



Name: Mohammad Sajid Marghoob Ansari

Age: 36 years

Occupation: Business

Res. Address: 101, Saba Parveen Apartment, Opp. Kasam Tower, Puja Nagar Road, Naya Nagar, Mira Road (E), Thane

**Examination-in-chief by adv Khan Abdul Wahab for A7**

I was residing at the given address before my arrest with all my family members, i.e., mother, two brothers, their wives, their children and my wife. My eldest brother Javed Ansari is a doctor and second brother Khalid Ansari is an engineer. My father was a teacher in Bandra Urdu High school. I had five sisters. All of them are teachers. One has died recently. I studied in Mogradpada Urdu Municipal School, Andheri (E) upto the 4<sup>th</sup> standard. Our family used to stay at 4/4, Ansar Nagar, Mogradpada, Andheri (E), Mumbai. I completed my SSC from the Farukh Sattar Umar Bhai High School in Jogeshwari (W) in Urdu medium. I did a three year diploma in Industrial Electronic Engineering from Saboo Siddik Polytechnic, Nagpada. My father died in 1990. Therefore, our family could not pull on and I took up jobs in two different companies. I did a six months course in computer hardware and networking from CMS computer institute. There was an interview in the institute after completing the course and I was selected for a job in DCM Data Systems Limited, then I did a job in franchise of Wipro Infotech Limited, then I did a job in CMS Computers Limited, Nariman Point upto 2001, when we used to stay in Andheri in the slum known as Mogradpada.

There was a local criminal by name Shamsheer Rehman in the Mogradpada area having many illegal businesses and he was on good terms with the police of local police station and was a police informer and had acted as panch witness in many cases. I and my brothers had a quarrel with him on 10/03/01. He managed the police officers and filed a case against us, which was registered as CR No. 132/01. Two policemen came to my house on 14/03/01 and took me and my brother Khalid to the Andheri Police Station, where we were handcuffed and arrested without telling anything to us. We were produced before the court no. 10 at Andheri on the same day. We came to know before the magistrate that the case was in respect of distribution of pamphlets. Our advocate argued about our innocence before the magistrate and the judge thought that the case was bogus, therefore, we were granted bail and released in the evening. The police thereafter repeatedly visited

our house. PSI Waghmare, friend of Shamsheer Rehman, who was the complainant in that case, used to come frequently for troubling us. The police used to threaten and frighten us and misbehave with our family members. We had orally complained to Sr. PI Deshmukh of that police station, but it was of no use and the visits continued. We were called and detained at the police station for the whole day on occasions like 15 August, etc.

I returned to my house on 27/08/01 in the evening from my job. Two policemen came to my house after some time and asked me to accompany them. I was taken before Sr. PI Anand Bhillare, who handcuffed me and made me sit by one side. Two policemen brought my brother Khalid there after some time. My brother asked the Sr. PI as to why we are being harassed and that they had prepared a false case on the last occasion. He told us that he had received orders from above to call all the persons involved in SIMI cases earlier and to file cases against them. We resisted and told him that we do not know about SIMI and we have no concern with it. He repeated the same thing and said that he cannot do anything. We were taken to our house in that night in a police van with many policemen and our house was searched, but they did not find any objectionable thing. We were taken back to the police station and put in the lockup. We were again produced before the same court on the next day, i.e., on 28/09/01 and remanded to ten days police custody. I was taken once to the place of my service in CMS computers at Arcadia Building, Nariman Point and my cupboard and lockup were searched, but no objectionable thing was found. There was no other inquiry with me during the ten days police custody. We were remanded to judicial custody after ten days and released on bail on the same day on condition of attending the police station everyday for one month. The police harassed me continuously during that period of one month.

The first case CR No. 132/01 was registered as CC No. 586/P/2003 in Andheri Court and the trial was completed in the Railway Mobile Court, Andheri and we were acquitted on 23/10/12. The second case LAC No. 26/01 was registered as CC No. 273/P/2004 in Railway Mobile Court, Andheri and all the accused were acquitted on 23/10/12. I have produced the certified copies of the judgments of the two cases at sr. no. 1 and 2 of the list Ext.4141 that I produced today and they are the same now shown to me. (They are marked as **Exts. 4173 and 4174**). Complainants in both the cases were police officers and no independent witness supported the police. Both the cases were false.

Police again started coming to our house and troubling us after our attendance at police station in 2001 was over. They used to go to my office and pressurize my boss. My brother and maternal uncle complained to the office of the Commissioner of Police. Sr. PI Bhillare again called us on receiving a phone call from that office and threatened me that he will teach me a lesson as I had complained against him. The harassment increased thereafter. The office gave me one months notice to change the job. We purchased the house at Mira Road in 2002 being fed up with these things. DW-9 Iqbal Amin Qureshi is the secretary and builder of that building and he stays on the second floor and has shop on the ground floor in front of the gate.

I started doing personal work during 2002-2005 and opened 2-3 computer hardware and networking institutes at Mira Road, but they did not run profitably. I got an offer from Tanjeem-e-Walidean at Malad-Malvani in 2005 to open an institute there and they asked me to teach mobile repairing work on the condition that they would not take any rent from me, that I would not be required to pay the light bill and telephone bill and that I would have to reduce the course fees of Rs. 12,000/- to Rs. 2,000/- as it was a charitable institute. I used to teach in the institute from Monday to Friday from 8.00 a.m. to 10.00 p.m. and during the remaining time I used to do my personal business of repairing computers.

I saw a board outside Famous Zerox and Communication shop in front of Heena Shopping Center while going to my sister's house from Jogeshwari (W) station in April, 2006, that premises on rent are available. I talked with the shop owner DW-8 Bilal Kadiwala about the rent and he told me that he wanted to rent out only a counter on condition of giving deposit of Rs. 5000/- and rent of Rs. 1000/- per month. I liked the location and took the counter on rent after some days and started working there.

I was using two mobiles in 2006. One was of Tata company number 9224446830, that was in my name, which I was using since prior to 2006 and used to keep it in my house for contacting. I had purchased an Airtel company SIM card, which was not normal, but had some different features. It was bearing number 9867244681. I used to keep it with me continuously wherever I used to go. I could transfer talk time from this sim card to some other Airtel sim card. This sim card is also known as dealer card or Airtel easy recharge card and lapu card in slang in the market. It is only given to the dealers of sim card.

(Adjourned as court time is over).

**Date : 17/07/13**

**Date : 18/07/13**

**Resumed on SA**

**Special Judge**

There was another facility in the card, which was that calls were charged at 30 paise per minute, whereas the normal rate was Re. 1/- per minute and even STD calls were charged at less rate. There was a student by name Tansen in the institute at Malad. He had a mobile accessories shop where he used to sell sim cards and recharge cards of different companies. I had purchased my card from him and I got it easily as he was a dealer. It was registered in his name. I had taught batches of computer hardware and networking before July 2006 and a batch of mobile repairing was going on in July from 8.00 a.m. to 10.00 a.m. I used to go to the shop at Jogeshwari at about 11.00-11.30 a.m. and work there upto evening. I used to start at 7.00 a.m. and had the same schedule of work during July. It happened sometimes that because of some work I could not go to Malad and then I used to go to Jogeshwari directly. It also used to happen that I used to go to my house directly from Malad and after lunch or in the evening I used to go to the shop.

I went to Malad on 07/07/06 starting from my house at 7.00 a.m., did my work in the institute, then went to the shop at Jogeshwari and returned home in the night. I did not go anywhere else. I similarly went to Malad on 08/07/06, did my work there and directly went to my house. I went to the shop in Jogeshwari at 5.30 p.m. and returned home in the night. I did not go anywhere else. It was Sunday on 09/07/06 and the institute and the shop were closed. Therefore, I was at my house and did not go anywhere. My sister and brother-in-law Mehmood Azim Qureshi had come to meet us at my house, were with us for the whole day and went back in the evening. I did not go to Malad on 10/07/06, but went to the shop at Jogeshwari directly and then back to my house.

I started at 7.00 a.m. from my house on 11/07/06, attended the institute at Malad and then went to the shop at Jogeshwari and worked there upto evening. DW-8 Bilal Kadiwala was also in the shop continuously with me. I was repairing a mobile at about 6.30 p.m. when I heard the sound of a loud explosion and also felt vibrations. I thought that some building under construction had collapsed, but after some time I saw some persons coming running from the direction of railway station. They told me on inquiry that there had been a blast in the local train. DW-8 told me to stay in the shop and he would go and see what had happened. I tried to contact my family members from my mobile and other telephone, but the network was jammed and I could not contact. I called my brother on his mobile from a landline. I learnt that he, his wife and my mother had come to Jogeshwari for treatment. Bilal returned after half an hour, his clothes were wet as it was raining and there was blood on his clothes. I saw injured going in taxis and rickshaws. Bilal told me on inquiry that it was a very dangerous explosion and that he had himself picked up many injured and put them in taxis and rickshaws. We closed the shop early on that day and I went to the spot of the explosion for help. That area was packed with people and all injured had been taken away, therefore, I could not give any help. My brother and mother were in my sister's house at Jogeshwari. I went there to meet them. I tried to give message to my house from the mobile and landline, but could not contact them as the network was jammed. There was no male member in the house at that time, therefore, I had to go immediately. The trains had stopped completely. I went walking to the Western Express Highway in Jogeshwari (E). The traffic there was also jammed and people had started walking home. I caught an ST bus going towards Virar and went upto Borivali in it as it was upto Borivali. I and some persons took a lift in a truck and went upto Kashimira. A Gypsy owner took us to Mira Road, where I reached at about 11.30 or 12.00 p.m. I did not go out of the house on the next day as there was atmosphere of fear. I started doing my regular work from 13/07/06.

I felt after the blasts that the police will trouble me because of the earlier cases against me. I continued doing my work as per schedule inspite of that, because I had no concern with the blasts.

Some policemen came to the shop at Jogeshwari where I was working at about 5.30 p.m. on 17/07/06. They asked me my name and I asked them who they were and they told me that they are from the Crime Branch and that I would have to go with them for inquiry. They made me sit in the police vehicle, in which there were

two more persons and took me to the office of the Unit-VII of the Crime Branch at Ghatkopar, which is on LBS Marg. They had taken my mobile during travel. They made inquiries with me, checked my contacts and incoming and outgoing calls. I saw that many other persons had been brought there for inquiry, including the accused no. 8 Abdul Wahid. Javed and Usman were the two persons who were brought with me in the police vehicle. PSI Sanjay Kamble took me and those two persons with him in a vehicle in the night to Jogeshwari, searched the house of Usman and released him there as they felt that he was innocent. We then went to Jogeshwari (E), they searched Javed's house, collected some documents and we all went to my house at Mira Road. I met DW-9 Iqbal Qureshi below the building. He had a talk with the police. They searched my house, found no objectionable thing, made some inquiry with my mother and then we left from there and reached the Crime Branch office late in the night. We were not released in that night. I and Javed were kept in a room, therefore, I asked him as to what was found in his house and he told me that his passport and documents of his house were found. I was inquired with during the whole day on 18/07/06. They asked me about my old cases and recorded my statement. PI Shripad Kale, PSI Sanjay Kamble and Sr. PI Rathod made inquiries with me. My brother Dr. Javed came there for inquiring about me. They took his statement also and released us in the evening on the condition that we would attend whenever called. They returned my mobile to me. My brother asked me why I had been taken and I told him that it was because of my old cases.

A constable came to my house in the evening on 20/07/06 and left a message that I and my brother Khalid should go to the office of the Unit-X, Crime Branch, Andheri. I did not go to the Malad on the next day, but directly went to the shop at Jogeshwari. I went to the office of the Crime Branch in the evening. PSI Gawde inquired with me and recorded my statement. They asked me to repair a computer in their office, when they came to know that I am a computer engineer. PI Worlikar and PSI Gawde released me from there on condition that I should attend the office whenever called and to send Khalid to their office on Monday, 24/07/06. My brother went there on Monday and they recorded his statement.

One of my aunts had come to our house since 5-6 months. I had to go to reach her to Bijnour in UP. I reserved tickets for 25/07/06 and took my aunt by boarding the train at Borivali. I was there for 15-20 days. My brother Dr. Javed told me when I phoned him that ATS people had visited the house, had searched it and have been troubling him by going to his dispensary. He also sent me a telegram on the instructions of officer Shailesh Gaikwad that I am called soon. I came to Mumbai on 15/08/06 on a current ticket, without doing the reservation. My brother told me that many officers had visited the house including PSIs Shailesh Gaikwad and Sunil Mane and many constables. He told me that the officers had misbehaved with my family members at the time of search and were pressurizing him to call me by making calls to him repeatedly. He told me that many calls had been received on the mobile phone that used to be in the house from Shailesh Gaikwad from his mobile number 9969102939. He also told me that constable Shailesh Mane comes to his dispensary and sits there everyday, because of which he stopped going to the dispensary from some days. I discussed the issue with my family members for 1-2

days and on 18/08/06 I went to the ATS office, Nagpada. I called Shailesh Gaikwad on his mobile number and told him that I am coming to the office and he gave me time of 4.00 p.m. I and Dr. Javed went before him at around 4.00 p.m. and on seeing me he slapped me in the presence of my brother Dr. Javed. He abused my brother and asked him to go home saying that I would be staying there. I was then taken to a room inside and he called all the officers and constables and started beating me by flour mill belt and sticks on my palm and soles. I was tied by rope and given electric shocks to my private parts. Officer Sunil Mane pulled my beard hairs. PSIs Shailesh Gaikwad, Sunil Mane and Sayyed, HC Redekar, constable Babu Sawant, Tushar Sawant, Shailesh Mane and others, whose names I do not remember, beat me severely for about 3½ hours and took me before DCP Nawal Bajaj. He told Shailesh Gaikwad on seeing me, to beat me as much as possible and to make proper investigation about me. He asked me about my old cases and details of my mobile. I was not released on the next day, but handcuffed to a ring in the floor and made to sit there for the whole night.

