****P/S CRIME BRANCH, JAMMU**

1	2	3		4	5	6
Name, address & occupation of complainant / Informer	Name & address of accused person (s) including absconders (show absconders in red ink)	Accused persons		Case property	Names and residential particulars of witnesses	Charge on information:-Name of offence and circumstances connected with it, in concise details and under what section of law charged: Section363, 343, 376-D, 302, 201, 120-B RPC
		On Bail	Under custody			
Mohd. Yousuf S/o Sahib Din (caste Bakarwal) R/O Rasana, Tehsil Hiranagar, District Kathua	1.Deepak Khajuria @ Deepu S/o Updesh Khajuria R/o Dhamiyal Hiranagar; 2. Surinder Kumar S/o Sain Das R/o Satura, Hiranagar; 3. Parvesh Kumar @ Mannu S/o Ashok	NIL	1.Deepak Khajuria @ Deepu S/o Updesh Khajuria R/o Dhamiyal Hiranagar; 2. Surinder Kumar S/o Sain Das R/o Satura, Hiranagar; 3. Parvesh Kumar @ Mannu S/o Ashok Kumar R/o Village -Rasana, Hiranagar;	As per the seizure memo's and appended list.	As per list enclosed.	<b>Before the Hon'ble Court of Sessions Judge, Pathankot.</b>  <b>May it please your Honour!</b>  The instant case was originally registered in P/S Hiranagar as FIR No. 10/2018 on 12-01-2018 on the complaint lodged by oneMohd. Yousuf S/o Sahib Din (caste-Bakerwal) R/O

	<p>Kumar R/o Village - Rasana, Hiranagar;</p> <p>4. Vishal Jangotra s/o Sanji Ram R/o Rasana, Hiranagar;</p> <p>5. Sanji Ram S/o Des Raj R/o Village Rasana, Hiranagar;</p> <p>6. Tilak Raj S/o Amir Chand R/o Dhamiyal, Hiranagar;</p> <p>7. Anand Dutta S/o Shanti Swaroop Dutta R/o Village Dharmal P/o Muthi, District Jammu.</p>		<p>4. Vishal Jangotra s/o Sanji Ram R/o Rasana, Hiranagar;</p> <p>5. Sanji Ram S/o Des Raj R/o Village Rasana, Hiranagar;</p> <p>6. Tilak Raj S/o Amir Chand R/o Dhamiyal, Hiranagar;</p> <p>7. Anand Dutta S/o Shanti Swaroop Dutta R/o Village Dharmal P/o Muthi, District Jammu.</p> <p>All under Judicial custody at Central Jail Gurdaspur Punjab.</p>		<p>Rasana, Tehsil Hiranagar, District Kathua alleging therein that his daughter namely Miss Asifa, Age 8 years, had gone for grazing horses in the nearby forest at about 1230 hrs and she was seen with the horses at about 1400 hrs on 10.01.2018. On the same day horses returned back in the <i>dhera</i> at about 1600 hrs but Asifa did not return back. He further alleged that he has a suspicion that some miscreants have kidnapped his daughter and gave the description of the missing girl.</p> <p>The investigation was accordingly taken up by Police Station Hiranagar. Subsequently, the investigation of the case was transferred to Crime Branch J&amp;K Vide Order no 374 of 2018 dated 22-01-2018 by Police Headquarters, J&amp;K. In the course of investigation conducted by Crime Branch, Jammu the involvement of accused named in Col 2<sup>nd</sup> along-with one Juvenile in conflict with law namely Shubam Sangra in commission of offences of Criminal Conspiracy, kidnapping, wrongful confinement,</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

