

ISI 'agents' let off after years in jail

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THE HIGH court on Friday quashed the conviction of four suspected ISI agents in a sedition case.

A two-judge Bench of justices N.A. Chowdhury and A.K. Bhattacharya ordered the release of Ahmed Ali (Pakistani), Md. Yakub (Afghanistani), Mirnal Poddar and Aloke Biswas, who had been sentenced to life imprisonment in 2001 for possessing secret defence documents of the Chandipur missile test firing range.

"The confessions made by the accused were not sufficient for their conviction as they were not corroborated by independent evidence. There was no sufficient evidence to prove the guilt of the accused. Even there was no sanction to prosecute the accused for sedition u/s 124A of the IPC," the judges said

Challenging the conviction, advocates, Sekhar Basu, Phiroze Edulji and Subho Bhattacharya, said: "The prosecution has miserably failed to prove or bring forward any evidence to prove



In high court

any charge against the accused. Even the confessional statement of the accused does not disclose any offence. Not a single witness has uttered anything about the accused being involved in any overt act. The sanction was for investigation and not for prosecution of the accused... The I.O., Debabrata Sarkar, had admitted that he did not obtain any sanction for prosecution."

On September 15, 1999, the state intelligence bureau officials arrested Ali and seized defence ministry documents from his home in Dum Dum. He confessed before the Barrackpore judicial magistrate,

Utpal Mishra, that he had been carrying on subversive activities and revealed the names of Asit Panda, Lakshmi Priya Panda, Md. Yaqub, and Abdul Aziz Khan, who were arrested later.

The SIB filed a charge sheet on December 9, 2000 against the 10 accused under sections 121/121A/124A/120B, 419 of the IPC, under section 3/4/5 of the Official Secrets Act, and produced 53 witnesses to prove the charge.

On October 17, 2001, a city sessions judge convicted Ali, Yaqub, Aloke and Mirnal for sedition and conspiracy punishable under sections 124A/120B of the IPC and sentenced them to life imprisonment. Poddar was found guilty of false personating, punishable under section 419 of the IPC and sentenced him to three years in jail with a fine of Rs 10,000. Six people were acquitted.

Yaqub and Biswas filed appeals in the Calcutta High Court on January 14, 2002. Ali and Poddar did not file appeals because of lack of funds. But the judges quashed their conviction.