

CHARGE SHEET

Police Station: **SIU.V/SIC.II/New Delhi** District: **Delhi (U.T.)** Charge Sheet No. **7** Date: **9.1.1992**

Name, address and occupation of complainant or informant: **Shri Jagar Nath Sori s/o Sh.Milap Singh** First Information Report Number: **RC.9(S)/91-SIU.V,** Date: **6.11.91**
Sori, Const. No. 509, PS Bhilai Nagar, Distt. Durg, M.P.

Name and addresses of accused persons sent up for trial, whether in custody or on bail or recognizance	Names and addresses of accused persons not sent up for trial whether arrested or not arrested, including absconders (show absconders in red ink)	Property (including weapons found with particulars) of where, when and by whom found and whether forwarded to Magistrate	Names and addresses of Witnesses	Charge or information, name of offence and circumstances connected with it, in concise detail, and under what section of law (show section of law in red ink)
1	2	3	4	5
1. Chandra Kant Shah S/o Ramji Bhai Shah, r/o 21/24, Nehru Nagar (West), Bhilai. 2. Gyan Prakash Mishra @ Gyanu S/o Chhotkan Mishra r/o Baba Atta Chakki, Camp-I, Road No.18, Bhilai. (arrested on 13.10.91) 3. Awadhesh Rai S/o Ram Ashish Rai r/o Cr. No. 7A, Road No.5, Sector-IV, Bhilai, originally r/o vill- age Nanora PS Ghora Sahan, Distt. East Champaran, Bihar. (arrested on 13.10.91) 4. Abhay Kumar Singh @ Abhay Singh S/o Vikrama Singh r/o 7-C, Camp-I, Bhilai, originally r/o vill- age Khalispur, PS Nonhara, Distt. Ghazipur (U.P.) (arrested on 17.11.91)	1. Mool Chand Shah S/o Ramji Bhai Shah r/o Simplex Colony, Malviya Nagar, G.E.Road, Durg. 2. Navin Shah S/o Ramji Bhai Shah r/o Simplex Colony, Malviya Nagar, G.E.Road, Durg. 3. Palton Mallah @ Ravi S/o Nokhai Mallah r/o Nibahi, PS Rud- rapur, Distt. Deoria (U.P.) and others un- known.	As per list of documents attached vide Annexure 'A' and the list of articles attached vide Annexure 'B'.	As per list attached vide Annexure 'C'.	On request of the State Govt. of Madhya Pradesh, investi- gation of crime No.580/91 dated 28.9.91 u/s 302 IPC, Sec.25/27 Arms Act, PS Bhilai Nagar, Distt. Durg relating to the incident of killing of Shri Shanker Guha Niyogi was taken over by the CSI on 6.11.1991. 2. It has been revealed during the course of investigation that deceased Shanker Guha Niyogi, a prominent labour leader of Chhattisgarh Region, formed a Trade Union under the name of Chhattisgarh Mines Shramik Sangh (CMS) long time ago which was active in Dalli-Rajhara belt etc. He also later formed Chhattisgarh Mukti Morcha (CMM) for the social & economic upliftment of the workers of the Chhattisgarh Region. Shri Niyogi was the Organising Secretary both of CMM and CMS and he was also instrumental in the formation of many other trade unions, namely, Pragatisheel Engineering Shramik Sangh (PESS), Pragatisheel Ispat Shramik Sangh etc., owing allegiance to him.

5. Chandra Baksh Singh
@ Chhotu S/o Bharat
Singh r/o G-36, ACC
Colony, Jamul, Bhilai,
originally r/o village
Lowar; PS Patti, Distt.
Pratapgarh (U.P.).
(arrested on 22.11.91)
6. Baldev Singh Sandhu S/o
Rawel Singh Sandhu r/o
R-37, M.P. Housing Board
Colony, Industrial Estate,
Bhilai.
(arrested on 22.11.91).

All these trade unions were nick-named as "Lal-Hara Jhanda Union/Niyogi Union". The deceased had been taking a leading role in organising the activities of these Trade Unions which included enrolment of members; staging demonstrations in and around industrial establishments in Bhilai and other places; taking out of rallies; distribution of pamphlets; resorting to strikes in the factories/establishments by the employees and such other activities for pressing the demands of the workers. These activities of his brought him in direct confrontation with various industrial establishments of Bhilai area. Shri Niyogi had shifted the focus of his activities to Bhilai about a year and a half back and had, inter alia, emphasised the following main demands of the workers viz. giving them permanency of jobs; providing them a 'living' wage; providing them Bonus, Medical & Housing facilities etc.