						<p>gruesome rape and murder of a minor girl was prima-facie established. Accordingly, Final Report in the shape of Charge sheet was produced against the aforementioned accused in the Court of Ld CJM, Kathua wherefrom the case in respect of seven major accused was committed to the Hon'ble Sessions Court Kathua for trial. However, in pursuance to Hon'ble Supreme Court Order dated 07-05-2018 the trial of the case was transferred from the Hon'ble Court of District and Sessions Judge Kathua to the Hon'ble Court of Sessions Judge, Pathankot. Further, investigation in terms of Section 173(8) CrPC continued. All the accused arrested in the case (except the juvenile who is lodged at Juvenile Home RS Pura, Jammu) are presently under judicial custody in District Jail Gurdaspur.</p>
--	--	--	--	--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## **FACTS DISCLOSED IN THE COURSE OF FURTHER INVESTIGATION**

In the main charge sheet it was brought to the notice of the Hon'ble court that among other things, further investigation was being conducted in respect of involvement of the accused Surinder Kumar then posted as SPO in Police Station Hiranagar. The further investigation conducted has revealed that the accused Surinder Kumar, was not only in touch with accused Deepak Khajuria but also with accused Tilak Raj (who had played a vital role in striking a deal between Police and accused Sanji Ram which ultimately lead to destruction of vital evidence) on crucial and important dates concerning the crime and on subsequent dates. The details of calls made by accused (CDRs) obtained and duly analyzed evidencing the above facts has been made part of this charge sheet. The CDRs on the face of it would show that the accused Surinder Kumar has shared common locations with other accused on crucial dates viz-a-viz the commission of crime and immediately thereafter. Duration of calls made and the frequency of calls has also abruptly increased after commission of crime leading to the irresistible conclusion of knee deep involvement of accused Surinder Kumar along with other accused in the commission of crime.

During further investigation the Bank account statements of A/c No. 0166040100000381 and A/c No. 0166040100005120 maintained in the name of accused Sanji Ram have been obtained from J&K Bank Ltd. Branch Kootah (Hiranagar). A perusal of account statement reveals that in the month of December, 2017 & January, 2018 the accused Sanji Ram has repeatedly withdrawn substantial amount of money ranging from Rs 40,000 to Rs 1, 00,000 from his bank account on different dates. During investigation it also transpired that during the period of withdrawal of this huge amount accused Sanji Ram had neither undertaken any constructional activity nor had he acquired any valuable asset nor any social function was solemnised in his family. This fact has been fully corroborated by the witnesses examined in the course of investigation whose statements were recorded under section 161 CrPC and form part of this charge sheet. These facts corroborated by the witnesses lead to the conclusion that accused Sanji Ram had got enough money

with him, which was paid by him to accused police officials as bribe for ensuring destruction of evidence with an object of escaping the criminal liability. During investigation bank account statement in respect of Account No. 0246040100011295 being maintained and operated by accused Anand Dutta in J&K Bank Branch Patel Nagar, Akhnoor Road Jammu was also obtained which on perusal has revealed that there is a downward trend in the withdrawals made during the months of January & February, 2018, when compared to preceding months. Furthermore, during investigation bank account statement in respect of Account No. 1226040100001107 being maintained and operated by accused Tilak Raj in J&K Bank Branch Kootah Morh, Kathua was also obtained which on perusal has revealed that there is a drop in the withdrawals made during the month of January 2018, when compared to preceding month as well the succeeding month. The statement of account of said accounts has been obtained and forms part of the charge sheet.

In the course of investigation, based on the facts disclosed on perusal of call details and duty roaster of accused Tilak Raj, the VDC members who had remained associated with the search of missing girl through Police Post Dinga Amb and had been examined earlier were re-summoned. On being re-examined they have unequivocally deposed that they had conducted the search for missing girl on 12<sup>th</sup> and 17<sup>th</sup> January only but at the time of their initial deposition they were called by SI Anand Dutta (accused) and were directed to make a false statement before the investigating officer of Crime Branch to the effect that the search for the missing girl was conducted by them continuously from 12-01-2018 to 17-01-2018. In order to ascertain the veracity and truthfulness of the deposition made by the VDC members, the DD extracts of 15/01/2018 and 16/01/2018 were obtained from concerned Police Post. Perusal of said DD Extracts reveals that VDC members had not been deputed to Rasana for search of missing girl but were deputed for some other duties. Thus the statements made by the VDC members on re-examination have been fully corroborated by the documentary evidence. The CDRs and duty roaster of accused Tilak Raj for the relevant dates form part of this Charge Sheet.

