



Name: Dr. Tanveer Ahmed Ansari

Age: 39 years

Occupation: Medical Practitioner

Res. Address: 4/31, BIT Block, Mominpura Compound, M.S.A. Lane, Mumbai-11

### **Examination-in-chief by adv Khan Abdul Wahab for A2**

I passed the BUMS degree in 1998 from Nagpur and Post Graduate Diploma in Disaster Management in 2012 from the IGNOU from prison by distance education. I used to stay at the given address before and even after the bomb blasts on 11/07/06 along with my family, i.e., wife, parents and sister. I was appointed and working as a Medical Registrar in the M.H. Saboo Siddik Maternity and General Hospital at Imam Wada Road, Bhendi Bazar, Mumbai-9 in 2006. There are reception area, consulting rooms, dialysis room having six beds, pathology lab, x-ray lab on the ground floor. There are ICCU room having ten beds, offices of the administration and medical director on the first floor. There is a dressing room on the left side after entering the ICCU room approximately 4'x 8' and a big window opposite the door of that room and a cupboard by its side. There are nine lockers on the right side wall after entering the room and twelve lockers on the opposite side wall. My locker was the second in the second row in the right side lockers. I used to keep my diary, apron, stethoscope and personal belongings in the locker.

There is gynaec and obstetrics ward with labour room on the second floor. There is NICU room having 7 to 10 beds by the side of the labour room. There are three operation theaters on the third floor with one recovery room having seven beds and 3-4 changing rooms. There is female general ward on the fourth floor having 17 beds and an A-class room having two beds. There are male general ward on the fifth floor having 7 beds, female general ward having 8 beds, A-class room by its side having three beds and a deluxe room having two beds. There is new male general ward having 22-23 beds on the right side after entering the main gate of the hospital and casualty room on the left side having two beds.

It was my duty to thoroughly examine all the patients admitted in the hospital except obstetric patients. I had to attend to the complaints of the patients, to check the medicines that was given to them by the consultants and whether they were administered timely and after consulting the consultants to add or reduce medicines

as necessary. I used to start my round with the ICCU and then to the other floors and used to attend any emergency call that I got in between and again used to complete the round. I used to require 4-5 hours for completing my routine rounds after which I used to sit in the ICCU and used to monitor the entire hospital from there. I used to be called on phone to the other floors for any work. I did not used to go out during my duty hours which were of eight hours. Usually I used to work for extra time. I used to be on call even after my duty hours.

I used to go on duty in between 11.30 to 1200 hours and used to work upto about 10.00-11.00 p.m. We had to put our thumb on the biometric attendance unit before we started our duty, after dialing a particular number that was given to us and mine was 33. All doctors, nurses, paramedical staff and registrar used to do this. There was also a muster book, which used to be maintained by matron and the sister in charge of ICCU. There was a muster book for doctors and another for sisters. I was required to daily check and inspect the muster book of doctors. The system of maintaining the muster book was that the employee used to report to the sister and the sister used to mark his presence in it and I used to daily check it. The sister also used to mark my attendance in the muster and I also had to report to the hospital administration about coming on duty.

We all employees had to open an account in the Konkan Mercantile Bank and our salary used to be credited in the account. The accountant used to give pay slips and take our signatures in the salary register. There was one weekly off and we could avail of paid, sick and casual leaves. I used to take weekly off on Friday to attend the special namaz.

I resumed my duty on 03/07/06 as I had taken off on 1<sup>st</sup> and 02/07/06. I used to start daily from my house in between 11.30 and 11.45 a.m and reach the hospital at about 1200 hours and used to work upto 8.00 or 9.00 p.m. I so did my duty from 3<sup>rd</sup> to 06/07/06. I took weekly off on 07/07/06, a Friday, on which day I was in the Masjid from 12 noon to 2.30 p.m. for Friday prayer and then I went home, had lunch with the family and rested upto 4.00 to 4.30 p.m. My wife was pregnant at that time. I had taken an appointment with gynecologist Miss. R. R. Pethani in the Prince Ali Khan Hospital for ante-natal care. I took my wife to that hospital reaching there at about 5.00 p.m.. The doctor checked my wife after we waited for some time, gave prescriptions and the next date of visit. We returned home at about 7.00-7.30 p.m and thereafter I was at my house.

I did my routine chores including namaz in the morning on 08/07/06. I had breakfast after 10.00 a.m. as usual and made preparations for going to the hospital. I was using mobile number 9869320457 in July 2006. It was with me and working when I started for the hospital on that day. I reached the hospital at about 11.45 a.m. and did my duty as described. My duty was over in between 10.00 and 11.00 p.m. I was receiving and making calls from my mobile during this period. I used to be in contact with my family members, doctors, colleagues, consultants, hospital staff, patients and their relatives, medical registrars, chemists and I also used to receive calls from unknown persons related to the patients. My mobile number was at the reception as I was the only medical registrar. I never kept my mobile shut during my duty or even after duty so as to be available all days for all.

Same was the routine on 9<sup>th</sup>, 10<sup>th</sup> and 11/07/06. Most of the staff used to take weekly off on Sunday, therefore, my responsibility increased on Sundays. Dr. Amin, the hospital administrator, also used to take off on Sunday. I was required to phone him on Sundays and give him information about the hospital, for which I used to use make calls from my mobile as well as from the landline phone of the hospital. I have produced documents with my statement u/s 313 of the Cr. P. C. concerning my duty from 7<sup>th</sup> to 11/07/06. Ext.2931 is the letter of the Medical Director of the hospital addressed to my advocate, which is accompanied with a true copy of the biometric thumb impression entry sheet Ext. 2932, true copy of attendance muster book record, Art-400, true copy of pay slip, Ext. 2933, true copy of salary statement, Ext.2934 with pages from the file of patients, Exts. 2935 (1 to 3), all of the month of July, 06. Ext.2935 (1 to 3) are in respect of my notes in my handwriting dated 4<sup>th</sup>, 5<sup>th</sup> and 06/07/06 on the medical file of patients. The notes dated 08/07/06 in respect of patient Sher Mohd. Khan are in my handwriting. (Witness asks for permission to refer to the files produced by DW-5 and 7. Granted). I had admitted him at 1823 hours in the general ward and he was seen there by the RMO. The back page of the first page of the clinical notes contains my handwriting under the head 'Provisional Diagnosis'. (The said portion is marked as **Ext.4001**). The words 'Tab. LEE 500 mg OD oral' on 10/07/06 in the clinical notes dated 10/07/06 are in my handwriting. (The said portion is marked as **Ext.4002**).

I had seen the patient by name Dewale Abbas Zueb at 9.00 p.m. on 08/07/06 and had written the provisional diagnosis on the back side of the first page. (The said portion is marked as **Ext.4003**). The next page Ext.2499 (1) contains my handwriting. The page Ext. 2499 (2) also contains my handwriting. I had seen the patient by name Mohd. Haroon on 08/07/06 in the general ward. He was discharged on that day. Ext.2950 (1) is the prescription in my handwriting. I had seen the patient by name Shyamkumari Vishwakarma on 08/06/06 at 12.45 p.m. Ext.2952 (1) contains my handwriting about the diagnosis and treatment as directed by the consultant. I had also seen him on 10/07/06. Ext. 2952 (2) contains my handwriting about the collection of the sputum report from an outside pathology lab and my advice. I had also seen him on 13/07/06 and had written the words 'liquid diet'. (The said portion is marked as **Ext.4004**). Ext.2952 (3) is my handwriting about the examination and advice given to him on 15/07/06. Ext.2952 (4) is my handwriting about the examination and advice given to him on 17/07/06 at 2.00 p.m.

I had seen the patient by name Zulekha Noor Mohd. on 06/07/06 at 3.30 p.m. Ext. 2947 is my writing about the findings communicated by dialysis that I came to know by phone and my advice is in my handwriting. I had also seen her on 11/07/06 and the notings about the round taken by the consultant are in my handwriting. (The said portion is marked as **Ext.4005**). The word 'ICU' on the first page of administration record of that patient is in my handwriting.(The said portion is marked as **Ext.4006**).

I had seen the patient Badrunisa Alimiya on 04/06/06 at 9.15 p.m. Ext.2935 (1) is in my handwriting. I had also seen her on 05/07/06 at 1200 hours and had written the diagnosis. (The said portion is marked as **Ext.4007**). Ext. 2935 (2) is in my handwriting dated 05/07/06. Ext. 2935 (3) is in my handwriting dated 06/07/06 at 2.00 p.m. I had also seen her at 2.00 p.m. on 08/07/06 and had written the

advice. (The said portion is marked as **Ext.4008**). I have written the portion dated 09/07/06. (The said portion is marked as **Ext.4009**).

I had seen the patient by name Bhayani Siddiqua on 04/07/06, the provisional diagnosis is in my handwriting under my signature. (The said portion is marked as **Ext.4010**). The notings dated 5<sup>th</sup> and 09/07/06 Exts. 2946 (1 and 2), are in my handwriting under my signature. I had also seen her on 11/07/06 and the words 's/b Dr. Kedar ct all' and 's/b Dr. Doshi ct all' are in my handwriting. (The said portion is marked as **Ext. 4011**). I had also seen her on 16/07/06 and the noting in the margin are in my handwriting. (The said portion is marked as **Ext.4012**). I had also seen her at 1.30 p.m. on 19/07/06 and had written the observations in my handwriting. (The said portion is marked as **Ext.4013**).

I had seen patient by name Mohd. Aslam Ansari on 11/07/06 at 9.30 p.m. and on 19/07/06 at 12.30 p.m. and Exts. 2954 (1 and 2) are in my handwriting. I had also seen the patient on 15/07/06 at 2.20 p.m and had made noting in my handwriting. (The said portion is marked as **Ext. 4014**). The portion on the last page is in my handwriting. (The said portion is marked as **Ext. 4015**).

I had seen the patient by name Afsari Irshad at 1.15 p.m. on 11/07/06 and the noting Ext. 2955 is in my handwriting. I had seen the patient by name Haji Shaikh on 12/07/06, the noting Ext.2956 is in my handwriting. I had seen the patient by name Fakruddin Khan on 10<sup>th</sup> and 17/07/06 and notings Ext. 2953 (1 and 2) are in my handwriting. I had seen the patient by name Khan Abdul on 9<sup>th</sup> at 8.45 p.m. and on 10/07/06 at 9.00 a.m. and the notings Ext. 2951 (1 and 2) are in my handwriting.

I was busy in the ICCU with a patient at about 7.00 or 7.30 p.m. on 11/07/06. Dr. Amin came and told me that there were bomb blasts in the Western Railways. Dr. Kedar Toraskar, who was my mentor, came to the hospital at about 7.30 p.m. and he also informed me about multiple bomb blasts in Western Railways. I called home after completing the emergency work of the patient and inquired about their well-being and told them about me. I went home after the duty was over.

I never went to Shivaji Nagar, Govandi from 7<sup>th</sup> to 11/07/06 and did not know the co-accused no. 6 Mohd. Ali in this case, had never met him, had not heard about him and did not know about the address of his house before I was remanded to judicial custody, where I met him for the first time in my life. I never went to Perry Cross Lane, Carter Road, Bandra from 7<sup>th</sup> to 11/07/06 and did not know the co-accused no. 3 Faisal in this case, had never met him, had not heard about him and did not know about the address of his house. I had seen him for the first time in my life on 22/07/06 when I was in illegal detention with the Unit-VII of the Crime Branch. I came to know his name later on.

My mobile used to be with me continuously on duty as well as off duty and wherever I went and I used it from 7<sup>th</sup> to 11/07/06 also.

(Adjourned for recess).

**Date : 19/06/13**  
**Resumed on SA after recess.**

**Special Judge**

I did not have lunch during the duty hours and did not take tiffin with me, but I used to have dry fruits with me and if necessary I used to call for snacks by phoning the canteen. Around 100 patients used to be admitted in the hospital and I used to put my remarks, wherever necessary, on the case papers of patients.

Ext. 2934 contains my employee ID number 33. The weekly off in the format is on Sunday, but I used to take weekly off on Fridays. I am shown on duty from 03/07/06 to 20/07/06 in Ext. 3932. Art-400 shows that I was present for 19 days in July, 06. I was given payment of 19 days as shown in Ext. 2933 and Ext.2934 is the salary statement showing receipt of the salary by my brother.

(Learned adv requests to defer the examination-in-chief till tomorrow. Hence, adjourned till tomorrow).

