



2026:JKLHC-SGR:213

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

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CrlA(D) No. 64/2025
c/w
CrlA(D) No. 70/2025

Adan Bashir Bangroo
Mohd. Manan Dar

.....Appellant(s)/Petitioner(s)

Through: Mr. Shariq Jan Reyaz, Adv
in Crl(D) No. 64/2025
Mr. Danish Majid Dar, Adv.
in CrlA(D) No. 70/2025

Vs

U. T. of J&K th. Police Station
Shaheed Gunj, Srinagar

..... Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG with
Ms. Maha Majeed, Adv.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

JUDGMENT

Per Oswal J

1. The appellants, through the medium of the instant appeals, i.e., CrlA(D) No. 64/2025 and CrlA(D) No. 70/2025, have assailed the order dated 12.07.2025 passed by the Court of the Additional Sessions Judge (Designated Special Court under the NIA Act), Srinagar (hereinafter referred to as "the trial court"), whereby charges came to be framed against them. Since both the appeals arise out of the same impugned order and involve common questions of fact and law, they are being disposed of by this common judgment.



2. Appellant-Adnan Bashir Bangroo in CrI(A)(D) No. 64/2025 stands charged for commission of offences under Sections 13, 18, and 39 of the Unlawful Activities (Prevention) Act, 1967 (for short “the Act”) and Section 506 of the IPC. On the other hand, appellant- Mohd. Manan Dar in CrI(A)(D) No. 70/2025 stands charged for commission of offences under Sections 13, 18, 39, and 40(2) of the Act and Section 506 of the IPC.
3. In these twin appeals, the appellants challenge the impugned order dated 12.07.2025 on the ground that the elements of offenses under Sections 13 and 39 of the Act are not made out against them. It is contended that the learned trial court solely relied upon alleged confessions made by the appellants before an Executive Magistrate to frame the charges, which is impermissible in law, particularly in the absence of any corroborative evidence to validate the alleged confessions or disclosures.
4. Mr. Shariq Jan Reyaz, learned counsel appearing for the appellant in CrI(A)(D) No. 64/2025 has restricted his challenge to the impugned order dated 12.07.2025 solely to the framing of charge under Sections 18 and 39 of the Act. It is contended that, barring the alleged confessional statement of the appellant Adnan Bashir Bangroo, the record is completely devoid of evidence connecting the appellant in CrI(A)(D) No. 64/2025 to any offence under Sections 18 and 39. He strenuously argued that the disclosure statement relied upon by both the prosecution and the learned trial court is legally not permissible, as no recovery was ever effected or discovered pursuant to it. Consequently, he submitted that the appellant is entitled to be discharged from the alleged offences



5. Mr. Danish Majid Dar, learned counsel appearing for the appellant in CrI(A)(D) No. 70/2025, while adopting the arguments advanced by Mr. Reyaz, learned counsel for the appellant in the connected appeal, urged that the appellant, Mohammad Manan Dar, was falsely implicated in the FIR and the resulting charge sheet. To substantiate this, he submitted that the appellant was taken into custody by the Special Operation Group on 16.03.2024 at about 10:00 PM, prompting the filing of a Habeas Corpus petition (HCP No. 70/2024) on 19.03.2024. It is contended that these prior proceedings clearly demonstrate the appellant's innocence and the falsity of the allegations. He has placed on record copies of the said writ petition, the objections/reply filed by the respondents, and the order dated 20.03.2024 passed by the learned Writ Court.
6. Heard and perused the record, including the order impugned passed by the learned trial court.

ALLEGATIONS:

7. In order to appreciate the contentions raised by the appellants as to whether the learned trial court has rightly passed the impugned order framing charges against them, it would be apt to take a glance at the allegations levelled against the appellants.
8. A perusal of the charge sheet depicts that on 18.03.2024, the Police Station, Shaheed Gunj received an information from a reliable source to the effect that the Terrorist Organization, the Resistance Front (TRF) has posted a threat message on a social media group "Fight Kashmir" regarding the upcoming Parliamentary Elections. The contents of the post are as under:



“a list of Booth Level Officials (Srinagar) for upcoming so-called elections. We are watching. It is but a small list that has been uploaded. We have got all the input/info. Input when and how to take action #Kashmir Fight.”

