



Name: Abdul Wahid

Age: 36 years

Occupation: Teacher

Res. Address: 6/7, Khan and Sanghavi Chawl, Gadge Maharaj College, Amrut Nagar, Ghatkopar (W), Mumbai-86.

Examination-in-chief by adv Sharif Shaikh h/f adv Shetty for A8

The above address is my permanent address. I was residing at 202, Moonlit Apartment, Kalsekar College, Kausa, Mumbra, Dist. Thane in 2006 in a rented flat. I was serving as a teacher in Maulana Anjuman-i-Islam Abdul Sattar Shoaib School, Maulana Shaukat Ali Road, Do Taaki, Mumbai-8 at that time and since 1999. It is a government aided private school. I possess the qualifications of M.A., D.Ed. I was married in 2003.

Police caught me on 27/09/01 outside Madina Masjid, Park Site, Vikroli and took me to the Park Site Police Station. There were some people like me already sitting there. I came to know their names later on when we were arrested. They were Irfan Abdul Salam Shaikh, Imran Abdul Salam Shaikh, Amar Khan Sardar Khan, PW-75, Jabbar Khan, Amirulla Khan, Abdul Azeem Rashid Kazi and Jamshed. Police produced all eight of us on 28/09/01 in the court. Police have not yet told me in what crime and in what case I was arrested. We all were remanded to police custody and then the harassment started, because of which Irfan Abdul Salam Shaikh suffered a heart attack and was admitted in the Rajawadi Hospital. Minister Mohd. Arif Naseem Khan came to meet us in the Ghatkopar lockup. We were released on bail two months thereafter. We used to daily attend Park Site Police Station as per the order of the court. Chargesheet was filed in 2005. I came to know at that time that the case is filed against me on the allegation that I am a SIMI activist. It is still pending in CR No. 34 at Vikroli and three important witnesses have turned hostile.

I was in my house at Mumbra on 11/07/06. I was having a talk with my neighbour Munna in flat no. 204 at about 6.00-6.15 p.m. after completing the routine work during the day. We started viewing the news after some time and at that time there was breaking news about the blasts that took place on that day. My wife and two children were in my house at that time. I was not using mobile in 2006. I was at

my house in the evening on that day and throughout the night. Nobody came to my house and no one went from my house. I made a phone call to my brother Zuber in the evening to inquire about his well-being. He told me that he is alright, but Park Site Police Station has called me. I told him that I would go on the next day.

When I went there on the next day, i.e., on 12/07/06 all the above mentioned co-accused were present in the police station. Inspector Sonavane recorded our statements and made station diary entry about calling me with respect to the bomb blasts, taking my statement and presenting me before the PI. Ext.3386 is its certified copy. I was allowed to go home at about 5.00 or 6.00 p.m. I used to stay at home thereafter and do my duty regularly.

My brother received a call on his mobile no. 9870383933 on 16/07/06 from the Unit No. VII, DCB CID, Ghatkopar calling me for inquiry. I went there on 17/07/06. All the above mentioned co-accused were present there. Our statements were taken and station diary entry was made. Ext. 3385 is the letter containing the details. Many people had been called there and I came to know that the accused no. 7 Sajid, who is my brother-in-law, was also called there. The police threatened me not to leave the area and told me that they would call me whenever necessary. I stayed in my house and attended duty regularly from 18/07/06 to 13/08/06.

I was teaching in the school on 14/08/06. I went to the office of the head master on being called. I saw three persons sitting there, who introduced themselves as Nitin Ramchandra Alaknure, Dalvi and Mayekar and that they are from the office of Vijay Salaskar of the Crime Branch and that their superior had called me and I would have to go with them for some time. I told my colleague Habida Shaikh to inform my brother-in-law Mehmood Azim Qureshi, PW-65, as those people would not release me in a short time. I readied myself, went below and as soon as I sat in the vehicle they started beating and abusing me. They took me to the office of the DCP Railways near Byculla (W) railway station. They beat me and abused me there and put me in the lockup.

(Adjourned as court time is over).

Date : 13/06/13

Special Judge

Date : 14/06/13

Resumed on SA

I used to be taken in a room out of the several rooms, used to be beaten and inspector Alaknure used to record my statements on the computer in Marathi. They took my many photographs and my fingerprints. Different officers came and took my statements repeatedly. Inspector Alaknure told me to wait till the evening as Vijay Salaskar had gone out. Many other people had been brought there. I will recognize them if I see them. I did not come to know their names even later on. Vijay Salaskar came at 9.00 p.m. and I was taken in his chamber. Officer Alaknure, Dalvi and Mayekar were present there. Vijay Salaskar asked me about the bomb blasts of 11/07/06 and I repeatedly told him during the long questioning that I do not know anything about them and I have no direct or indirect concern with them. He told me not to run away from the area and that they would call me if necessary.

He wrote my name, house address and telephone number in his personal diary. I was then allowed to go at 10.00 p.m. and I phoned the Head Mistress of my school and told her that I was taken for a short time, but released after twelve hours. I went home and told my family members and brothers as to what had happened. My brother told me to keep his mobile no.9870383933 with me as police call me repeatedly. Sr. PI of Parksite Police Station and Shripad Kale of Unit No.VII, Crime Branch, Ghatkopar had also written my above details in their personal diaries on 12/07/06 and 17/07/06 respectively.

I went to school on the next day and we all hoisted the flag as it was 15th August. I was in my flat on the night of 17/08/06. Some officers of the ATS came to my house at 2.00 a.m. They were Arun Sambhaji Khanvilkar, PW-168, Nivrutti Kolhatkar, PW-18, Sachin Kadam, Sammy Dhamankar, Sukhlal Varpe, Dilip Bhaskar Ghag HC-2327 and other staff. They entered my house and searched it. They told me to accompany them to the police station for inquiry saying that I would be released in a short time. I told my wife about it and started with them. They started beating me as I started going with them. They beat me below the building and repeatedly asked me as to who were with me in the bomb blasts. I told them that I do not know anyone and I had not committed the crime. They started beating me by sticks and kicks. They had two Tata Sumos and they took me with them to a nearby building. They brought a person from that building in veil and put him in the other vehicle. They stopped on the bridge over the Thane creek, we got down from the vehicle, Inspector Sachin Kadam placed a revolver to my head and threatened that he would do my encounter and throw my body in the creek and no one would know about it. I started crying, therefore he beat me and put me in the vehicle saying that he would see me later on. The vehicles reached the police station at about 4.00 a.m. and I came to know later on that it was the office of the ATS at Kalachowki. I was taken to the torture room where a person was already being tortured. Inspector Varpe removed my clothes and started beating me by belt. He was repeatedly asking me as to what I know about the blasts on 11/07/06. I repeatedly told him that I am a teacher, that I do not know about the blasts, that I have been inquired with by the Parksite Police Station, Unit VII of the Crime Branch and Vijay Salaskar and that I stated the same things to them and I should be released. He handcuffed me and put me in the lockup after torturing me for 2-3 hours. There was one handcuffed person in the lockup who told me his name as Parvez when I asked him. PI Khanviklar, PW-168 and PI Tajane, PW-161 came thereafter at 10.00 a.m. and started asking me about the blasts. During the whole day various officers came and tortured me and asked me the same things and took me to different rooms. I was taken in a room in the evening and handcuffed to a peg on the wall above the head. I heard some sounds after some time as if someone was being beaten. Officers PI Khanvilkar, Tajane, Varpe, Sachin Kadam, Dinesh Kadam, Kolhatkar and two other officers came there, out of whom one was K. P. Raghuvanshi and the other was Jaiswal. Raghuvanshi slapped me and kicked me on my private parts and told the other officers to tie me strongly. They all then left. Sachin Kadam came there after some time and threatened that if I try to run away, he would do my encounter. Similar treatment was given to me on the next day, i.e., on 19/08/06. PI Khanvilkar took me in a vehicle to Bhoiwada lockup, wrote my name and address and the purpose for which I was brought there at the