3. The Simplex Group of Industries is having a number of Units at Bhilai, Tedesara and Urla which are controlled by the Shah family of Bhilai. Even though, various Units of Simplex Group are variously controlled by the members of the Shah family M/s Simplex Engineering & Foundary Works Ltd. is mainly controlled by Shri Mool Chand Shah and M/s Simplex Castings Ltd. by Shri Navin Shah. M/s Oswal Iron & Steel (P) Ltd., Bhilai is controlled by Shri Chandra Kant Shah, brother of above named Mool Chand Shah and Navin Shah. There are intimate business relationships between M/s Simplex Castings Ltd. and M/s Oswal Iron & Steel (P) Ltd., managed by Chandra Kant Shah.

4. Ever since the deceased Shri Niyogi had launched agitation in this area for ameliorating the condition of the workers, he had organised strikes, dharnas, slogan-shoutings etc.

in front of the industrial establishments for pressing the demands of the workers and for the implementation of various labour laws applicable to them. Because of the agitations launched by Shri Niyogi, M/s Simplex Group were one of the worst affected. This had greatly upset Shri Mool Chand Shah, Navin Shah and Chandra Kant Shah as their family business was badly suffering. They chalked-out a plan to counter the challenge posed by Shri Niyogi, by hiring a number of goondas including accused Gyan Prakash Mishra, Abhay Singh, Awadhesh Rai, Baldev Singh Sandhu, Chandra Baksh Singh and others for criminally intimidating and assaulting the agitating workers owing allegiance to Shri Niyogi and his Union. The Union workers were got badly roughed up by the hired goondas on a number of occasions by the Simplex Group and hundreds of them were dismissed from their jobs. The production continued to suffer because of continued agitation as admitted by the accused in the Civil Suits filed by them in the Courts. Several workers sustained injuries at the hands of the goondas hired by the Simplex Group including the accused persons named above. A number of reports were got lodged from both the sides with the local police. The accused persons, however, could not succeed in containing the agitation launched by Shri Niyogi.

5. The accused persons, therefore, entered into a criminal conspiracy, sometime in or around the end of year 1990 at Bhilai to eliminate Shri Shanker Guha Niyogi who had proved to be a great hurdle to them in the smooth running of the business of the Simplex Group of Industries.

6. In pursuance of the said criminal conspiracy accused Chandra Kant Shah, Gyan Prakash Mishra, Awadhesh Rai and Abhay Singh visited Bihar and Nepal in the tempo traveller No.MF-24B-6622, driven by one Ravindra Kumar & Ravi of Bhilai in the month of March, 1991 and brought illegal arms and ammunition viz. one rifle of .22" bore and 250 cartridges, one pistol of .25" bore and 7 cartridges and one pistol of .32" bore with magazine to Bhilai, out of which one pistol of .25" bore has been recovered at the instance of accused Gyan Prakash Mishra on 14.10.91 and one .32" bore live cartridge was recovered from the residence of accused Chandra Kant Shah during his house search on 12.11.91. During this search, a bill dt.11.3.91 of Hotel Madhuban, Nepal was also recovered, on the reverse side of which particulars and description of arms and their prices are written in the hand of accused Gyan Prakash. Besides, a slip containing the numbers of the Jeep & Car of Shri Niyogi has been recovered which is in the hand of Chandra Kant Shah.

7. The above named accused had also procured several other illegal country-made weapons for illegal purposes out of which one revolver of .32" bore and one revolver of .38" bore and 7 cartridges of 9mm, one of .357 bore, one of .32 bore and one of 303/.315 bore have been recovered at the instance of accused Abhay Singh on 29.11.91. Another revolver was recovered at the instance of accused Gyan Prakash Mishra on 27.11.91. Accused Palton Kallah & Ravi, one of

the conspirators, was having one country-made 'Katta' of 12 bore and a revolver.

