

Vrinda Grover
Advocate

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To
Mr. Anil Goswami
Home Secy.
Union of India
Ministry of Home Affairs
Room No.113
North Block
Central Secretariat
New Delhi -110001

11th July 2013

Dear Sir

Sub: Grave threat to life, liberty and security of Shamima Kauser and her children as well as RaufLala and Mohinuddinismail Sayed

This is to bring to your urgent attention, that there is a serious threat to the life of ShamimaKauser and her children as well as RaufLala and Mohinuddinismail Sayed, who have for the last 9 years supported ShamimaKauser in her struggle for justice. As you are aware the probe into the fake encounter of IshratJehan, in 2004, was initiated at the instance of the

Writ Petition filed by ShamimaKauser, to establish the innocence of her daughter and secure punishment for those who had killed her. Now the CBI

chargesheet has named senior Gujarat Police officers as accused in the killing of IshratJehan and others. Further investigation into the conspiracy behind these murders and the evidence recorded by the CBI points towards the complicity of senior officers of the Intelligence Bureau and political leaders of Gujarat state.

Yesterday i.e. on 10th July 2013 the local Mumbra Police was informed about the threat to ShamimaKauser and her children. Accordingly policemen were posted at the gate of the building in which Shamima resides. My client ShamimaKauser has informed me that in the dead of the night, at around 2:30am on 11th July 2013, 4-5 men came and started banging on the door of their flat, aggressively demanding that the door of the house be opened. Upon being asked by Shamima to identify themselves and their purpose, they kept banging the door. After some time these men announced that they were from the police. Shamima refused to open the door as it was clear that these men had come to bring harm to her and her young children. These 4-5 men kept standing outside Shamima's door for some time talking in whispers to each other and then left. Clearly their purpose to terrorise Shamima and her children had been accomplished.

It is a well known public fact that after the demise of her husband, Shamima heads a family of young daughters and sons. Shamima and her daughter have courageously been speaking about justice for IshratJehan in public meetings and demanding punishment for all persons responsible for her killing regardless of their official position, Many of the powerful accused are yet to be arrested in this case. The CBI has rightfully sought protection for its own Investigating Officers, but not paid any attention to the vulnerability of ShamimaKauser, her children and RaufLala and Mohinuddin Ismail Sayed.

Even in the past attempts have been made on the life of ShamimaKauser, RaufLala and Mohinuddin Ismail Sayed. Despite written and verbal

complaints to the police and the CBI no serious action or enquiry has been initiated into the matter. On the night of 18/19th June 2013, the vehicle carrying ShamimaKauser, RaufLala and Mohinuddin Ismail Sayed was attacked by armed men. However the said incident was registered as a FIR of a road accident. Enclosed is the complaint sent to Mumbra Police, in June 2013, protesting against this FIR and seeking registration of a FIR under Section 3017 IPC.

ShamimaKauser and her children have also reported that they are being followed and men in motorcycles are keeping a watch on their home and their movements.

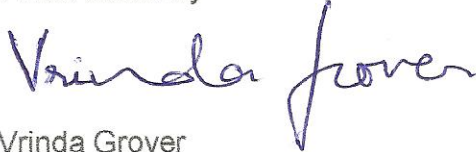
There is a grave threat to ShamimaKauser (mother of deceased IshratJehan) and her children as well as RaufLala and Mohinuddin Ismail Sayed. There is a real apprehension that attempts will be made to threaten, terrorise, intimidate and harm, ShamimaKauser and her children as well as RaufLala and Mohinuddin Ismail Sayed to coerce and compel them to abandon their efforts to secure justice for the cold blooded murder of IshratJehan.

It may be mentioned here that it is the constitutional duty of the State to protect the life of its citizens. In the present case very poor and vulnerable citizens are seeking justice against powerful persons occupying official positions, including the Intelligence Bureau, Gujarat Police and State Executive.