entrance and took me to the first floor to PI Mandke who took my statement. I saw a person there having long hairs, having marks of beating and hands and legs swollen, in a frightened condition. I came to know later on that he was accused no.3 Faisal. I was then taken to ACP Patil who inquired with me about the blasts and wrote my name, address and phone number in his personal diary and abused me during inquiry and then handed me over to Khanvilkar, who took me to the ATS, Kalachowki and put me in the lockup.

Different ATS officers, constable Sangram took my statements during the next day, i.e., on 20/08/06 and tortured me. Khanvilkar took me to ATS Nagpada office on 21/08/06, produced me before K. P. Raghuvanshi in his office, who questioned with me about the blasts. I had seen accused no.7 Sajid there. My brother Javed came at Kalachowki at about 8.00 p.m. to meet me. Khanvilkar said that he is releasing me, at that time HC Ghag made station diary entry. Khanvilkar told me to wait for some time and then took me to the office of ACP Dhavle. Ext.2463 is the certified copy of that entry. He told me that I am being released, but on condition that I should attend that office daily and threatened that I should not tell anyone about what had happened there and what I had seen during the last several days and he would teach me if I tell anyone. The certified copies of the station diary entries of 17 and 18/08/06, Exts.2552 and 2553, are the same now shown to me. I was released at about 12.30 or 1.00 in the night after being made to sit there for long. I was detained from 16 to 22/08/06, but not produced before any Magistrate or even medically examined and not allowed to meet any family member, but released on the last day.

I went to the ATS office at Kalachowki on 22/08/06 for giving my attendance. I saw two persons in the lockup at that time, one of them was Parvez and I came to know later on that the other person was Riyaz Nawabuddin. I gave my attendance similarly upto 10/09/06. On 28/08/06 I saw a person being taken out from the torture room and being taken away. I saw that he was limping and later on came to know that he was accused no. 2 Tanveer Ansari. I told about the ATS officers calling me, inquiring with me, torturing me to one of my colleagues Jamil Ahmed Ansari. He used to accompany me to ATS Kalachowki office when I used to go there for attendance and used to tell me not to be afraid, that I am innocent and the ATS will release me after inquiry. I was made to sit in the office when I used to go for attendance and sent back after some time.

I was doing my work of teaching in the school on 13/09/06 and in the free period I went to the canteen which is near the gate and there I saw ATS officer Dhamankar, signaling me to come outside. Then I went outside. He told me that officer Varpe is coming there with a vehicle, officer Varpe came there in a white car and told me to sit in the vehicle without any complaint, therefore I sat in the vehicle. I asked him where I was being taken. Varpe told me that Raghuvanshi wants to make some inquiry with me. *En route* he received a phone call and from his talk I realized that it was the call of Raghuvanshi. Varpe took me to ATS, Kalachowki. Raghuvanshi came there after some time, took me to the torture room, tortured me and told me that he had just come from Bangalore and has come to know about my role and said that my name is written in his diary at Bangalore and that I should myself

confess about it. He gave me two options, either to become an approver or to become an accused. He told me that if I listen to him, he would release me and that he is a Raghuvanshi by caste and keeps his promise. He told me that 4-5 Pakistanis had come and stayed at my house on 11, 12 and 13/07/06, that I gave shelter to them, made arrangements for their food and helped them escape. I told him that all this is false and I did not do any such things. He then started beating me saying that this is the truth and I would have to confess it. I repeatedly denied it, then he told officers to heat me. Thereafter, they started giving me third degree torture. All the above-mentioned officers of the ATS tortured me, gave me electric shocks on my private parts, put chemical in my anus, tied me upside down and poured water in my nose, beat me on my soles and palms by flour mill belt and stretched my legs to 180 degrees. My hands and legs were swollen and I passed blood from the urine. They handcuffed me thereafter and put me in the lockup.

My brother Javed came to meet me on 13/09/06. Khanvilkar told me, before he allowed me to meet my brother, that my brother is meeting political leader Arif Naseem Khan, who had phoned in the ATS office and asked them as to why I was being called repeatedly, thereupon the ATS officer told him that I would be released in the evening. Khanvilkar told me to tell my brother not to meet the said political leader. My brother said that he would complain to the police about the ATS calling me repeatedly, but I told him that the ATS is also of the police, that no policeman will take his complaint, that if he complains these people would torture me more and would involve me in the bomb blasts case. Khanvilkar told me to tell my brother to stay quiet, not to tell anyone about anything and that he would release me after some time. I told my brother not to say anything to anyone, that I am innocent and these people would release me after some time.

I was kept in the Kalachowki on 14/09/06 and tortured throughout the day. I saw two accused being brought there and taken to the torture room and tortured there by the officers including officer Nawal Bajaj, Jaijeet Singh and all the above-mentioned officers. I was illegally detained in the ATS Kalachowki police station from 13/09/06 to 26/09/06, not produced before any magistrate and medical officer. My statement was recorded many times. I was given third degree torture and repeatedly told to do as instructed by Raghuvanshi. I repeatedly told them that I am innocent, that I am a teacher and my students are being put to loss and I should be released. One person by name Kambar Jafar, arrested in an arms case, was with me in the lockup during that period. ACP Dhavle and Iqbal Shaikh used to torture me and take my statement.

I told Khanvilkar on 26/09/06 to release me as I do not have any role and they have detained me for many days. He left and returned after some time and said that he would allow me to go, but on condition that I should attend daily and should come to the office within an hour after receiving his phone call. He told me that he is releasing me at his risk, that I should keep Rs.200-500/- with me always and as soon as I receive his phone call I should catch a taxi and come there.