PI Dinesh Ahir and Vilas Joshi tortured me heavily on 19/08/06, took me to Mira Road in the night, searched my house, picked up two persons by name Irshad and Asrar from our area and took us back to the ATS office at Nagpada. We all three were tortured heavily by the persons whose names I stated above. I was interrogated on 21/08/06 also. They brought some CDRs and asked me why a number is in those CDRs and the CDR of my mobile phone shows many numbers. I asked the number and they told the number 9867139179 and asked me whose number it is. I told them that it is the number of a printer who is also my client and told them his name as Ehtesham on being asked.

(Adjourned for recess).

**Date : 18/07/13**

**Special Judge**

**Resumed on SA after recess**

(Witness submits that there was some problem about his memory while deposing about the events on 7<sup>th</sup>, 8<sup>th</sup> and 10/07/06 and requests permission to state about it. Permitted). I reached the institute at Malad at 8.00 a.m. on Friday, 07/07/06. My wife was pregnant at that time. I returned to Mira Road and took her for checkup to a local doctor Iqbal Farid's hospital. I reached her back to my house. Doctor had asked us to come on 10/07/06 again. I went to the shop at Jogeshwari in the evening, reaching there at 5.30 p.m. and returned home at about 9.00-9.30 p.m.

My institute was closed on Saturday, 08/07/06, therefore, I directly went to the shop at Jogeshwari at about 11.30 a.m., worked there for the whole day and returned home at about 9.30 p.m.

I took my wife to the same hospital at about 9.30 a.m. on 10/07/06, reached her back to the house after some tests and after lunch went to the shop at about 3.30 p.m. and returned home in the evening at about 9.30 p.m.

I did not go anywhere from 7<sup>th</sup> to 11/07/06 other than my house, the hospital, my shop at Jogeshwari and the institute at Malad.

The ATS officers took me to a torture room on 21/08/06, where there was a computer, monitor, two printers and a big gunny bag in the shelves. Shailesh Gaikwad asked me whether I knew to whom they belong. I asked them to take the articles down and after they took them down, I saw them and told them that they all are of my client Ehtesham. Shailesh Gaikwad took me before K. P. Raghuvanshi in the evening and told him about me and the earlier cases and that I had continuous contact with Ehtesham. I explained to Raghuvanshi that I have only business relations with him, thereupon he said that he would think about it. I saw accused no. 8 outside his cabin. I was taken back to the torture room and handcuffed.

PIs Vilas Joshi and Dinesh Ahir called me at about 8.00 p.m on 22/08/06 and told me that they are releasing me, but I would have to give attendance daily. They told me that if I run away from my house, they would also kill me in an encounter and that they had done one on the earlier day. I was illegally detained from 18<sup>th</sup> to 22/08/06 and from 23/08/06 I regularly gave my attendance there, during which period I saw many other people similarly giving attendance.

PI Dinesh Ahir told me in September, 2006 after the blast at Malegaon, that I need not come as he is busy in investigation and to attend whenever I receive any phone call from him or anyone from his office. Constable Tushar Sawant called me to the office by phoning me twice or thrice. The classes at institute were disturbed because of all this and there was a problem at the shop. I had concluded my agreement with the shop owner in July, taken back my deposit and had gone to UP on 25/07/06. PI Vilas Joshi called me in September, 2006 by making phone call and when I reached there, he said that I have to go to Bhoiwada ATS office and meet API Ramesh Bagwe. I went to Bhoiwada on the next day and inquired about API Bagwe, but he was not present. Another officer by name Kadam took me to his cabin and started asking me about my phone calls and phone numbers. He took out a printout and started asking me about individual numbers, about the owner of the sim card and about my locations from 1<sup>st</sup> to 12/07/06. The printout was the CDR of my mobile. He asked me why there were so many calls to Ehtesham. I gave the same explanation to him, that I have business relations with him and told him the details of my business. API Bagwe came after some time and officer Kadam told him all the details about the inquiry, but even then he abused me and started beating me. I told him that I was interrogated at Nagpada and he should ask Shailesh Gaikwad about it. He talked on phone with Shailesh Gaikwad and gave the printout of the CDR and a pencil to me and asked me to explain about every call from 1<sup>st</sup> to 11/07/06. The printout was similar to the printout of the CDR that is produced before the court by Airtel. He was satisfied thereafter and took me to ACP Tawde. ACP S. L. Patil was present there. API Bagwe gave them information about me. ACP Tawde said that he is having talk about me with the superior officer and that I should be released now. I was released at about 9.30 p.m. I talked with my both brothers on returning home as to what should be done about the harassment by the ATS. They said that there is no use of complaining against the police and they had done so in 2001 and had seen the result and if we do something more, there will be more trouble. I therefore left the thought of complaining.

I was repairing mobile on 25/09/06 at my house. I received a call from PSI Shailesh Gaikwad at about 4.00 p.m. from his mobile no. 9969102939 on my mobile No. 9867244681. He asked me to come to Dadar T.T for five minutes and gave me a false promise that they have only five minutes work with me and would release me immediately thereafter. I had a doubt, therefore, I kept my mobile at my house and told my wife and mother that I am going to meet him. They told me to call them immediately after I am released. I reached after one and a half hours at Dadar T.T. from Mira Road. I did not see them, therefore, I called Gaikwad from a PCO and asked him where he was. They told me their location and I reached there within two minutes. PSI Sunil Mane was with Shailesh Gaikwad. Gaikwad asked me to sit in his AC car and took me to the Nagpada ATS office. It was the first day of ramzan and I was observing roja. I requested them to release me early, but they abused and refused. I saw a bearded person in that office with a mobile by his side. I had seen him for the first time on that day. We both were observing roja, therefore, we broke the fast together. He told me his name as Mohd. Ali, i.e., accused no. 6 when I asked him and that he was in the custody of police since two months. Shailesh Gaikwad and Mane and a constable took me to the Kalachowki ATS office at 8.00 p.m. in their car, where I was locked in a room having grill door. Officers Khanvilkar and Tajne inquired with me in the night. I was illegally detained there upto 29/09/06. Khanvilkar, Tajne, Varpe, Dinesh Kadam, Kolhatkar, Sachin Kadam, PSI Awari, constables Sangram, Mahesh Bagwe and other officers and staff tortured me many times during this period. I was beaten by flour mill belt and sticks and given electric shocks on private parts.

I had seen some more persons there during this period of illegal detention. One was Kambhar Jafar Hasan, who was kept with me handcuffed for 2-3 days, as he had been arrested in an Arms case. There was one Kashmiri by name Abdul Hameed, who was kept with me for two days. I saw accused no. 1 Kamal Ansari for the first time on 26<sup>th</sup> to 28/09/06 and I saw him being tortured on these days. I had never met him and the accused no.6 before that. Tajne, Khanvilkar and Sachin Kadam used to torture him more and other officers were also torturing him. I had once seen the accused no. 8 there in between 25<sup>th</sup> to 29/09/06. My mother and brother Dr. Javed came to meet me at Kalachowki on 27<sup>th</sup> or 28/09/06. I was taken from the torture room to another room to prevent them from seeing the torture. A constable was with us when we met. Therefore, I could not tell them about the torture. Tajne and Khanvilkar came there after some time and Tajne told my mother not to take any tension and that they would release me soon and that they should not make any complaint to any person and should not engage lawyer, otherwise her son and family members will come in trouble.

Officers Tajne and Kolhatkar took me to Bhoiwada office on 29/09/06, where I saw three more persons, i.e., accused no. 8 Abdul Wahid, accused no. 6 Mohd. Ali and accused no. 5 Majid, who was crying more. We were handcuffed there and taken to Sewree court. Sachin Kadam and Kolhatkar told us that we are implicated in a small case and threatened that if we complain about beating and torture, they would involve our family members in the case and would torture us more. Therefore, I did not say anything before the judge because of the fear. I was brought back and put in the lockup on the ground floor at Bhoiwada with the accused no. 8. A short



person by name Shabbir Masiullah was in the lockup. I met him for the first time on that day. He told me on asking that he did not know as to in which case he was involved. There was no arrest panchanama in my presence on 29/09/06, no panch witness was brought in my presence. We were remanded to police custody from 29/09/06 to 13/10/06. I was taken to ATS Nagpada office many times during this period. PIs Dinesh Ahir, Vilas Joshi, Shailesh Gaikwad, Sunil Mane, officer Surve, PSI Sayyed, HC Redekar, constables Shailesh Mane, Tushar Sawant, Amit and other staff and officers, whose names I do not remember, tortured me heavily during this period repeatedly on the point of my relation with the accused no. 4 Ehtesham. My statements were recorded about 6-7 times and every time I told that I am innocent, that I have only business relations with the accused no. 4 and I am not directly or indirectly involved in the blasts case.

I was produced 2-3 days prior to 13/10/06 before Bhatkar madam in this court alongwith the accused no. 6, 8 and 12. Officer Bawdhankar got a letter written from me that I am willing to undertake narco test and took my signature by force and threats. The ATS officers did not give us any opportunity to speak anything before Bhatkar madam and we were taken back to Bhoiwada.

I was again produced before this court on 13/10/06. I saw the accused no. 5 crying in the corridor and on asking him, he told me that he was tortured severely by Salaskar and other officers at Kurla. ATS constable threatened me before taking me inside the court that I should not say anything or else I would suffer more and threatened that if I say anything, they would involve my family members, therefore, I did not make any complaint before madam. We were again remanded to police custody upto 26/10/06.

PI Dinesh Ahir and Shailesh Gaikwad took me by Air India Flight to Bangalore on 15/10/06, put me in the lockup of the Central Crime Branch, where I saw the accused no. 8 and 12 and one more person by name Noorul Huda, who was kept with me in the Bhoiwada lockup on 10<sup>th</sup> or 11/10/06. He told me on asking that he does not know in which case he was brought there. I, accused no. 8 and 12 were taken for narco test to a hospital. Dr. S. Malini and an anesthetist did my narco test. Dr. Malini misbehaved and slapped me twice before the test. They asked me to say some things before a video camera and beat me before asking me to say the sentences. She threatened that if I do not give correct answers she would give me AIDS injection. I became semiconscious after the injection of narco test was given. She asked illogical questions to me during this condition. The camera was switched on and first she asked how many bombs were prepared. I answered that I am not concerned and I am falsely involved. She slapped me strongly and started pinching my left ear with pliers, because of which I suffered much. She then asked me what comes after six and I answered 'seven'. She asked me on what TV operates and I answered that it operates on electricity. She again slapped me strongly and caught my year with pliers and told me to say 'by remote'. She asked me many such illogical questions and used to ask me to repeat the answers if I did not give the expected answers. Both tortured me badly during the narco test. I was taken and laid on a bench where Dinesh Ahir started questioning me and every time I answered that I am innocent. I was put back in the lockup of the Central Crime

Branch, where I met Noorul Huda who asked me about the details of narco test and told me that similar things had happened with him during narco test. Sachin Kadam, Dinesh Ahir, Shailesh Gaikwad and Khanvilkar were with me and accused no. 8 when we were taken to the FSL at Bangalore, where our polygraph and lie detector tests were done. There was a quarrel between Sachin Kadam and Dinesh Ahir during the travel, wherein Sachin Kadam asked Dinesh Ahir what work they are doing and that their unit was doing the entire investigation, on which Dinesh Ahir said that he knows what investigation they do, that they catch innocent persons and do their encounters and that they have killed a poor person at Antop Hill. I was put back in the lockup of the Central Crime Branch office after the test and brought back to Mumbai on the next day by an Air India flight and put in Bhoiwada lockup. My ear was swollen and there was white discharge from the ear. Shailesh Gaikwad threatened not to tell anyone about the ear otherwise they would again torture me brutally.

I was taken to the Kalachowki ATS office on 19/10/06. Tajne and Khanvilkar asked me what I stated in my narco test. I told them that I did not give any wrong answers, but I stated that I am innocent and falsely involved. They beat me badly and reached me to Bhoiwada in the evening. I was put in the lockup of accused no. 8 for some reason in the night. I was again taken to Kalachowki on 20/10/06 after I broke the fast, where Khanvilkar, Tajne and Sachin Kadam were present and Khanvilkar told me that I had stated the truth during the narco test. They played the CD of the narco test to me and I was shocked to see that in place of my reply to the question as to how many bombs were prepared, the reply was 'seven'. Anyone could see that the CD was edited because the words were not in sync with the video. I said to Khanvilkar that the CD is edited, thereupon he started beating me by hands and legs. I was taken to the torture room and all the officers and constables of Kalachowki and ACP Dhawle again tortured me. I was stripped naked and many shocks were given to my private parts. My hands were tied behind, a person caught me from behind and forced me to sit on the floor and my legs were stretched 180 degrees. I was beaten on my palms and soles by belt and sticks. I used to be beaten continuously for ten minutes and asked to press paper balls and to jump from chair on many ropes below. They again beat me similarly after the swelling used to reduce and this continued for the whole night.

(Adjourned at 5.00 p.m. at the request of adv Khan Abdul Wahab).