8. In the furtherance of the criminal conspiracy, accused Gyan Prakash and Ahhay Singh forcibly broke open the lock of quarter No.67, Camp-I, Bhilai belonging to the Bhilai Steel Plant and accommodated accused Palton (Ravi there in their close neighbourhood some time in the month of July,1991. Accused Chandra Kant Shah had placed a red coloured TVS Suzuki motor cycle at the disposal of accused Gyan Prakash, Ahhay Singh, Baldev Singh, Chandra Daksh Singh and Palton (Ravi for keeping a track on the movements of deceased Shanker Guha Niyogi for achieving the object of killing him and the said conspirators had actually kept track of the movements of the deceased during the months of August and September,1991 by travelling on the said red coloured TVS Suzuki motor cycle with fake registration No. MP-24B-1707. Besides, accused Chandra Kant Shah had also allowed them to use his other vehicle(s) for the same purpose.

9. The Simplex Group, however, continued with their terror-tactics. Shri Uma Shankar Rai, Vice-President of Pragatisheel Engineering Shramik Sangh, and a trusted lieutenant of the deceased, was grievously assaulted and stabbed by the hired goondas of the Simplex Group and one of them, namely, Baldev Singh is accused in this case.

10. In view of the violence unleashed by the accused named above and others on striking Union workers, deceased apprehended serious danger to his own life at the hands of the industrialists and had come to know about it. He had made an entry in his diary to the effect that Simplex Group had paid Rs.5.00 lacs to Gyan Prakash (Gyanu to collect arms and to get criminals from outside. In the diary, name of Gyan Prakash (Gyanu is also written alongwith the name of Chandra Kant Shah thereby connecting the two. Names of some of other accused persons, namely, Ahhay Singh, Avadhesh Rai have also been written by the deceased in the diary. Significantly, Shri Niyogi had led a delegation of about 300 workers to Delhi and had submitted a memorandum to the President of India on 11.9.91, in which he had drawn the attention of His Excellency to the pitiable condition of labour in the Bhilai area and had sought Presidential intervention. However, before he went to Delhi, he had tape-recorded his voice in a micro cassette, sometime in August,1991, in which he had categorically stated that he apprehended immediate danger to life from accused Nool Chand Shah of Simplex Group in particular. He had often expressed such apprehensions to his family members and his Comrades. Besides, Shri Niyogi had mentioned to Shri N.K.Singh and Prashant Panjiyar of India Today and Rajendra Saini of P.U.C.I. on the day of his murder with whom he had dinner in Piccadilly Hotel, Raipur in the night of 27.9.91.

11. In furtherance of the criminal conspiracy accused Gyan Prakash Mishra and Palton Mall (Ravi approached B.K.Singh of Bhilai and with his help procured 3 LG Cartridges of 12 bore on 14.9.91 from M/s Dadruddin Samsuddin & Sons of Raipur. The accused persons waited for Shri Niyogi's return to Bhilai. The deceased returned to Bhilai on 21.9.91. The accused persons kept him under surveillance and ultimately accused Palton Mall (Ravi accompanied by accused Gyan Prakash Mishra went to the residence of deceased Niyogi at MIG I/55, HUDCO, Bhilai, Distt. Durg in the night intervening 27th & 28th Sept. 91 and accused Palton Mall (Ravi fired an LG Cartridge from a .12 bore 'Katta' at about 3.45 AM on 28.9.91 from a close range from the open window of the bed-room where the deceased was sleeping and caused fire-arm injuries on the body of the deceased which resulted in his death while being taken to the hospital.

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12. The post-mortem examination of dead body of the deceased was conducted by Dr. V.R. Meshram of Distt. Hospital, Durg on 28.9.91, who found six numbers of entry wounds of gun shot on the upper and medial part of the left scapular region. According to the Doctor, the death was caused due to haemorrhage and shock as a result of the above said gun shot injuries. Three round metallic pellets were recovered from the dead body of the deceased. The Ballistic Expert, after examining the incriminating articles recovered in this case, has come to the conclusion that the above noted injuries to the deceased were caused by a .12 bore 16 Cartridge fired from a short barrel gun, from a close range.