I had seen the police trying to walk the accused no.1 Kamal during the period from 13 to 26/09/06, as his legs were swollen. Police were telling him to walk quickly as

there is date before the court. Khanvilkar gave all my articles to me on 26/09/06 and asked me to come on the next day for appearance.

(Adjourned for recess).

Date : 14/06/13

Special Judge

Resumed on SA after recess.

Examination-in-chief by adv Abhishek Pande h/f Sharif Shaikh h/f adv Shetty for A8

I had gone to the house of my brother-in-law Mehmood, PW-65, on 23/08/06, met him and his father and told them about how the ATS had illegally detained me and about the condition of attendance in the ATS police station. PI Khanvilkar had returned my mobile to me on 26/09/06 alongwith all the other articles. I went for attendance to ATS, Kalachowki on 27/09/06, met PI Tajne and ACP Dhavle. PI Tajne told me to bring my passport and leave and licence agreement of the Mumbra flat on the next day. He allowed me to go after some time. I went with the above documents on 28/09/06 and gave them to PI Tajne and asked him why he has collected them from me. He told me that I am helping the ATS. At that time I met Amjad Deshmukh, brother of Firoz Deshmukh, who was an accused in Aurangabad case and who had come to meet him. I met my elder brother-in-law Dr. Javed Ansari outside the ATS police station, who told me on asking as to why he had come there, that the ATS had detained his younger brother, i.e., accused no.7 Sajid Ansari since many days and he is in the police station. I saw the accused no.7 Sajid when I went inside. I was made to sit there, was not released on that day, but taken to ATS, Bhoiwada. ACP Patil met me there and told me that meetings had taken place at my house, that some Pakistanis had stayed at my house. I denied saying that I am innocent. Mehmood, PW-65, and his father were present there and their statements were being written. We were allowed to go at 6.00 p.m. with the instructions that I should come on the next day. My wife said to me on 27 and 28/09/06 that we would complain against Tajne, Khanvilkar and Varpe as they were calling me repeatedly, but I said no and told her that they had threatened that if I complain they would arrest me.

HC Ghag called me on the mobile no. 9870383933 on 29/09/06 and told me that Tajne had called me as he wanted to show me some photographs. I told him that I come daily and I would come after namaj. He called me 4-5 times saying that Tajne is calling me urgently and I should come immediately by taking a rickshaw. I caught a rickshaw and *en route* he again called me and asked me where I was. I told him that I was approaching Ghatkopar. He told me that he is near Shreyas talkies with vehicle and I should come there. I reached there and he took me in his vehicle to Kalachowki from where I was taken to Bhoiwada. Tajne said that I should be put in the lockup. I saw accused no.6 Mohd. Ali and accused no. 7 Sajid there. The mobile was with me at that time and I was continuously receiving calls. I was handcuffed and taken to the KEM Hospital, before which I was threatened not to say anything to the doctor. I was taken to the Sewree court before Judge Thipsay. Sachin Kadam threatened me before going inside the court hall, that I should keep quiet and not say anything if the court asks me anything. I and accused no.7 asked him in which case we were being involved. He told us that it is a small case and

they are taking our custody for investigation. The judge asked us but I did not say anything out of fear. I was then taken to Bhoiwada office to the first floor and office Iqbal Shaikh took my statement. No arrest panchanama was prepared in my presence and I was not given any information as to in which case I was arrested. The panchanama Ext.1778 is entirely bogus. I was not taken to my house on that day and no panchanama was prepared.

A constable came in the lockup on 30/09/06 and asked me to sign on a written paper. I told him that I should be allowed to read it, but he asked me to sign, otherwise I would come in trouble. I signed on it because of the threat and fear. Inspector Bagwe brought CDR of the mobile that I was using and asked me about the calls. I told him that those were the calls of the ATS officers. He left after inquiring with me.

I saw the accused no.2 Tanveer outside the bathroom of the lockup on 2nd or 03/10/06 without his upper clothes and having marks of injuries on his body. On asking he told me that they are marks of the torture by the ATS. I was taken to the ATS, Kalachowki during that period and officers Tajne, Khanvilkar, Sachin Kadam, Dinesh Kadam, Varpe, Dhamankar and staff tortured me there. I saw Dhamankar taking the photograph of a person on 03/10/06. I came to know later on that he was the accused no. 13 Asif Khan. I was given third degree torture during the police custody period in the torture room of the Bhoiwada office and at the ATS, Kalachowki.

I was thereafter produced in this court hall before Bhatkar madam for the first time. Bawdhankar took me to the corner of the corridor, threatened me and took my signature on a written paper. He threatened me not to say anything before madam or I would be beaten more. I was again produced before madam on 13/10/06 and remanded to police custody upto 26/10/06. One day during the police custody, I was told not to eat and drink anything and I was taken on the next day to Banglore, i.e., on 14/10/06. I was taken for narco test where Dr. Malini and Nawal Bajaj were already present and were discussing about the case. The test was not done on that day, but I was taken to Hi-Tech Hospital at Mysore road. There also the test was not done, but I was brought to the Central Crime Branch and kept in lockup. It was Sunday on 15/10/06. I was taken for the test and at that time accused no.7 Sajid, accused no.12 Naved and Noorulhuda, an accused in Malegaon bomb blast 2006 case, had been brought there for narco test. Dr. Malini conducted the test on me. Polygraph test was conducted on the next day. There was a quarrel between officers Dinesh Ahir, Sachin Kadam and Khanvilkar in the vehicle in connection with the Antop Hill encounter. We returned to Mumbai on that day.

I was kept in Bhoiwada lockup from 17th to 23/10/06. Accused no.6 and 7 were taken away from the lockup on 20/10/06. Accused no.7 was brought back in the lockup on 23/10/06. He had injury marks on his body and face and on asking he told that the ATS officers had beaten him. He was taken away after some time. During that period a constable came and started beating accused no.13. I was kept on the first floor on 25/10/06. Khanvilkar came there and said to me that they have detained me illegally for two months, that I am innocent and I have not played any role, but he is helpless and has arrested me on the instructions of the higher

authorities. He prayed by folded hands to forgive him and promised that he would do something to release me. I used to be taken to the hospital some times during the police custody, prior to which they used to threaten to keep my mouth shut before the doctor. The doctors did not check my body.

I was produced before this court on 26/10/06. HC Ghag threatened me outside the court not to say anything before the court, because they can take one month's more custody as MCOCA has been applied. Therefore, I did not say anything before the judge. When my advocate came to take my signature, I told him that the ATS had twice taken my signature forcibly without allowing me to read. I was again produced before the court after some time. Madam asked me whether I wanted to say anything. I gathered some courage and told her about the ATS taking my signature forcibly twice without allowing me to read.