In the course of investigation it had been established that victim was administered sedatives by accused during her captivity. Two tablets recovered on the disclosure of Juvenile in conflict with law from near Devsthan Rasana were sent to forensic lab for analysis. The chemical analysis report obtained thereof reveals presence of Clonazepam salt in the said tablets. To ascertain the effect of sedatives 'Mannar' as well as Clonazepam on the victim with empty stomach, the concerned expert (Professor and Head, Pharmacology, GMC Jammu) has opined that the sedative Clonazepam (Epiril 0.5 mg) has the following effects: - (1) Drowsiness, (2) Confusion, (3) Impaired, (4) coordination, (5) Slow reflexes, (6) Slowed or stopped breathing, (7) Coma (loss of consciousness) and Death. As per the final opinion of the expert "*the peak concentration of Clonazepam is achieved in the blood after one hour to 1.5 hours of oral administration. Clonazepam absorption from the enteral route is complete irrespective of administered either with or without food*". The expert opinion coupled with other evidence that has come on record prima-facie establishes that the victim child was continuously administered overdose of Clonazepam rendering her incapacitated to resist rape and her murder. The expert could not furnish any conclusive report in respect of 'Mannar' but has expressed that it smells and looks like some opiate and accordingly the opinion in respect of said sedative was sought from Pharmacopoeial Laboratory For Indian Medicine, Ghaziabad (UP). The report so received is appended with the Charge Sheet.

During further investigation detailed call data record analysis in respect of accused namely, Deepak Khajuria, Sanji Ram, Tilak Raj, Anand Dutta, Surinder and Vishal Jangotra was got conducted through Incharge Cyber Cell. The analysis, which forms part of the supplementary charge sheet, indicates communication between some of the accused on important days concerning the crime as well as after 27.01.2018 (that is when the case was formally handed over to Crime Branch). Common location analysis based on the data provided by the cellular companies indicates presence of some of the accused in and around Rasana, Kootah on crucial dates concerning crime corroborating many instances of the main charge sheet. From the analysis, it is evident that spike in the calls, between some of the accused, is visible immediately around important dates of occurrence of crime, after the recovery of the dead body of the victim as well as when crime scenes were

inspected by the investigating agency in this case. Thus, pointing out meeting of minds in furtherance of a conspiracy which resulted in the rape and murder of the victim as well as pre and post conduct of the accused. CDR analysis also reveals that Vishal Jangotra has remained in constant touch with his family whenever he has been in U.P and only in few instances there is no communication with his family for few days. Pertinently, there are no calls between accused Vishal and his parents from 12.01.2018 to 17.01.2018 which is unusual and vouches for his presence in Rasana on crucial dates concerning crime as well as his subsequent conduct after returning back to Meerut, UP. Analysis of CDRs of Vishal also reveal that he has a pattern of travelling to UP from Rasana in the late evening hours and reaching UP in the morning and conversely a pattern of travelling from UP to Rasana in the late evening hours and reaching Rasana in the early morning hours. The detailed analysis of CDRs made and the CDRs form part of this Charge sheet.

In the main Charge Sheet it was brought to the notice of the Hon'ble Court that the accused Vishal Jangotra a student of BSc Agriculture at Aakansha College Miranpur has actively taken part in rape and murder of the victim and has tried to create an alibi by resorting to manipulation of records and creation of false evidence. Further investigation conducted in this behalf has revealed that as per the examination date sheet the accused had to appear in the examination on 9<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup>, 27<sup>th</sup> and 30<sup>th</sup> of January, 2018. The attendance sheets of said examination were seized and sent to handwriting expert for opinion. The opinion given by the expert has inter alia revealed that (a) the first name (Vishal) could not be connected with his usual signatures on the attendance sheets dated 12<sup>th</sup> January and 15<sup>th</sup> January 2018, (b) his surname (Jangotra) has been anachronistically added on the attendance sheets dated 12<sup>th</sup> January and 15<sup>th</sup> January 2018 by him and (c) subsequent retouching in the attendance sheets of dated 09 January and 11<sup>th</sup> January 2018. During further investigation, the answer sheet admittedly written by accused Vishal Jangotra in Examination Centre on 09.01.2018 was sent to hand writing expert in FSL Srinagar for comparison with answer sheets of his examination held on 12<sup>th</sup> & 15<sup>th</sup> of January, 2018, which as per