**Date : 18/07/13**

**Special Judge**

**Date : 19/07/13**

**Resumed on SA**

I was kept at Kalachowki that night. I was tortured on the next day from 11.00 a.m. without taking care to see that there would be no marks of beating. Khanvilkar beat me by belt on the whole body. I was hanged upside down and beaten. I was laid naked on a wooden see-saw outside the torture room and my hands and legs were tied by rope. A wet cloth was put on my face, because of which I was not able to breath. They had an apparatus with them, by which probably they were measuring my blood pressure and after a certain level was reached, they used to remove the cloth. They stopped the torture after some hours and tied me to a ring

nearby. I was kept in a nearby room known as muddemal room in the evening. I was taken to the torture room at about 7.00 p.m. and at that time I saw accused no. 12 Naveed coming out of the room. His hands and legs were swollen and I saw marks of beatings on his hands. I saw that he was frightened and was finding it difficult to walk. The beating again started. I was stripped naked and beaten severely on my back and buttocks and my legs were stretched 180 degrees 3-4 times. PI Khanvilkar appeared to be very angry on that day and was not looking as to where he was hitting me by the belt and gave me some blows on the head also, because of which I fainted and fell once or twice. I was tortured on 19<sup>th</sup> to 21/10/06 only for the reason that I should acknowledge their fake and concocted story. However, every time I said to them that I am innocent. They brought the accused no. 12 there after some time. His condition was bad. Khanvilkar said to me that he would reduce me to similar condition. I did not accept their story, therefore, they tortured me more. Tajne and Khanvilkar threatened that they would involve my brother also, as there is a SIMI case against him and that they would rape my mother and wife. Thereafter, I became ready to do whatever they said. They stopped beating me. They gave me an ointment to apply over the swellings on the palms and asked me to keep on pressing paper balls and to walk on the ground outside that was having small stones. There was a burning sensation because of the torture in my hands and legs. There was much fluid coming out of my buttocks. Therefore, they asked me to lie face down and gave ointment to apply. I was finding it difficult to walk because of the legs being stretched 180 degrees apart. They told me to do some exercise for that. ASI Awari and some constables took me to KEM Hospital in the night. ASI Awari threatened that I should remain quiet and not tell the doctor anything and should not controvert any of his talk with the doctor. I therefore, remained quiet and did not make any complaint. I was passing blood through urine at that time, which continued for 2-3 days. There were marks of beating on the entire body and there was giddiness because of blows by belt on the head. ACP Dhavle, PI Tajne, PI Khanvilkar, Dinesh Kadam, Varpe, ASI Gyaneshwar Avare, Ghag commander, constables Sangram, Mahesh Bagwe, Bhai commander and 4-5 other persons had tortured me on that day. I was taken back to the ATS office at Kalachowki.

Khanvilkar took me before Raghuvanshi, who came there at about 9.00 a.m. on the next day, i.e., 22/10/06 and asked me about my role in the case. I thought that if I tell him the truth he would save me as he is a superior officer, therefore, I told him that I am innocent, that I am forcibly involved in this case, that they are continuously torturing me since last 2-3 days and forcing me to admit my involvement. Thereupon Khanvilkar abused filthily and said that I have started acting again. He called for belt, rope and sticks. Raghuvanshi asked him to stop and made me sit near him on the ground. My hands were handcuffed to a chair. He then asked me to speak the truth about my role. When I again said that I am innocent he started hitting me on my head with his shoe during which his ring finger came in between the shoe and my head once, because of which he was in much pain. He kicked me and said that he would now break my each and every bone. When I realized that there is no use in telling him the truth, I repeated the story that I had learnt the earlier night. I had seen the accused no. 6 being brought there once or twice during 20<sup>th</sup> to 22/10/06.

PSI Kandharkar and Tonpi took me to Chandanchowki and in the evening on that day, i.e., on 22/10/06, they and some constables took me to the institute at Malad, without telling me anything before taking me out. They asked me to show the road to the institute when the vehicle came on the main road. The institute was closed as it was Sunday. They then took me to my house at Mira Road, where DW-9 Iqbal Qureshi saw me below, but did not ask me anything on seeing the police. My mother and female members were in the house at that time. I was limping at that time, therefore, my mother noticed it and she also noticed the marks of beatings on my hands and face and asked me whether those people were beating me. I kept quiet because of fear, but I signaled to her away from the eyes of the police about being beaten by hand. Kandharkar asked my mother about my mobile repairing articles. Thereupon I told him that all those articles are at Malad. They asked my mother to give my sim card, but it was not found and its cover Art-353 was found. (Witness requests that it be shown to him). The sticker of my mobile number is pasted on it. The sim card no. 8991920000032026618F is written on it. This is the cover of sim card I had purchased from my student Tansen. They took it with them. Sunil Deshmukh was not with us on that day and I had not seen him in Chandanchowki or *en route*. PW-155 PI Tonpi falsely stated and produced false station diary that Sunil Deshmukh was present.

Officer Kandharkar and some constables took me in the vehicle on 23/10/06, but did not tell me where we were going. Sunil Deshmukh and panch witnesses were not with us. I was taken to the institute at Malad and PI Tonpi inquired about me with the supervisor Mushtaq, who told him about my duty time and showed him the record about my attendance from 01/07/06. They asked where my mobile repairing tools are and told him to produce them. Mushtaq produced those tools, which included some computer repairing CDs, which I used to use for installing or upgrading of software. They also collected data cables that were used for connecting mobiles with computers. They filled all the articles in a plastic bag, but did not label it or seal it. No panch witness came there and no panchanama was prepared there. I did not sign on any paper there and no one signed in my presence. Nobody's statement was recorded on that day. I was taken to the Lamington Road from there, which is in Girgaon area and where computer components and electronic items are available. They purchased some items from there and showed them to me. I identified all the components as my background is of electronics. I was then taken to Kalachowki ATS office. *En route* Tonpi and Kandharkar received calls from Khanvilkar and Deshmukh. I was kept in a room and PI Tonpi started writing something on a paper at some distance from me so that I could not see what he was writing. He called me near him after about half an hour and asked me to sign on the paper that was in his hand. He came near me and started beating me when I refused. Tajne came there. I took the paper in my hand and read some portion, thereupon he slapped me and asked me to sign without reading. I realized when I got the copy of the chargesheet that it was a recovery panchanama.

(Adjourned for recess).

**Date : 19/07/13**  
**Resumed on SA after recess**

**Special Judge**

(Witness requests that Exts. 1479 and 1480 be shown to him). Last page of Ext. 1480 did not contain the signatures of any other person when my signature was taken. Exts. 1479 and 1480 were written by PI Tonpi in my presence in the room and they are in his handwriting and they are false. I did not make any voluntary statement of disclosure. (Witness submits that he wants to refer to the contents of the copies of the logbook produced by the learned SPP with Ext. 3928 in connection with the vehicle number MH-01-BA-4331 mentioned in the panchanama). (Witness is referring to the contents of pages 41 to 45 of the documents that are produced with Ext.3928. Hence they are marked as **Exts. 4179 (1 to 3)**). The entry of 23/10/06 shows that PSI Khandarkar had taken that vehicle from Chandanchowki to Malavani to Girgaon to Kalachowki to Naigaon to Chandanchowki. It is the route of 23/10/06 about which I deposed. The entry dated 24/10/06 shows that this vehicle was used by PSI Mane from Chandanchowki to Malavani to Charkop to Chandanchowki. It is my contention that it was used by PSI Kandharkar on 23/10/06 only and Sunil Deshmukh was not with him on that day. (Witness seeks permission to refer to the contents of the copies of the logbook of vehicle no. MH-01-BA-4255 produced with the same application). (Witness is referring to the contents of the log book of the said vehicle that are at pages 15 to 17. Hence, they are marked as **Exts. 4180 (1 to 3)**). The entry dated 22/10/06 shows that the vehicle was used by Sunil Deshmukh on that day from 1230 to 1550 hours from Chandanchowki to Kalachowki to Chandanchowki Juhu. It does not show that it had gone to Mira Road on that day. The entry dated 23/10/06 shows that the vehicle was used by Sunil Deshmukh from 1000 to 1820 hours from Chandanchowki to Kalachowki to Chandanchowki Juhu. It shows that Sunil Deshmukh was not with me on that day, but had gone somewhere else. These entries show that Exts. 1479, 1480 and station diary Ext. 1669 are all false. The evidence of PW-155 Tonpi, PW-129 Raju Tapi and PW-186 S. L. Patil in connection with the recovery from me are all false. (Witness seeks permission to refer to the articles that are shown to be recovered from him in Ext.1480). All my articles that were picked up from the institute on 23/10/06 are not amongst these articles. Art-352 is a Taparia T6 screw driver by which only Nokia mobile can be opened. Art-346 is a soldering gun, which can be used for soldering small components of mobile. PI Tonpi purchased Arts-349, 354, 355, 357, 358 and 359 in my presence at Lamington Road. He had filled all the articles that he had picked up from the institute in the polythene bag Art-345 and had not sealed it by lac or labeled it. All the articles shown to be seized in Ext. 1480 are easily available in the market and are not objectionable. I had not used the articles that were picked up from the institute for any other purpose like preparing timers for bombs and had used them only for repairing mobiles. The FSL report Ext. 2393 confirms this.

I had seen A. N. Roy in the Kalachowki office on 23/10/06. I did not give any voluntary statement of disclosure or express my wish to give any confessional statement during my entire police custody. On the contrary, I was tortured between 19<sup>th</sup> to 23/10/06 to accept the fake story. PW-186 has given false evidence in this connection. I had seen Noorul Huda, accused of Malegaon Blast case, there on 23/10/06 without the upper clothes and being beaten by ACP Dhavale while he was sitting on the ground. Kandharkar and Tonpi took me to Bhoiwada lockup on that day. A constable and a frightened person was with us. I came to know from the talks of Kandharkar, Tonpi and that other person that his

name was Alam, who later on gave evidence in the court as Alam Qureshi. He was saying to the officers that he is in their custody since many days, that there is Eid one or two days thereafter and was requesting them to release him. His full name was Alam Gulam Sabir Qureshi. He has falsely stated that he remained present in the ATS office only once on 02/11/06. I was put in the Bhoiwada lockup along with the accused no. 8. He saw the marks of beating on my body and inquired about them and I narrated the entire history of torture by the ATS because of which the marks were there.

My mother filed complaint in this court on 24/10/06, which was given MA 302/06, in respect of the injury marks that she had seen on my body on 22/10/06. (Witness request that the MA 302/06 be shown to him, so that he can identify his mother's handwriting. Sheristedar reports that there is no MA of that number pending on the balance sheet of this court).

PI Tajne threatened me on 23/10/06 before I was taken to Bhoiwada, that I was being taken to a superior officer and I should sign wherever he says and if I do not listen I would be similarly tortured. PI Khandekar and two constables took me to DCP Sanjay Mohite on 24/10/06. PW-172 B. S. Tambe has falsely deposed that he had taken me there. He was not with me on that day and I did not see him during my entire police custody period. False station diary is produced in that respect. PI Khandekar was continuously present with me, when he took me in the cabin of DCP Mohite. DCP Mohite asked me my name and why I am involved in this case. I told him that I am innocent and was being falsely involved. PI Khandekar slapped, abused and threatened me. I was handed over to local police and taken to GT Hospital. The officer threatened me before being produced before the doctor that I should remain quiet and he will tell whatever is to be told to the doctor. I told him that I am feeling giddiness, thereupon he said that he would take medicine for that. The doctor did not check me and I did not talk with any doctor. The officer talked with the doctor and then the officer took me to the lockup of Azad Maidan Police Station. I was observing roza on that day as ramzan was going on. I was not given any food. I was again produced before DCP Mohite on the next day, PI Khandekar was present there and both obtained my signatures forcibly on some written papers, which I was not allowed to read. My signatures were also taken on blank and written papers on 21/10/06 in the Bhoiwada lockup. I requested DCP Mohite to allow me to read the papers, but he said that PI Khandekar would give me the copies. I was again taken to GT Hospital, but kept outside, the Azad Maidan police officer went inside and came back after some time. I requested him at that time also that I was continuously giddy and to do something for it, but he did not bring any medicine and took me to Kurla (W), where I was made to sit for about 30-45 minutes at a chowki by the side of the police station. PI Khandekar was with me and he continuously threatened me in the chowki also. He gave some instructions to PW 103 Nana Dagdu Shinde of Azad Maidan Police Station and he took me to a building ahead of the chowki. PI Khandekar stayed below. PSI Shinde, two constables and two policemen having rifles produced me before a magistrate. I was not told who he was. He only asked me whether everything is all right. I felt that he was a judge, therefore, I told him that I am falsely involved in the case. He had an envelope before him. He told me that he cannot do anything for me at that time

and cannot open the envelope also and that my lawyer will fight for me in the court. I did not make any complaint of torture to him because of fear and he also did not ask me about police torture. PW-103 talked with PI Khandekar at some distance after I was taken below. PI Khandekar again told me that he is taking me before a judge and I should not complain about torture, otherwise he would beat me more. He produced me before this court and *en route* he kept on threatening me.