I was then sent to Byculla prison on 26/10/06 on the request of SPP Raja Thakare. I was then sent to Arthur Road prison on 27/10/06. I was kept in the barrack no.1 and the accused who had been sent there before me were kept in Anda Cell. We were kept like this upto the first week of November, 2006. Accused no.5, 6, 7 and 12 were with me. ATS officers used to come to meet us during that period. Accused no.6 and 12 had told me that they had been taken to the chamber of the Superintendent Swati Sathe, where ATS officers Raghuvanshi, Vijay Salaskar, Sachin Kadam, Dinesh Kadam used to come to meet them, used to propose and induce them to become approver. Accused no. 12 told me that Raghuvanshi had promised to give him Rs.25/- lakhs, a flat, to make arrangements for his marriage and send him out of India. We all four were thereafter put in Anda Cell.

I was produced in the court on 09/11/06 for the first time after police custody. I gathered courage and complained against the ATS to the judge about the torture, threats about involving family members and threat about involvement in the Malegaon case if I did not co-operate. All my co-accused also complained to the judge and all complaints were noted. The judge madam told us to give our complaints in writing. I got my complaint written from the assistant of Adv. Solkar and filed it and it was marked as Ex. H. It is the same now shown to me, it bears my signature and its contents are correct. (It is marked as **Ext.3936**).

ATS constables Sangram, Bagwe, Ghag, Tekawde, Sandeep and some more whose names I do not remember have involved me in this case. ATS officers A. N. Roy, PW-185, K. P. Raghuvanshi, Jaiswal, Nawal Bajaj, Jaijeet Singh, Bawdhankar, Tajne, Khanvilkar, Khandekar, Iqbal Shaikh, ACP Patil, Dinesh Kadam, Sachin Kadam, Dinesh Gaikwad, Dinesh Ahir, Sukhlal Varpe, Sammy Dhamankar, Nivrutti Kolhatkar, ACP Dhavle and others whose names I do not remember have tortured me and involved me in this case.

I and all the co-accused prepared an application that we are innocent, that we are falsely involved in this case, that we were threatened that our family members would be involved, that confessions of most of us were obtained by adopting third degree torture method, that no one of us is a member of SIMI or L-e-T, that we have not done any conspiracy, preparing and planting of bombs and that the ATS has falsely implicated us in this case and prayed for release from the case, for re-

investigating the case and to punish the officers who had falsely involved us. We gave this application to the jail superintendent Swati Sathe and requested her to send copies of the application to the President, Prime Minister, Union Home Minister and Chief Minister and Home Minister of Maharashtra. Jailor Govind Patil entered the application in the inward register. I had applied under the RTI to obtain copy of the application and copy of the inward and outward registers from the prison. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.3937**). The information Ext.3388A was received alongwith the forwarding letter Ext.3387A.

I had given an application under the RTI on 18/01/08 to the PIO, MCP, its carbon copy is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.3938**). The jail officers refused to take my application initially, but after my repeated requests they accepted it. Swati Sathi called me in her chamber on 23/01/08 in connection with the said application and pressurized me to tell the reason for asking the reason. There were arguments for long but I did not tell her the reason, therefore she threatened to kill me. I lodged a complaint in this court on 25/01/08 in connection with the threat. It is still pending. MA No.54/08 is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.3939**). Superintendent Swati Sathe and her staff armed with sticks surrounded me when I was taken back to the prison and threatened as to why I complained against her. I told her that I am sick and she should not trouble me. She again threatened me. I was intending to again complain against her as the regular date of the court was not near, but I knew that if I gave a written compliant / letter she would not send it to the court. Therefore I had to wait upto the next date, i.e., 08/02/08, on which date I filed another complaint in the court. MA No.53/08 is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.3940**).

I and my co-accused were produced on the next date on 25/03/08. I saw an officer and some constables beating the accused no.4 Ehtesham in the corridor. I and the accused no.2 Tanveer complained to the judge and then the accused no.4 was brought inside. He was beaten extensively and he laid down on the bench in front of the judge. We requested the judge to send him for medical treatment as his condition was not good and to record our statement. Then we prepared and filed separate applications about the incident. The said application is still pending. MA 112/08 is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.3941**).

A bike was chasing our vehicle, probably on 17/12/07, when we were being brought to the court from the prison. Two persons were sitting on it. The pillion rider was showing us to the person who was driving the bike. They came upto the court where our vehicle halted. I asked him to accompany me to the court and that I would complain to madam about it. I and some co-accused prepared an application and filed it in the court and I requested madam to take action against the bike holder. Madam asked the SPP to give say. MA 802/07 is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.3942**).

(Adjourned as court time is over).

Date : 14/06/13

Date : 17/06/13

Resumed on SA

Special Judge

My co-accused no.7 Sajid had given an application under the RTI Act to the Motor Parivahan Vibhag for obtaining information in respect of vehicle used by PI Arun Khanvilkar. I had produced it with my statement u/s 313 of the Cr. P. C., but it was attached with the statement of accused no. 7. Ext. 3380 is the same now shown to me. It shows that his vehicle had not traveled from ATS Kalachowki or Bhoiwada to Ghatkopar on 28/09/06 and had not traveled from Ghatkopar to ATS Bhoiwada on 29/09/06. It also shows that he had gone for inquiry for four days to Malegaon in the Malegaon blast case. The vehicle number MH-01-BA-4328 is of the Qualis vehicle that PI Khanvilkar was using and he had taken me outside once in this vehicle, when I was illegally detained.

I again say that my brother Javed had come to meet me on 14/09/06 and not 13/09/06, inspector Dhamankar was taking the photo of accused no. 13 on 04/10/06 and not 03/10/06 and Bhavdhankar had forcibly taken my signature on 09/10/06 and not 10/10/06, as stated by me earlier.

ATS officers sent a letter on 03/11/06 to the President of India. I had read in the newspapers and in the news on Zee 24 Taas channel about ATS officers having sent a letter on 03/11/06 to the President of India, in which they had stated that I had been illegally detained for 25 days in the ATS Kalachowki, that all the accused arrested in this case are innocent and have no concern with the case, that innocents have been arrested in this case because of the pressure of A.N.Roy and K. P. Raghuvanshi, that the accused were videographed by bringing pressure on them, that the ATS officers are ashamed and are crying as innocents are implicated and that if the President calls them, the PIs and PSIs will give evidence. I have produced a copy of that letter. Art-447 is the same now shown to me.