9. Based on this information, FIR No. 11/2024 for commission of offences under sections 506 IPC and 13 of Unlawful Activities (Prevention) Act was registered and SHO Police Station, Shaheed Gung was designated as the Investigating Officer of the case. On the following day, March 19, 2024, at approximately 11:00 AM, routine vehicle checking and frisking was being conducted at a police checkpoint (Naka) established at Jehangir Chowk. During the checking of a motorcycle bearing registration No. JK01AE-5442, which was being ridden by two persons (the appellants herein), 14 posters were found hidden under the shirt of the appellant-Mohd. Manan Dar, who was also found in possession of Indian currency notes totalling ₹1,00,000 in the denomination of ₹500. On the other hand, the appellant-Adnan Bashir Bangroo was found in possession of 25 posters containing an alleged message issued by the Telegram channel 'Kashmir Fights', along with a bottle of glue hidden under his shirt. Accordingly, both the appellants were arrested on 19.03.2024 in presence of two independent witnesses.
10. An income certificate procured from the office of the EMIC, South, indicated that the appellants had no known or verifiable sources of income to account for the recovery of Indian currency totalling ₹1,00,000 from the appellant-Mohd. Manan Dar. As per the income certificates issued by the EMIC South vide order dated 15.05.2024, the monthly income of Mohd. Manan Dar is ₹12,000/- and that of appellant Adnan Bashir Bangroo is ₹15,000/-.



11. During sustained questioning and interrogation, on 25.03.2024, the appellant Mohd. Manan Dar stated before the Executive Magistrate that he was in touch with a Pakistan based Handler, who used to call him through various virtual numbers. During his conversations with the Pakistan based Handler, the latter convinced him to work for the banned organization TRF as associates. During one such conversation, the Pakistan based Handler told Mohd. Manan Dar-appellant to go near Hoor Makeover Barthana, Qamarwari on 14.03.2024 at around 12.30 PM where someone would hand over some cash and posters to the appellant, to be pasted at various locations in the District Srinagar so as to dissuade the people from participating in general elections. He discussed the whole plan with Adnan Bashir Bangroo, who agreed to join him. On 14.03.2024, at around 1230 hours, both the appellants went to Qamar Wari, Srinagar to receive posters and cash from an unknown person on the instructions of their Pak Handler. The unknown person handed them over a polythene bag containing some posters, cash and a bottle of glue. The unknown person told the appellants to handover the polythene bag containing ₹1.00 lac to the then active terrorist Momin Gulzar, who would meet Mohd. Manan Dar on 19.03.2024 near Ahl-e-Hadis Masjid, Gowkadal during Zuhar Prayers. He further stated that the photograph of the then active terrorist Momin Gulzar was present in his i-Phone. After collecting cash and posters, the appellants returned to the house of Mohd. Manan Dar where they counted the cash and the number of posters. Upon counting, the contents of the polythene bag were found to consist of 200 currency notes of ₹500 denomination, totalling ₹1,00,000, while the aggregate



number of posters was 39. The appellant Mohd. Manan Dar kept the cash of ₹1.00 lac and 14 posters with himself and gave away rest of the posters and the bottle of glue to appellant-Adnan Bashir Bangroo. As directed, on 19.03.2024, while they were on their way to Ahl-e-Hadis Masjid, Gowkadal on the bike bearing registration No. JK01AE-5442, they were intercepted by a naka party at Jehangir Chowk. On their frisking, the Police Party recovered the cash of ₹1.00 lac and 14 TRF posters from him whereas, 25 posters and the bottle of glue were recovered from Adnan Bashir Bangroo.

12. The appellant-Adnan Bashir Bangroo made a similar statement before the Executive Magistrate, admitting that he and Mohd. Manan Dar were in contact with a Pakistan-based handler to further terrorist activities in the Kashmir Valley. He further stated that they had been directed by the said handler to paste posters at various locations across Srinagar District, with the objective of intimidating or preventing the general public from participating in the elections.
13. The Investigating Officer re-seized the amount of ₹1.00 lac under section 25(5) of the Act on 25.03.2024 and submitted to the Divisional Commissioner, Kashmir for further necessary orders. Accordingly, on 25.06.2024, a confirmation order of the seized cash of ₹1.00 lac was received from the Divisional Commissioner, Kashmir. During financial investigation, it was found that neither the appellant-Mohd. Manan Dar nor Adnan Bashir Bangroo had withdrawn any cash from their respective accounts. On the basis of IPDR and GPRS data of mobile numbers 6005963665 used by appellant-Adnan Bashir Bangroo and 9103070297