Bhatkar madam had passed order in MA 302/06 on 24/10/06 to produce me before her at 1200 noon on 25/10/06, but the ATS did not comply with the order and kept back the order of this court to comply with the formalities of the confession. ATS officers Dinesh Agrawal and Khandekar were present with me when I was produced before madam and were staring at me. Madam Bhatkar asked me whether I was being beaten. However, because of the threats of the ATS officers and fear I said no to her though there were marks of beating on my body. She noticed beating marks on my face and hands and passed order for my medical examination at J.J. Hospital. I was taken to Azad Maidan Police Station, where I was kept for about 45-60 minutes. I was given in the custody of the ATS and taken to the J. J. Hospital. Medical Superintendent DW-6 Arun Sonaram and one more doctor examined my entire body and noted all marks of beating. PI Khandekar and other ATS officers were present. I did not make any complaint to any doctor because of the threats given by the ATS officers. I was taken to the emergency casualty department and my thumb impression was taken on a register. I obtained copy of the page of that register under the RTIA and produced it before this court with list Ext.4171. Office copy of my application dated 04/03/13, is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. Postal receipt is pasted on it. (It is marked as **Ext.4181**). A photocopy of that page was sent alongwith forwarding letter, which are the same now shown to me. (Forwarding letter is marked as **Ext.4182** and photocopy is marked as **Art-482**). I filed first appeal, its office copy is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. Postal receipt is pasted on it (It is marked as **Ext.4183**). The PIO gave some information by his letter, which is the same now shown to me. (It is marked as **Ext.4184**, subject to objection by the learned SPP about its proof). Appellate authority furnished true copy by his forwarding letter, which are the same now shown to me. (Forwarding letter is marked as **Ext.4185** and the true copy is marked as **Ext.4186**, subject to objection by the learned SPP about its proof). Encircled portion contains my thumb impression. My brother Dr. Javed and family physician Dr. Ashfaq Ubare were present during my examination and they noted the injury marks in their diary. I was taken back to Kalachowki. Sachin Kadam gave me a written paper and asked me to memorize it. I memorized some portion in 30-45 minutes. He then did the video shooting of I narrating it. He threatened that if I complained to the court about the torture, they will give the CD of my confessing the crime to the court and to the public.

(Adjourned as court time is over).

**Date : 19/07/13**  
**Date : 22/07/13**

**Special Judge**

## Resumed on SA

I was called in the torture room on the next day at about 9.00 a.m., where Raghuvanshi asked me to become approver and told me that if I do not do so, someone else would become an approver and I would have to hang. He induced me that if I become approver, I would be released within a month. I was then sent out and thereafter accused no. 6 and 12 were taken inside one by one. Tajne brought me in his vehicle to the court and threatened that if I complain about the torture, my family members will be involved in the case and I would be involved in the Malegaon case. I did not complain before the court to madam, because of the threat and fear. I only stated that Sanjay Mohite took my signatures forcibly on some papers. Other accused in this case were remanded to judicial custody on that day. I was kept with accused no. 5, 6, 8 and 12 in the Byculla Prison in view of the submission by the SPP.

PW-161 has falsely stated about my arrest from Malad on 29/09/06 and the station diaries Exts. 1718 and 1719 that he produced in that behalf are false. I had asked for copy of logbook of vehicle of PI Tajne under the RTIA and it is at Ext. 3318, the contents of which show that Tajne had used vehicle no. MH-01-BA-4236 on 28<sup>th</sup> and 29/09/06 and that the vehicle had not gone to Malad on both days and the purpose of visit is shown as office work and not investigation. PW-161 has prepared false panchanama Ext.1742 of my arrest, no panch witness was called in my presence on that day and nothing as mentioned in the panchanama took place. The two panchas used for that panchanama are the regular panch witnesses of the ATS. Sachin Koltharkar and Suresh Mahindrakar have worked as panch witnesses in CR Nos. 243/03 and 277/03 of Bhoiwada Police Station. Sachin Koltharkar is also panch witness in the memorandum of test identification parade Exts.833 and 834. PW-168 Khanvilkar is the investigating officer of CR 277/03. Suresh Mahindrakar has acted as panch witness in MCOC 16/06 and 23/06. I have obtained documents of CR 277/03 from PIO, Central Control Room, Dadar under the RTIA and it is at Ext. 2906. Its contents show that PSI Awari is the complainant and Pritam Mhatre, Suresh Mahindrakar and Sachin Kolthalkar are panch witnesses. Panchanamas Exts.2901 and 2903 show that Suresh Mahindrakar is the panch witness and Exts.2904 and 2905 show that Sachin Koltharkar is the panch witness. I obtained certified copy of chargesheet of CR No. 243/03 from Dadar Court, it is the same now shown to me. (It is marked as **Ext.4188**). It shows that Suresh Mahindrakar is also a panch witness in that case.

PW-186 has given false evidence about my arrest, because I was in illegal detention from 25<sup>th</sup> to 29/09/06.

PW-129 Raju Tapi has acted as panch witness in other cases also. I obtained certified copy of panchanama Ext.3336 from Sewree Sessions Court, Ext.20 in SC No. 598/10. I produced certified copies of depositions Exts.23 and 26 in the sessions case, they are the same now shown to me. (They are marked as **Exts. 4189 and 4190**). I sent an application under the RTIA on 14/04/12 to the PIO and ACP, West Division, Bandra to obtain copy of bond given by PW-129. I got it from the appellate officer alongwith two forwarding letters, they are the same now shown to me. (Application is marked as **Ext.4191**, forwarding letters are marked as **Exts. 4192 and 4193** and certified copies of bond and its accompaniments are



marked as **Ext.4194**, subject to objection by learned SPP about its proof). PW-129 is the regular panch of the police and he has give false evidence and had identified me in the court on the showing of PI Mohite.

PWs-102, 103, 174, 177 and 186 have given false evidence in connection with my alleged confessional statement. The contents of Exts.1033 and 1037, Part-I and Part-II of the alleged confessional statement are false. PW-102 did not ask me any questions and I did not give any answers as mentioned in Exts.1033 and 1037 and the story written in Ext.1037 is the concocted story of the ATS. My signatures have been forcibly taken on the alleged confessional statement as they were taken of the accused in MCOC 23/06.

I had sent an application, office coy of which is at Ext.3312 under the RTIA to the ACP and PIO, CP office, Mumbai on 19/04/12 and obtained the information Exts.3079 alongwith forwarding letter Ext.3080. PW-103 has falsely stated that he had given statement on 26/10/06 to PW-186 ACP Patil, because ACP Patil was in the court from morning to evening and PW-103 was on duty in Mobile Van-I from 8.00 a.m. to 8.00 p.m. as is seen in the information Ext.3047 (1 to 3) obtained by the accused no.8.

I was not produced before the CMM as per the order given by PW-102 to PSI Shinde PW-103, but I was produced before S. Y. Shisode, who was not the incharge CMM on that day as is seen from the information Ext. 3329 alongwith forwarding letter Ext.3328 from the PIO, Esplanade court, Mumbai that I obtained under the RTIA by my application, office copy of which is at Ext. 3384. I obtained information Ext.3372 alongwith forwarding letter Ext.3371 by my application under the RTIA, office copy of which is at Ext.3370, which is the outward register of 2006-2007 of confidential section and shows that no confessions were verified by S. Y. Shisode between 01/10/06 to 30/11/06. The information supplied was incomplete, therefore, I filed appeal and as per the order in the appeal, the information Ext.3315 was supplied alongwith forwarding letter Ext.3314, which shows that S. Y. Shisode had not forwarded any confessional statement and mentions that S.S. Shirke had forwarded the confessional statements of the accused whose names are mentioned therein. I obtained certified copy of confessional statement Ext.3346 in MCOC 04/09 from this court, which shows that PW-102 has recorded a confessional statement in 2008 also.

I obtained certified copy of station diary entries Ext. 3072 from 17<sup>th</sup> to 28/07/06 from the DCB CID alongwith the forwarding letter Ext.3367 as per my application, copy of which is at Ext.3366. The entry no. 18 dated 21/07/06 shows that I attended the Crime Branch on that day and was inquired with, it contains my phone number 9224446830 and my residential address and entry no. 21/04/06 shows that statement of my brother Khalid Ansari was taken on that day. Many entries in this station diary show that Crime Branch had made inquires with many people in connection with the bomb blasts in this case.

I gave an application on 15/10/12 to PIO, CP office, Mumbai for obtaining information in respect of PI Shinde. Its photocopy is the same now shown to me. (It is marked as **Art.483**). I received two information along with three forwarding letters, which are the same now shown to me. (The two forwarding letters are

marked as **Exts. 4195 (1 and 2)** and the information is marked as **Ext. 4196**, the second forwarding letter is marked as **Ext.4197** and information is marked as **Ext.4198**, subject to objection by learned SPP about their proof). Ext.4198 shows that disciplinary action was twice taken against PSI Shinde.

We were put in Byculla Prison on 26/10/06 and the jail doctor examined us on the next day. I obtained the information under the RTIA. Ext.2136 in respect of my health screening sheet shows injury marks. Ext.2137 shows that PSI Patil had taken me and the other accused in the prison at 5.25 p.m. Ext.2138 shows that I and the other accused were transferred to Mumbai Central Prison at 5.35 p.m.. Exts.2139 to 2142 are the health screening reports of the accused no. 5, 6, 8 and 12. Ext.2139 shows injury marks on the accused no. 5.

The medical report about my examination in the J. J. Hospital on 25/10/06 was received in this court on 26/10/06, but it is not found. I obtained its certified copy Ext.1744. The injury marks written in it are similar to the injury marks in the certified copy of OPD register Ext.4186. One injury mark in the OPD register remained to be written in the medical report. They show that PI Khandekar and constables of the ATS had produced me before the medical officer.

We were lodged in the MCP on 27/10/06 where we were not medically examined, were kept in barrack no. 1, which is not high security cell and except the accused no. 6, Govind Patil transferred remaining of us in Anda barrack on 07/11/06. Many ATS officers came to meet us during the period from 27/10/06 to 07/11/06. Govind Patil took the accused no. 5, 6 and 12 from the cell many times saying that the ATS officers had come. They told me on returning back to the cell on my asking that they were being asked to become approver. The accused no. 12 told me that he was offered Rs. 25 lakhs, job in Gulf and a flat. I asked Govind Patil on 07/11/06 why the accused no. 6 was not kept with us and he told me that they have special instructions from Raghuvanshi and that they are the bridge between us and the ATS. I, accused no. 2 and 4 were taken out from the Anda cell at 12.35 p.m. and made to stand in the open ground in between the main gate, i.e., Lal gate and the barrack. Some formalities were done there, but I did not understand them. Two-three persons came and pointed to the accused no. 4 and we were kept back at 12.40 p.m.

(Adjourned for recess).

**Date : 22/07/13**  
**Resumed on SA after recess**

**Special Judge**

(Witness requests permission to refer to Ext. 2474. Permitted). It is the gate register of Anda barrack and it shows that I, accused no. 5, 8 and 12, were put in Anda barrack at 7.30 a.m. on 07/11/06 and it contains the signature of Govind Patil. It also shows that I, accused no. 2 and 4 were taken out of the barrack at 12.35 p.m. and put back at 12.40 p.m. All these entries were made before me. I did not know at that time what an identification parade. I came to know about it when I received the copy of the chargesheet and read the memorandum dated

07/11/06. The events written in Ext.833 did not happen and false evidence has been given by witnesses in this connection, including the SEO.

ATS officers kept on coming in the prison after 07/11/06 and gave inducement and threatened my co-accused to become approver. The accused no. 6 and 12 have given many applications to the court in this connection. We all told about this to the judge when we were produced before her on 09/11/06. We also told her that we are falsely involved, our confessions are taken after torturing us and that we are retracting them. The court directed our advocates to give the complaints in writing. I got my complaint written from my advocate Asif Kitterkar and filed it in court. Ext. G now shown to me is the same, it is in the handwriting of my advocate, it bears my signature and its contents are correct. (It is marked as **Ext.4199**). My advocate also filed an application for correction of the roznama dated 26/10/06 as accused no. 5's name was wrongly written in place of my name. (Witness submits that he wants to refer that application. Sheristedar reports that it is not found. Witness submits that he has obtained and wants to produce its certified copy). The certified copy is the same now shown to me. (It is marked as **Ext.4201**, subject to objection by the learned SPP about its proof). There was no correction in the roznama dated 26/10/06. Therefore, I sent an application Ext.3448 from the prison about it.

I asked my co-accused about my reference in their confessional statements on going through the copies of confessional statements of all accused and they all told me that they have been falsely involved.

An ATS constable on a motor cycle with a witness behind him followed us from the prison to the court on 18/02/07. Therefore, I and some of the co-accused filed a joint complaint MA 802/07. It happened many times that many witnesses identified us on the pointing out by the ATS officers. PW-75 Amar Sardar Khan identified me on the pointing out by ATS officer and gave false evidence. It happened many times during police custody that the ATS officers brought several persons and showed us to them and told them that they would have to identify us later on. I had seen PC Jagdale pointing out accused no. 2 Tanveer to PW-17 and he identified him in the court accordingly.

PW-75 stated that he had used his bike when he had gone to Govandi 4-5 days before the blasts. I obtained the information Ext.3334 that motor cycle no. MH-03-AG-794 was registered on 16/08/06. I obtained Ext.3358, certified true copy of station diary entries of Parksite Police Station from 11/07/06 to 20/07/06 under the RTIA. SDE no. 6 dated 12/07/06 shows that PW-75 Amar Sardar Khan was brought to the police station 5.05 a.m. in connection with the inquiries of the blasts. SDE no. 25 dated 12/07/06 shows that PW-75 Amar Sardar Khan was inquired with in connection with the blasts and was released at 10.10 a.m. SDE no. 43 dated 12/07/06 shows that the accused no. 8 Abdul Wahid was called and released after inquiry. Many entries show that Park Site Police Station had made inquiries with many persons in connection with the bomb blasts.