The Supreme Court of India has repeatedly emphasized the need for protection of Victims and Witnesses in such circumstance. In accordance with the law, ShamimaKauser, her children, RaufLala and Mohinuddin Ismail Sayed deserve to be provided all necessary protection. Given the nature of the case and the profile of accused persons, simply placing a couple of policemen as guards, is likely to jeopardise their security even further. Appropriate and necessary steps are required to be urgently taken to ensure the safety and security of ShamimaKauser and others.

You are requested to ensure that no threat or harm is brought to the life, liberty and security of ShamimaKauser and her children and RaufLala and Mohinuddin IsmailSayed.

Yours sincerely



Vrinda Grover

Counsel for Shamima Kauser

C.c. Mr. RanjitSinha

Director

CBI Head Office

Plot No 5-B, CGO Complex, Lodhi Road

New Delhi -110003

Mr. Kalaimani

Investigating Officer

CBI – SIT, IshratJehan

Gandhinagar

Gujarat

Vrinda Grover
Advocate

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To

1st July 2013

Mr. Kalaimani
Investigating Officer
C.B.I. SIT – IshratJehan Case
Gandhinagar, Gujarat

Dear Sir,

Subject: Attack on life of Shamima Kauser Mohinuddin Ismail Sayed and Rauf Khan
and urgent need for protection.

This is to draw your attention to the serious threat to life that Shamima Kauser, mother of deceased IshratJehan, and the 2 above named persons are facing. It is pursuant to Shamima Kauser's Writ Petition that the CBI has investigated and found that the so called encounter was fake and Ishrat Jehan was killed in cold blood. Since 2004, Shamima Kauser has been supported in her struggle for justice by two local activists of Mumbra, Mohinuddin Ismail Sayed and Rauf Khan.

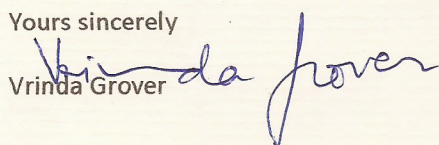
In the intervening night of 18/ 19 June 2013, when Shamima and the above named persons were returning to their residence in Mumbra from Mumbai airport, after attending hearing before the Division Bench of the Gujarat High Court, an attack was made on the vehicle that these three were travelling in. This attack by armed men was a serious attempt on the life of Shamima Kauser and others.

The police of P.S. Mumbra has however deliberately diluted the crime and registered the FIR as an ordinary road accident case. Shamima Kauser and others have since filed an application under Section 154 (3) Code of Criminal Procedure, seeking registration of FIR under Section 307 IPC and other appropriate sections. Copy of the FIR No. 1482/2013 of P.S.Mumbra.(Copy of aforementioned FIR and complaint submitted by ShamimaKauser and others are enclosed as Annexure A and Annexure B respectively.)

As you are aware the CBI investigation has disclosed that Ishrat Jehan was murdered by senior officers of the crime branch of Gujarat Police. The investigation has further indicated that the conspiracy to execute Ishrat Jehan and others was masterminded by senior officers and political leaders. It is no coincidence that just as the CBI investigation has reached this crucial stage there is an attack made on the life of Shamima Kauser and others, with an intent to kill them or atleast to bring serious harm to them and intimidate, threaten and terrorize them.

In these circumstances the CBI is requested to provide immediate and necessary protection to Shamima Kauser, Mohinuddin Ismail Sayed and Rauf Khan, as their lives are under serious threat, from those responsible for the killing of Ishrat Jehan.

Yours sincerely


Vrinda Grover

FIRST INFORMATION REPORT

पहलो खबर
(Under Section 154 Cr. P. C.)