**Date : 19/06/13**

**Special Judge**

**Date : 20/06/13**

**Resumed on SA**

I passed the BUMS examination in 1998 from the Taj Tibbia Unani College and Rashidia Medical Hospital, Nagpur and registered myself in 1999 with the Maharashtra Council of Indian Medicine, which is related to the Central Council of Indian Medicine, and I was given registration no. I-34747. A notification was issued by the Central Council that permits ayurvedic and unani doctors to practice modern medicine, which is called allopathy. Maharashtra Government has also issued such a notification in 1999. I am producing its copy. It is the same now shown to me. (It is marked as **Art-456**). I have applied for certified copies of the notifications from the Central and State Governments under the RTIA and I will be producing them. Prosecution has filed my registration certificate and internship completion certificate at Exts. 1993 (9 and 10). I do not know anything about computer operation.

I did jobs in different hospitals thereafter. I served in the Barad Fracture Hospital, Nagpur upto December, 1998, thereafter in the Khobragade Hospital and ICCU, Indora Chowk, Nagpur upto August, 1999, thereafter in the Fauzia Nursing Home, Mumbai as RMO from September, 1999 to April, 2000, thereafter as RMO in the Muslim Ambulance Society's Maternity and Nursing Home, Mumbai from May, 2000 to August, 2003. I simultaneously did a job as a clinical assistant in the ICCU at Prince Ali Khan Hospital from June, 2003 upto April, 2004. I worked in the M. H. Saboo Siddik Hospital from December, 2004 till my illegal arrest on 20/07/06 by the DCB CID. I simultaneously worked as a clinical assistant in the ICCU at Prince Ali Khan Hospital from April to November, 2005 from 11.00 p.m. to 7.00 a.m. and at Saboo Siddik Hospital from 3.00 p.m. to 11.00 p.m.

There was an earthquake on 26/01/2001 in Gujarat. I had gone there for relief work in February, 2001 for a month through NGO Red Crescent run by Arshad Siddiqui and Dr. Abdul Azim. I worked in Bhuj for some time and then I was posted to Khawda, 80 kms away. I had taken leave of one month in June 2005 from both the hospitals for my marriage. I left my job at the Prince Ali Khan Hospital in November, 2005 after my marriage, at the request of my wife. I had intimated my coordinator Dr. Toraskar and my superior of the ICCU Dr. Fahmida Juwale before

leaving the job. I did not have any private clinic. I had no other source of income other than the salaries of the hospitals. I had bank accounts in Konkan Mercantile Bank Limited and DCB Limited and I had their ATM cards. The salary of Prince Ali Khan Hospital used to be credited in the DCB bank and the salary of Saboo Siddik Hospital used to be credited in the Konkan Mercantile bank. The documents of the Konkan Mercantile bank are at Exts.2027 to 2030. The bank statement Ext. 2030 shows credit of my salary upto July, 2006. The documents of the DCB bank are at Exts. 2480 to 2486. The bank statement Ext. 2486 (2) shows my stipend of April 2005 and last payment of salary of November, 2005.

I had told about all the above documents to PI Rathod during the course of investigation, he had made the investigation about it and had obtained the documents and showed them to me. I was illegally detained by DCB CID on 20/07/06, which was a Thursday, therefore my salary was drawn including the regular weekly off Friday that was on the next day, therefore I got the payment of 19 days. All these documents were not produced completely by the prosecution and they were produced only on my demand in order to involve me falsely in this case.

I did not know any of my co-accused before my illegal detention except the accused no. 4. I had never met any co-accused or heard about them. I never went to Perry Cross Lane, Carter Road, Bandra during January till my illegal detention in 2006. I have not gone there even after my arrest. I had never seen PW-59 in my life till he gave evidence in the court and had never met his so called friends accused no. 3 Faisal and accused no. 12 Naveed. He has deposed falsely against me and police have falsely involved me in this case.

I had gone to Kurla Nursing Home on 27/09/01 to meet a doctor whom I knew. I went to a library nearby at about 7.00 p.m. as I had some spare time as the doctor had not yet finished his duty and I started reading newspapers and articles in magazines. After a short time many policemen came and picked me and some others around me, put us in a vehicle and took us to the Kurla Police Station. No one answered my questions upto 11.00 or 1200 in the night as to why I was taken there. I told the policemen that I am a doctor, that I had come there for the first time and that I do not reside there, but they did not give any reply. An officer came in the night and told me that they would ask my name and address and would release me. We all were suddenly taken to Ghatkopar lockup and were not told any reason though I asked. I was locked up on the second floor. No one out of the persons who were caught and were there, could give any reason as to why they were arrested. I was not given food that night. We were produced in the Kurla Court on the next day. I came to know that it was a case in respect of SIMI, during the arguments of the lawyers, whom I did not know. The judge granted bail to all of us. The policemen who had taken us to the court hall, took us below and put us in the vehicle in which we had been brought and locked us in the Ghatkopar lockup. An officer from Kurla Police Station came after midnight. We asked him why we were caught. He told us that we were arrested in another case. I was ordered to be put in judicial custody after some days and the guards took me to the Arthur Road Prison, halted the vehicle outside, then took us to Naigaon, made to sit in the vehicle upto 10-11 p.m. and then taken and put in the Nasik Prison, from where I

was released after 2-3 days. I gave attendance to the Kurla Police Station for about one and a half years, as per the condition of the bail, in the morning and the evening and I attended the dates of the case in that court till, I was illegally detained in 2006. I met the accused no. 4 Ehtesham for the first time in the Ghatkopar lockup. I used to meet him sometimes on the court dates. The last date in the court that I attended was 30/06/06.

Our advocate told us that the case is in connection with the ban on SIMI. I do not know when the chargesheet of that case was filed. I used to be called continuously for inquiry after the arrest in that case, by the SB-I, CST, Agripada Police Station and Kurla Police Station, whenever there used to be some incidents of bomb blasts or rioting or terrorists threat or high alert and the Kurla and Agripada police used to come to my house also. I used to be made to sit after inquiry and allowed to go after some time. I used to be troubled because of this and could not maintain my job. It was a continuous harassment to me as well as my family members.

Agripada police used to come to my house after the blasts on 11/07/06 and make inquiries about my place of work, about my whereabouts before and at the time of the blasts. Officer Bansod and constable Jagtap went to my house on 17/07/06 when I was in the hospital and inquired about me with my father, who told him that I was working in the Saboo Siddik Hospital. They came there and started forcing me to go with them saying that their superior officer had called me. I told them that I am on duty and if I go away like this my job will be in problem. They called their officer and made me talk with him. I requested him that I will come on the next day taking leave and accordingly went there on 18/07/06, where he inquired with me about the bomb blasts on 11/07/06 and then took my statement. I told him about all my personal details including my places of residence and work, phone number, etc. I was made to sit for some time and then allowed to go saying that I will have to go there whenever called. I have produced certified true copies of station diary entries dated 17/07/06 and 18/07/06. (They are marked as **Exts. 4017 and 4018**).

I am a Sunni Muslim. Sunni Muslims follow the mandates 'Sunnah' given by Prophet Mohammad like doing namaz, keeping roza, giving homage to the tombs, etc. I have gone to the tombs of Hazrat Makdoom Mahimi at Mahim, Mumbai, Hazrat Haji Ali at Haji Ali, Mumbai, Hazrat Nizamuddin Auliya at Delhi, Hazrat Salim Chisti at Bulandshahar near Agra, Hazrat Khwaja Ajmeri at Ajmer and many tombs in India. At the tombs we give homage and ask for blessings and sometimes arrange niyaz and fatia at our homes on specific occasions relating to the tombs. It is my wish that I should go to the tomb of Mohd. Prophet and his heirs that are all over the world. I had attended a cultural program at the Iran Cultural Center at Marine Lines in 2003 and had seen a film about Iran culture in the Y. B. Chavan hall near Mantralaya. Therefore, I developed a wish to go to Iran to the tomb of Hazrat Imam Ali Raza, the 8<sup>th</sup> descendent of the Prophet, which is in Mashad city, to the tomb of his sister, Fatema, located in Qum city and the tomb of a spiritual person Shah Abdul Azim.

(Adjourned for recess).

**Date : 20/06/13**

**Special Judge**

### **Resumed on SA after recess.**

There is a tomb of Imam Khomeni in Tehran. I told about my wish to my parents. I started collecting money for this purpose from the start of 2004 and my parents also helped me. I used to go to the Iran Cultural Center for collecting information and came to know that Indian currency cannot be used in Iran, but US dollars can be converted in Iran currency Tuman easily. I obtained information about converting Indian currency to US dollars from the head office of DCB bank in front of Stock Market and got the address of shops that do the exchange work and obtained 300 US dollars. I then went to Al Mehndi Travels, Hazrat Abbas Street, Opp. Khoja Jamat Hall, Mumbai-9 and made inquiries about the fare and visa and later on gave my passport there at the end of March, 2004. I resigned at the end of April, 2004 from the Prince Ali Khan Hospital. The travel agent called me in the second week of April and gave me my passport with Iran visa and air tickets issued by Akbar Traval of Iran Airways. I went to Tehran on 21/05/04 by the flight of 12.30 p.m., reached there within four and a half hours, converted 50 dollars in Iran currency at the airport, went to the information booths of the bus terminus, booked a ticket of a volvo bus going to Mashad in the morning and went to Mashad by that bus. I caught a taxi at the bus terminus of Mashad and straight away went to the tomb of Imam Reza, paid homage, sought blessings and stayed in the nearby hotel by name Imam Ali Raza Hotel, which was in the area Sanabad. I stayed there for 20 days and did ziarat everyday at the time of morning and evening prayers. I used to go around the city during my free time. I then went to Qum and did ziarat at the tomb of Fatema, traveling by late night bus. I went to Tehran from there similarly and visited the tomb of Shah Abdul Azim. I went to the Markazi Sarai near the Bazar Bujurg. I stayed at Tehran for two days. I returned to Mashad from there and stayed in the same hotel. I used to go in between to Qum. I visited the Qum University. I went to the Irani Government Visa Extension office at Mashad two days before my visa was to expire and got 15 days extension though I had applied for one month. I booked a return ticket of Iran Airways of 25/06/04 at its Mashad office. I went to Tehran two days before my departure and stayed in the Tehran Mehmankhana and did shopping. I had done shopping at Mashad and purchased gifts for family and friends. I returned to Mumbai on 25/06/04 and went to my house.

PW-43 Abdul Hirji has falsely stated that there is no visa extension office and airways office at Mashad, that only Shias go to Iran. I had seen Sikh persons doing ziarat at the tomb of Imam Reza. I had seen many Sunni muslims in the aeroplane going for ziarat to Iran and returning. He has falsely stated that a stamp is affixed on the passport of the person who takes niyaz at the tomb of Imam Reza. PW-46 Mushtaq Ahmed, whom I saw for the first time in the court, falsely stated on the say of the ATS, that he obtained the ticket and visa for me, to involve me falsely in this case and to show my religious visit as a visit for terrorist training. Witness Ashiq Ali has also falsely stated that only Shias go for ziarat to Iran. The travel agent had not asked me whether I am a Shia or Sunni when I went to obtain visa and ticket. I did not go anywhere outside Iran. My passport Ext.449 is the evidence for it. I want to explain the Farsi words in the stamp of visa extension. (Witness asks for the passport Ext.449 and goes through it). The word ziarat is written in



Farsi in the visa that I obtained for going to Iran and the word 'nadari' meaning 'alone' in front of the word 'hamra' meaning 'companion'. The words in the extension visa at the bottom are concerning the area of Mashad.

I went for my duty at the hospital as usual on 20/07/06 and after taking the rounds during the day was tackling an emergency case in the ICCU at about 7.00-7.30 p.m., Dr. Atiya was with me. Some persons in plain clothes came outside the ICCU room. The security person outside the room came to call me saying that someone has come to meet me. I told him that I am busy and will meet them after some time. Those persons did not pay heed and came in the ICCU forcibly. I came to know later on that one of them was Azam Patel and the other was Shastri. They did not introduce themselves to me that they are policemen. Azam Patel told me that he wants to take my personal opinion about admitting his younger brother in medical. I asked him whether he could not wait for some time for this thing and that I am busy. He told me that he will take only five minutes time and asked me to come outside. He repeatedly requested and I again told him that I could not give him time as I am busy in emergency. I got a phone call at that time from the new male general ward calling me to see a patient in that ward. I handed over the emergency work to Dr. Atiya telling her that I would attend the patient in the new male general ward. The two persons who were standing outside came behind me. Those two persons and two more surrounded me when I started returning to main building after attending the patient, caught my hand and asked me to come with them outside for some time. I told them that we would sit in the consulting room on the ground floor and talk. Two persons pushed their hands in my pockets and took my belongings like mobile and purse, one of them caught my hand and took my watch and one took my stethoscope and apron and threw them on the ground and dragged me by hand outside the hospital and made me sit in a white colored Maruti Gypsy that was outside. They slapped me there and took me to the Unit-III of the DCB CID at Byculla. They tied me to a chair in the office and started beating me by hands and belt without giving me any opportunity to speak. There was great pain in my left eye and it started swelling and bleeding started from my nose and gums because of a forceful blow given by Shastri.