13. Accused Gyan Prakash Mishra had paid a sum of Rs.19,000/- to the accused Palton & Ravi on 28.9.91 and asked Palton to go away from Dhilai. Accused Palton, after receiving the said amount, left Dhilai on red coloured TVS Suzuki motor cycle and went underground. The said amount was paid by Gyan Prakash Mishra to Palton on behalf of accused Navin Shah and Chandra Kant Shah after borrowing Rs.14,500/- from Devendra Patni and Rs.4,500/- already given to him by Chandra Kant Shah in the same morning. Accused Gyan Prakash Mishra further borrowed Rs.5,000/- from Devendra Patni on the same day and gave a letter to Devendra Patni addressed to Navin Shah for collecting Rs.20,000/- from Navin Shah. Shri Devendra Patni, however, met Chandra Kant Shah at his office at Akashganga on the same day and gave the said letter to him. Accused Chandra Kant Shah after going through the letter tore it off into pieces and told Patni that money would be paid. The torn pieces of the said letter have been recovered from the office of accused Chandra Kant Shah at M/s Jain Shah & Co., 108, Akashganga Commercial Complex, Dhilai during the course of search on 15.12.91.

14. Accused Chandra Kant Shah absconded from Dhilai on 3.10.91 and remained underground for about two months. He visited a number of places in the country and stayed in different hotels in fake names. Accused Gyan Prakash and Abhay Singh absconded from Dhilai on 4.10.91. Accused Gyan Prakash could be arrested only on 13.10.91 whereas accused Abhay Singh was arrested with the help of U.P. Police in Chazipur Distt. U.P. on 17.11.91. Accused Palton Mallah & Ravi, the killer, is still absconding. Similarly, the whereabouts of accused Ibol Chand Shah and Navin Shah are not known ever-since the anticipatory bail petition was dismissed by the Delhi High Court on 16.12.91.

15. During the course of investigation, the residence of Ibol Chand Shah was searched on 15.11.91 and certain documents were recovered i.e. paper cuttings relating to Niyogi's murder, photocopy of a note on Niyogi etc. The official premises of Ibol Chand Shah was searched on 19.11.91 and photocopies of two cases viz. FIR No.514/84 of PO Rajnandgeon and FIR No.114/84 of PO Lalbagh, an incomplete draft letter addressed to the Home Minister, M.P. regarding labour unrest at Industrial Estate, Dhilai and increasing naxalite activities of Shri Shanker Guha Niyogi who had created such a situation that local population and willing workers were totally terrorised, a small chit of paper having the names and addresses of Uma Shanker Rai and Bharat Kushan Pandey and one pamphlet issued by Chhattisgarh Mukti Morcha, were, inter alia, recovered. The residence of Awadhesh Rai was searched on 13.10.91 and one key ring of Hotel Kailash, Deerganj and one Nepali rupee were recovered.

16. The above facts and circumstances disclose that accused Mool Chand Shah, Navin Shah, Chandra Kant Shah, Gyan Prakash Mishra @ Gyanu, Awadhesh Rai, Abhay Singh, Chandra Baksh Singh @ Chhotu, Baldev Singh Sandhu and Palton Mallah @ Ravi mentioned in column No.1 & 2 above and others unknown entered into a criminal conspiracy to assassinate deceased Shanker Guha Niyogi and procured fire-arms for the said purpose and accused Palton Mallah @ Ravi and Gyan Prakash Mishra committed the murder of deceased Shanker Guha Niyogi in the early hours of 28.9.91 and thereby all of them committed offences punishable u/s 120-B r/w 302 IPC. Accused Gyan Prakash Mishra and Palton Mallah @ Ravi also committed substantive offences punishable u/s 302/34 IPC. Accused Palton Mallah @ Ravi also committed offence punishable u/s 27 of Arms Act, 1959

17. It is, therefore, prayed that the above mentioned accused may kindly be tried according to law. Accused Gyan Prakash Mishra, Awadhesh Rai, Abhay Singh, Chandra Baksh Singh and Baldev Singh are in judicial custody in this case upto 9.1.92. Accused Chandra Kant Shah is in judicial custody in case FIR No.904/91 of PS Durg upto 10.1.92 and Hon'ble High Court of M.P. at Jabalpur has granted him ad-interim anticipatory bail on 22.11.91 in this case.

Encl:

1. Annexure 'A
2. Annexure 'B
3. Annexure 'C

(R.S.PRASAD)
DY.SP/CBI/SIC.II/NEW DELHI