No. 122028

(फोनबारी प्रक्रिया सहितका कलम 154 अन्वये)

1. *Dist. : ठगे *PS. : ठगे *Year : 2019 *FIR No. : 994093 *Date : 9.10.2019
जिल्हा ठगे पोलीस ठाणे ठगे वर्ष 2019 पहलो खबर क्र. 994093 तारीख 9.10.2019

2. (i) *Act : अविनय *Sections : 306, 38 मह
अविनय क्रि.द.वि कलमे 306, 38 मह

(ii) *Act : भारतीय हत्याकायदा *Sections : 304, प्रभाती.
अविनय भारतीय हत्याकायदा कलमे 304, प्रभाती.

(iii) *Act : _____ *Sections : _____
अविनय कलमे _____

(iv) *Other Acts & Sections : _____
इतर अविनय व कलमे _____

3. (a) *Occurrence of Offence : *Day : _____ *Date From : _____ *Date To : 9.10.2019
अपराधाची घटना कार तारीख पासून तारीख पर्यंत

*Time Period : _____ *Time From : _____ *Time To : 00.40 वा.
वेळेचा अवधी पासून पर्यंत

(b) Information received at P. S. : *Date : 9.10.2019 *Time : 00.34 वा.
पोलीस ठाण्यावर माहिती मिळाल्याची तारीख वळ

(c) General Diary Reference Entry No. (s) : 26 *Time : 00.34 वा.
सर्वसाधारण दिवनाम्याचा संदर्भ क्र. वेळ

4. Type of Information : 26 *Written / Oral : लेखी
माहितीचा प्रकार लेखी / मुख्य लेखी

5. Place of Occurrence : (a) *Direction and Distance from P. S. : पूर्वम 2 किमी *Beat No. : 9
घटनेचे ठिकाण पोलीस ठाणे पासून दिशा व अंतर पूर्वम 2 किमी गटनं. क्र. 9

(b) *Address : मुंबईत घाटलाल बाई चौकीस अजोब रमत्याकर रेतीवांबव
घरा मुंबईत घाटलाल बाई चौकीस अजोब रमत्याकर रेतीवांबव

(c) In case outside limit of this Police Station, then the
या पोलीस ठाण्याच्या हद्दीच्या बाहेर असल्यास, त्या पोलीस ठाण्याचे नाव
Name of P. S. : _____ Dist. : _____
पोलीस ठाणे जिल्हा

6. Complainant / Informant :
तक्रारदार / कथारो

(a) Name : मोहिबुल इस्माईल अय्यद उर्फ मुल्ला सादिक
नांव मोहिबुल इस्माईल अय्यद उर्फ मुल्ला सादिक

(b) Father's / Husband's Name : इस्माईल अय्यद
पित्याचे / पत्नीचे नाव इस्माईल अय्यद

(c) Date / Year of Birth : 80 वर्षे. (d) Nationality : भारतीय
जन्म तारीख / वय 80 वर्षे. राष्ट्रीयता भारतीय

(e) Passport No. : _____ Date of Issue : _____ Place of Issue : _____
पासपोर्ट क्र. दिव्याची तारीख दिव्याचे ठिकाण

(f) Occupation : व्यापार
व्यवसाय व्यापार

(g) Address : अकॉउंट कॉम्प्लेक्स, हम्मरी अपार्ट, तीसरा माळा, रूम नं. 1.
घरा अकॉउंट कॉम्प्लेक्स, हम्मरी अपार्ट, तीसरा माळा, रूम नं. 1.
305, कौसा मुंब्रा ता.नी. ठाणे.

Reasons for delay in reporting by the Complainant / Informant
 तक्रारदाराने / खबरन्याने तक्रार करण्यासाठी विलंबाचे कारण

किर्तिलीले किर्यात विलास प्रजाठी

Particulars of properties stolen / involved (Attach separate sheet if necessary) :
 चोरित केलेल्या / संलग्नित मालमत्तेचा तपशील (अलगपत्रक असल्यास स्वतंत्र कागद जोडावा) :

*Total value of properties stolen / involved :
 चोरित केलेल्या / संलग्नित मालमत्तेचे एकूण मूल्य