used by appellant-Mohd. Manan Dar from 14.3.2024, the technical evidence revealed that both appellants were present at the same location in Qamarwari, Srinagar, as their respective mobile numbers were found to be active simultaneously between 12:30 hours and 13:00 hours on 14.03.2024. This location data prima facie corroborates the disclosure statements made by the appellants. Mobiles of both the appellants were handed over by their parents to the then Investigating Officer of the case, who seized the mobile phones and the same were sent to FSL for data retrieval. Thereafter, the same were analysed by the FSL. In the data, the photograph of an active terrorist (now dead) Momin Gulzar was retrieved from the mobile phone of appellant-Mohd Manan Dar. The meta data of the phone FSL extraction reveals that the said photograph was clicked by Mohd. Manan Dar on 16.03.2024 by his Cell Phone. The expert opinion in this regard has been obtained from FSL Srinagar. It has further been established that the photograph in question was not available on the internet or any social media platform, thereby ruling out the possibility of it being downloaded from a public domain. This clearly demonstrates that the appellant Mohd. Manan Dar was in contact with Momin Gulzar, terrorist of TRF Outfit, who was subsequently killed by the Forces. Besides the FSL extraction of the mobile phone of the appellant-Mohd. Manan Dar, revealed that he was in contact with various virtual numbers like 017017141151, 15304879776, 15306600849, 17147073350, 128520684 and 19318882415, which further corroborated the disclosure statements made by the appellants. A forensic analysis of the data extracted by the FSL from the mobile phone of appellant Adnan Bashir



Bangroo established that the appellants were in frequent contact, having exchanged over 100 WhatsApp calls. Interestingly, the standard Call Detail Records (CDR) revealed a complete absence of conventional cellular voice calls between the two appellants, indicating they communicated exclusively through internet-based platforms. Investigation into the mobile number linked to the registration of the Telegram channel <https://t.me.kfpublic> was conducted by the Cyber Police Station, Srinagar. Upon requisitioning details from the Telegram administration, it was established that the account in question was registered through a virtual cellular number 19419091984 and the FSL extraction of the mobile phone of appellant Mohd. Manan Dar revealed that he was in continuous contact with Pakistan based Handler through various numbers and the admin of the Telegram Channel <https://t.me.kfpublic> and was acting pursuant to his directions.

14. To substantiate the charge of conspiracy, the respondent has placed on record tabulated details of the mobile phone numbers alongside the forensic data extracted by the FSL. Based on this material, the respondent asserts that the appellants were operating in tandem with a Pakistan-based handler and certain unidentified individuals, from whom they received the incriminating posters and cash. Accordingly, after the completion of the investigation, the Investigating Officer filed the charge sheet against the appellant Mohd. Manan Dar for commission of offences under sections 13, 18, 39, 40(2) UA(P) Act & 506 IPC and under sections 13,18, 39 of the UA(P) Act & 506 IPC against appellant Adnan Bashir Bangroo. Momin Gulzar, a terrorist belonging to the TRF outfit, was named as



Accused No. 1 in the charge sheet; however, on account of his death, it was stated that the proceedings had abated against the said accused.

APPRECIATION:

15. In “**State of Andhra Pradesh vs. Golconda Linga Swamy**”, (2004) 6 SCC 522, the Hon’ble Supreme Court of India has held that at the stage of framing of charge, evidence cannot be gone into meticulously. *It was held that it is immaterial whether the case is based on direct or circumstantial evidence and a charge can be framed if there are materials showing possibility about commission of the offence by the accused as against certainty.*
16. Further, the Hon’ble Supreme Court of India in “**Sajjan Kumar vs. CBI**”, (2010) 9 SCC 368, was pleased to lay down the following principles governing discharge and framing of charges:

“17 On consideration of the authorities about the scope of section 227 and 228 of CrPC, the following principles emerge:-

- (i) The Judge while considering the question of framing the charges under section 227 of the CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.
- (ii) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained, the Court will be fully justified in framing a charge and proceeding with the trial.
- (iii) The Court cannot act merely as a Post Office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.
- (iv) If on the basis of the material on record, the Court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.
- (v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the Court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.



(vi) At the stage of sections 227 and 228 the Court is required to evaluate the material and documents on record with a view to find out if the facts emerging there from taken at their face value discloses the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.”