investigation were written by him after examination and commission of crime on subsequent date(s). The expert while comparing the admitted and questioned documents has inter-alia opined as under:-

“Inter-spacing between the letters and words in the Questioned writings marked as Q1A to Q2A have been written with wide hiatus between letters and words as compared to Admitted writings. This aspect reveals that extent of natural variation in the Questioned writings is more personified and profound. Such personified and profound natural variation can occur in the writings of a person when there is lack of neuro-muscular coordination of the writer and such lack of neuro-muscular coordination is found due to various psychological and physical conditions”.

The FSL reports thus clearly indicate tampering of the attendance sheets and points to the fact that access to the attendance sheets has been given to the accused Vishal Jangotra and that the answer sheets of examination dated 12<sup>th</sup> & 15<sup>th</sup> of January were written by accused Vishal Jangotra subsequently. In this way, it stands established that the accused Vishal Jangotra was not present in the examination center on 12<sup>th</sup>& 15<sup>th</sup> of January 2018 and has resorted to manipulation of the attendance sheets and tried to create an alibi in order to save himself from the clutches of law. The report submitted by the handwriting expert forms part of the charge sheet. The presence of accused Vishal Jangotra at Rasana on crucial dates concerning the crime has otherwise also been established through legally admissible evidence. Besides, expert opinion in respect of DVRs which were awaited at the time of submission of main Charge Sheet have been obtained and made part of this Charge Sheet.

The mobile phones used by the accused namely Vishal Jangotra, Anand Dutta, Tilak Raj and Deepak Khajuria were seized in the case and sent to CFSL Chandigarh for retrieval of data. The analysis of retrieved mobile forensic data received from CFSL Chandigarh in respect of the cell phones being used by Vishal Jangotra reveals incriminating chat details indicating that he was deeply perturbed and as a result of his guilty conscience was apprehensive about his arrest in the case well before the investigating agency had taken any step in this behalf against him.

The incriminating chatting details collected so far clearly indicate his subsequent conduct after the commission of rape and murder. The analysis of the mobile forensic data with respect of other accused is being done as the data provided by the concerned forensic laboratory is voluminous and report in respect of one mobile phone used by an accused is still pending with the concerned laboratory. However, during analysis if any further incriminating material emerges the same shall be laid before the Hon'ble trial court. The incriminating material collected so far, in the shape of hard copies, forms part of this charge sheet.

The investigation in respect of the main offences with which the accused persons facing trial have been charged has thus been completed. However, as regards some ancillary issues which surfaced in the course of investigation mainly pertaining to forgery and manipulation of examination records of Vishal Jangotra at Meerut, based on the facts disclosed, points to the involvement of accused Sanji Ram and Vishal Jangotra, some officers/officials of concerned College and University for having conspired to resort to manipulation of records at Meerut, but the material collected so far is not sufficient to work out individual liability and specific charges against the College/University officers/officials. The investigating agency would work on this aspect and as and when positive and tangible evidence comes on record, the Hon'ble trial court would be informed accordingly.

Hence, the Charge sheet in continuation to Preliminary Charge Sheet alongwith oral, documentary evidence and expert opinions collected during further investigation is submitted for judicial determination. Whereas, the supplementary charge sheet in respect of the juvenile in conflict with law will be separately submitted before the Hon'ble Court of CJM Kathua.

SSP CBJ,  
Station House Officer,  
Police Station Crime Branch Jammu.

Encls: As per index.

THE LEAFLET