*Inquest Report / U. D. Case No. if any :
 मरणाचेवृत्त अहवाल / यु. डी. प्रकरण क्र., जर असल्यास

F. I. R. Contents (Attach separate sheets, if required) :
 जोडल्या खबरीतील होकनाम (अलगपत्रक असल्यास स्वतंत्र कागद जोडावेत) :

ता. म. नेकी व जागी आनीठ कि. ई. कार क्र. मात. 04 -
 ए. 7. - 0731 आ. ग. डी. ले भानुवाडा येथे निमित्ते जात झेसताका यागीक
 अज्ञान झेसताका वेग तावेक ज्वर मागे वसलेका इतमू याले रिहा खबर
 मधुन कायर करुन निते ठार साबळ्याच्या इरादयाते किर्तिलीले कर
 कायर केला इतमू उठला

13. Action taken : Since the above report reveals commission of offence(s) u/s as mentioned at Item No. 2.
 registered the case and took up the investigation/directed*
 Rank.....to take up the investigation/Refused
 investigation/transferred to P. S.on point of jurisdiction.

कानली कार्यवाही : बाब क्र. २ मध्ये नमूद केलेल्या कलमानुष्ये अपराध घडल्याचे वरील अहवालावरून दिसून आल्यामुळे प्रकरण नोंदवले आणि
 ताब्याचे काय हातो घेतले

पदनाम पो. नि. पाटील यांना ताब्याचे काय हातो घेण्याचा निर्देश दिला / ताब्या काय्याचे नाकारले / अधिकारितथा
 मुद्यावरपोलीस ठाण्याकडे हस्तांतरित केले.

F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the
 Complainant/Informant free of cost
 पहिली खबर तक्रारदाराला / खबराला पाचले दाखवावेनी, बरोबर नोंदवली असल्याचे त्याने मान्य केले आणि तक्रारदाराला / खबराला प्रत
 मोफत दिले.

14. Signature/Thumb impression
 of the Complainant/Informant
 तक्रारदारानी / खबरानी सही / अंगठ्याचे चमू

Signature of the Office-in-charge, Police Station
 पोलीस ठाण्याच्या प्रभारी अधिकार्याची सही

*Name : आर. एन. तडवी

*Rank : रि. बुजा वी. ए. ए. No. :
 पदनाम क्रमांक

15. Date & Time of despatch to the court
 कोर्टात पाठविल्याची तारीख व वेळ

Annexure B

By Hand Delivery

FROM :

1. Mr. Mohinuddin Ismail Sayed
2. Mrs. Shamima Kauser
3. Mr. Rauf Khan

ADDRESS:

Accord Complex, Hashmi
Apartment, C wing, flat No. 308,
Amrut Nagar, Mumbra,
Tal: Dist : Thane.

Mob: 9892102145

Date: 25th June, 2013.

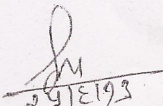
To,
Deputy Commissioner of Police
Office of the Commissioner of Police
Thane
Dist: Thane.

Sub:- Registration of FIR into the attack on the life of Mr. Mohinuddin Ismail Syed , Mrs. Shamima Kauser & Mr. Rauf Khan

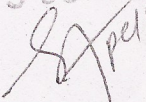
Sir,

1. We the above named Applicants have with the grace of God escaped and survived a serious attempt to our life by armed assailants. The incident took place in the early hours of 19th June 2013, in the dead of night at about 1:00 am. The entire incident was narrated by us to Mr. Shivshankar Munde Senior Police Inspector. stationed at Mumbra Police Station, Mumbra, Tal & Dist. Thane, soon after the attack. The Police of P.S. Mumbra however has lodged the FIR No. 1482/2013, Dated 19th June 2013, only U/s. 279, 427 r/w 34 and 37 (1), 135 of Arms Act . We are simple people not familiar with the law and hence could not understand what crimes these legal sections of the FIR referred to.