An officer came there thereafter and stopped the persons beating me and picked up my chair and placed it at the table in front of his chair and placed all my belongings on the table. They were Rs. 1500/-, ATM cards, visiting cards of doctors, chit blocks, two-wheeler driving licence, in my purse, which was black. I used to keep the key of my locker in a separate pouch in that purse. I came to know later on that the name of that officer was Hargude. He started making inquiry with me about the blasts without asking my name and address. I told him that I do not know about it. He told me that they know everything about me, that I have a case of SIMI against me, where I stay and work and that I should tell them correctly as to who have done the blasts. I told him the entire history from the date of my arrest in SIMI case in 2001 and that I was falsely involved though I am not a member of SIMI and do not know anything about SIMI. He started abusing and threatening me that if I do not tell the truth, they will beat me more and hang me. Azam Patel and Shastri again started beating me.

Officer Hargude then took me in a Bolero jeep No- MH-01-BA-4230 to the Unit-II of the DCB CID at Jacob Circle and made me sit in a room. I was introduced to Meera Borwankar, whose name I had heard earlier. She inquired with me and I told her that I do not know anything about the blasts and have no direct or indirect concern with them and the police are unnecessarily beating me and that I had given a statement at the Kurla office two days before on 18/07/06. She did not reply, but sat for some time and went away.

There is a room 6' x 4' on the back side of that office in which there are two hooks on the walls. Two constables took me to that room, removed all my clothes and started beating me by flour mill belt, saying that they would hang me to the hooks and would do my encounter by shooting me, which they have done earlier with many people. They abused and threatened me repeatedly asking me as to who had done the blasts and I used to reply similarly. I was not allowed to go home or to go outside for having food.

Officer Hargude took me in handcuffs and veil on my face to Nagpada in the night of 22/07/06 in the same vehicle. They took me to a room in that police station. There were three persons there. I came to know later on that one of them was accused no. 3 Faisal and one was Firoz Deshmukh. I was taken to a room attached to that room after some time. Some people were sitting there. CP A. N. Roy was sitting in front. I was made to sit on the floor in front of him. He asked me about the blasts and I told him the same things and the history about my whereabouts before, during and after the blasts. He started beating me by legs and hands. I started shouting and crying. Two constables caught me. He told them to take me away and book me in the case. He used filthy language and abused me. I came to know later on that out of the persons I had seen there, K. P. Raghuvanshi was one. Hargude took me back to the office of Unit-II and I was illegally detained there upto 24/07/06 and was tortured throughout the day by different means like keeping me naked, starving me, not providing medicines for my injuries, not showing me to any doctor or taking me to any hospital. They did not produce me before any court. Many officers other than the DCB CID officers used to interrogate me during this period in a room by the side of the main building. I used to be beaten there by flour mill belt and then interrogated. I was not allowed to meet my family members. Handcuffs were put on my hands and legs also. Officer Arif Patel recorded my detailed statement on the computer.

I was suddenly taken out after midnight on 24/07/06 by the officers of the DCB CID and taken to the ATS office of the Kalachowki. I was not told anything as to why I was detained and where I was being taken. I saw some officers there, whose names I came to know later on as B.B. Rathod, R. R. Joshi, ACP Shengal and 3-4 constables. They unlocked my handcuffs and put new handcuffs and tied me to rings embedded in the floor. They interrogated me about the blasts throughout the night and tortured me and threatened not to tell anyone about the torture. I told them the same things. I was taken to the Mazgaon court at about 10.00 a.m. in handcuffs and veil and threatened not to say a single word or else they would do my encounter and torture my family. I was produced in the court of judge Garde, but made to stand far away from the judge and the veil was put on the head in

such a manner so as to hide the injuries on my face. The ATS officers talked with the judge, then he asked me whether I want to say anything. I picked up courage to say to the judge that I do not know why the police had caught me and under what charge. The constable who was behind me pressed my shoulder. I could not say anything more because of fear. The judge remanded me to 14 days police custody in the blasts case. The ATS did not inform my family members and did not provide me legal aid and there was no one to defend me on that day.

I was taken to Kalachowki and put in a room having double doors. The room has air conditioner and tiles on the floor. My clothes were removed and the AC was switched on full, the flaps were pointed downwards and I was kept in that room for a long time and thereafter taken out and handcuffed in the outside room. I met DCP Nawal Bajaj in that room during police custody, who introduced himself, inquired with me and I told him all that I stated above. The ATS constables used to come inside and torture me as soon as he left. B. B. Rathod, Nawal Bajaj, ACP Shengal interrogated me. B. B. Rathod used to threaten that blasts had taken place at seven places and they would take my police custody in all of them. I was then transferred to Bhoiwada lockup.

I did not make any discovery during my entire police custody period from 24/07/06 to 09/10/06 nor did I voluntarily take any police party with me anywhere nor was there any recovery from me. Officers B. B. Rathod, Arjun Gaikwad and Bagwe took me out of Bhoiwada lockup suddenly on 26/07/06 in handcuffs and veil without telling me anything as to where they were taking me. I was shocked to see that they took me to the mohalla of my house. Two QRT persons were with us. I was threatened before getting out of the vehicle not to tell anyone about the torture that they had done in the police custody. They took me inside my house. My parents, wife and sister were present. Rathod used abusive language and said that he wants to take the search of the house. They scattered all the things in the house, took a file containing all my educational certificates, photographs, bank slips, bank books, cheque books. They searched every corner of the cupboards by removing all the clothes. They checked all the articles on the two lofts that are in my house and the kitchen. They did not find any incriminating thing. They took CDs of English film and religious CD by name 'Muqamate Muquddassa'. They threatened my parents not to complain to anyone about what they have done and asked my father and brother to come to the police station. They did not write anything in my presence and did not give any list of the articles that they took to my family members and did not show search warrant to them and there was no lady constable with them at that time. They had not taken any panch witness with them when we started from Bhoiwada office and had not called any panch before taking search. The panch witness PW-15 Shridhar is a false witness put up by the ATS. I did not know him before he gave evidence in the court. He was not present at the time of the search. My signature was not taken on any paper in my house. I was taken back to Kalachowki Police Station via Mumbai Central Railway Police Station.

(Adjourned as court time is over).

**Date : 20/06/13**

**Date : 21/06/13**

**Special Judge**

### **Resumed on SA**

PSI Arjun Gaikwad, who was in our vehicle, went somewhere after we reached the Mumbai Central Railway Police Station. PI Rathod went inside the police station, came out after some time and then they took me to Kalachowki Police Station. My father and brother kept on visiting Kalachowki and Bhoiwada offices of the ATS during my police custody period as per the directions given by PI Rathod. API Kolhatkar beat my brother in my presence when he had come to Bhoiwada office and threatened not to complain anywhere about the search of my house and the articles that they had picked up from there or else they would involve him in this case. I was fingerprinted by constable Pramod Tekawade and photographed by camera and mobile by PI Rathod, Sachin Kadam and Bagawe during my first police custody period. PI Rathod, Bagawe and Arjun Gaikwad and PC Bhai Commander, HC Jadhav and some other constables used to interrogate me and they took my signatures on blank as well as written papers without allowing me to read them. PW-15 Shridhar is a regular panch and I and the accused no. 7 applied under the RTIA to obtain information about him about his acting in other cases as panch witness. I am producing with an application the certified copy of chargesheet, FIR and panchanama that I obtained from the Mazgaon court. (Forwarding letter is marked as **Ext. 4022**, certified copy of the final report form and the documents with it is collectively marked as **Ext.4023 (colly.)**). B.B Rathod has used regular panch witness and prepared false panchanama later on. I was not introduced to the panch witness and I saw him for the first time in the court. He was not with us during the incident of visit and search of my house. I did not give any voluntary statement during the house search, because I had already disclosed about my passport to the DCB CID when I was illegally detained and to the ATS officers when they took my custody. I had given my passport to International Trade Links in December, 2005. PW-16 Pillai has given false evidence. I never met him. I saw him for the first time in the court.

PI Rathod took me out of Bhoiwada lockup on 01/08/06 and took me to Kalachowki, where I was kept for 1-2 hours. I was then taken in police van to the building near Pila Mala at Ten Pakhadi Road. PI Rathod told the officer Bagwe and constable Patil to bring the key of my brother's house from my house. I was in the vehicle with PI Rathod, Arjun Gaikwad and constables. Bagwe and Patil came after some time with the key and went with PI Rathod in the building. After some time I was taken upstairs in that building after Arjun Gaikwad received call on his mobile from PI Rathod. The building Pila Mala is dilapidated and not many people stay there and it was to be reconstructed. No one used to say in my brother's house in that building, therefore, there were no articles except bedding and water utensils. They searched the house, but did not find anything and sent me below with Arjun Gaikwad. PI Rathod came there after some time and I was taken to Kalachowki. PI Rathod did not prepare any panchanama in my presence during this visit. PW-19 Warang was not with us during this visit. I saw him for the first time in the court. I was not taken to my house as per the claim of the prosecution and I did not make any revelation on that day. The memorandum and panchanama is falsely written. PW-19 is the regular panch of the police and the ATS and has acted as such in a case of the ATS. I have produced documents Exts. 752 and 753 to show that he has acted

as panch witness in a case of NIA, which was earlier with the ATS, concerning fake currency.

I was taken out from the Bhoiwada lockup that was on the ground floor on 02/08/06 and taken to the second floor. Co-accused no. 3, 9, 10 and 11 were present there and many officers and constables of the ATS were present there. CP A. N. Roy, Addl. CPJaijeet Singh, DCP Nawal Bajaj, PI Rathod, ACP Shengal, officer Arjun Gaikwad, Bagwe, Bawdhankar, Wadhankar, R. R. Joshi, commander Jadhav, Patil, constables Rajan Shinde, Pramod Tekavale, Gaikwad, Bhai Commander and HC Jadhav were present. A. N. Roy ordered the constables to remove our clothes and to beat us by the flour mill belt. They beat us on our palms, soles and buttocks. Jaijeet Singh said that ten blows should be counted. After beating one of us, they used to ask him to bang the palms and soles on the floor to prevent swelling and this was being repeated after some time. A. N. Roy and the other officers were standing there and torturing us and inquiring during this period as to who had done the blasts. We all accused were saying that we do not know anything about it. We were then taken to other rooms and two accused were kept in one room each and again tortured. Jaijeet Singh came to the room where I was standing naked and as I was thin he abused and said to me that if I am given a blow it would go through my body and I should tell the truth. He ordered to beat me only by hands and legs. The senior officers left after the torture and I was taken below. I told them during the entire torture that I have no concern with the case and asked them as to why I am being involved in this case. I told them that I work as a doctor and struggle to save lives of people who are in danger and it is not my nature to kill anyone, that they are involving me falsely though they know and have inquired about me. Jaijeet Singh told me that they cannot do anything and that I would rot in the prison and that if we have not done the blasts then who has done them and I told him that I do not know.

DCP Nawal Bajaj called me in the Kalachowki in August, 2006, met me in the room having double doors, showed me photographs of many unknown persons, asked me whether I know them and I told him that I do not know them. He told me that they know that I am not involved in the blasts, but they are not getting the real culprits. He gave me an offer that if I helped them they would release me early from the case. He referred to the first pregnancy of my wife in order to pressurize me more. I did not give any reply to him out of fear.

