

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRL.) No. 5777 OF 2017

IN THE MATTER OF:-

Shafin Jahan

.....Petitioner

Versus

Asokan K.M. & Ors.

.....Respondents

ADDITIONAL AFFIDAVIT FILED ON BEHALF OF STATE OF KERALA
FOR RESPONDENTS Nos. 2 to 5 AS PER ORDER DATED 3.10.2017.

I, Subrata Biswas, Additional Chief Secretary, Home Department,
Government of Kerala, Secretariat, Thiruvananthapuram, Kerala do
hereby solemnly affirm and state as follows:-

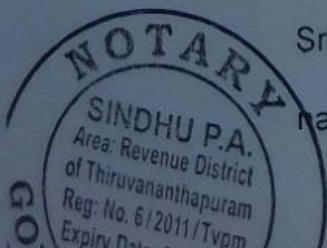
1. I am the Additional Chief Secretary, Home Department,
Government of Kerala and I am competent to swear this affidavit
on behalf of Respondents Nos. 2 to 5 in the above Special Leave
Petition. I am conversant with the facts of this case as disclosed
by the records available in my office. I am as such competent and
authorized to depose this affidavit.

OTAR

2. At the outset it is submitted that the Crime Branch of Kerala Police had conducted the investigation in Crime No. 92/HHW-III/KKD/17 (related to the Habeas Corpus petition No. 25/2016 before Hon'ble High Court of Kerala) in an efficient and sincere manner. The investigation conducted so far by the Kerala Police has not revealed any incident relating to commission of any Scheduled Offences to make a report to the Central Government under Section 6 of the National Investigation Agency Act, 2008 (hereinafter referred to as NIA Act). The Investigating Team was going on with their investigation till this Hon'ble Court directed the National Investigating Agency to conduct the investigation in the case.

3. The origin of the case is that Akhila Ashokan D/o Ashokan aged 24 years was found missing from the house of one Aboobacker, who is the father of Akhila's friend Jaseena, from Cherakkapparambu, Malappuram district, Kerala on 07.01.2016. On the basis of a complaint filed by Sri Ashokan, Crime No. 21/2016 under Section 57 of the Kerala Police Act of Perinthalmanna Police station has been registered and investigated.

4. The missing person was not traced till 13.01.2016 and Sri. Ashokan filed a Writ Petition WP (crl) No. 25/2016 in the nature of Habeas Corpus before the Hon'ble High Court of Kerala

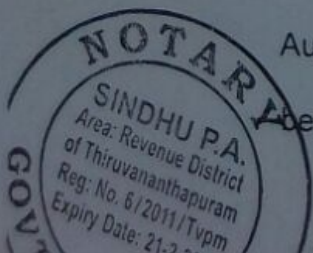


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on 13.01.2016. On 19.01.2016, the missing person was produced before the Hon'ble High Court of Kerala by one Sainaba W/o Aliyar, Srambikkal House, Kottakkal, Malappuram District. The missing person Akhila @ Hadiya filed an affidavit stating that she is a major aged 24 years, nobody had induced her for the conversion etc. On interaction by the Division Bench of High Court of Kerala, the detinue, Akhila, expressed her intention to join a course at Markazul Hidayah Sathyasarani Educational and Charitable Trust, Manjery. On hearing the detinue and the petitioner, the Hon'ble High Court of Kerala sent Akhila @ Hadiya along with Sainaba, with directions to produce the detinue on the next hearing date, ie, on 25.01.2016 with proof of admission at Sathyasarani.

5. On 25.01.2016, while the Hon'ble High Court of Kerala took up the case for consideration, the counsel for the detinue produced the document regarding the admission of Akhila at Markazul Hidayah Sathyasarani Educational and Charitable Trust, and thus the writ petition was disposed of.
6. After the course at Sathyasarani, Akhila @ Hadiya stayed with Sainaba and resided at Kottakkal. During that time she has gone to a Homeopathic clinic as a trainee also. After a while, during August 2016, Sri.Ashokan, filed second Habeas Corpus Petition before the Hon'ble High Court of Kerala and the same was

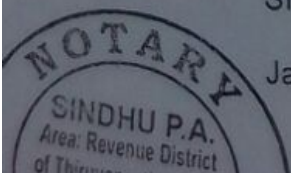


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admitted on 17.08.2016. The prayer in the said Writ Petition was that his unmarried daughter named Akhila aged 24 years was illegally detained by Markazul Hidaya Sathyasarani Education & Charitable Trust and Sainaba A.S and they are taking away her to Syria to join her to ISIS. On 17.08.2016, the Hon'ble High Court directed the police authorities to produce Akhila, the alleged detinue, before the Hon'ble Court on 22.08.2016. Police failed to trace the alleged detinue till 22.08.2016. On 22.08.2016, Akhila appeared before the Hon'ble High Court along with Sainaba and after hearing both the sides the Hon'ble Court ordered to send Akhila to SNV Sadanam, a ladies hostel at Ernakulam. The Hon'ble High Court sought antecedents of Markazul Hidaya Sathyasarani Education & Charitable Trust and Sainaba. A. S, from the investigating officer of the case, the then Deputy Superintendent of Police, Perinthalmanna. Then the case was posted on 01.09.2016, 05.09.2016, 22.09.2016, 27.09.2016, 24.10.2016, 14.11.2016, 28.11.2016, 19.12.2016, 21.12.2016, 06.01.2017, 23.01.2017, 07.02.2017 and on 24.05.2017.