2. We have now learnt that that the FIR no. 1482/2013, does not record the true facts about the incident of attack as narrated by us. Instead the entire attack on our life has been distorted and projected as a mere road accident. Even at the time of the recording of the above FIR we had brought the same to the notice of the Senior Police Inspector. The police has however


25/6/13
सहायक पोलीस आयुक्त,
कुरुवा विभाग, ठाणे करिब

25 JUN 2013


नॉदणी शाखा प्रमुख
पोलीस आयुक्त कार्यालय, ठाणे शहर

25/6/13

नॉदणी शाखा प्रमुख
पोलीस आयुक्त कार्यालय, ठाणे शहर

deliberately manipulated the facts and only a FIR mentioning bailable legal provisions has been registered. The Police has diluted the serious crime of an attempt on our life and recorded it as a mere road accident. We are now placing the facts before you and request you to direct that a FIR be promptly registered and investigation undertaken into the armed attack on our life. It must also be mentioned here that in the past also there has been an attack on the life of the complainant, Mr. Mohinuddin Ismail Syed and FIR No. 150 of 2013 registered.

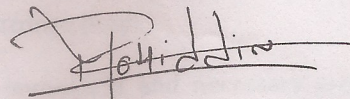
3. It is important to underline the context in which these grave attacks are taking place. Applicant Shamima Kauser is fighting for justice as her daughter Late Ms. Ishrat Jahen was killed in a fake police encounter, in June 2004 in Ahmedabad Gujarat From the beginning Mr. Mohinuddin and Mr Rauf have been supporting Shamima Kauser in her long struggle for justice and accompanying her to Ahmedabad to attend the hearings before the Gujarat High Court. The CBI investigation in this fake encounter has already established that Ishrat Jehan was innocent and was illegally detained and killed in cold blood. Senior police officers of the Crime Branch of Gujarat have been named and arrested as accused persons by the CBI. Presently the CBI investigation is nearing conclusion and has uncovered that there is a larger conspiracy by powerful persons behind this fake encounter. It is at this juncture that Shamima and others have been attacked.
4. The Applicants are regularly attending the hearings before the Gujarat High Court.
5. The Applicants had attended the hearing before the Honorable Gujarat High Court at Amhedabad, on 18th June 2013, and returned by the late night flight, to Mumbai. When the car being silver colour Volkswagen Polo having its registration number as MH 04ET9731 of the Applicants reached Amrut Nagar, they heard a loud sound and the glass of the car on the side of Shamima Kauser came crashing down. Due to good fortune Shamima

Kauser was not seriously injured. The driver (give his name) immediately halted the car by pressing the brakes, upon which a motorcycle just behind them rammed into the car. The driver got out of the car and saw that two men had fallen off the motorcycle and were lying on the road with a gun right next to them. The driver immediately caught one man. In the meantime Mr. Mohinnudin came out of the car and tried to catch the second man, however he slipped from Mohinuddin's grasp by lunging for him and leaving scratch marks on his neck.. As the driver applied the brakes the motorbike borne assailants were thrown off balance and this saved the Applicants from any further attack.


6. A police van passing by stopped and took one accused in custody alongwith the weapon and a spot panchanama was prepared and the above FIR lodged.
7. FIR No. 1482/ 2013 lodged by the Police has not recorded that there was an attempt to kill and cause bodily harm to the Applicants .

In the circumstance we hereby request you to lodge a FIR for the attack on the life of the three Applicants and order immediate honest and impartial investigation by a senior police officer.

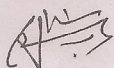
Kindly treat this as urgent as the lives of the Applicants are at grave risk.



1. Mr. Mohinuddin Ismail Sayed



2. Mrs. Shamima Kauser



3. Mr. Rauf Khan

CC:

1. Commissioner of Police, Thane
2. CBI SIT I.O. Mr. Kalaimani
3. ASST. COMMOSSIONER Of POLICE, THANE