I did not complain anywhere after being released on 22/08/06 and 26/09/06 as PI Khanvilkar had threatened to arrest me and my family members. I was taken out from the anda barrack at 12.58 p.m. on 08/11/06 and put back at 1.10 p.m. and I was not involved in any test identification parade. I was just taken to the main gate and made to stand there during this period of 12 minutes. Certified copy of the 'awak jawak' register is produced by the accused no. 4. Panch no. 2 Mangesh Sakharam More in the panchanama Ext. 1778 has acted as panch witness in many cases and Ext. 3395 is a certified copy of one such panchanama, which is of CR No.19/11 of the ATS Police Station. I obtained it from the co-inmate Siddharth Bhagwan Bhosale, who is an accused in SC No. 655/11 in Sewree Court. The same panch has acted as panch witness on many panchanamas in MCOC 16/06.

I had sent an application under the RTI Act on 26/09/11 to the PIO, Department of Archives for obtaining copy of gazette concerning Manisha Raghunath Patil. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signatures and its contents are correct. (It is marked as **Ext.3947**). I

obtained information Ext.3393 (1 and 2), which shows that said Manisha had changed her name to Amreen Ajmeri Shaikh. Said Manisha is the wife of Ajmeri Shaikh, who is the person with Amar Khan PW-75. I have read the evidence given by Ajmeri Shaikh in the Gateway of India blast case, in which he had stated that his wife and in-laws are born Muslims.

I had sent two applications under the RTI Act on 20/05/08, one to the CP, Mumbai and one to PIO, ATS, Mumbai to obtain information about police station diaries, specially of 21/08/06, etc. Office copies of my applications are the same now shown to me, they are in my handwriting, they bear my signatures and their contents are correct. (They are marked as **Exts. 3948 and 3949**).

There used to be pain in my head and eyes after I was sent to judicial custody. I used to be sent to the JJ Hospital and in May, 08 the doctors detected Glaucoma in my eyes. I say that I got this disease because of the torture by the ATS.

I was beaten severely and transferred to Kolhapur Prison by sounding the alarm on 28/06/08 as Swati Sathe, Supdt., MCP did not feel that I should prepare my defence in this case and for the reason that I had given numerous applications under the RTIA to the PIOs of the prison and at other places. Therefore, I sent a complaint application about it to this court from the prison. It was registered as MA 344/08. I had also given similar application to the High Court, which was registered as WP No. 1773/08. I was treated medically 20 days after going to Kolhapur and at that time fracture was detected in my hand and injury marks on the body were also detected.

I had sent an application on 06/09/11 to the Vikroli Court to obtain copies of entire R & P of CC No. 319/PW/06 . Office copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3950**). I did not get the copies, therefore, I sent an application under the RTIA to the PIO of that court. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. The postal receipts and AD slip are attached with it. (It is marked as **Ext. 3951**). I received the entire R & P of that case. Ext. 3428 is the same now shown to me.

I sent an application under the RTIA to the PIO of the FSL on 10/01/10 to obtain copies of FSL reports of our case. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. The postal receipt is attached with it. (It is marked as **Ext. 3952**). He did not furnish the information to me, but obtained opinion from the ATS and ACP Ashok Kamat of the ATS denied the information. I got a letter from the PIO that as per the PIO and ACP, ATS, Mumbai, the ATS is exempted from disclosure under the RTIA. It is the same now shown to me. (It is marked as **Ext.3953**). Copies of the correspondence were also sent.

I sent an application under the RTIA to the PIO of Sanganak Vibhag, Office of CP, Mumbai on 13/07/12 to obtain information about cases registered against some persons. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3954**). I received the information along with the letter, they are the same

now shown to me. (They are marked as **Exts. 3955 and 3956** subject to objection by the learned SPP about its proof). The information of four panch witnesses was obtained. They are the panch witnesses on the arrest panchanamas of accused no. 3, 4 and 6 and search panchanama of my house.

(Adjourned for recess).

Date : 17/06/13

Special Judge

Resumed on SA after recess.

I sent an application under the RTIA to the PIO of the office of the DGP on 02/12/12 to obtain information about sanction order of the case registered against PI Khanvilkar. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3958**). I received the information along with the forwarding letter, which are the same now shown to me. (Forwarding letter is marked as **Ext. 3959** and sanction order is marked as **Ext.3960**, subject to objection by the learned SPP about its proof).

I sent an application under the RTIA to the PIO of the office of the CP, Mumbai on 02/12/12 to obtain the station diary entries of Unit-VII of the Crime Branch, Ghatkopar from 12/07/06 to 18/07/06. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3961**). I received the information along with the forwarding letter, which are the same now shown to me. (Forwarding letter is marked as **Ext. 3962**, forwarding letter of the Crime Branch is marked as **Ext.3963** and copy of the station diary is marked as **Ext. 3964**, subject to objection by the learned SPP about its proof). The station diary entry dated 17/07/06 is concerning calling me to the Unit-VII, Ghatkopar and the entry about Amar Khan is dated 13/07/06.

I sent an application under the RTIA to the PIO of the office of the CP, Mumbai on 03/03/13 to obtain the station diary entries of Anti-Robbery Cell, Mumbai from 20/07/06 to 10/10/06. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3965**). I received the information along with the forwarding letter, which are the same now shown to me. (Forwarding letter is marked as **Ext. 3966**, forwarding letter of the Anti-Robbery Cell is marked as **Ext.3967** and copy of the station diary is marked as **Ext. 3968**, subject to objection by the learned SPP about its proof). One entry shows that the ATS has an office at Kurla and two entries are concerning taking the accused no. 5 Majid to the Kurla office.

I sent an application under the RTIA to the PIO and ACP of the Vikroli Vibhag on 27/03/13 to obtain the station diary entries and other documents from 2001 to 2006. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. The postal receipt is affixed to it. (It is marked as **Ext. 3969**). I received the information concerning me along with the forwarding letter, which are the same now shown to me.

(Forwarding letter is marked as **Ext. 3970**, forwarding letter of Sr. PI, Park Site Police Station is marked as **Ext.3971** and copy of the station diary is marked as **Ext. 3972**, subject to objection by the learned SPP about its proof). One entry is

in respect of the incident of heart attack suffered by co-accused Irfan and one entry shows that Minister Mohd. Arif Naseem Khan had come to meet us.

I sent an application under the RTIA to the PIO of the Home Ministry, Mantralaya to obtain the suspension order of PI Khanvilkar. It was transferred to the DCB CID office. The PIO of that office informed me and forwarded me a copy of a letter given by PI Khanvilkar not to divulge the information. I sent an application on 10/05/13 to the PIO of CP office along with the photocopy of the letter with a request to certify it. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. The postal receipt is affixed to it. (It is marked as **Ext. 3973**). I received the information along with forwarding letter, they are the same now shown to me. (Forwarding letter is marked as **Ext. 3974** and the true copy of the letter is marked as **Ext.3975**).