I was in the custody of CR No. 41/06 of PI Wadhankar on 12/08/06 and he was interrogating me. All other officers used to interrogate us during the custody of each other. B. B Rathod took me out from the Bhoiwada lockup on that day, did not tell me as to where he was taking me and I did not ask him anything as he used to beat me if I asked any question. He handcuffed and veiled me and took to Mumbai Central Railway Police Station in a white Maruti vehicle, halted the vehicle outside, PI Rathod stepped out with a thick plastic bag and went in the police station. I was sitting in the vehicle with officer Gaikwad and constables. The driver went inside the police station after some time, came out after some time and thereafter PI Rathod came with the thick plastic bag containing some heavy thing in it. The vehicle was taken to Saboo Siddik hospital via Bombay Central Road, Blasis

Road, Do Takki and JJ Road as per the instructions of PI Rathod. He showed me my purse that was taken by the DCB CID on 20/07/06, took out the key of my locker and showed it to me. They took me to the locker room in the ICCU on the first floor in the main building, opened the locker with the key and took out the articles in the locker, which consisted of two diaries, my apron and stethoscope. They saw the entire room and Arjun Gaikwad made inquiries with me about the other lockers. Dr. Atiya was on duty in the ICCU. PI Rathod went to her after we came out of the room and had some talk with her, but Gaikwad did not allow me to go there and forcibly took me down and made me sit in the vehicle. PI Rathod came back after 20-30 minutes and I saw that he was carrying the thick plastic bag that he was carrying earlier and from there I was taken to Kalachowki, where he went inside keeping me with Gaikwad in the vehicle. He returned after 15-20 minutes and took me to Bhoiwada lockup. I was not intimidated in advance about this visit. I had not given any voluntary statement and nothing was written during the entire episode. PW-17, the so called panch witness, was not with us during the entire episode and I had not signed on any paper. The police have prepared false panchanama and showed false recovery. I did not get the information under the RTIA about the log book of the vehicle used by PI Rathod as the Motor Parivahan Vibhag refused on the ground that the ATS is exempted.

I was taken to the Anti-Robbery Cell at Kurla on 13/08/06 to the office of Vijay Salaskar and detained there upto 15/08/06. I had read about him in the newspapers earlier that he is an encounter specialist and I was sent there to be pressurized and tortured more so that I do as per the wish of the ATS. Officers Alakhnure, Dalvi, Phadke interrogated me in connection with the blasts and I told them everything about it as I had told to the earlier interrogators. Accused no. 3, 9 and some other people about whom I came to know later on that they were father of accused no.3 and prosecution witness Abdul Rehman Dawrey were there. I was continuously tortured and harassed, handcuffed to the window during the whole night. Anyone who went from the corridor used to beat me while passing and did not allow me to sleep. I saw them beating the accused no. 3 and 9 by flour mill belt on the palms and the accused no. 3 being interrogated during the whole night. Vijay Salaskar interrogated me with respect to minute details about me, my mobile and used to threaten that they do not give more time, but they would directly do my encounter and no one will know where I had gone. I used to cry in his presence and tell him that I am not involved. He handed me over to Alakhnure and told him to check the details of my mobile. Officer Bagawe interrogated me for the whole of the night in connection with each call of my mobile during my first police custody period in CR No. 77/06, the information of which was in the computer and in a zerox copy and used to make calls to the numbers to confirm whether I was telling the truth. Same type of interrogation was done by Alakhnure. I was taken to the Bhabha Hospital on 15/08/06 in handcuffs and veil, which was not removed at the hospital, for completing formality. They went and talked with the doctor and then I was taken back to the Anti-Robbery Cell.

I was taken to Bhoiwada in the morning of the next day. Constable Patil and one more took me to the second floor to PI Rathod on his direction and he forcibly took

my signatures on some blank and written papers and told me to write the date 12/08/06.

The prosecution has falsely claimed that my mobile was seized from my brother on 16/08/06, because it was already taken away by the DCB CID on 20/07/06. I had obtained the sim card of my mobile from the MTNL in my name by personally applying with documents and they are produced and are at Exts.3217 and 3218. Ext. 3217 shows that my mobile was last recharged on 14/10/06 and disconnected on 11/02/07 as it was not recharged. The ATS people were using my mobile and they had the printout of the calls, which they had shown to me. The CDRs were deliberately not produced to hide my whereabouts and they also directed the MTNL not to furnish them to me. I had filed an application in this connection under the RTIA, which was agitated upto the CIC in second appeal and the documents in that connection are Exts. 3205, 3210 to 3212 and 3214 to 3217.

(Adjourned for recess).

**Date : 21/06/13**

**Special Judge**

**Resumed on SA after recess.**

I had sent an application to the MTNL under the RTIA for obtaining the information about the billing server, data base from January 2006 to till date. I am producing the information that I obtained alongwith an application and it is the same now shown to me. ( It is marked as **Ext. 4027,**). The information received shows that the data was not transferred, but a new billing server was installed.

Sachin Kadam along with other officers had interrogated me in the Kalachowki during my police custody and had tortured me very severely using filthy language. He had hatred for Muslims, which was apparent from the words that he used. Whenever he used to come, it appeared as if he did not want to listen to anything but only beat me. He gave me some papers written in Hindi and asked me to memorize the contents saying that they want to record my audio and video saying those contents. I realized when I read the papers that all wrong and blunder things were written therein and with which I had no concern. It was written in it that I had gone to Pakistan, taken training in arms and explosives and that I had links with L-e-T and I was involved in the conspiracy of the blasts on 11/07/06 in the Western Railways. I refused on reading this. He then tortured me mentally and physically, starved me of food and sleep, made me to stand for whole night, tortured me physically and threatened to torture me continuously till I do as he says. I could not bear the torture, but I became ready to do as they say fearing that they would torture me continuously. They told me to act naturally before the camera while narrating the contents. They recorded my statement as per the contents of the papers by a camera fixed on a stand and if I hesitated they beat me. There was a cameraman operating the camera whom I not seen earlier. They told me that they will be giving the recording to R. R. Patil, Shivraj Patil and other big ministers. I did not give the statement voluntarily.

I was produced in the court on 31/08/06 and officer Vijay Kadam took my police custody for seven days and took me back to Bhoiwada. I was taken to the second floor and asked to sign on a blank paper and when I refused they tortured me

physically and mentally and took my signature forcibly. I was again produced in the same court at about 4.30 or 5.00 p.m. on the same day. There was no advocate present there to defend me and I was threatened before taking there that I should not say anything to judge. They took permission for doing my narco analysis, lie detector and polygraph tests. My father came to Bhoiwada on 02/09/06. I told him about the police taking my signature for taking me to Bangalore for narco analysis tests and that they are going to conduct the tests against my wish. My father sent complaints to the Prime Minister, CM and Home Minister of Maharashtra, Chief Justice of the High Court, CMM and ATS Chief Raghuvanshi. He had sent telegrams that I am innocent and I am being taken for narco tests against my wish.

ACP Patil, Sachin Kadam and other officers took me and accused no. 1 to Bangalore on 03/09/06 by air. We were kept in the lockup of the Crime Branch there, kept without food during the night and taken to Lady Curzon and Bovine Hospital and introduced to S. Malini, who was to conduct the tests. There is a special institute at Bangalore for conducting the tests. Dr. Malini used to come to the Lady Curzon Hospital to conduct the tests. I was taken to the hospital and to the operation theater in the morning. An anesthetist gave me an injection of sodium pentothinal. S. Malini had told me that the test would be of three hours and nothing will happen to me. I was falling unconscious and at that time I saw S. Malini pinching my earlobes and nose by pliers and slapping me. I fell unconscious after some time and do not know anything thereafter. I regained consciousness in the evening. I was suffering from severe headache, severe pain in the stomach and feeling nauseous and weak. I realized that a large quantity of fluid was given to me, but even then my pulse was more than normal and blood pressure was very low and that I had become critical and they had resuscitated me. I was brought back with the accused no. 1 on 07/09/06 in the same condition and put in the lockup at Bhoiwada and produced in the court and officer Kadam obtained our police custody saying that important things were revealed. Officer Wadhankar and one more officer again took me and the accused no. 1 to Bangalore in the night of 07/09/06, where ACP Patil said that narco tests will be done again, but it was not done on me and officer Wadhankar brought me back to Mumbai by bus.

I gave written complaint on 03/11/06 in this court in respect of the narco tests. The said complaint in RA 78/06 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.4028**). Criminal case No. 27/10 was registered against S. Malini for forgery and cheating. The ATS did my narco tests from a corrupt and unqualified person, who prepared the reports of our tests as per their say.

I was taken to the ATS Kalachowki office on 10/09/06 in the room having double doors on the direction of DCP Bajaj. He gave me an offer to become an approver in the case and offered Rs. 25/- lakhs saying that if I accept the offer they would get me released within two years and will compensate the loss that I had suffered. I rejected the offer as I had nothing to do with the blasts case. ACP Patil thereafter took me to the office of K. P. Raghuvanshi in the ATS headquarters, where he, A. N. Roy and Jaijeet Singh were present. They told me that they had seen my narco



tests and they know that I am not involved in the case, but they have not yet been able to catch the real culprits and it is difficult to take me out of the case as I have been promoted in the media and they have to keep me in custody for some time to show the progress of the case.

My advocate had filed WP No. 1850/06 on 24/08/06 when I was in the police custody in CR No. 86/06, submitting that all the blasts are one case investigated by the ATS, but they are taking multiple police custody. PI R. R. Joshi had filed an affidavit on 11/09/06 claiming that all the blasts are different and police custody is lawfully obtained.

I was produced for the first time before this court on 25/09/06 along with accused no.1, before which I was heavily threatened by PI Khandekar and S. L. Patil not to say anything where they were taking me. I was already in custody in CR No. 59/06. I was remanded to police custody, but I did not know in which case.

ACP Patil took me to K. P. Raghuvanshi on 01/10/06. He asked ACP Patil to go out, offered dry fruits to me and told me that he knows that I have nothing to do with the blasts, that if I become approver he will take me out of the case. He repeatedly requested that I should lie for them. I did not give any reply, because of his earlier behaviour and threat. He took it positively and telephoned Nawal Bajaj and told him that I have become ready to become approver for them.

The medical officers before whom I was taken for examination during the entire period of police custody before being produced in this court, never examined me. They took my thumb impressions forcibly. The ATS officers or constables always used to go and talk with them and I did not get any opportunity to complain. They did not bring any doctor to the lockup.

(Adjourned as court time is over).

**Date : 21/06/13**

**Date : 26/06/13**

**Resumed on SA**

**Special Judge**

I want to again say that ACP Patil, Sachin Kadam, Tambe and two constables Indap and Sanjay had taken me to Bangalore with the accused no. 1 on 03/09/06 by train and not by air. I stated about it by mistake on the last date. I want to say again that S. Malini had done polygraph and lie detector tests at the Scientific Research Institute, Bangalore in between 03/09/06 and 07/09/06. ACP Patil used to remain present during the tests. Video Shooting was done at the time of narco tests. Sodium pentothinal, which contains thiopentone sodium, which is a short acting sedative used in anesthesia, was administered to me in overdose throughout the day. In respect of the pregnancy of my wife I want to again say that she had a miscarriage earlier and it was her first pregnancy. Therefore I consulted the expert gynecologist for prenatal and antenatal care. I had joined Saboo Siddik as an RMO in 2004 and became registrar in 2006.

PI P. M. Khandekar took me out of the Bhoiwada lockup on 04/10/06, handcuffed and veiled me. There was one more officer and some constables with him. They took me in a Bolero jeep directly to DCP (Preventive) to his office in Shivaji Mandai, Crawford Market. Officer Wadmare was not with us at that time. PI Khandekar inquired in my presence with a lady officer there about the DCP and she told him that he was not in the office as he had gone for bandobast. We sat waiting on a bench outside the office for about seven hours, during which my veil had been removed. The DCP came at 7.00 to 7.30 p.m. from outside. PI Khandekar had threatened me before going there not to speak more and to sign quietly and during the time we were waiting, he was continuously saying the same thing. PI Khandekar took me inside the office of the DCP in handcuffs. The DCP only asked me my name and address and both pressurized me to sign on blank papers by opening the handcuff of one hand and giving a pen in the free hand. I was again handcuffed and taken outside. PI Khandekar took me in the same vehicle to Azad Maidan Police Station and put me in the lockup and talked with the in-charge of the lockup telling him to keep me separate. PSI Balu Gangurde of that police station had come with two constables when we were waiting outside the office of the DCP, introduced themselves to PI Khandekar and told him that they had come without vehicle. PI Khandekar became angry and told him to bring a vehicle. They returned after some time and informed that all vehicles of Azad Maidan had gone for bandobast and after the bandobast the vehicle will be available. PI Khandekar again became angry and thereafter PSI Gangurde and his staff went away from there. I did not see them when I was taken outside the office of the DCP after my signatures were obtained forcibly. I was observing roza on that day. ATS officers and the DCP did not give me anything to eat or drink during the day and even after the fast was over after the magreeb azan that I heard from a nearby masjid and I was not allowed to pray also. I was not taken to any hospital or the GT Hospital for medical checkup on that day or after I was kept in the lockup.