I had sent an application to the PIO, CP office, Mumbai to obtain information regarding inquiry conducted by Crime Branch in the present case. I got the information, i.e., certified true copies of the station diary entries from 16<sup>th</sup> to

21/07/06 of the Crime Branch alongwith order in appeal and two forwarding letters. The office copy of the application is the same now shown to me, it bears my signature and its contents are correct. The other documents are also the same. (Office copy of the application is marked as **Ext.4202**, forwarding letters are marked as **Exts.4203 to 4205** and the information is marked as **Ext.4206**, subject to objection by the learned SPP about their proof). SDE no. 10 dated 17/07/06 shows that the accused no. 8 Abdul Wahid was called at Ghatkopar by the Unit-VII of the Crime Branch for inquiry. SDE no. 12 dated 17/07/06 shows that I was picked up from Jogeshwari for inquiry and address of my house at Mira Road is written in it along with my phone number 9867244681. SDE no. 15 dated 17/07/06 shows that API Kale and Kamble and other staff went to Mira Road and Jogeshwari for inquiry in connection with the bomb blasts. SDE no. 11 dated 18/07/06 shows that my brother Dr. Javed was called, his statement was taken and he was released and it mentions the phone number 9224446830 that was used. SDE no. 8 dated 26/07/06 shows that the accused no. 6 Mohd. Ali was inquired with in connection with the blasts, but no information was obtained. The name of one Ubedur Rehman, age 29, is also mentioned in the entry. He is cited as a witness in the final report Ext.2451 of this case. SDE no. 2 dated 30/07/06 shows that PI Kadam, API Kamble and other staff went to Karnataka State for making inquiry about Riyaz Bhatkal.

I had sent an application under the RTIA on 05/12/12 to obtain certified true copy of station diary entries of Unit-VII of DCB CID. The office copy of the application is the same now shown to me, it bears my signature and its contents are correct. The other documents are also the same. (Office copy of the application is marked as **Ext.4207**, forwarding letters are marked as **Exts.4208 and 4209** and the information is marked as **Ext.4210**, subject to objection by the learned SPP about their proof). SDE no. 7 dated 13/07/06 shows that API Kamble and a PSI had inquired with PW-75 Amar. SDE no. 12 shows that API Kamble had made inquiry in connection with the blasts by traveling in the local trains from Churchgate to Mira Road and Vasai for inquiring with daily commuters. SDE no. 8 dated 14/07/06 shows that the accused no. 6 Mohd. Ali was inquired with. SDE no. 11 dated 14/07/06 shows that Gulistan Sardar Khan, brother of PW-75 was inquired with. SDE no. 9 dated 16/07/06 shows that Ubedur Rehman Abdul Rehman, age 29 years, was inquired with. His name is mentioned as witness in Ext.2451. There are many entries that show that the Crime Branch had inquired with many people in connection with the train blasts.

I had sent an application under the RTIA on 20/02/12 to the PIO and ACP, Crime Branch, Mumbai to obtain certified true copy of station diary entries of Anti-Robbery Squad. The certified true copy of station diary Ext. 3322 shows that ATS officer Alaknure reported at 10.00 a.m., went to ACP office at Bhoiwada and returned at 1345 hours. PW-76 Ambekar and PW-75 Amar gave false evidence that their statements were recorded after 2.00 p.m. on that day.

I had sent an application under the RTIA on 17/05/12 to the PIO, Anti-Robbery Squad to obtain certified true copy of station diary entries of Anti-Robbery Squad in connection with PW-76. The certified true copy of station diary Ext. 3331 shows that PW-76 has falsely deposed that he had not gone on duty on 28/10/06. Entries

no. 7 and 9 dated 28<sup>th</sup> and 29/10/06 show that he reported on duty at 09.00 p.m. He falsely stated that he went on duty on the next day morning and that the Crime Branch staff had no fixed timing of duties. The entries of 26<sup>th</sup> to 29/10/06 show that he reported for duty on fixed timing at 9.00 p.m. and entries of 31/10/06 to 08/11/06 show that he reported for duty on fixed timing at 10.00 a.m. I had sent an application under the RTIA on 13/12/12 to the PIO, CP office and had obtained certified true copies of station diary entries of Anti-Robbery Squad from 11/07/06 to 31/07/06 alongwith three forwarding letters, which are the same now shown to me. (Forwarding letters are marked as **Exts. 4211 to 4213** and information is marked as **Ext.4214**, subject to objection by the learned SPP about their proof). There are many entries in Ext. 4214 that show that PW-76, PW Alaknure, PI Salaskar, Mayekar and staff of the Anti-Robbery Squad had continuously made inquiries about the blasts and for that purpose had visited many places at Mira Road, Mumbra and Thane. PWs-75 and 76 gave false evidence. I had never seen and met the other co-accused except the accused no. 4 and 8 before my illegal detention and I did not know them. I did not go to Govandi and Bandra from 1<sup>st</sup> to 11/07/06 and whatever is written in my alleged confessional statement as well as the confessional statements of other co-accused is false. PWs-173, 75 and 76 have given false evidence about it.

(Adjourned at 5.00 p.m. at the request of adv Khan Abdul Wahab).

**Date : 22/07/13**

**Special Judge**

**Date : 23/07/13**

**Resumed on SA**

(Witness requests permission to refer to Ext.3077. Permitted). This information was obtained under the RTIA from the RTO office, Worli and it shows that the motor cycle MH-03-AG-794 was registered in the name of Sameer Khan, brother of PW-75 and he is shown as owner till 16/07/12 and no one was its owner prior to 16/08/06. PW-75 deposed falsely about it. I had not seen him or the other witnesses who deposed in respect of the identification parade on 07/11/06. The contents of Ext.834 are false.

I have produced certified copy of MA 302/06 alongwith the roznama today with an application. The MA contains the signature of my mother, which I know and identify and its contents are correct. (Certified copy of noting is marked as **Ext.4219** and MA 302/06 is marked a **Ext.4220**, subject to objection by the learned SPP about its proof).

I filed application Ext.3450 to trace and exhibit the original medical certificate dated 26/10/06. I took permission from this court twice or thrice for searching the original certificate, but I did not find it. It is a proof of my innocence and the torture by the ATS, therefore, the ATS officers have deliberately taken it out from the court record.

I had applied for certified copy of the confessional statement of accused Sadiq Israr. Ext.3350 is the certified true copy of my application to the Registrar on 20/12/11 for furnishing the certified copies of confessional statement of accused Sadiq Israr and other documents. It contains the endorsement of the Sheristedar that it is not found in the R & P of MCOC 04/09. I did not get the copies, therefore, I sent complaint to the Registrar from the prison on 14/05/12, its copy was forwarded to this court alongwith the letter of the Supdt., MCP bearing outward number 2226 dated 14/05/12, it is the same now shown to me. It is a photocopy, but my signature is original and its contents are correct. (It is marked as **Ext.4221**). I did not get the certified copy even then, therefore, I complained to the Principal Judge of this court on 11/06/12. Its office copy is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.4222**). I got the certified copy Ext.3725 and produced it in court. Sadiq Israr confessed before DCP that he, Dr. Shahnawaj and his accomplice of Indian Mujahedin had committed the blasts in Mumbai on 11/07/06. It is my say that the ATS had deliberately taken out the confessional statement of the said accused from the record of the court and when we approached the High Court for calling the DCP to prove the confessional statement, I got the copies. I had made many applications under the RTIA and I came to know that the ATS sent letter to the Mumbai Suburban District Collector to suppress the information that I was asking. I sent an application dated 21/12/12 to the PIO, office of the Collector, Bandra (E) for obtaining information. Its office 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.4223**). I got the reply from the PIO by which a photocopy of letter was sent. (The letter is marked as **Ext.4224**, subject to objection by the learned SPP about its proof). I filed first appeal and it was allowed and as per the direction in the appeal, I sent money order of Rs. 52/- alongwith my letter dated 29/04/13. Its office 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.4225**). I got the reply from the PIO by which certified true copies of two letters were sent. (The forwarding letter is marked as **Ext.4226**, letter from PIO to the PI, ATS is marked as **Ext.4227** and the letter by PI, ATS to the PIO is marked as **Ext.4228**, subject to objection by the learned SPP about their proof). PI, ATS had directed the PIO of the Collector Office not to give information to us.

(Adjourned for recess).

**Date : 23/07/13**

**Special Judge**

**Resumed on SA after recess**

I had applied to the Registrar (S) for obtaining certified copies of remand applications, but I got only those that were filed in this court and I was told by the clerk that the remand applications filed in the Mazgaon court were not sent to this court. Therefore, I applied under the RTIA to the Mazgaon court and I got reply alongwith forwarding letter which are the same now shown to me. (Forwarding letter is marked as **Ext.4229**, internal letter is marked as **Ext.4230** and photocopies of other correspondence are marked as **Arts.484 and 485**). I had sent an application to obtain certified copy of the letter of the ATS by application dated 08/05/13 and I got the certified copy of the letter alongwith forwarding

letter. Its office copy is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.4231**, forwarding letter is marked as **Ext.4232** and certified true copy of letter along with photocopies of gazette is marked as **Ext.4233**, subject to objection by the learned SPP about their proof). Ext.4233 shows that PI D.N. Mohite of ATS had sent the letter to PIO, Mazgaon court that the ATS is exempted from the operation of the RTIA u/s 8(1) (b) and no information should be given. The ATS has restrained me from obtaining copies of the remand application of this case also and has deprived me of my legal right to defend myself.

I had sent an application under the RTIA on 20/09/11 to the PIO, Borivali court to obtain certified copies of chargesheet of a case. Its carbon copy and carbon copy of reminder dated 21/11/11 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.4234 and 4235**). I got the certified copy of the chargesheet Exts.3418 and 3419 of CC No. 1246/PW/07, which I gave to the accused no. 13 as they are related to him and he filed it with his written submissions u/s 313 of the Cr. P. C.

I had sent an application under the RTIA on 19/03/12 to the PIO, Borivali court to obtain certified copies of chargesheet of a case. Its office copy is the same now shown to me, It is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.4236**). I got the certified copy of the chargesheet Ext.3435 and Art-452 of CC No. 934/PW/10, which I gave to the accused no. 13 as they are related to him and he filed it with his written submissions u/s 313 of the Cr. P. C.

I had sent an application under the RTIA on 18/04/11 to the PIO, ACP, Madhya Pradeshik Vibhag, Byculla, Mumbai to obtain certified copy of chargesheet of CR 204/07 of Kalachowki Police Station. I got the certified copy of the chargesheet Exts.3192 to 3198, which I gave to the accused no. 2 as they are related to him and he filed it with his written submissions u/s 313 of the Cr. P. C. Ext.3175 is in my handwriting, it bears my signature and its contents are true.

I and the other accused had made an oral complaint to this court while we were in judicial custody, about the ATS officers coming to the prison and asking us to become approver. The accused no. 6 and 12 filed written applications for this purpose. Swati Sathe put us in the general barrack with general criminals and gangsters as we did not listen to her and the ATS. There was no place for keeping our chargesheet, there was filth there and smoking. We complained about it to this court. I do not smoke, therefore, I was deliberately kept with smokers. There was threat to our lives from the gangsters. Therefore, we gave applications Exts. 93, 100 and some more in that behalf.

The jail authorities misbehaved with our family members when they came for mulakat and also did not give us the law books that they brought. I and accused no. 8 complained to the DIG, Prisons about it on 12/06/08. Its carbon copy is the same now shown to me, it is in my handwriting, it bears my signature and signature of the accused no.8 and its contents are correct. (It is marked as **Ext.4237**). Swati Sathe, Govind Patil and the ATS officers conspired and sent us

to Nagpur and Kolhapur Central Jails by raising false alarm on 28/06/08 and by beating us severely, to take revenge about the complaints that we made against them in the court. We were kept away from our family members and lawyer for 15 months in order to prevent us from preparing our defence. I saw PSI Sachin Kadam of ATS in the office of Swati Sathe when I was going out of the prison on that day. I, accused no. 5 and 9 sent complaint about this torture to this court from Nagpur Prison. It was given MA 338/08. I am producing its carbon copy alongwith an application now. It is the same now shown to me, it is in my handwriting, it bears my signature and the signatures of the other two accused and its contents are correct. (It is marked as **Ext.4239**). This court ordered the CMM to make inquiry in the complaint and after inquiry CC No. 120/SW/09 was filed against the prison officers and it is pending. Some co-accused and relatives filed a petition in the High Court in that connection and the High Court directed the Principal Judge of this court to make inquiry and after inquiry the Principal Judge came to the conclusion that the accused in this case are tortured for extraneous reasons. It is my say that the extraneous reason is that we did not succumb to the pressure of Swati Sathe and the ATS to become approver. We were brought back to the Arthur Road Prison after the order of the High Court.

I sent an application to this court about the events in the prison during judicial custody and the court converted into a bail application, which was given BA No. 57/07. It is the same now shown to me, it is in my handwriting, it bears my signatures and its contents are correct.

I sent a complaint u/s 200 of the Cr. P. C. from the prison against ATS officers and Dr. S. Malini and it was given MA 792/07. It is the same now shown to me, it is in my handwriting, it bears my signatures and its contents are correct. BA 57/07 and MA 792/07 are still pending. I had filed applications Exts.3121 and 3552 for hearing them.