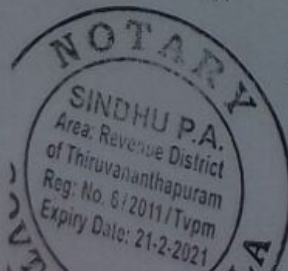
7. During these days the Hon'ble High Court raised number of doubts regarding the embracing of Islam faith by Akhila, the genuineness of the marriage conducted between Akhila and Shafin Jahan on 19.12.2016, the criminal background of Shafin Jahan, the financial sources of Sainaba and Aliyar, her husband,



the organisational support on conversion and marriage, chances of trafficking of Akhila to abroad etc.

The Hon'ble High Court on 21.12.2016 directed the panchayat authorities of Othukkungal Gramapanchayat, Kottakkal, Malappuram District not to issue the marriage certificate, sought for by the applicant Shafin Jahan. On 21.12.2016, the Hon'ble High Court sent Akhila again to SNV Sadanam at Ernakulam. On its final disposal of the writ petition on 24.05.2017, the Hon'ble High Court of Kerala annulled the marriage, sent Akhila along with her parents, directed the State Police Chief to conduct a detailed investigation on this case (Perinthalmanna Police Station crime 21/2016) and another case having same modus, registered at Cherpulassery Police Station, having missing one Athira D/o Appunni, Cherpulassery, Palakkad District as Crime No. 510/2016, under his direct supervision. In the view of the above orders, the State Police Chief ordered for Crime Branch for registering cases in both crimes and investigates the same. Thus CR 91/HHW-III/KKD/17 and CR 92/HHW-III/KKD/17 for crime 510/2016 of Cherpulassery PS and Cr. 21/2016 of Perinthalmanna PS respectively, registered in Crime Branch CID.

- 8. The State Police Chief entrusted these cases to ADGP (Crimes) and also directed to constitute a Special Investigation Team for investigating these cases, under the direct supervision of IGP



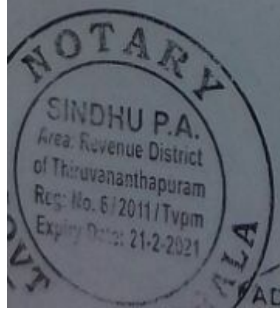
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(Crimes), vide order No. D5/87566/PHQ/2017 dated 25.05.2017. In the light of the above order, the ADGP (Crimes) constitute a Special Investigation Team headed by Sri. Srinivas.A IPS, Supdt. of Police, CBCID OCW IV, Kannur. Later on 31.05.2017, the Special Investigation Team was expanded by including additional 11 members and deputed Sri. Biju Bhaskar.T, Deputy Superintendent of Police, CBCID, OCW III Thrissur as the principal Investigating Officer. Later on 15.06.2016, the Special Investigation team was further expanded in order No. D3-87566/2017/PHQ dated 15.06.2017 by the State Police Chief and designated Sri. Santhosh K. V, Superintendent of Police, STATS CBCID as the Investigating Officer in these cases.

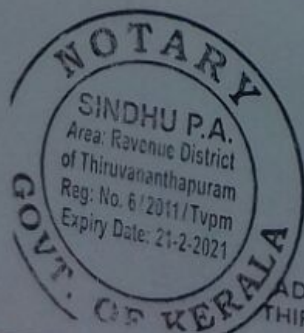
9. The Crime Branch CID registered this case as CR 92/HHW III/KKD/17 on 31.05.2017 and investigated by the Special Investigation Team under the supervision of SP CBCID OCW IV, Kannur.
10. The Kerala Police conducted the investigation in to the following aspects:-
 - (i) Investigation was conducted relating to all the incidents relating to the conversion of Akhila @ Hadiya to Islamic faith. A detailed investigation was done into the role of the various persons involved in such conversion.



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SINDHU P. A.
ADVOCATE & NOTARY

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- (ii) Detailed investigation was conducted with regard to the religious institutions Akhila @ Hadiya went for Islamic studies. The details of the persons who administer such institutions are also collected.
- (iii) The details of the persons she contacted during these days were also collected. The details of the person who contacted her also collected. The places she visited during these days were also investigated.
- (iv) The personal details and family background and other details of Shafin Jahan @ Chikku 26/17, S/o Shajahan, Chirayil Puthan Veetil, Chathanamkulam, Chanthanathoppu. Killikolloor P S, Kollam, Kerala were collected.
- (v) The antecedents of Shafin Jahan was investigated and the details of the crime cases in which Shafin Jahan involved are also investigated and the details of his involvement in facebook groups and other social media also collected.
- (vi) The incidents relating to the marriage between Akhila @ Hadiya and Shafin Jahan was also thoroughly investigated. All the data relating to their respective visit in the Website "Way to Nikah. com" was collected.
- (vii) The details of the persons involved, people attended, financial arrangements and other details of in the marriage between Akhila @ Hadiya and Shafin Jahan was also investigated.



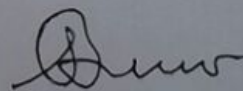
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(viii) In the matter of trafficking Akhila @ Hadiya to outside the country was also investigated.

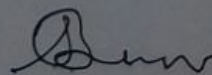
11. It is submitted that the Kerala Police had conducted a thorough investigation in the above mentioned Crime in an efficient manner. The Kerala Police is competent to conduct the investigation in such crimes and would have reported to the Central Government if any Scheduled Offences found to have been committed during such investigation as per the provisions of the NIA Act. However in view of the Order passed by this Hon'ble Court, the report of the case has been handed over to the National Investigation Agency, in compliance of such order.



DEPONENT

VERIFICATION

Verified by the deponent on this 6th day of October 2017 at Thiruvananthapuram, Kerala that the contents of the above affidavit are true and correct and nothing material has been concealed therefrom.



DEPONENT



Solemnly affirmed and signed before me by the deponent who is personally known to me.