I have stated the truth about the events on 04/10/06. PW-102 DCP Mohite, PW-105 PSI Gangurde, PW-174 PI Khandekar and PW-175 Wadmare have given false evidence about the events on that day.

I was produced on 05/10/06 in the office of the DCP in between 4.00 to 5.00 p.m., at that time also the DCP was not present there. PI Khandekar and other staff were sitting on a bench outside the office of the DCP. They again threatened and abused me that if I do not listen to what they say, they would torture me more. I was very much frightened because of the continuous presence of PI Khandekar and was suspicious about what they were trying to get done from me. I was suspecting that he would falsely involve me in the blasts case. We waited outside for about four hours. PI Khandekar had inquired in that office about the DCP and was informed that DCP Mohite had gone for bandobast duty in connection with the visit of PM Dr. Manmohan Singh. PI Khandekar took me inside the office of the DCP after he came. Both started pressurizing me to sign on some written papers. I was not ready to sign, therefore, they tortured me mentally and physically. The DCP told me that it is a confessional statement and I have to sign it in any condition. Both again pressurized me and said that if I do not sign, they would involve my family members in the blasts case. They involved me falsely in this manner and started

abusing me and my family members. They also threatened that I have to say before the magistrate that it is my confession, before whom they would producing me on the next day. I was unable to bear the torture and as I was very much frightened I signed on the papers. I saw some parts of the papers while signing and they were containing all false and blunder things. I was then directly taken to the Azad Maidan Police Station. PI Khandekar was with me throughout till they put me in the lockup.

The evidence given by witnesses in connection with the incidents of 05/10/06 are all false. I was not taken to any hospital including GT Hospital for medical checkup on that day. I have not given any voluntary confessional statement to DCP Sanjay Mohite or to any ATS officer on 4<sup>th</sup> and 05/10/06 and had not expressed my wish to give it before any ATS officer before those days.

I had given some applications under the RTIA for establishing my innocence and those documents are produced in the court. I had given an application under the RTIA to the PIO of CP office to obtain the information about the visit of the Prime Minister and the officers that were given bandobast duty. I received the information Ext. 1629 that DCP Mohite and six other officers were given bandobast duty. I had given an application under the RTIA to the Motor Parivahan Vibhag for obtaining copies of log book of DCP (Preventive), Crime Branch, Mumbai from 4<sup>th</sup> to 06/10/06 and of all vehicles of Azad Maidan Police Station. Copy of my application is at Ext. 3164, postal and acknowledgment receipts are affixed on it, it is in my handwriting, it bears my signatures and its contents are correct. The certified copies of log books Exts. 3167 to 3174 were furnished to me along with the forwarding letter Ext. 3165. Ext. 3167 shows that DCP Sanjay Mohite was on PM bandobast duty from 4<sup>th</sup> to 06/10/06. This falsifies the evidence of DCP Mohite. Ext.3168 shows that PSI Gangurde, PW-105, had not used light van vehicle MH-01-BA-955 on 04/10/06, but had used Maruti Gypsy MH-01-BA-804, which falsifies his evidence. Ext.3173 shows that PSI Gangurde started from Azad Maidan Police Station at 1800 hours and went to CP office, then to the office of the DCP and from there directly to Azad Maidan Police Station. This vehicle had not gone to the GT Hospital on that day.

PSI Gangurde took me out from the Azad Maidan lockup in the morning on 06/10/06. The lockup is located on the ground floor in the building of the Killa Court. PI Khandekar was outside the gate of the lockup. He again threatened me to say what he had told me. He, PSI Gangurde and some constables took me to the second floor in that building and we all sat outside the office of the CMM S. S. Shirke, where PI Khandekar again threatened me. PSI Gangurde took me in the chamber of the CMM after some time. The judge and one more person were present there. PSI Gangurde gave some envelopes to him. The judge looked at me, did not ask me any question, but I told him that I am innocent, that I was taken two days before and DCP Mohite and PI Khandekar took my signatures forcibly on blank papers on 04/10/06 and on some written papers on 05/10/06, that they tortured and threatened me before taking my signatures. I told him that I had not given any voluntary confession before DCP Mohite and whatever was brought before him was not my confessional statement and I do not know what is written in it and my signatures have been taken forcibly. The CMM told me that other than the blasts I have been charged for murder also. I told him that I am innocent and falsely

involved by the ATS and I have not committed any crime. PSI Gangurde was present with me in the chamber of the CMM. The judge asked him to take me out after I started crying and told me that he would call me after some time and take my signature. The judge did not call me though I sat outside for a long time. PI Khandekar then took me to Bhoiwada lockup in his vehicle. The judge did not record or write anything before me on that day and did not take my signature anywhere. He had opened the envelope and had read it in my presence. I was not taken for medical examination on 06/10/06.

PI Khandekar told ACP Patil on reaching Bhoiwada that I had retracted my confession before the judge, hearing which ACP Patil became red with anger and started beating me. I was tortured for some time on the second floor. He told me that there is no effect of my retraction on them, because they have managed all judges related to the case.

I remember that when I was taken back to Bhoiwada from the office of Vijay Salaskar, officers CP Roy, Raghuvanshi, Jaijeet Singh, Subodhkumar Jaiswal, ACP Patil, officers Hargude, Azam Patel, Vijay Salaskar of Crime Branch, Bhai Commander Ghag, HC Jadhav, Gaikwad and one constable, a Christian, whose name I do not remember, were present and were mercilessly beating the accused no. 3 Faisal by flour mill belt and at that time he was tied to a bamboo. I saw him bleeding from his nose, mouth and buttocks. He was not able to move or save himself as he was tied to the bamboo. A. N. Roy was asking all the others to beat him and all were beating him by belt. They gave me a belt and asked me to beat him saying that if I do not do so, they will beat me similarly. I was very much frightened, therefore, I could not do anything. On seeing this, A. N. Roy started beating me and when I fell down he kicked me on my buttocks. ATS constables started beating me on the say of A. N. Roy and Raghuvanshi. Raghuvanshi threatened to beat me as they had beaten the accused no. 3 Faisal, if I do not work for them. I saw that Faisal's condition was bad. I was then taken to a conference room by the side of the office of Raghuvanshi and after some time to the office of S. K. Jaiswal. He was in his chair, he asked the constable to go outside and then he interrogated and investigated with me in connection with the blasts and asked me whether I could swear on Kuran that I am not involved in the blasts. I told him that I could do so, that I do not know anything about the blasts.

I was again produced before Raghuvanshi, Roy and Jaijeet Singh. They were troubled because of the petition filed by my advocate in the High Court and were taking out their anger on me saying that my advocate has become a headache for them as he has troubled them by filing the petition. Raghuvanshi laughingly said that the petition was of no use as they had managed all judges and they could keep me in custody as long as they pleased. They pressurized me to tell my advocate to take back the petition and that I do not want to make it. I felt that in fact they had managed the judges.

PSI Gangurde, PW-105, has deposed falsely that he had taken me from the CMM to Bhoiwada, because Ext.3168 shows that a false entry was interpolated under his signature and the log book shows that the light van vehicle MH-01-BA-955 had traveled only 6 kms on 06/10/06. PI Khandekar was with me throughout the period

when I was taken out from the Bhoiwada lockup and put back from 4<sup>th</sup> to 06/10/06.

I received the information Ext. 3157 along with the letter Ext. 3156 from the Air Headquarters, New Delhi that the PM had reached Mumbai at 1515 hours on 05/10/06 and had left at 2120 hours on 06/10/06. I received information Ext.3020 (1 to 3) and Ext. 3021 (1 and 2) along with the letter Ext. 3154 from the Central Library, which are the news items of 06/10/06 and 07/10/06 respectively in the Times of India, which show that the PM had attended different functions on 05/10/06 and 06/10/06 and had inaugurated the SEBI Bhavan on 06/10/06. Ext. 3022, a cutting of the Times of India, shows that the BJP had held 'dharna' at Churchgate on 04/10/06. I received the information under the RTIA Ext. 3241 along with the letter Ext. 3240 from SEBI by which they had sent the invitation card for the inauguration function of SEBI, which shows that PM had inaugurated it on 06/10/06.

(Adjourned for recess).

**Date : 26/06/13**

**Special Judge**

**Resumed on SA after recess.**

I am producing carbon copies of my applications under the RTIA that I had sent to the Central Library. The carbon copies of my applications dated 10/02/12 and 22/03/12 to the Central Library 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. 4035 and 4036**).

I was kept in the Bhoiwada lockup upto 09/10/06 during which period Raghuvanshi and Nawal Bajaj met me, abused me about what I had said before the judge and PI Khandekar took me to the room on the second floor and gave me burns by burning cigarette butts on my bare chest, kicked me by shoes and pulled the hairs of my beard. PI Agrawal, PW-59, was also present there at that time and both abused me. I was not shaved during the whole police custody period and my beard had grown long, though I used to request them on the grounds of hygiene for doing so. PI Khandekar used to beat me out of frustration as he was given the duty of escorting me everywhere and he used to say that he was required to hear the scolding of his superiors.

I was produced in this court on 09/10/06 along with my co-accused, before which ACP Patil, PI Khandekar and other officers had threatened me not to say anything before the judge or they would take my police custody and torture me again. I retracted my confessional statement before the judge and told her that I had retracted it before the magistrate also, that he had not taken my signature anywhere and that I signed the confessional statement because of pressure and force and not voluntarily. The co-accused also retracted their confessional statements and the judge took our retractions on record. The judge warned the ATS to do our medical checkup before being put in the prison after she had remanded us to judicial custody. Inspector Tambe, PW- 175, who took us back, threatened us that we had not acted as per their directions, therefore, they have taken our police custody and they would beat us more in the Bhoiwada lockup. We became

frightened when the vehicle crossed Byculla and then we were taken to KEM Hospital, but not examined there. They went to the doctor and talked with him and took us to Arthur Road Prison. They introduced us to the officers at the gate of the prison that we are terrorists and they should beat us and then put us in the prison. I was beaten at the gate and put in the high security barrack. We were not medically examined in the prison on that day.

The prison is locked at 6.00 p.m. The in charge of anda barrack Jailor Govind Patil took me out of the barrack at 6.30 p.m. on 02/11/06 and took me to the office of Supdt., Swati Sathe. She told Govind Patil to make me sit in the office and then she went out. Govind Patil took me to an adjoining backside room after some time, where Raghuvanshi was present. I was forced to sit before him. He was angry with me and said that I had not acted as per their say and has disappointed them by denying my confession, that they were going to release me soon by making me an approver and said that my action will be detrimental for my future. He started abusing me and my family. There was a slab plaster to his fingers at that time. I was again put in the barrack.

I started thinking about and writing a complaint about the torture during police custody and filed it in the court on 03/11/06, in which I had written that it is not a complete narration and I would file another application.

I was taken out of the anda barrack along with accused no. 4 and 7 at 12.35 p.m. on 07/11/06 and made to stand in the open ground in front along with some other inmates, who were not matching me in size and height and did not have beard. This ground is in front of the main gate, where some construction was going on. I saw some ATS officers pointing me to some persons. Two persons came and pointed at me. We were again taken back to the barrack. The officer at the gate of the high security barrack made entries in his register about the timings of taking us out and putting us inside. The accused no. 4 has produced the copies of the register Exts. 2469 to 2472.

We were produced in the court on 09/11/06. I filed a complaint that was written by an advocate on the advice of the judge and it is marked as Ext. B. ATS officers used to come to meet the co-accused in the prison because of the favour shown by Swati Sathe, who had once asked me as to why I do not listen to the ATS and said that I would be rid of all this. I saw Sachin Kadam coming out of the office of Swati Sathe when we were being taken to the court on that day. Swati Sathe had a hostile attitude towards me for not listening to the ATS. I had complained in the court about she driving away our family members who used to bring some articles for us, about she detaining our articles and about facilitating the ATS officers to meet us in the prison. It is MA 791/07 and I had filed some more written complaints.