I sent an application to the Chief Justice from the prison on 02/07/07, its photocopy is in my handwriting, it contains my signature and the endorsement of the jailor in original, it is the same now shown to me and its contents are correct. (It is marked as **Ext.4240**). I did not receive reply for two years, therefore, I sent reminder on 30/11/09. Its carbon 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.4241**). I sent a letter to the Registrar on 01/02/10 in connection with the above two letters. Its carbon 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.4242**). I did not get any reply. Therefore, I sent a petition to the Chief Justice on 08/10/12. Its photocopy copy now shown to me is the same, it bears the facsimile of my handwriting and signature and the endorsement of the prison officer in the original and its contents are correct. (It is marked as **Ext.4243**). It was registered as WP No. 3788/12 and it was partly allowed on 02/04/13. Certified true copy of the order is the same now shown to me. (It is marked as **Ext.4244**).

All my applications to this court and the High Court show that I have full faith in the judiciary and in this court.



I filed applications under the RTIA to the FSL, Bangalore and the ATS Nagpada to obtain CD of my narco test, but I did not get it. I came to know in the Nagpur Prison that Dr. Malini had obtained her post by committing fraud and had furnished false certificates and she was dismissed from service and a crime was registered against her. I obtained certified copies of FIR Ext. 3326 and complaint Ext. 3327 of CR No. 27/10 registered at Ulasoorgate Police Station, Bangalore under the RTIA. CBI filed a report in the Kerala High Court in the matter of unnatural death of Sister Abaya, that the CD of narco test prepared by Dr. Malini was edited. Dr. Malini was a corrupt officer and the ATS conspired with her and prepared CD that suited them. She had played with our lives by doing an illegal narco tests, though she was not competent to do it.

ACB filed CR No. 8/10 against PW-168 Khanvilkar and filed chargesheet against him. I have produced certified copy of final report and sanction order. (They are marked as **Exts. 4245 and 4246**, subject to objection by the learned SPP). These documents show that PW-168 is a corrupt officer and he and other officers had tortured me.

I have produced page no. 12 of Mumbai Mirror dated 17/06/13 in connection with the action taken against Shailesh Gaikwad in respect of he taking protection money from dance bars in Thane, when he was in-charge of the Property Cell. (It is marked as **Art-486**). It contains his photograph and the photograph of Raghuvanshi. Shailesh Gaikwad is the same officer who had tortured me during illegal and legal custody.

I had read in the newspapers when I was in the Nagpur Prison that Indian Mujahedin had hand in the blasts that took place on 11/07/06 and I have produced the news cuttings Arts. 434 to 437 and Exts.3018 and 3019 alongwith my statement u/s 313 of the Cr. P. C. Art- 436 contains the photograph of accused Sadiq Israr, DW-33, on the front page of Times of India. Art-437 contains his photograph and photographs of Riyaz Bhatkal, Mohd. Kaif, Dilshan Shaikh and others who were involved. Hasan Gafoor, CP, Mumbai, Jt CP, Crimes, Rakesh Maria and ATS Chief Karkare held a press conference on 06/10/08 and declared that Indian Mujahedin are involved in the 7/11 train blasts. The Indian Government had sent a dossier to the Pakistan Government in this connection in February, 2010 mentioning that Riyaz Bhatkal and Dr. Shahnawaj are involved in the 7/11 train blasts. My co-accused made many unsuccessful efforts to obtain its copy. A summary was published in the Indian Express in March, 2010, copy of which I produced and is the same now shown to me. (It is marked as **Art-487**). I request this court to issue direction to obtain copy of the dossier so that the truth will come to the fore.

Gopinath Munde had raised a question in the Assembly in December, 2008. I sent an application under the RTIA on 05/01/09 to obtain the copy of the discussion. Its carbon copy is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.4247**). I received the complete information Art-441 alongwith the forwarding letter Ext.3348, which incorrectly mentions my father name as 'Marg\_hoob', which is also so written by DCP Mohite in Exts. 1033 and 1037. It is my say that this type of mistake is committed when one writes Hindi on reading English and not by hearing.

Police Station Octopus, Hyderabad has filed chargesheet, CR No. 01/08 in Gokulchat blasts case, in which it had filed copy of e-mail sent by Indian Muhaheedin to newspapers, in which it was claimed that 7/11 blasts were done by them. I obtained certified copies of the e-mails Arts-444 (1 to 3).

My brother had sent a telegram on 11/08/06 to me when I had gone to my native place and had given photocopy Art-443 of the application on my return to Mumbai and told me that Shailesh Gaikwad had taken the original copy of the application of call and the receipt. I sent an application, carbon copy of which is at Ext.3362, under the RTIA on 05/04/12 to the PIO, BSNL for obtaining information about the telegram. It is in my handwriting, it bears my signature and its contents are correct. I received reply Ext.3363 that the telegrams are preserved for three months from the date of booking.

I tried to obtain CDR of my mobile to prove my innocence, therefore, I sent an application to Bharti Airtel on 06/02/12. Its carbon 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.4248**). I had also written a letter to Tata Teleservices to obtain CDR of my Tata mobile. Its carbon copy alongwith the Registered AD slip 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.4249**).

(Witness requests permission to refer to CDR Ext. 3814. Permitted). The calls dated 12<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, and 16/08/06 from mobile no. 9969102939 was from Shailesh Gaikwad. The CDR is provided upto 17/08/06. The witness has not provided the CDR from 16/07/06 to 03/08/06 and from 18/08/06 onwards as I had stated in my written submissions with my statement u/s 313 of the Cr. P. C. that I was attending Unit-VII of the Crime Branch during the first period and in illegal detention from 18<sup>th</sup> to 22/08/06. This mobile number 9224446830 used to remain at home and it used to happen infrequently that it was taken out of the house by the family members when they went out of the house. If the CDRs from 18/08/06 would have been produced, it would have shown the calls made by the ATS officers to that number and the calls made to the ATS officers and many incoming and outgoing calls to my Airtel number 9867244681. There is a call from no. 9324301673 on 06/08/06, which is the number of my brother Dr. Javed and I have taken permission from this court many times to call on that number.

(Adjourned as court time is over).

**Date : 23/07/13**

**Date : 24/07/13**

**Resumed on SA**

**Special Judge**

There is an outgoing call to 9224225705 on 13/07/06. This number is of my sister and there are many incoming and outgoing calls from this number. There is an incoming call on 31/05/06 from number 28805638, which is of my Malad office. There are many calls in this CDR from and to the numbers of my family members and same is the case in respect of the CDR of my Airtel mobile.

(Witness requests permission to refer to CDR Ext. 4101. Permitted). There are eight incoming and outgoing calls from 20<sup>th</sup> to 24/07/06 to my Tata mobile number 9224446830. Many calls in this CDR are from the mobile number 9324301673, which is of my brother Dr. Javed. There is an incoming call from my Malad office number 02228805638. The tower locations of my mobile from 5<sup>th</sup> to 10/07/06 are at Mira Road, Malad, Jogeshwari, Bhaynder and Borivali. The tower locations of my mobile on 11/07/06 are at Malad, Jogeshwari, Mira Road, Malad (E), Kashimira and Borivali(E). I did not go to Carter Road, Bandra and Govandi during this period. My mobile was continuously with me during this period. There are few calls of the accused no. 4 and 8 in the CDR, but no calls of any other co-accused and I do not know them. My wife, student Ayub Shaikh and sometimes Bilal Kadiwala used to get calls on my mobile and make calls from my mobile. My family members used to call from my mobile. I had made and received many calls from the ATS and CDR of the further period would have shown them. PI Dinesh Ahir had called me from his mobile number 9322223301 on my mobile. Shailesh Gaikwad had called me from his mobile number 9969102939. I do not remember the numbers of the other ATS officers. The CDR falsifies contents of my confessional statement and that of the co-accused.

(Witness requests permission to refer Ext. 3377. Permitted). I had obtained the information Ext.3377, true copy of logbooks of three vehicles and I gave it to the accused no. 8 as he required it for his defence and he produced it. (Witness requests permission to refer Ext. 2880. Permitted). It is the certified copy of the chargesheet alongwith photographs of the encounter registered at Antop Hill Police Station.

An unknown ATS police officer wrote a letter to the President, Governor, Home Minister and other authorities on 03/11/06 stating that all the arrested accused in the 7/11 blasts case are innocent and are not concerned with the incident and chargesheet was filed as the superior officers of the ATS pressurized the other officers and that if he and ATS officers are called, they would satisfy the authorities. A news about it was published in Roznama Urdu Times, Mumbai on 05/11/06. Zee 24 Taas had shown this letter on the television on 15/10/08 at 9.00 p.m. and members of the Indian Mujahedin were shown and it was said that because of their arrest the ATS is put to shame. I had seen the CD. It is produced in court. I request this court to see this CD once before judgment. I can identify the news item if the CD is played and I request that it should be played. (The request is rejected as the application Ext. 2356 containing the prayer that CD should be taken on record has been rejected on 17/02/13, as the application Ext.3737 calling upon the prosecution to admit the contents of the CD produced by the A12 in his statement u/s 313 of the Cr. P. C. was also rejected on 09/04/13 and in view of letter Ext. 2975 from Vice President- Administration of Zee News Ltd).

I had seen the broadcast of the press conference taken by Hasan Gafoor and others on 06/10/08. I obtained certified copies of remand application, sanction order and confessional statements of Ansar Ahmed, Badshah Shaikh and Mohd. Arif in CR No. 154/08 of DCB CID and produced them before the court. Accused Ansar had stated in his confessional statement before the DCP, certified copy of which is at Ext.

2843, that Sadiq had told him that they had committed the blasts in Mumbai in 2006. Ext.2844, confessional statement of Mohd. Arif shows that he had stated before the DCP that there were seven bomb blasts in the railways in Mumbai and he became sure that they were done by Mohd. Sadiq and others. Copy of RA 114/08, Ext. 2845, shows that ACP Ashok Duraphe of DCB CID had mentioned in the application that accused Afzal Mutalib Usmani and the wanted accused Riyaz Bhatkal @ Roshan Khan, his brother Iqbal Bhatkal @ Mohd.Ali under their leadership had formed an organized crime syndicate in the name of Indian Mujahedin of his associates and their continuing unlawful activities of serious crimes, i.e., bomb blasts at Jaipur, Ahmedabad, Hyderabad, Varanasi, Lucknow, Delhi and 7/11 Mumbai suburban railway bomb blasts. Ext.2842 is the sanction order issued by PW-165 Vishwas Patil under the Explosives Act and Ext.2847 is the sanction order for prosecution accorded by Chitkala Zutshi, Addl. Chief Secretary, Mumbai under Unlawful Activities (Prevention) Act, wherein it is mentioned that Indian Mujahedin has committed serious offences, i.e., bomb blasts all over India, i.e., Mumbai, Bangalore, Hyderabad, Jaipur, Ahmedabad, Surat and Delhi since 2005. The sanction order Ext. 2842 was given on 21/01/09 and since 2005 to that day the bomb blasts of 11/07/06 was the only incident of bomb blasts in Mumbai. All these documents show that 7/11 blasts were done by Indian Mujahedin and not by us. Crime Branch had informed about this investigation to the ATS. Hemant Karkare was the ATS chief at that time, but after his death in the attack on 26/11/08, K. P. Raghuvanshi became the chief. Raghuvanshi arrested Sadiq Israr in this case and forced his junior officers to obtain his fake statement u/s 164 of the Cr. P. C. to hide the wrong investigation done by him in this case. Said statement does not contain the signature of the accused though it is compulsory. He got the said accused discharged from this case on the basis of that statement. There was an injustice on us as the ATS arrested and discharged him behind our back when we were in the Nagpur prison. The papers filed by the ATS at the time of the discharge show that they did not inquire with Ansar Ahmed and Mohd. Arif, which shows the conspiracy to involve us falsely and to hide the false investigation of this case.

I am fully innocent. I was never member of SIMI, L-e-T and any organized crime syndicate. The documents filed in this connection against me in the chargesheet are all false and not a single witness is examined to show my connection with SIMI. ATS has falsely alleged that I had hidden some Pakistanis in my house. I have not purchased or rented any house other than the house at Mira Road. ATS has falsely alleged that I prepared timers for the bombs at the house of the accused no. 6 Mohd. Ali, that there was a conspiratorial meeting at my house and that I helped in transporting the bombs from Govandi to Bandra. I knew only the accused no. 4 and 8 before 11/07/06 and I had no contact with any other co-accused and I saw them only in my illegal detention, during police custody and judicial custody. All witnesses examined against me are false and are informers of the police or in their contact. The ATS has produced false documents against me. The ATS filed false statements of DWs-8 and 9 and did not examine them though we insisted. It did not examine independent and normal witnesses, but examined tutored PWs-129 and 75. All the allegations in the final report Ext. 2451 and in the charges are false and to prove them ATS wrongly applied the provisions of the MCOC Act, in order to

forcibly extract confessional statements from us. It did not examine the magistrate to verify my alleged confessional statement and those of the accused nos. 5, 6 and 12. All the contentions in the confessional statements of the other accused in my connection are false. The ATS has filed false chargesheet in this case as per the chargesheet in the Malegaon case and has cheated this court and the people of the country. I request that the case be re-investigated to bring forth the truth and I be released on bail till it is completed.

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

It is not true that I have made several applications to this court and all are in my handwriting and in English. (Witness requests that the questions be asked in Hindi). I have made many applications to this court in my handwriting and many are in English. It is not true that I have deliberately given a false answer to the first question. It is not true that all the mobile phones that I was using were not in my personal name. It is true that all the mobiles that I was using were not in my name. It is true that a person can use a mobile phone that is in the name of another person. It is true that CDR will show the particular location of the mobile handset.

1. Do you therefore agree that the mobile phone CDR will not establish in whose possession that mobile is at a particular time?

(Learned advocate Sharif Shaikh objects on the ground that the witness is not an expert and specific question should be asked about a particular mobile. Learned SPP submits that it is a question of general knowledge. Objection overruled).