17. Thus, as mandated by Sections 227 and 228 of the Cr.P.C. (sections 250(2) and 251 of BNSS), while considering the issue of framing of charge or discharge of the accused, the court must form an opinion based on the material placed on record by the Investigating Officer to ascertain whether sufficient grounds exist for presuming that the accused has committed the offence. At this stage, the court cannot indulge in a meticulous or critical evaluation of the evidence, which is a domain reserved strictly for the final appreciation of evidence upon the conclusion of the trial. While a charge may be framed even on the basis of grave suspicion, the trial court is simultaneously not expected to act merely as a post office and frame charges mechanically simply because a charge sheet has been filed. The trial court may sift the prosecution's evidence to ascertain whether the unrebutted material satisfies the essential ingredients of the alleged offence; however, it cannot conduct a ‘mini-trial’ to determine whether the final matrix would warrant a conviction. If the foundational ingredients of the offence are conspicuously lacking, the court has no option but to discharge the accused.
18. We now proceed to adjudicate upon the merits of the challenge directed against the assailed order framing charges on the touch stone of law laid down by the Hon’ble Apex Court and discussed as above.



19. The appellants have confined their challenge to the charges framed under Sections 18, 39, and 40(2) of the Act, effectively leaving the charge under Section 13 un-assailed. This focus stems from the fact that the strict limitations on bail under Section 43D(5) of the Act are triggered by the more serious offenses under Sections 18, 39, and 40(2) of the Act. Accordingly, the thrust of their submissions is directed entirely toward establishing that these specific charges are legally unsustainable.
20. Be that as it may, at this stage of the proceedings, the contents of the posters running across the record are, in our estimation, amply sufficient for charging the appellants with the commission of an offence under Section 13 of the Act. The reliance placed by the appellants on the judgment titled *U.T. of J&K vs. Ghulam Mohd. Lone* [CrlA(D) No. 45/2024] is entirely misplaced and cannot come to their rescue at this threshold. In the text of these posters, a deliberate attempt has been made to alienate the local residents of Jammu and Kashmir from the rest of India, which is sufficient to spread disaffection against the nation.
21. It was urged that no offences under sections 18 and 39 of the Act are made out against the appellants. Section 18 of the Act is extracted as under:
- “18. Punishment for conspiracy, etc.—**Whoever conspires or attempts to commit, or advocates, abets, advises or [incites, directly or knowingly facilitates] the commission of, a terrorist act or any act preparatory to the commission of a terrorist act, shall 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.
22. Section 15 of the Act, that defines ‘terrorist act’ is extracted as under:
- [15. Terrorist act.—4 [(1)]** Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security 5 [economic 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

[(iiia) damage to, the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or of any other material; 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 [an international or inter-governmental organisation or any other person to do or abstain from doing any act; or] commits a terrorist act.

[Explanation.—For the purpose of this sub-section—

(a) “public functionary” means the constitutional authorities or any other functionary notified in the Official Gazette by the Central Government as public functionary;

(b) “high quality counterfeit Indian currency” means the counterfeit currency as may be declared after examination by an authorised or notified forensic authority that such currency imitates or compromises with the key security features as specified in the Third Schedule.]

[(2) The terrorist act includes an act which constitutes an offence within the scope of, and as defined in any of the treaties specified in the Second Schedule.]

23. The case against the appellants extends beyond the mere possession of incriminating posters and currency notes. They are further alleged to have



been in contact with a Pakistan-based handler and an active terrorist, Momin Gulzar, who was later neutralized in an encounter. Notably, a photograph of the deceased terrorist was found on the mobile phone of appellant Mohammad Manan Dar. Since this photograph was entirely unavailable on the open internet or any social media platform, it rules out the possibility of it being downloaded or retrieved from the public domain. The record indicates that the Telegram channel of the banned terrorist organization TRF was operated by a Pakistan-based handler. The recovered posters and the sum of ₹1,00,000/- were intended for delivery to a terrorist, Momin Gulzar, who was later killed in an encounter. The physical transportation of these posters alongside unaccounted-for cash demonstrates that the appellants and 'Momin Gulzar ' were part of a wider conspiracy to strike terror among the public, specifically targeting polling personnel on electoral duty, and to challenge the sovereignty of India. Therefore, at this threshold stage, the contention that there is no evidence to connect the appellants with the offense under Section 18 of the Act is legally unsustainable.

24. Insofar as the offense under Section 39 of the Act is concerned, there is incriminating material on record to demonstrate that the appellants were actively working as associates of the proscribed TRF outfit. This link is substantiated by the recovery of propaganda posters, cash, and adhesive material (glue) from their conscious possession. Furthermore, a digital nexus is established by the fact that the contents of the posters recovered from the appellants on 19.03.2024 were previously published online on



14.03.2024 by the 'Kashmir Fights' Telegram channel at the URL:
<https://t.me/kfpublic>.