I, accused no. 3 and 6 were shifted to Thana Prison on 14/01/07, accused no. 1 and 4 were shifted to Byculla Prison and then to Kalyan Prison. We came to know later on that this was done on the prayer of the SPP. I was produced on 25/06/07 from Thane for the hearing of my applications. Judge Bhatkar told me that I am being sent back to Arthur Road, but I told her not to do so. She told me orally that she would not pass any order about my transfer, but would transfer the accused

no. 3 and 6. She gave a confidential letter to the escort party and on the next day I was transferred to Arthur Road Prison with the co-accused. I inquired with the jail authority about it and they told me that the judge had informed them confidentially. I am producing the information that I received under the RTIA in that connection. Carbon copy of my application now shown to me is the same, it is in my handwriting, it bears my signatures and its contents are correct. (It is marked as **Ext.4038**). The letter that I received is the same now shown to me. (It is marked as **Ext. 4039**, subject to objection by learned SPP about its proof). Swati Sathe segregated me from my co-accused during 4<sup>th</sup> to 07/12/07 and when I asked about the reason she said rudely to Govind Patil that my tongue wags more and he should teach me a lesson. She had called me and the co-accused once in her office and said to us that we complain against her in the court, but nothing is going to happen to her as the judge is her friend.

I had given applications to the Principal Judge of this court and to the High Court in connection with the judge as I had apprehension about her in view of the conduct of the ATS and what Swati Sathe used to tell us and filed its copy in this court. I had also filed a transfer application, copy of which is at Ext.55 and another application along with my co-accused for transfer of our case.

Govind Patil came and told me on 28/06/08 that we were being shifted out of Mumbai. I did not have any advocate till that time. The predecessor judge V. G. Joshi had told us a few days before that he did not have the powers to conduct our trial. Therefore, I asked the jail authorities as to why we were being shifted. They told us that the court had given the order. I asked them to show that order and they said that they would show it to me. I was in a separate room in the anda barrack. I collected my articles and became ready. The jail officers had locked up all the prisoners before the scheduled time. I was then beaten severely in the anda barrack on the say of Swati Sathe, my hands were fractured and I was transferred to Nagpur Prison without providing any medical aid, though I was insisting for it. I was not medically checked in the Nagpur Prison on arrival, not given any medical treatment though the Dy. Supdt and the medical officer saw us. Health screening was done on the next day, but I was not given treatment upto 12/07/08. I have produced the health screening papers along with the papers of Nagpur Government Hospital with my statement under section 313. I was so tortured on the say of the ATS as I had not listened to their say that I should become approver and to stop my applications to the court that I made for my defence. The jailors were saying while beating me on my hands, that I am writing many applications to the court by these hands. I had filed complaint under section 200 of the Cr. P. C. against the prison officers, which was sent to the CMM for inquiry, where my statement was recorded by the CMM Smt. Waghule and my signature was taken.

Ext. 3148 is copy of my application dated 13/02/12 to the PIO, MT Division, Nagpada to obtain information about the contents of log book, photocopy of which was sent with the application. It is in my handwriting under my signature and its contents are correct. I received information Exts.3150 to 3152 along with the forwarding letter Ext. 3149. Ext.3150 shows that the name and signature of the person who uses the vehicle at a particular time is entered in the log book, column

no. 2 shows the destination and column no. 3 shows the time from the destination to the source. Ext. 3151 shows how the log book is to be maintained. Ext. 3152 shows the names of the persons who had filled the petrol and diesel in the vehicle. PW-185 A. N. Roy has falsely deposed that anyone could use his vehicle, because Ext. 3152 makes it mandatory to enter the name of the person who uses the vehicle.

Ext. 3159 is copy of my application dated 06/02/12 to the PIO, MT Division, Nagpada to obtain information about log book of the vehicle Honda City No. MH-01-BA-1022 used by CP, Mumbai and log book of all vehicles of Unit-II, DCB CID. It is in my handwriting under my signature and its contents are correct. I received information Art-408 and Exts.3161 and 3162 along with the forwarding letter Ext. 3160. Ext.3161 shows the visits of A.N. Roy on various dates to Nagpada, ATS office and other places. Ext. 3162 shows the movement of PI Hargude on various dates to various places. The entry dated 22/07/06 shows that he went from Jacob Circle to Nagpada many times on that day.

(Adjourned at 5.00 p.m. at the request of learned advocate as the accused wants to locate the documents in the record).

**Date : 26/06/13**

**Special Judge**

**Date : 27/06/13**

**Resumed on SA**

**Examination-in-chief by adv Dighe h/f Khan Abdul Wahab continued**

I had sent the application Ext.4035 to the Central Library for obtaining newspaper cuttings of news items. I got the information Exts. 3015 and 3036 along with the forwarding letter Ext. 2505. Ext. 3015 shows my photograph in the news item and Ext. 3036 shows the photograph of the accused no. 11 Zameer. I had sent the application Ext.4036 to the Central Library for obtaining newspaper cuttings of news items. The news paper cuttings Arts. 407 (6), (4), (5), (7), (10) and (11) that I received from the Central Library are the same as Exts. 3020 (1), (2), (3), 3021 (1), (2) and 3022 respectively.

Page no. 34 in Ext. 2545 English edition of India Today contains my photograph and that of accused no. 1 and 11. Page no. 29 in Ext. 2544 Hindi edition of India Today contains my photograph and that of accused no. 1 and 11 and of the two accused who were discharged later on. These photographs were provided by the ATS to the Times of India and India Today as they had taken them during our police custody.

I received information by the forwarding letter Ext. 3176 under the RTIA dated 12/09/11 to the DG, Maharashtra asking for the copies of the case filed against PW-131, Jayant Aher. I had received the copies in 65 pages and I produced the relevant documents Exts. 3177 to 3179, which include the suspension orders and the order of the MAT. The order of MAT shows that the suspension order was upheld.



I am producing carbon copy of my application under the RTIA dated 16/12/12 to the PIO, District Court, Nagpur and the reply received along with an application now. It is in my handwriting, it bears my signature, its contents are correct and the postal receipt is attached to it. (It is marked as **Ext.4041**). I received the reply denying my request and it is the same now shown to me. (It is marked as **Ext.4042**). I filed appeal, carbon copy of which is the same now shown to me, it is in my handwriting, it bears my signature, its contents are correct and the postal receipt is attached to it. (It is marked as **Ext.4043**). I received information Exts. 3184 to 3190 along with the forwarding letter Exts. 3181 to 3183. The information shows that PW-131 is a corrupt officer and the ACB had caught him red handed while accepting bribe from an officer to give false opinion. PW-131 has given false evidence in this case and has given false opinion about the documents. The accused no. 7 had obtained information under the RTIA, Exts. 3194 to 3198 along with the forwarding letters Exts. 3192 and 3193. Ext. 3196 shows that PW-15 Shridhar Gangan had acted as panch witness in that case and is a regular panch witness of the ATS, who has given false evidence on their say. I obtained information Exts. 3205 to 3220 under the RTIA. Ext. 3220 shows that PIO had obtained opinion of the ATS for furnishing information regarding my mobile no. 9869320457 by a letter of the ATS. I tried to obtain copy of the letter of the ATS bearing outward No. 25/RTI/ACP/ATS/ADL/12 dated 18/04/12 from the MTNL on 09/05/13 by an application. I am now producing carbon copy of my application by an application. The carbon copy is the same now shown to me, it is in my handwriting, it bears my signature, its contents are correct and the postal receipt is affixed on it. (It is marked as **Ext. 4045**). The MTNL sent reply, which is the same now shown to me. (It is marked as **Ext.4046**, subject to objection by learned SPP about its proof).

I am now producing carbon copy of my application by an application. I had sent it to the CPIO of Central Telegram Office, Mumbai along with photocopy of carbon copy of telegram sent by my father. The carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature, its contents are correct and the postal receipt is affixed in it. (It is marked as **Ext. 4048**). I received reply Ext. 3223 along with forwarding letter Ext. 3222 in which it was informed that such telegram was booked in that office on 03/09/06.

The accused no. 4 had obtained documents Exts. 3226 to 3224 under the RTIA from the Civil Court, Khandwa along with the forwarding letter Ext.3225 in connection with the books that were seized in that case. The cover pages Exts. 3226 to 3231 of those books show that the ATS has planted in our case some of the books that were seized in that case. The ATS has planted the books that are shown to be recovered from me.

I gave application Ext. 3236 to the PIO, ACP, Railway Area Manager to obtain bio-data and service record of PC Jagdale and along with the forwarding letter Ext. 3237 I obtained the information Ext. 3238 about his posting only. It shows that PC Jagdale was posted at different police stations from 08/07/01 to 25/09/08 and was not posted in the ATS during this period.

I had sent an application under the RTIA to the PIO and Supdt. of office of DCP, Central Zone, Railway, Mumbai to obtain the information about three constables. Its copy now shown to me is the same, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 4049**). I received letter that information cannot be furnished as buckle numbers of the three constables is not mentioned in my application. It is the same now shown to me. (It is marked as **Ext 4050**). Therefore I again sent application with the buckle numbers, copy of which 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. 4051**). I received letter that head constable Padval and More are not on that establishment and information of PC Jagdale was already given to me, i.e., Ext. 3238. The letter is the same now shown to me. (It is marked as **Ext. 4052**). I asked for clarification by a letter, copy of which 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. 4053**). I received reply that HC More is not attached to that division and HC Padval is attached to CST Railway Police Station. The letter is the same now shown to me. (It is marked as **Ext.4054**). Exts. 3238, 4051 and 4054 show that these three constables were never transferred to the ATS either permanently or temporarily and PC More never worked in the railways. PI Rathod, PW-176, has given false evidence in this connection.

I am now producing carbon copy of my application by an application. I had sent it to the PIO and Supdt. of office of DCP, Central Zone, Railway, Mumbai. The carbon copy of my application is the same now shown to me, it is in my handwriting, it bears my signature, its contents are correct and the postal receipt is affixed in it. (It is marked as **Ext. 4056**). I had asked for information as to where PC Jagdale was working or deputed on 06/07/10, etc. I received information Ext. 3245.

(Adjourned for recess).

**Date : 27/06/13**

**Special Judge**

**Resumed on SA after recess.**

Ext. 3245 shows that PC Jagdale was on duty at Ghatkopar Headquarters, Railways on 06/07/10. PW-17 identified me in court on the pointing out by PC Jagdale on that day.

I had sent an application under the RTIA on 28/02/13 to the PIO, MT Division, Nagpada, Mumbai for furnishing information about two vehicles, MH-01-SA-207 and MH-01-BA-669. Carbon copy of my application now shown to me is the same, it is in my handwriting, it bears my signatures and its contents are correct. The postal receipt is affixed to it. (It is marked as **Ext.4059**). I received forwarding letter from the PIO along with letter to him by the PSI (fuel), MT Division, Mumbai. They are the same now shown to me. (They are marked as **Exts. 4060 and 4061**, subject to objection by learned SPP about its proof). By the letter Ext. 4060 it was informed that the information about the second vehicle was transferred to the PIO, ACB, Southern Control Room, South Regional Division, Mumbai. In respect of the first vehicle, I got the information along with Ext. 4061 that the record of the pump was destroyed as per the standing order alongwith true copies, which are the same now shown to me. (They are marked as **Exts. 4062 to 4064**, subject to objection

by the learned SPP about its proof). I received a letter from the PIO of the ATS in connection with the second vehicle informing that the information cannot be given as the ATS is exempted from RTIA. Letter now shown to me is the same. (It is marked as **Ext. 4065**). The ATS has prevented us from getting information in order to suppress the fact of false case that is filed against me. The vehicle MH-01-BA-669 was used by PI Rathod when he searched my house on 26/07/06, on 01/08/06 when he searched my brother's house and on 12/08/06 when he took me to the Saboo Siddik hospital. The information about the vehicle has not been supplied in order to suppress the movements of the vehicle when I was taken in it on 12/08/06 to the Mumbai Central Railway Police Station and then to the Saboo Siddik Hospital.

I had sent an application under the RTIA on 09/03/12 to the PIO, Central Control, Mumbai for obtaining certified copies of station diary entries of Kurla Police Station. Copy of my application now shown to me is the same, it is in my handwriting, it bears my signatures and its contents are correct. The postal receipt is affixed to it. (It is marked as **Ext.4066**). I did not get any reply, therefore, I filed appeal. Carbon copy of my appeal now shown to me is the same, it is in my handwriting, it bears my signatures and its contents are correct. (It is marked as **Ext.4067**). I got the information Exts. 4017 and 4018 along with the order of the first appellate authority and forwarding letters, which are the same now shown to me. (They are marked as **Exts. 4068 to 4070**, subject to objection by the learned SPP about its proof). I was not provided with my statement that I had asked for.