I cannot tell much about the CDR.

(Cross-examination deferred in view of application Ext. 4251).

**Date : 24/07/13**

**Special Judge**

**Date : 26/07/13**

**Resumed on SA**

(Witness requests permission to clarify the answer given by him to the first question. Permitted). I did not understand the question properly, therefore, I gave that answer.

I have read the chargesheet in this case to some extent, but not entirely. I know the allegations that are against me. One of the allegations is that I am a part of the conspiracy alongwith the other accused. I do not fully know about the allegations against the other accused. I do not know whether allegations against the other accused are also against me if there is a charge of conspiracy. I had tried to find out from my advocate as to what are the implications of the charge of conspiracy. Witness volunteers- but I did not understand them.

1. Did you tell your advocate to explain it to you?

(Learned advocate objects on the ground that it is privileged communication. Objection overruled). I tried once or twice, but even then I did not understand. It

is true that I have full faith in the advocate who is representing me. It is not correct that he acts as per my instructions. Witness volunteers- he is more knowledgeable and he works as per his knowledge. I therefore, believe that he is making all the efforts in my interest. I did not try to find out from him as to what is the evidence against the co-accused. Witness volunteers- I did not feel it necessary. I never discussed about the case with my co-accused. Witness volunteers- I had asked them about their statements in the confessional statements, when they were opened. I did not try to find out during my discussions with them as to what is the common evidence against all of us. It will not be correct to say that I had no discussion with the co-accused about the case, excepting the confessional statements. It is correct that I did not know any other co-accused before my arrest except the accused no. 4 and 8.

1. Is it correct that therefore the facts concerning me are different from the facts of the co-accused?

I do not know about the facts of the co-accused.

Accused no. 5, 6 and 8 were arrested with me at the same time as me in this case.

1. Do you know from where your co-accused were arrested?

I had seen the accused no. 6 in illegal detention on 25/09/06 and accused no.8 when I was kept in illegal detention at Kalachowki. I do not know from where all the co-accused were arrested. I did not know at that time why they were arrested. It is not true that, therefore, I did not bother to know what is the material against them in the chargesheet. I did not discuss with all my co-accused about taking a common defence. I do not remember whether I advised any of my co-accused as to what defence he should take. None of my co-accused told me what defence I should take. It is correct that some of my co-accused have made applications under the RTIA to collect the information as I have done. My co-accused asked me to make applications on their behalf to collect information under the RTIA. The accused no. 4 only had asked me once to collect the chargesheet of the Antop Hill Police Station. I did not ask any of my co-accused to obtain information on my behalf under the RTIA. I may have seen one or two information obtained by my co-accused under the RTIA. I had shared with my co-accused some information that I had obtained. I knew that a particular information that I obtained is useful for a particular accused for his defence, therefore, I handed it over to the respective accused.

None of my co-accused asked me to call for my CDR. It was my own decision. I did not try to get explanation from my co-accused about the contents of the CDR of my mobile that were filed in the court. Witness volunteers- I got it explained from my advocate. I had tried to understand it personally, but was not successful, therefore, I consulted my advocate. The words 'few calls' that I used in my chief-examination mean in relation to accused no. 8 very few calls and in relation to accused no. 4 many calls. The very few calls mean 3-4% of the total calls and many calls mean about 20% of the total calls. It may be that there are 128 calls from or to the accused no. 4. I knew when I gave my written submissions with my statement u/s

313 of the Cr. P. C., that I am fully acquainted with the accused no. 4 Ehtesham. Witness volunteers- I wrote it in a hurry and I have committed mistake. It is true that when I prepared it I knew that I was in constant contact with the accused no. 4. It is not true that I deliberately concealed my relation with the accused no. 4 in my written submission as we both were involved in the conspiracy and it is only when the material is brought on record by me, that I am saying that we had business relations. I was present in the court when the accused no. 4 gave evidence as DW-38. I did not hear him properly in the dock. I did not read his evidence, did not discuss with him what evidence he would be giving and after he gave evidence as to what evidence he has given. I do not know whether the accused no. 4 has admitted in his deposition that there were more than 100 calls with me.

(Adjourned for recess).

**Date : 26/07/13**

**Special Judge**

**Resumed on SA after recess**

It is true that my written submission filed with my statement u/s 313 of the Cr. P. C. is running into 89 pages and is in my handwriting. I wrote it on my own. I did not consult any of my co-accused while writing it. I know that the co-accused have given the written submissions, but I do not know whether all have given. I did not have any occasion to peruse them. I had shared one or two things written in my written submissions with my co-accused. I did not share with the accused no. 4 the information about the telephonic conversations. I did not keep any notes about the events that happened with me after my arrest. I did not write the written submissions at one time at a stretch. I required one and a half weeks to write it. It is not true that therefore, it is false that I wrote it hurriedly. Witness volunteers- I wrote it in the time that I got after going back from the court. It is not correct that all Saturdays and Sundays I was in the prison. Witness volunteers- I went to the hospitals on Saturdays sometimes and sometimes to Andheri court. It is correct that I did not give any supplementary written submissions after I gave it. It is not true that I realized for the first time during my cross-examination that it is incomplete. I now feel that some important things have remained to be written. Witness volunteers- I forgot to write some dates and about the business relations with the accused no. 4. I did not go through the copy of my evidence after my evidence was recorded on everyday. I did not have occasion to go through my evidence that was recorded upto the lunch time of 18/07/13. I did not consult my advocate during the lunch break about my deposition on that day. I did not have discussion with any of my co-accused about it during the lunch break. I remembered at that time what I had narrated from morning till lunch break. I have no grievance about the recording of my deposition by this court. My wife came to meet me in the recess and on seeing her I remembered that at that time she was pregnant and I had not stated about it. It is not true that my co-accused pointed out to me that I committed a mistake while deposing about 7<sup>th</sup>, 8<sup>th</sup> and 10/07/06 and therefore, I corrected myself by giving different version. I had taken my wife to the hospital on 07/07/06 and also on 10/07/06. It is true that nothing concerning my wife had happened on 08/07/06. I do not feel that anything important has remained to be written in my written submissions other than what I stated above.

I am certain that I did not know any of the other co-accused prior to my arrest in this case except the accused no. 4 and 8. I do not know to whom mobile number 9867272402 belongs. I do not remember to whom mobile numbers and landline number 9892312244, 9867329067, 9892036694, 9224253454, 9372111729, 9934610679, 9867209894, 022-23052953, 9869320457 and 9870383933 belong. 9867139179 is the mobile number of the accused no. 4. I cannot say whether I made calls to or received calls from the above numbers except the number of the accused no. 4. Witness volunteers- many students and customers used to call me on my mobile. My wife did not have any other mobile number other than the mobile that was at the house. She used to use my mobile for receiving and making calls when I used to be with her. My wife was not acquainted with any of my co-accused except accused no.8. None of my co-accused were my students. My student Ayyub Shaikh did not have a mobile phone. He was my student since March- April, 2006.

1. What was the timing of your student Ayyub Shaikh?

The timing of the institute at Malad was from 8.00 a.m. to 10.00 a.m., but he used to be with me continuously during the day. He used to be with me sometimes upto 12.00-12.30 in the night. I do not know any particular person with whom he used to talk on my mobile phone. Bilal Kadiwala used to be with me from 11.00 a.m. till closing time of the shop. He did not have mobile. There was a PCO in the shop. He had a phone at his residence.

11. There was no occasion for he making or receiving any call on my mobile before 11.00 a.m.?

My institute used to be closed on Saturdays, therefore, I used to go to the shop early and sometimes it happened rarely that I skipped working in the institute and went to the shop if there was some heavy work. I do not remember whether there was no occasion for Bilal Kadiwala to use my mobile phone after 10.00 p.m.

1. Is it true that there is not a whisper in your written submission that you gave with your statement u/s 313 of the Cr. P.C that the mobile phone was being used by your wife, student Ayyub Shaikh and Bilal Kadiwala?

My written submissions are in brief, therefore, I did not think of writing it. It is true that it is not so written.

It is true that I had not received the CDR of my mobile before I wrote the written submissions. It is not true that after I received the CDR, I realized that it would be awkward for me to explain about various calls received and made from my mobile, therefore, I introduced the story about my mobile being used by my wife, my student Ayyub Shaikh and Bilal Kadiwala. It is not true that this story is coming out of my conspiracy with the co-accused. I cannot say whether similar tactic was used by my co-accused no. 11 Zameer by stating that his mobile was used by his customers in the taxi.

(Learned SPP asks the witness to go through Ext.4101). Column no. 6 contains my mobile number. There is incoming call at 12.28.41 hours on 03/05/06, an outgoing



call at 21.13.03 hours on 06/05/06, incoming call at 08.43.17 hours on 26/05/06, an outgoing call at 08.53.25 hours on 26/05/06, an incoming call at 20.17.45 hours on 27/05/06, an incoming call at 08.01.58 hours on 31/05/06, three outgoing calls at 11.06.22, 11.03.00 and 11.28.54 hours on 01/07/06, an incoming call at 16.42.19 hours on 02/07/06, an outgoing calls at 16.36.25 and 16.37.34 hours on 02/07/06, an outgoing call at 20.03.52 hours on 02/07/06, an outgoing call at 07.36.59 hours on 09/07/06, an outgoing call at 19.25.42 hours on 12/07/06, an outgoing call at 20.26.43 hours on 13/07/06, an outgoing call at 18.40.32 hours on 15/07/06 and three outgoing calls at 12.13.11, 14.40.47 and 16.39.31 hours on 17/07/06 from and to number 9867209894. 17/07/06 was the first day on which the Crime Branch had taken me. It is true that there are no calls to or from number 9867209894 after 17/07/06. Witness volunteers- I am not 100% sure, but my student Ayyub Shaikh used to receive and make calls to this number. (Learned SPP asks the witness to go through Ext.3767 produced at the instance of the accused no.13 and asks the witness whether corresponding entries of the above calls are reflected in it). All the above entries have corresponding entries in Ext.3767. I do not know whether the accused no. 13 has claimed that he was using mobile number 9867209894. It is not true that the accused no. 13 is the leader of organized crime syndicate and I was in communication and association with him in respect of the conspiracy of this case.

(Learned SPP asks the witness to go through Ext.4101). There is an incoming call at 19.44.47 hours on 06/07/06, an incoming call at 21.44.19 hours on 11/07/06, an incoming call at 00.18.48 hours on 12/07/06, an outgoing call at 00.20.32 hours on 12/07/06 from and to 02223052953.

(Learned SPP asks the witness to go through Ext.3814). This is the CDR of my other mobile number 9224446830. There is an incoming call at 14.17.08 hours on 09/01/06, an incoming call at 20.19.51 hours on 21/01/06, an incoming call at 11.10.31 hours on 13/05/06 from 02223052953. (Witness submits that he wants to explain about the landline number. Permitted). I remember on seeing the CDR dated 11/07/06 that Dr. Ahmed, a friend from my native village, who is also my relative, was staying at Mira Road with his wife. I got many calls from this number on 11/07/06 when I was going home after the blasts and he had asked me where I was and if I am reaching home, to inquire about his wife who is alone at his house. I contacted his wife on her Tata mobile number to inquire about her and also went to her house when I reached home. (Witness requests that he be shown the CDR Ext. 4101 so that he can tell the mobile number of Dr. Ahmed's wife). It is probably 9224795119 and there is an incoming call at 23.11.12 hours on 11/07/06 to my mobile.

(Learned SPP asks the witness to go through Ext.3767). There is an incoming call at 01.56 p.m. on 12/07/06 from 02223052953.

(Adjourned as court time is over).

**Date : 26/07/13**

**Date : 29/07/13**

**Resumed on SA**

**Special Judge**

I have not gone through my evidence recorded on Friday, i.e., 26/07/13. I did not feel it necessary to go through it. I do not want to go through it before you ask me further questions. I do not want to make any corrections in that evidence. Witness volunteers- I want to explain some things. Dr. Ahmed and his wife were on visiting terms at my house. I had tried many times to call his wife on 11/07/06, but she did not pick up the calls. She called me thereafter.

I called for the CDR of 9224446830 to bring on record many calls by the ATS and the CDR of 9867244681 to bring on record my location around 11/07/06 and calls by and to the ATS and Crime Branch. It is my belief that the CDRs of these two numbers will prove my innocence. It is true that I rely on Exts. 3814 and 4101. It is correct that a common application was made on behalf of all accused by our advocates to call for the CDRs of mobiles of all accused. I wanted to rely on the CDRs of my mobiles, therefore, the matter was carried upto the High Court. I cannot say about the other accused.

(Learned SPP asks the witness to go through Ext.3698). There is an outgoing call at 23.17.56 on 21/02/06 to 02223052953. (Learned SPP asks the witness to go through Ext.3765). There are incoming calls at 14.33.58 hours, at 20.09.48 hours on 30/04/06, at 15.04.52 and at 21.33.21 hours on 12/05/06 from 02223052953. (Learned SPP asks the witness to go through Ext.3767). There is an incoming call at 13.56.14 hours on 12/07/06 from 02223052953. I cannot tell whose number is 02223052953.

(Learned SPP submits that he wants to confront the witness with the SDR of a number that is reflected in the CDRs Exts. 3814 and 4101 of the witness, which he produced with the application Ext.4253). It is true that 02223052953 is the number of PCO at Faujia Medical and General store, near Faujia Hospital situated at Shop no. 2, corner of Dawood Baug, Bapty Road, Shuklaji Street, Mumbai-8 in 2006. (Learned SPP requests that the document be exhibited. Learned advocate objects. Hence, it is marked as **Ext. 4254**, subject to objection). I do not know whether the accused no. 2 was working as RMO in the Faujia Hospital. Witness volunteers- Dr. Ahmed used to call me from this number, but I do not know in which hospital he used to work. I do not know whether the said PCO is close to the residence of the accused no. 2 Tanveer. It is not true that this PCO was the common command post of all accused for our unlawful activities.