I sent an application under the RTIA on 26/01/13 to the PIO of the Home Ministry, Mantralaya, Mumbai to obtain the suspension order and file of PI Khanvilkar. Carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3976**). I received the information along with the forwarding letter. (Forwarding letter is marked as **Ext.3977** and the true copy of the file is marked as **Ext.3978**). It is mentioned in the file by PI Khanvilkar that he had taken part in the investigation of Malegaon 2006 blast case.

I had sent a letter to Hemant Karkare, ATS chief on 05/02/08 in Marathi that I and my co-accused have been falsely implicated. I have produced the photocopy of the application. It is the same now shown to me. It is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3979**).

I had sent a letter on 06/02/12 to the Executive Editor of Hindustan Times to provide copy of dossiers dated 25/02/10. Carbon copy of the application is the same now shown to me. It is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3980**). I did not receive reply.

Therefore, I sent a reminder. Its carbon copy is the same now shown to me. It is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3981**). I had sent an application to Rakesh Maria, when he became ATS chief. Its carbon copy is the same now shown to me. It is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3982**). I had sent an application to Zee 24 Taas on 15/07/12 to obtain the CD of news dated 24/11/06. Its carbon copy is the same now shown to me. It is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 3983**). I sent an application on 29/01/12 to the PIO, CP, Railways to obtain information about the spot of the blasts, time table, etc. It was forwarded to the PIO of the ATS, who denied to give information by letter, which is the same now shown to me. (It is marked as **Ext.3984**).

SC No. 76/12 is pending against PI Khanvilkar in CR No. 46 of the Sessions Court. He was arrested in that case and bailed out and chargesheet is filed against him. I obtained certified copy of the roznama and chargesheet in that case and produced it. It is the same now shown to me. (Certified copy of roznama is marked as **Ext.3985** and certified copies of chargesheet and other documents is collectively marked as **Ext.3986 (colly.)**). It is alleged in the chargesheet that PI Khanvilkar picked up Manoj Singh, brought him to the ATS office, detained him for the night

and made false station diary entry, threatened to implicate him in a case at Mumbra and made demand of money.

I obtained certified copies of all remand applications filed by the NIA in connection with the Malegaon 2006 bomb blast case. They are the same now shown to me. (They are marked as **Ext.3987 (Colly)**). I obtained certified copies of notes of evidence of nodal officer Prajapati, DW-37, who had given evidence as PW-62 in that case and the certified copies of the documents and the CDRs produced by him. (They are marked as **Exts.3988 to 3991**). He had produced the copy of CDRs of 2006 of 8-10 mobiles in 2009 or 2010.

I obtained the certified copies of depositions of the four witnesses who had turned hostile in CC No. 847/PS/2005 that is filed against me. (They are marked as **Exts. 3992 (1 to 4)**). The prosecution has closed its case and the next date is on 29/06/13.

I had sent a letter to the Pakistan High Commissioner on 04/09/11 to obtain the dossier dated 25/02/10 that was given by foreign Secretary Nirupama Roy to the foreign secretary of Pakistan Salman Bashir. Office copy of my letter is the same now shown to me. It bears my signature and its contents are correct. The registered AD slip is affixed on it. (It is marked as **Ext.3993**). I sent reminders on 29/11/11 and 04/12/11, they are the same now shown to me, they are in my handwriting, their contents are correct and they bear my signatures. Postal receipts are affixed on them. (They are marked as **Exts.3994 and 3995**).

I sent an application under the RTIA on 26/10/09 to the PIO of the CP office, Mumbai to obtain the obtain the copies of my statements and station diaries from July to September 2006. It was transferred to the ATS, which gave me reply. It is the same now shown to me. (It is marked as **Ext. 3996**). It is mentioned in it that my statements are attached with the chargesheet.

I wrote a letter on 10/05/13 to Chandrakant Katkar, ACP and IO of SC No. 76/10 filed against PI Khanvilkar to record my statement in that case. Photocopy of application along with the annexes is the same now shown to me. It bears my signature and its contents are correct. (It is marked as **Ext.3997**). I received the information Ext. 3386 in respect of I being called to the Park Site Police Station on 12/07/06. Ext. 3385A is in respect of I being called to the Unit-VII of the Crime Branch on 17/07/06. Ext.3388A is in respect of common application sent by us to the President, PM, etc., on 05/12/06. I have submitted the information that I obtained by way of documents supplied by various departments on my applications under the RTIA.

I had filed Exts. 3408 to 3415 along with my statement u/s 313 of the Cr. P. C., but they have been included with the documents filed by accused no. 11. These are the same documents that were found missing and about which I gave an application.

I filed WP No. 573/13 for Habeus Corpus that I am illegally detained and prosecuted by the ATS and it is pending.

I was staying at my flat in Mumbra from 07/07/06 to 11/07/06 and doing my routine work and attending my school. The CDR of the mobile number 9870383933 that I was using at that time is incomplete and is fabricated on the say of the ATS. If the complete CDR would have been given, it would have shown the location of

my mobile at ATS Kalachowki during August and September 2006 and the calls of policemen and ATS officers Tajne, Sachin Kadam, Dinesh Kadam, Khanvilkar, Gaikwad, Khade, Dilip Ghag, etc. The written submission filed with my statement u/s 313 of the Cr. P. C is in my handwriting, it bears my signature and its contents are correct.

I have no concern with this case, I am innocent and falsely involved in this case. I did not know any co-accused before my arrest except accused no. 7 Sajid. I saw them for the first time in illegal detention of the ATS or in the prison. I am not a member of SIMI or L-e-T. Police have been troubling me only because of the false case of SIMI filed against me in 2001. I was called along with Amar Khan and the accused of the Vikroli case, after the Gateway of India blast, tortured and released. I had not given the key of my flat at Mumbra to PW-65 Mehmood for being given to any person by name Ehtesham. No meeting had taken place in my flat in May 2006, accused no. 4, 5 and wanted Pakistani accused had not come to my flat on 11/07/06. The ATS pressurized and tortured Mehmood PW-65 to learn by heart and give the statement before the magistrate as two family members were already in custody.

Cross-examination by SPP Raja Thakare for the State

(Adjourned as court time is over).

Date : 17/06/13

Special Judge

Date : 18/06/13

Resumed on SA

I was residing at the Ghatkopar address in 2001. My father, mother, two younger brothers were residing at the Ghatkopar address in 2001. It is not true that till 2006 I was residing at the Ghatkopar address. I was residing there upto 2003. I was residing at three different flats from 2003 to 2006 in Mumbra. It is not correct that I have not given the addresses of the three flats to this court in any of the communication or to any other authority.