I am now producing with an application the copy of notification issued by the Government of Maharashtra about allopathy practice. The forwarding letter now shown to me is the same. (It is marked as **Ext.4072**). A photocopy of the notification was sent, it is the same now shown to me. (It is marked as **Art-457**). Copy of my application under the RTIA dated 18/07/12 to the PIO, Mazgaon Court is the same now shown to me, it is in my handwriting, it bears my signatures and its contents are correct. The postal receipt is attached on it. (It is marked as **Ext. 4073**). I have produced my medical papers of J. J and St. George Hospitals alongwith my application Ext. 3246 and they are marked as Art-418. We were not examined in the JJ Hospital on 10/11/06 when we were taken there after we were remanded to judicial custody. We complained about it to the judge Mrs. Bhatkar on 11/11/06 and she directed to take us to the St. George Hospital, where we were taken directly and examined and I was found to be having pain in abdomen with low backache and dental pain for which I was provided treatment as per the prescriptions Art-420. I had dental problem since before my illegal arrest, but I was not provided treatment during custody.

(Witness wants to refer to the exhibit numbers of applications that were filed by him and his advocate in this court. His advocate is not present at 4.30 p.m.. He is directed to step down and call his advocate).

**Date : 27/06/13**  
**Resumed on SA at 4.35 p.m.**

**Special Judge**

(Adv Dighe h/f Khan Abdul Wahab present and submits that the learned advocate is in CR No. 19 cross-examining a witness).

I have filed many applications in respect of my grievances during police custody and judicial custody and they are on record.

Whatever is written in my confessional statement and in the confessional statements of the accused no. 3 to 7 and 9 to 12 against me is all false as no such things had happened. I do not know the said accused, though I knew only the accused no. 4. The ATS has falsely involved me in this case in the same manner as they involved nine innocent persons in the Malegaon blast case of 2006. Crime Branch, Mumbai and the police of Andhra Pradesh and Gujarat had arrested some persons in 2008 allegedly belonging to the Indian Mujahedeen and had claimed that the blasts involved in this case were done by them. In spite of that the ATS kept on presenting false witnesses in this court against us. K. P. Raghuvanshi was the ATS chief when the investigation of this case was going on and when the above claim was made by the Crime Branch and the other agencies in 2008. He arrested some accused of that case in this case and filed a false report to save himself and the other ATS officers. I am innocent, have been falsely involved, have no concern with this case and by showing false recovery from me, the ATS has defamed me in my profession and has destroyed my life and tortured my family members emotionally, physically and mentally. The witnesses who have deposed against me have deposed falsely on the say of the ATS. The ATS has helped the real culprits of the blasts by involving me falsely.

**Cross-examination by SPP Chimalkar for the State**

(Deferred as per the adjournment application Ext. 4074).

**Date : 27/06/13**

**Special Judge**

**Date : 01/07/13**

**Resumed on SA**

**Cross-examination by SPP Raja Thakare for the State**

I can read and write English, but I do not have fluency in understanding the language. Witness volunteers- it will be better for me if I am asked questions in Urdu or Hindi. It is true that most of the applications that I filed, including my written submission filed with my statement under S.313 of the Cr. P. C., are in English. It is not correct that all the hospital records that I have produced are in English.

1. It is my say that you are deliberately stating falsely that you do not understand English?

It is not true.

It is not true that I am an educated person, therefore, I know very well about my rights. It is correct that I have been obtaining information under the RTIA. It is correct that I am aware that I can be defended by an advocate of my own choice. It is not correct that today I am being defended by an advocate of my own choice. I have no complaint against my advocate. I do not wish or desire to change my advocate. I have full faith in my advocate. I have collected certified copies of

roznama, other applications and orders of court, but not of depositions. It is correct that I have taken the inspection of the court record once or twice. It is not correct that I am aware of the record of the court. Witness volunteers- I am not aware of the entire record. I do not remember when I felt the need to take the inspection of the record. I am aware of the allegations against me in this case. I am not completely aware about the allegations against my co-accused. I am aware that I am charged with the offence of criminal conspiracy.

1. Is it correct that the charges that were framed against you were explained to you?

The charges were read over, but not explained.

I do not remember whether my signature was obtained after the charges were read over. I had filed a revision in the High Court against framing of charge. I do not know about its result. I had filed an application that I had challenged the framing of charge, but thereafter neither me nor my advocate have filed any application to this court informing about the challenge to the framing of charge and not to proceed with the trial .

1. Did you obtain any stay in the revision for the trial?

I can answer this on seeing the documents. (Learned SPP asks the witness to see the documents and the witness seeks permission to see the documents that are with him. Permitted). I did not get any stay from the High Court in the revision. I did not go to the Supreme Court against the order of the High Court not granting stay. Witness volunteers- I did not get any order in the revision.

I do not know whether my co-accused had filed a petition in the High Court challenging the application of the provisions of the MCOCA to the case. I am aware that a petition was filed in the Supreme Court for that purpose and the trial was stayed till the decision by the Supreme Court and the trial was resumed after the stay was lifted. Witness volunteers- I do not know whether the petition was dismissed.

I had discussions with some co-accused about the allegations against them. I did not feel it necessary to discuss with all the co-accused and decide the common defence as we are facing similar charges. I am not aware when, why and from where the co-accused came to be arrested. It is correct that throughout the trial my advocate has acted as per my instructions. I cannot say whether the entire record of this trial in this court is properly and correctly maintained. Witness volunteers- I have not checked the entire record.

1. Do you have faith in this court?

I have faith in this court as I have faith in the other courts that work for justice.

It is true that I have not filed any application that the trial should not be conducted by the present presiding officer of this court. I have not challenged any order passed by the present presiding officer on my individual applications.

I came to know when I was remanded to judicial custody in the MCOCA case that the allegations against me are in respect of the railway bomb blasts. I had contacted and told my advocate Amin Solkar about the illegal arrest and illegal detention during the police custody period. I did not know at that time whether he had filed a petition in the High Court about it. I am aware about its result. Witness volunteers- I came to know during judicial custody that he had filed it on 24/08/06 praying that my custody should not be taken repeatedly as the blasts are one, that R. R. Joshi had filed an affidavit that all blasts are distinct and different and it was dismissed without hearing as it was informed to the High Court that provisions of MCOCA were applied to the case. I did not challenge the said dismissal in the Supreme Court.

It is not true that none of the authorities to whom my father had complained by telegram took any action. It is true that I have filed many complaints before this court against the ATS officers about torture and ill-treatment. It is not true that this court has passed appropriate orders on that applications. It is true that prosecution has produced record of my medical examination during the custody period. I cannot say whether it is the record of examining me 39 times. Witness volunteers – I was never examined, but the prosecution produced the bogus record when I tried to obtain information under the RTIA. It is true that doctors who have produced the record have been examined by the prosecution and have been cross-examined. I cannot say whether each doctor has his own way of maintaining the record. I do not remember whether I have collected certified copies of my remand applications. Witness volunteers- someone has collected them. I do not know whether the remand applications were accompanied with medical certificates. Witness volunteers- the copies were not given when they were asked for saying that they have not been received here and I do not know whether the medical certificates were attached to them later on. It is true that there is no medical certificate on record showing cigarette burns on my body. Witness volunteers- I was not examined at any time. It is true that I have not mentioned about the cigarette burn injuries in my applications to this court on 3<sup>rd</sup> and 09/11/06 and in the written submissions with my statement under S. 313 of the Cr. P. C. Witness volunteers – it was not my detailed submission. It is correct that I had declined to examine myself on oath when asked the question under S. 313 of the Cr. P.C. Witness volunteers- I was confused at that time. It is not true that all my allegations about torture, assault and ill-treatment are false and baseless, that I was regularly examined as statutorily required, that the record maintained in the public hospitals is produced in the court.

1. I put it to you that at the time of all the remands the magistrates had asked you whether you had any complaints and had recorded that you had no complaints?

I did not know what used to go on in the courts, except on the one occasion about which I had stated in the chief-examination.

1. Do you believe that the judicial record in all the courts right from your arrest till today is true and correct?

I cannot say as I have not seen the entire record.

1. Is it correct that you are giving evidence on the basis of the record that is available in this case?

I am stating the truth about what has happened about me.

I believe that the record that I have obtained under the RTIA and that I produced in the court is true and correct. Witness volunteers-I have not received the complete record to some applications under the RTIA.

1. Is it correct that therefore the incomplete record may not be true and correct?

It is not so, because the information that is not available with a particular authority is not provided. It is correct that whatever information is available with a particular authority is provided by it. It is not true that therefore, it may not be complete and accurate. It is not true that I have not examined any authority under the RTIA to the effect that the truthfulness of the information provided in the documents has been personally verified by him.

1. Is it correct that the cases against PI Khanvilkar and Ahir that you referred are still pending and not yet disposed off?

I have not referred to any such cases. I now again say that I have referred about the case against PW-131 Jayant Kashiram Aher.

It is not true that I have not produced any order of conviction against them. I do not know about the co-accused. I have not produced any such record to show that the evidence of any panch witness about whom I stated that he has acted as panch witness in other case, was believed or disbelieved by the concerned court. It is not true that I have falsely alleged that the panch witnesses are habitual and regular panch witnesses of the ATS. It is not true that I have made false and baseless allegations to discredit the prosecution witnesses.

It is true that there are two cases pending against me in the Kurla court and the dates of offences in both cases are different. It is not true that the allegations in both the cases are also different. The accused no. 4 Ehtesham is my co-accused in both the cases. I do not know when, why and from where he was arrested in the Kurla case. I have not received the copies of the chargesheet in both the cases. I did not ask the accused no. 4 Ehtesham whether he had received the copies. He used to be with me in the Kurla court on the dates. It is not true that I told the accused no. 4 Ehtesham that I had not received the copies of the chargesheets. I do not remember whether he never told me that he had not received the copies. It is true that certified copies of both those cases are on the record of this court. I have not gone through them. It is not true that I and the accused no. 4 Ehtesham did not have any discussion about the allegations in the cases at Kurla, that we did not contact each other prior to my arrest in this case. We were in contact with each other. I only knew that he used to reside in Mira Road. I did not know about his occupation. He knew that I am a doctor. I do not know whether he knew that I was working in Saboo Siddik Hospital. I had met him in the Kurla Police Station and Kurla court only.

1. Whether you knew his phone number?

I had it in my mobile. We used to contact each other on phone. Witness volunteers- it was very rarely. I do not remember when I last contacted him on phone, whether we both used to send or receive sms to each other. I last attended the Kurla Court case on 30/06/06. I do not remember whether I had any occasion to contact the accused no. 4 Ehtesham after 30/06/06 and before my arrest.

(Adjourned for recess).

**Date : 01/07/13**

**Special Judge**

**Resumed on SA after recess.**

I do not know whether he was publishing religious books. The accused no. 4, 6, 10 and 13 are in my barrack. We have discussions about the case. I did not try to find out when, why and from where they were arrested. I have written the written submissions that I filed with my statement under S. 313 of the Cr. P. C when I was in the same barrack with the co-accused, however, the applications that I filed in this court were prepared in different prisons. I do not know whether the co-accused who are in my barrack have written their written submissions in the barrack. I did not have discussion with anyone about filing the written submissions. I did not read the written submissions filed by my co-accused. I did not give my written submissions for reading to any of my co-accused. I believe that all accused in this case are innocent and falsely implicated. I was not curious to know the allegations against them. I did not feel that sharing the factual aspects with each other would facilitate us to prepare a proper defence. I am confident that I remember all the events about which I deposed chronologically and factually, but I do not remember all the dates. I did not feel it necessary to share this with my co-accused. It is not true that my written submission and my deposition is the outcome of conspiracy with the co-accused who are lodged with me to make false allegations against the prosecution and malign the investigating agency.

I do not know whether there are no allegations against me in respect of any events after the blasts on 11/07/06.