25. At this stage, nothing on record indicates that the Telegram Channel did not belong to the Outfit. The disputed questions of fact raised by the appellants cannot be evaluated now, but must be determined during the trial. Furthermore, we find no error in charging the appellant under Section 40(2) of the Act, especially since the prosecution has established that the appellant-Mohd. Mannan Dar failed to justify possessing ₹1.00 lakh and had no corresponding bank withdrawals.
26. It was vehemently argued by the learned counsel appearing for appellant-Mohd. Manan Dar that he was falsely implicated because the HCP was filed by him on 19.03.2024, wherein it was categorically mentioned that the appellant was arrested on 16.03.2024 at around 1200 hours by the Special Operation Group.
27. Habeas Corpus Petition (HCP) No. 70/2024 was filed only on 19.03.2024, as verified by the learned Writ Court's order dated 20.03.2024. The bald averments in the petition concerning the appellant's alleged detention do not constitute evidence, let alone evidence of 'sterling quality' capable of proving false implication. To invoke the extraordinary power of quashing an FIR or charge sheet, the record must disclose unimpeachable evidence of sterling quality that requires no further proof; self-serving pleadings do not meet this threshold. At best, the appellant's contention constitutes a matter of defense to be established at trial, rather than a ground to quash the order framing charges. Notably, this ground was not raised in the memo of appeal. However, since the learned counsel for the appellant



placed on record copies of the writ petition, the respondents' reply, and the order passed in HCP No. 70/2025, we have evaluated this submission strictly on the merits of the oral arguments advanced by the learned counsel for the appellant. Reliance is placed upon the decision of the Hon'ble Apex Court in "*State of Orissa v. Debendra Nath Padhi, (2005) 1 SCC 568*", where in the Hon'ble Apex Court has held as under:

18. We are unable to accept the aforesaid contention. The reliance on Articles 14 and 21 is misplaced. The scheme of the Code and object with which Section 227 was incorporated and Sections 207 and 207-A omitted have already been noticed. Further, at the stage of framing of charge roving and fishing inquiry is impermissible. If the contention of the accused is accepted, there would be a mini-trial at the stage of framing of charge. That would defeat the object of the Code. **It is well settled that at the stage of framing of charge the defence of the accused cannot be put forth. The acceptance of the contention of the learned counsel for the accused would mean permitting the accused to adduce his defence at the stage of framing of charge and for examination thereof at that stage which is against the criminal jurisprudence. By way of illustration, it may be noted that the plea of alibi taken by the accused may have to be examined at the stage of framing of charge if the contention of the accused is accepted despite the well-settled proposition that it is for the accused to lead evidence at the trial to sustain such a plea. The accused would be entitled to produce materials and documents in proof of such a plea at the stage of framing of the charge, in case we accept the contention put forth on behalf of the accused. That has never been the intention of the law well settled for over one hundred years now. It is in this light that the provision about hearing the submissions of the accused as postulated by Section 227 is to be understood. It only means hearing the submissions of the accused on the record of the case as filed by the prosecution and documents submitted therewith and nothing more. The expression "hearing the submissions of the accused" cannot mean opportunity to file material to be granted to the accused and thereby changing the settled law. At the stage of framing of charge hearing the submissions of the accused has to be confined to the material produced by the police.**

(emphasis added)

28. Upon reviewing the record, we find no error in the impugned order. At the stage of framing charges, the learned trial court was neither required nor positioned to conclusively determine the adequacy of the evidence; it was only tasked with ascertaining whether a prima facie presumption of guilt exists against the appellants.



29. For the reasons recorded above, we find no error or infirmity in the trial court's order framing charges against the appellants. The instant appeals, being devoid of merit and misconceived, are accordingly **dismissed**. However, it is made clear that any observation made by this Court while determining the validity of the impugned order is tentative in nature and shall not be construed as an expression of opinion on the merits of the case during the trial. The learned trial court shall remain uninfluenced by any such observations, if made and shall be free to arrive at its own independent conclusion upon the culmination of the trial with regard to the allegations levelled against the appellants.

(SANJAY PARIHAR)
JUDGE

(RAJNESH OSWAL)
JUDGE

Jammu
03.07.2026
Rakesh PS

Whether the order is speaking: Yes
Whether the order is reportable: Yes