My youngest brother was married after 2004 and the second brother was married when I was in prison. I did not have landline number at the Ghatkopar residence or at the three flats at Mumbra where I resided. I never had any mobile number acquired in my name. I do not know whether the SDR of mobile number 9870383933 is not on record. I have not produced it. I do not know when this number was acquired and whether it was prepaid or postpaid. I did not make payment of any bills of this mobile. It is not true that I do not know on what address proof this mobile number was acquired. It is not correct that nobody was able to contact me on any landline or mobile number upto 2006. I could be contacted on landline number 3097102, which was installed in my school. I had given this number to the police for facilitating contact with me. I gave this number to Park Site Police Station on 27/09/01 and to DCB CID, Unit-VII, Ghatkopar on 17/07/06. It is not true that I had not given any other number as my contact upto 17/07/06. I do not remember the other phone number that I gave as contact upto 17/07/06, but it is in the SDE of 17/07/06 Ext.3964 and the number is

9892898634. This mobile number used to be in my house at Ghatkopar. It is not correct that I do not know in whose name it was. It was in my father's name. I cannot tell when it was acquired. It is not correct that I disclosed this number for the first time on 17/07/06 at the Crime Branch. I do not remember when I first disclosed this number to the police. I only used to receive calls from the police regularly on this number. It is correct that I have not applied for producing and I have not produced the SDR and CDR of this number. I do not remember whether I have given any other contact number other than the number of my school and of my father to any of the police, either Park Site Police, Crime Branch or ATS.

My other brothers had mobiles. Zuber was using 9870383933, but I do not remember the numbers of others. I do not know whether the other numbers were prepaid or postpaid. The number 9870383933 was acquired on the Ghatkopar address.

1. You had not given your brother's numbers to the Crime Branch on 17/07/06?

I did not feel the need to do so.

It is not true that I did not give my brother's numbers to the Park Site Police Station. None of my brothers had any case against him and they were not called at any time for inquiry, but they used to be called for calling me. It is not true that they did not have any good or bad relations with the police. Witness volunteers- they had relations because of me. It is not correct that my brothers used to accompany me whenever I was called to the police station. It is true that they never accompanied me to the police station. It is not true that they did not interfere in the matter of the police calling me. Witness volunteers – they used to tell the police that I am innocent and why I am being called repeatedly. It is true that they never complained against the police. It is not correct that my Ghatkopar residence was within the jurisdiction of Park Site Police Station. I now again say that it was in the jurisdiction of that police station. It is correct that there was no case or complaint against me in Police Station Mumbra within whose jurisdiction I used to reside. I was never called by the Mumbra police.

It is not correct to say that I have no evidence except my words about mobile number 9870383933 being given to me after 11/07/06. I cannot tell the exact date on which it was given to me by my brother after 11/07/06. It was given to me after the bomb blasts of 11/07/06. It is true that from the time it was given to me and upto the time of my arrest this mobile was in working mode with me. I was receiving and making calls from this mobile during this period. I do not know in the jurisdiction of which police station my school is. I do not remember whether I had no occasion to visit Nagpada, J. J. Marg or V. P. Road police stations that are in the vicinity of my school and whether I had been called there before 11/07/06.

I do not know when the ATS was formed. I do not remember when I came to know about its existence. I did not come to know as to where were the offices of the ATS when I first came to know about its existence. It is correct that the ATS police did not meet me before 17/08/06. I do not know from where Amar Sardar Khan was arrested.

Accused no. 7 Sajid is my wife's brother. It is true that Park Site Police Station case was pending when my marriage was settled. It is correct that accused no. 7 is also facing cases apart from this case. To my knowledge there is no case pending against him as on today other than this case. I do not know whether there was any case registered against him earlier. I do not know whether he was an accused in LAC 26/01 and CR No. I/132/01 of Andheri Police Station u/s 10 and 13 of Unlawful Activities (Prevention) Act and S.153 A and B of the IPC. I do not know whether he knew about the case against me at Park Site Police Station. My wife became aware about the case after the marriage. I did not share the information of the police calling me and harassing me with accused no. 7 before 11/07/06. I did not call him and he did not call me to know about each others well-being after the blasts on 11/07/06. I do not remember whether I told him about the police calling me after the Gateway of India blast. I had met him after my statement was recorded by Unit-VII of the Crime Branch, but I do not remember the date. I may have shared with him the information about being called by the Park Site Police Station and the Crime Branch. I do not remember whether at that time he came to know about my previous case of 2001. I do not remember whether he told me after the bomb blasts about being called by any police station. I do not remember whether I met accused no.7 after I saw him in the police station on 17/07/06. I now again say that I met him on 21/08/06. I was not surprised when I saw him at the police station on 17/07/06. I do not know whether he was not surprised either. I do not remember whether we communicated with each other after 17/07/06 and before 21/8/06. It is not true that prior to the bomb blasts we knew about the cases against each other, that we knew that we were members of SIMI, therefore, we were not surprised on seeing each other at the police station on 17/07/06. I did not feel it necessary to inquire with him after that date as to on what points he was inquired with.

I did not inquire with Amar Sardar Khan after we were called in the Park Site Police Station and in the Crime Branch. Witness volunteers- there was no question as the inquiry was going on together in connection with the bomb blasts. I did not contact any of the co-accused in respect of taking action about the harassment by the police. Witness volunteers-there was no question of taking any action. I did not see any of my co-accused in the Vikroli case at the office of the DCP, Railways at Byculla or in the ATS office.

It is correct that I have heard the evidence of all the witnesses. I have not made any grievance about not recording the evidence in my presence. It is true that all the questions under Section 313 of the Cr. P.C. were put by this court simultaneously to all the accused. It is correct that after judicial custody we all accused have been lodged in Arthur Road Prison. Accused no. 7 is the only accused who is in my barrack. It is not true that since he is my brother-in-law and my co-accused, we share our views and agonies and also discuss our defence. It is true that I have never discussed anything with regard to this case with him. It is not correct that accused no. 7 Sajid never took any initiative to discuss about the case. It is not correct that the accused no. 7 did discuss the case with me. I have cordial relations with him as he is my brother-in-law. I have relations with the other co-accused in the nature of co-accused. I never discussed with them about the case

and they did not share anything with me about this case. It is correct that before being brought inside the court hall, we all accused are kept together in the corridor on the third floor. Once in a blue moon my relatives and well-wishers meet me in this period. I do not know whether at least the relatives of some accused come and meet them on every date. Press reporters do not come and meet me. I have never talked or given any interview to any media person in the court premises.

I have produced number of documents in my defence. I do not know whether the co-accused have produced number of documents. I do not have any grievance against any of the co-accused in respect of the present case. It is my belief that all the accused in this case are falsely implicated and are innocent. It is correct that all the accused in this case had shown distrust against the previous judge Mrs. Bhatkar. It is correct that at that time we also discharged our advocates. It is correct that today I am being represented by an advocate of my choice. I do not know whether the co-accused are represented by advocates of their choice. I did not feel it necessary, though I feel that we all are innocent and falsely implicated, to discuss about the strategy and defence with the co-accused.