It is not true that I have not produced any documentary evidence about my movement prior to 01/07/06. The statements of my bank accounts, letter of medical director and the application and the concerned documents under the RTIA to the MTNL to obtain the CDR of my mobile, my application dated 03/11/06, written submission with my statement under S. 313 of the Cr. P. C., PW-53, DW-5 and 7 are the documents to show my movements prior to 01/07/06. It is not true that the statements of bank accounts do not indicate my presence on a particular place, date and time. It is true that I did not attend Saboo Siddik Hospital on 1<sup>st</sup> and 02/07/06. It is true that there is no record of the biometric attendance system of the Saboo Siddik Hospital about the time on which I left the hospital on 10<sup>th</sup> and 11/07/06. Witness volunteers-the patient's files show the timing on which I had examined them on those days. It is not correct that DW-5 and DW-7 used to take weekly off on Sundays. Witness volunteers -DW-7 only used to take weekly off on Sundays. It is correct that I was supposed to report to DW-7 when I came on



duty. It is true that I did not physically report to him on Sundays. Witness volunteers- I used to report on phone. I do not remember whether I was in contact telephonically with the accused no. 4 Ehtesham on 02/07/06. (Learned SPP asks the witness to go through the entry no. 9 and 10 in Ext.3765(4). Learned advocate objects on the ground that it is not a document of this witness. Objection overruled). The number 9869320457 in column no. 5 is the number of my mobile. I do not remember whether the number 9867139179 in the next column is the number of the accused no. 4 Ehtesham. I have heard some of the evidence given by him and not the entire evidence as his voice was low. I have not read his evidence. I was in contact with him prior to the bomb blasts. It is not true that I was in his contact telephonically on 02/07/06 with regard to the conspiracy of bomb blasts on 11/07/06. It is not true that I was in his contact telephonically on 19/07/06. It is not true that I falsely contended that my mobile used to be with me continuously and in on condition.

There is a medical shop in the Saboo Siddik Hospital. I had no occasion to go to that shop at any time. I do not know from where the hospital used to get its supplies of medicines. I am not concerned with ordering the medicines, storing them and dispensing them in that hospital. Medicines are not supplied individually to the doctors in the hospital for the use of patients.

1. How are your relations with Dr. Atiya?

I have professional relations with her.

1. Do you have any grudge, ill will, animosity against her?

No.

Same is the case in respect of DWs-5 and 7. Witness volunteers- I have professional relations with them.

1. You have not examined a single witness from the hospital to show your continuous presence in the hospital between 3<sup>rd</sup> and 11/07/06 from the time you entered the hospital till you left?

(Learned advocate objects on the ground that it is a presumptive question. Learned SPP submits that it is not a presumptive question, because there may be witnesses to state about the presence from a particular time to a particular time. To my mind, the question is not presumptive and basically it will have to be allowed as the witness has stated that he was continuously on duty). It is not true. It is not true that if a patient is admitted in the ICCU, he is generally admitted for at least 24 hours. Addresses of indoor patients are mentioned on the files. I have not cited and examined any patient whom I say that I examined in between 3<sup>rd</sup> to 17/07/06. DW-7 is working in the Saboo Siddik Hospital since long, i.e., since it started.

1. He knows you well since he is the hospital administrator?

He knows me professionally. He is well conversant with my handwriting. It is not correct that all the doctors who examine the patients put their endorsements on the

case papers. It is not correct that the date and time is required to be put below every endorsement in the case paper.

1. Therefore do you agree that the endorsement of a doctor on the case papers would not necessarily establish the presence or absence of the doctor at a particular time?

It is not true. The endorsement would show his presence.

It is not true that Exts. 4001 to 4015 are not in my handwriting and not contemporaneously written.

It is not true that there are two main sects, i.e., Shia and Sunni in Muslims. I have read Kuran. It is true that it does not speak of sects like Shia and Sunni. Witness volunteers- they are created by Maulanas.

1. Are you religious and believe in Islam?

I am Muslim by religion.

1. Do you feel sorry and hurt when you hear about clashes between Shias and Sunnis?

I have not yet heard about any such clashes.

I get hurt when I hear about clashes between Hindus and Muslims. I agree that every person has the right to believe in and profess the religion of his choice. I cannot say as I do not have the knowledge whether persons professing Muslim religion are being targeted and atrocities are committed on them throughout the world. I have heard about the demolition of Babri Masjid. I did not feel agitated when I heard about it. I have heard about communal riots in Gujarat. I was not agitated on hearing about them. I did not feel that Muslims were being targeted. I did not share my thoughts with my co-accused about the above subjects. Witness volunteers- as I did not think about them.

It is not true that there are various entries in the log books produced by me and relied upon by me in connection with vehicles used by police officers. Witness volunteers-there is only one station diary entry and there are entries in log books. It is true that several copies of entries in various station diaries as well as log books are produced on record before this court. The copies of such entries produced by me are correct. I cannot say whether all the entries that are exhibited are true and correct. (Learned SPP asks the witness to go through Exts. 1842 and 1843. Learned advocate objects on the ground that he is not the author of the documents. Objection overruled).

1. Is it correct that these diary entries are pertaining to you?

These entries are falsely prepared.

(Learned SPP asks the witness to go through Ext. 1019 and whether it contains his four signatures). Yes. Witness volunteers-the signatures were taken forcibly on blank papers. It is not true that this document shows that I was produced before

the DCP at 1405 hours and I signed on them after the document was completed at 4.30 p.m.. Witness volunteers-the DCP was not in office during this time. It is not true that I am falsely alleging that my signatures were obtained forcibly on blank papers. (Learned SPP asks the witness to go through the station diary entries Exts. 1080 to 1082). All these entries are falsely prepared later on. I cannot say whether all the station diary entries that are exhibited in this case are not correct and reliable. All the log book entries produced by me and the co-accused are correct and reliable. I cannot say about other log book entries. Witness volunteers-because I have not seen them.

(Adjourned as court time is over).

**Date : 01/07/13**

**Special Judge**

**Date : 02/07/13**

**Resumed on SA**

I was called to the Kurla Police Station after 11/07/06. I went there on 18/07/06 as officer Bansod and Jagtap of that police station had come on the earlier day to call me. I did not go to Agripada Police Station on 18/07/06 or after 11/07/06. I was at the Kurla Police Station on 18/07/06 from morning to evening. I did not see the accused no. 4 Ehtesham there on that day. I did not see any co-accused of the Kurla Court case on that day there. I did not have any communication with the accused no. 4 Ehtesham between 11/07/06 and 18/07/06. I did not feel that Kurla police had called me in connection with the Kurla court case. Witness volunteers-because the policeman who had come on 17/07/06, had informed that I am called in connection with the inquiry of the blasts. I used to be called by the Agripada and Kurla Police Stations whenever there used to be some incidents of bomb blasts or rioting, etc., because of the pending cases against me in the Kurla court. Witness volunteers- and also for inquiry in respect of the said incidents. The accused no. 4 Ehtesham did not used to be called whenever I was called at the Kurla Police Station. I think that I have informed him prior to 11/07/06 about being so called to the Kurla Police Station. I do not remember whether I came to know that he also used to be so called by the same police station. I did not inform him after 18/07/06 about being called to the police station on that day. He did not inform me after 11/07/06 till my arrest about being called to any police station in connection with the inquiry about the blasts.

I did not take written permission from the Kurla court for going out of the country before May 2004. Witness volunteers- there was no such condition, therefore, I did not feel it necessary and I regularly attended the dates. It is correct that I did not give any written intimation to the Kurla Police Station before leaving the country. Witness volunteers- I did not feel it necessary. I felt that police were unnecessarily harassing me by calling me to the police stations after any incident of bomb blasts or rioting, etc. I therefore felt it necessary to keep the air tickets, hotel bills, accounts of the foreign exchange spent by me, etc. Witness volunteers- I had them with me and PI Rathod and the people who were with him took all the documents and deliberately not produced them in the court. It is not true that I am making this allegation for the first time. It is not true that I have not mentioned about police taking air tickets, hotel bills and account of money collected and spent

for the foreign tour. Witness volunteers- all these things were in the file that they took. It is not true that I have not produced any documentary evidence about the money collected and spent for the foreign tour. My bank account is the document which shows the amount withdrawn and spent in the foreign tour. It is not true that there is no evidence other than my bare words to show that I had not traveled to any other country than Iran. I have not examined any witness to show that I continuously stayed in Iran and did not go out of Iran. I do not know what was the air fare to Iran. Witness volunteers- I had given Rs. 17,000/- for the visa and tickets to the agent. I did not have any bank account other than the two banks about which I stated. Witness volunteers- I used to save money at home. My parents, my one brother and two sisters were in my family in 2004 and we were staying together. I, my father, brother and one sister were the earning members. My income was not the highest being a doctor. It is not true that both my bank accounts do not even show accumulation of Rs. 17,000/- in 2004. (Learned SPP asks the witness to go through Exts. 457 and 458). The panchanama is bogus and falsely prepared, but it mentions use of vehicle no. MH-01-BA-669. I had asked for copy of the log book of this vehicle under the RTIA. It is not true that I had asked for it for relying on it in my defence. Witness volunteers- I had asked for it for knowing the truth. Even today I desire that the log book of the said vehicle should come on the record of the court. Witness volunteers- and also of all the other vehicles that the ATS had used, especially Bolero Jeep used by PI Khandekar on 4<sup>th</sup> to 06/10/06. (Learned SPP asks the witness to go through page 39 of the copy of the log book produced along with the application Ext. 3928. Learned advocate objects on the ground that it is not a document produced by the witness. Objection overruled). It is not true that the entry shows that the said vehicle had gone to Dongri on 12/08/06. Witness volunteers- it shows that the vehicle had gone to Bhoiwada ATS, Killa Court, back to Bhoiwada, then to Mumbai Central Railway Police Station, then to Dongri, then to Kalachowki, Bhoiwada, Nagpada M.T., Bhoiwada, Dadar station, Bhoiwada and then to Marol.

(Learned SPP asks the witness go to through page 33 of the copy of the log book produced along with the application Ext. 3928). It is not true that the entry dated 26/07/06 in respect of the vehicle no. MH-01-BA-669 shows that it had gone to BIT Chawl, Agripada and then to Handloom House. Witness volunteers-it shows that the vehicle went from Mumbai Central to Kalachowki Police Station, then to Nagpada, Kalachowki, Mazgaon Court, Kalachowki, BIT Chawl Agripada, Mumbai Central Railway Police Station, Kalachowki, BIT Chawl Agripada, Handloom House, Mumbai Central, Kalachowki, KEM Hospital, Bhoiwada lockup, Kalachowki, Andheri and Dadar Crime Office. (Learned SPP asks the witness to go through entry in the log book dated 01/08/06 produced along with the application Ext. 3928). It is not true that the entry shows that the same vehicle had gone on 01/08/06 from Kalachowki to Mominpura, Agripada and to Nagpada to Kalachowki. Witness volunteers- this entry shows that the vehicle had traveled from Dadar to Sion, Mount Mary Police Chowki, Bhoiwada, Kalachowki, Nagpada MT, Kalachowki, Mominpura Agripada, Nagpada, Kalachowki and Andheri to Kalachowki.

It is not true that I did conspire with my co-accused in the commission of the present offence, that I participated in the conspiratorial meetings in the house of

the accused no. 3 Faisal at Bandra, that I was present in the house of the accused no. 6 Mohd. Ali at Govandi when the bombs were prepared, that I did visit Pakistan clandestinely to obtain terrorist training as a part of the continuing unlawful activity and acts preparatory to terrorist acts, that I was in contact with the accused no. 4 Ehtesham in furtherance of achieving the object of the conspiracy, that I did voluntarily make a confessional statement before DCP Mohite, which he recorded by following due procedure of law and was also got confirmed before the CMM, that recovery of the articles under the panchanamas Exts. 448, 450, 457, 458, 484 and 485 are made by following due procedure of law, that all my allegations against the police officers, whom I have named in respect of torture, assault and ill-treatment are in accordance with the Al-Qaida manual, which is generally followed by terrorists, that I had given the passport to the agent as I wanted to flee the country after the terrorist act and that we all the accused are even today conspiring and giving false evidence.

(Learned advocate Khan Abdul Wahab requests permission to re-examine the witness in respect of the notification issued by the Central Council of Indian Medicine that he has received recently and that he is producing copy along with an application. Learned SPP has no objection for the re-examination).

**Re-examination by adv Khan Abdul Wahab for A2**

I am producing the letter of the Central Council of Indian Medicine addressed to me, it is the same now shown to me. (It is marked as Ext. 4080). The said council sent the photocopies of the notifications dated 30/10/96 and 22/01/04. (They are marked as **Arts-458 and 459**). They show that Unani doctors can practice in allopathy.

**Re-cross-examination by LD SPP Raja Thakare for the State**

It is not true that I was neither trained nor experienced nor qualified to practice allopathy medicine. Witness volunteers- the hospitals where I worked after passing BUMS are practicing in allopathy and advanced scientific modern therapy.

No re-examination.

**R.O. (Y.D. SHINDE)**

**SPECIAL JUDGE**

**Spl. Judge UNDER MCOC ACT,99,**

**Date:- 07/07/13 MUMBAI.**