(Adjourned for recess).

Date : 18/06/13

Special Judge

Resumed on SA after recess.

I have once taken inspection of the court record of this case. I do not know whether my co-accused have taken such inspection. I do not know whether the advocates of some of the accused had applied on 14/06/13 to the court for allowing some accused to take inspection of the court record and accordingly four accused took inspection on 15/06/13. I have produced number of documents that I obtained under the RTIA and certified copies and correspondence. I do not know whether my co-accused have produced number of documents. It is true that in the prison I prepared a file of the documents that were to be produced on my behalf in the court. It is true that in the prison I had prepared the written submissions that I filed with my statement u/s 313 of the Cr. P.C. I do not know whether the accused no. 7 Sajid has filed a number of documents in the court. I had seen him sometimes preparing a compilation in the prison and carrying it to the court. I do not know whether he had prepared a written submission to be filed with his statement u/s 313 of the Cr. P. C. He did not ask me to show the compilation of my documents and my written submissions. I had seen some of the documents, but not his written submissions. I cannot say whether the entire record of this court is true and correct. I have full faith in this court and the judicial system. It is true that I have never disputed the correctness and genuineness of the record of this case. It is true that I am relying on my oral evidence as well as the documents that I have produced in this case.

1. Do you have faith in the evidence of your co-accused and the documents and submissions made by them?

I cannot say about their written submissions as I do not know about them. I have faith in some of the documents produced by other accused that I had seen. I have faith in the evidence of my co-accused.

I have not gone through the written submissions given by the co-accused with their statements u/s 313 of the Cr. P. C. I did not feel it necessary to go through them though the court will be considering them. I am being represented by advocate Prakash Shetty. I cannot answer the question as to whether I have faith in the advocates representing the co-accused.

I came to know of the allegations against me when I received the chargesheet. I do not remember whether I made any bail application or application for discharge in the High Court after receiving the chargesheet. I had engaged an advocate at the remand stage. I cannot say whether I have or have not any grievance against him. Witness volunteers-I was not allowed to meet him and he did not meet me during police custody. I stand by whatever I have written in my written submissions filed with my statement u/s 313 of the Cr. P. C. I referred to various documents at the time of writing it and whatever is written is based on the documents. (Learned SPP asks the witness to see third last line on page 48 of his written submission upto the end of the paragraph on page 49. It is marked as 'A'). I stand by this. (Learned SPP ask the witness to see the station diary entry no.12 dated 15/09/06 in the original station diary that is with him and submits that he will be producing its true copy). The entry is made to coverup the illegal detention. (Learned SPP ask the witness to see the station diary entry no.12 dated 16/09/06 in the original station diary that is with him and submits that he will be producing its true copy). The entry is made to coverup the illegal detention. (Learned SPP ask the witness to see the station diary entry no. 2, 8, 4 and 2 dated 26th, 27th, 28th and 30/09/06 in the original station diary that is with him and submits that he will be producing its true copy). All these entries show the presence of PI Khanvilkar in the ATS office, Mumbai on those days. As per Ext. 3380 PI Khanvilkar had gone for investigation of Malegaon case from 18th to 21/09/06. It is not true that I have not gone through the entire record of this case, therefore, the evidence that I am giving is based on misconceptions.

It is correct that the ATS has not alleged in the chargesheet that I personally planted any bombs, that any explosive or incriminating articles are recovered at my instance, that I was present at the place where the bombs were assembled in this case. Mehmood PW-65 is my relative. I have grievance against him as he gave the statement u/s 164 to the magistrate under the pressure of the police. It is not correct that, therefore, I do not want to place reliance on his evidence.

It is true that I had not taken any medical treatment nor complained anywhere about the assault on me on 14/08/06 in the office of the DCP, Railway. Witness volunteers-I did not do so because of threats. The head mistress did not ask me on 15/08/06 as to why I was called by the police and detained for such a long time. Witness volunteers-I had already told her in the night on 14/08/06. I do not remember whether I had told her about the case of SIMI of 2001.

1. Did your head mistress tell you on 15/08/06 that it is a matter of reputation of our school, that we should not take such things lightly and we would complain to the appropriate authority about the conduct of the police?

My head mistress had herself handed me over to the police on 14/08/06. We could not have complained against Vijay Salaskar, therefore we did not complain.

It is correct that I was neither taken to Mumbai Central Railway Police Station nor Churchgate Railway Police Station on 14/08/06 and to any of the stations where the bomb blasts had taken place. It is true that I was not arrested by any police station in any case after the case of Park Site Police Station in 2001 upto 11/07/06.

It is not true that I used to be separately interrogated alone during my police custody period. I do not remember whether any person other than police used to remain present during my interrogation. I was kept in the lockup at Bhoiwada on the ground and first floor. Police officers used to work on all floors. I cannot say whether there was any office of any police officer on the ground floor in the Bhoiwada office. I was kept on the ground floor. I had been to the second floor during my police custody. There were offices of different officers on that floor. I had been taken to a room on that floor for interrogation during police custody. Witness volunteers- it was once when I was taken to ACP Shengal. The lockup in the office of the ATS Kalachowki is on the ground floor adjacent to the office of ACP Dhavle. One or two accused used to be with me in the said lockup during police custody. Accused used to be taken to the torture room for the purpose of interrogation. If the door of the room that I say is the torture room, would be open, one could see inside that room. It is not correct that whenever I used to be taken in that room the door always used to be open. The torture room is adjacent to the lockup.

It is not true that all throughout the police followed the due process of law and never violated any of the provisions of law and procedure, that I was never illegally detained or arrested and no evidence is fabricated against any accused, that neither me nor any of my co-accused were assaulted, ill-treated or tortured by the police, that police have not fabricated any evidence against me, on the contrary I have fabricated my written submissions and the oral evidence in conspiracy with the accused no. 4 Ehtesham and the accused no. 7 Sajid, that they have misguided me other than the given guidance by my advocate, that I had mugged up the story, but committed mistakes and therefore, I made the corrections in my statements in paragraph 31 on the next day, that except my words I have no evidence to show that no one had come to my house and had left my house on 10th and 11/07/06, that I did play my role in the conspiracy by providing shelter to absconding and wanted accused. It is not true that all the allegations by name and otherwise made by me against the police officers are as per the Al-Qaida manual.

No re-examination.

R.O. (Y.D. SHINDE)
SPECIAL JUDGE
Spl. Judge UNDER MCOC ACT,99,
Date:- 18/06/13 MUMBAI.