1. Do you have any personal knowledge about the bomb blasts at Jaipur, Ahmedabad, Hyderabad, Varanasi, Lucknow and Delhi?

I had read in the newspapers and had seen the news on the TV about them and had seen some reports filed by the Crime Branch, Octopus and other agencies of this country. I do not know Riyaz Bhatkal @ Roshan Khan and Iqbal Bhatkal @ Mohd. Ali. I did not have any occasion to personally know any of the accused involved in the above bomb blasts. I know the names of some arrested accused and some wanted accused in those cases. Riyaz Bhatkal, Iqbal Bhatkal, Dr. Shahnawaz, Asif Raza are some of the wanted accused in those cases, but I do not remember the names of the others. I have no personal knowledge as to who committed the bomb blasts in the railways on 11/07/06. I do not personally know any of the accused arrested in the Indian Mujahedin case, MCOC 04/09. I do not personally

know accused Sadiq Israr, DW-33, Mohd. Arif, DW-34 and Ansar Badshah, DW-35. I have sometimes talked with accused Ansar Badshah, who is lodged in our prison.

1. Do you rely on their evidence?

I cannot answer this question as I did not hear what evidence they gave and I have not read their evidence.

They were examined as they have given voluntarily confessional statements in MCOC 04/09, wherein accused Sadiq had confessed that he had done the blasts on 11/07/06 and Arif and Ansar had confessed that they know that Sadiq and his accomplice had done the blasts.

1. Is it correct that it has not come in their evidence that they have committed the present railway bomb blasts?

I have already said that I have not heard and read their evidence.

I cannot say whether it will be false or true if you say that they have not stated about committing the present railway bomb blasts. It is not true that they were examined as a part of strategy of terrorists to pass on the responsibility of crimes to others.

I was taken to different hospitals on a number of occasions during my police custody. Witness volunteers- I was not medically checked, except on 25/10/06, when this court had ordered. I do not know what medical certificates are produced by the prosecution in that connection. It is true that some doctors have been examined. Witness volunteers- no doctor whom I had seen was examined. It is true that I had not complained against anybody to the previous judge Mrs. Mrudula Bhatkar on 25/10/06. It is correct that after my mother filed MA 302/06, the judge asked me to roll up my sleeves and the court examined my hands. I do not know whether the court has recorded in the roznama that my allegation of peeling of the skin of hands is baseless. Witness volunteers- there was a small injury at the back of the hand, which was explained by the prosecutor as being possible by handcuffs. The court permitted Dr. Asfaq Ubare, brought by me, to remain present at the time of medical examination in the JJ Hospital. I do not know whether Dr. Ubare did not give any finding to the court contrary to the findings recorded by the doctors at the JJ Hospital. It is true that MA 302/06 was dealt with and disposed off on 01/11/06. I did not file any application to the High Court complaining about torture. I do not know whether WP No. 1373/13 in this connection was disposed off by the High Court on 28/06/13 as infructuous. (Witness is shown Ext.4215). I do not know about it. It is correct that I had filed a petition on 02/07/07 in the High Court in respect of the incident of beating. Witness volunteers- it was also in connection with my false implication in this case. It is not true that I have made false and baseless allegations against the investigating agencies in this case.

(Learned SPP requests that the matter be started at 3.20 p.m. as he is required in the High Court).

(Adjourned for recess).

**Date : 29/07/13**

**Special Judge**

**Resumed on SA after recess at 3.25 p.m.**

It is true that the accused no. 8 Wahid is my brother-in-law and I have good cordial family relations with him and we are on visiting terms with each other. I was not aware in 2006 that there are two cases in connection with SIMI pending against him. I came to know during his illegal detention about a case pending against him in that connection as my sister told me about it, but I did not come to know that there are two cases. I came to know in the last week of August, 2006 about his illegal detention. I had not informed him and he did not know about the cases against me and my brother before my detention in this case. It is true that I and the accused no. 8 are together in the same barrack in the prison. I did not hear, read or discuss the evidence given by him. I did not peruse the documents produced by him in this case. I am aware that he has given his written submissions with his statement u/s 313 of the Cr. P. C. I have not gone through it. I did not show my written submissions to him. I was not called prior to July, 2006 to any police station except police station Andheri. I am not aware that the accused no. 8 was being frequently called by Ghatkopar and Vikroli Police Station, Crime Branch or any other police station. I had seen the accused no. 8 in the Crime Branch Unit at Ghatkopar on 17/07/06. I did not ask him at that time when and why he was called there. I had come to know when I talked with my sister before I was arrested in this case, that there is some case against him, therefore, I thought that he was called by the Crime Branch. I do not remember whether I had talked with him and got to know about the previous case and the reason for which he was called by the Crime Branch. I cannot say whether accused no. 8 is arrested in this case only because of his previous case. I feel that I have been involved in this case because of my previous case. Witness volunteers- I am also involved as I was easily available and used to attend the police station regularly. I felt at that time that they have involved me in this case, because of my phone contact with the accused no. 4 Ehtesham. It is not true that I was aware that police were inquiring with me in connection with my contact with the accused no. 4.

1. Did police interrogate you about the accused no. 4 after your arrest?

They interrogated me only about phone contact.

I was well aware at that time about my telephonic contact with me. It is true that in my written submissions, I have denied having any relations with the accused no. 4 Ehtesham. Witness volunteers- I had made this general denial in respect of all co-accused except the accused no. 8 Wahid and I committed a mistake in not mentioning my relations with the accused no. 4. It is not correct that there were telephonic calls between me and the accused no. 13 Asif Khan. It is not correct that my brother Javed was my co-accused in the case of Andheri Police Station. One of my brothers Khalid was my co-accused. It is true that he was never arrested in the present case. He was called for giving attendance in the police station as I used to be called. It is not true that it is my false notion that I am being involved in this case as I had a previous case of SIMI against me and I was easily available as I

used to regularly attend the police station. It is true that the judgments Exts. 4173 and 4174 do not show that I was arrested in those cases at the instance of Shamsher Rehman. I did not lodge any complaint to the police in respect of the quarrel with him. It is correct that he was examined as witness in both the cases and had not given evidence against me. It is not true that I falsely alleged that he was a local criminal, had good relations with the police and has acted as police informer and panch witness and he got me arrested in those cases. It is true that all the private witnesses in those two cases had been declared hostile by the prosecution.

I did not personally know Mohd. Javed and Usman Gani before I saw them on 17/07/06. I had conversed with them when they came to my shop for some purchases, but I did not know them. It is true that I did not mention in my chief-examination that they used to come to my shop for purchases. I do not remember whether I met them or interacted with them after 17/07/06.

1. Do you know when, why and from where they were arrested?

They were not arrested.

I was not interrogated about them. I do not know whether they were called for making inquiry about me. It is not true that I introduced the story about they being called to the Crime Branch after I obtained the station diary entries under the RTIA and saw their names, in order to give credibility to my story. I did not feel it necessary to inquire about the accused no. 8 after I was allowed to go on 17/07/06. Witness volunteers- some people had come and had gone, therefore, I did not feel it necessary. I do not know whether accused no. 8 also did not try and call me to inquire as to why I was called to the Crime Branch. I did not contact the accused no. 8 after a constable of the Crime Branch came to call me on 20/07/06.

I do not know whether the original confessional statement of accused Sadiq was traced in this court. I am aware that it was misplaced in this court. I do not know whether the original confessional statement is in the court. I tried to find out whether it is traceable, when I applied for certified copy. I did not try thereafter. I do not know whether it was accidentally sent with the R & P of MCOC 16/06 to CR No. 56. I do not know whether because of the sincere efforts of PI Mohite it was found in the R & P of MCOC 16/06.

I am aware that the ATS is exempted from the RTIA. I am aware that the information of vehicles used by the ATS is available with the Motor Parivahan Vibhag. I do not know whether the PIO of Mazgaon Court had sought information from the ATS. (Learned SPP asks the witness to go through Arts. 484 and 485. As he is asking the witness about the contents of the documents produced by the witness, they are marked as **Exts. 4257 and 4258**). It is true that Ext. 4258 was sent in response to the letter Ext. 4257. It is not true that PI Mohite had sincerely performed his official duty and I falsely alleged that he is creating obstacles in getting information. It is true that I and my co-accused have been taking inspection of court record. Witness volunteers- I took it thrice for inspecting my medical

reports. It is not true that I and my co-accused have been deliberately misplacing the papers in the court record to make allegations against the ATS.

It is not true that I did not depose about the events of 30/09/06 as my story about the accused no. 12 Naveed in my written submissions is patently false. I examined DW-9 Iqbal Qureshi as I rely on his evidence. It is not true that I have falsely stated that I was illegally detained on 17/07/06, because DW-9 has stated otherwise. I examined DW-8 Kadiwala as I rely on his evidence. It is true that I have not mentioned in my written submissions about termination of agreement with DW-8 Kadiwala in July 2006 and taking back the deposit amount. I do not remember whether DW-8 did not depose about it.

I did not receive any phone call from my brother when I was at Bijnour, UP before he sent me a telegram that police have called me. There was no fixed date for me to come back from Bijnour. I had not received the telegram. I came to know when I called my brother that the police have called me. When I came to know that my brother had sent a telegram, I asked him why he had sent it. It is true that I came to know that Shailesh Gaikwad had asked him to send a telegram. I did not telephone Shailesh Gaikwad to ask him as to when I should remain present. Witness volunteers- I did not have his number. I was not in contact on phone with my brother everyday when I was at my native place. My brother did not tell me on what particular date I was called. I did not inform my brother that I have made reservations and would come on a particular date. It is not true that I was intending to abscond and therefore, I had closed my shop and had run away to my native place. It is not true that my brother was deliberately not informing me and was giving false story to the police, that he could not produce proof when the police asked him to show that he was contacting me, therefore, the police asked him to send telegram.

I am relying on the documents that I have produced in my defence except the record of the GT Hospital. It is correct that whatever record I have produced is true, but I cannot say whether it is complete. It is not my case that the record produced by me is not complete and therefore not reliable. It is not true that I deposed about the events and dates only to match the contents of the CDRs of my mobiles and to make it appear reliable.

It is correct that other than my bare words there is no documentary evidence to show that Tansen was a dealer, the sim card was in his name and I purchased it from him. It is not true that I have not made a reference to the said Tansen in any of my applications or in the answers to the questions u/s 313 of the Cr. P. C. or in my written submissions. It is in my written submissions. (Learned SPP asks the witness to go through his written submissions). It is true that his name is not mentioned in it. It is correct that I have not cited nor examined him as my defence witness. I do not remember whether I have not mentioned the name of officer Bagwe in any of my applications or my written submissions.

(Adjourned as court time is over).

**Date : 29/07/13**

**Special Judge**

**Date : 30/07/13**  
**Resumed on SA**

It is true that in my written submissions filed with my statement u/s 313 of the Cr. P. C. or in any of my earlier applications, I have not mentioned about receiving calls from Shamsheer Rehman and Dr. Ahmed.

I do not completely know what is narco test and what it reveals. I know that the results of narco tests cannot be relied in the court. I do not remember whether prosecution has not led any evidence in respect of narco tests. I am not involved in any continuing unlawful activity. It is true that there is allegation that I am doing so. It is not true that I am saying that I am not so involved as the allegations are not yet held to be proved. I do not know whether the case against Khanvilkar, that I referred to, is yet to be proved. I do not know whether no judgment is produced showing that Khanvilkar is convicted in the ACB case. It is not true that I made defamatory allegation that PW-168 Khanvilkar is a corrupt officer. I do not know whether the earlier presiding judge Mrs. Bhatkar is elevated to the High Court. It is true that I had shown distrust towards her. It is not true that I had shown disrespect towards her. It is not true that it is my habit and training to make false allegations against the officers involved in the investigation and the judges also.

It is correct that I am not in a position to say whether Sachin Koltharkar and Suresh Mahindrakar have been examined as witnesses in CR No. 243/03 and 277/03. I do not remember whether I have not produced evidence given by any of these two in any other case. It is not correct that I have not produced any evidence to show that panch witness PW-129 Raju Tapi has acted as panch witness in any case earlier to the panchanama in this case. Witness volunteers- he has himself admitted this in the cross-examination. It is true that I have not produced copy of any deposition given by him either prior to his evidence in this case or after his evidence. It is not true that I have leveled false allegations that the panchas are professional panchas.

1. You are relying on the copies of station diaries produced in this case?

I am relying on the copies of the station diaries produced by me only and not on the copies produced by the ATS.

1. Do you want to say that excepting the copies of the station diaries produced by you on record, all copies of station diaries produced on record in this case are false?

The copies of the station diaries produced by the ATS are false and prepared subsequently.

I cannot say whether the copies of the station diaries produced by my co-accused are true or false. It is not true that I cannot say whether the station diary entries that do not relate to me are true or false.

1. Will it be correct to say that Malad will come before Borivali if one goes from Kalachowki or Bhoiwada?

It will come before Borivali if one goes by the Western Express Highway and it will come after Borivali if one goes by the Eastern Express Highway.

I do not know whether the station diary in respect of my arrest shows that I was arrested after prolonged watch. It is not true that it is my misconception that the panchanama of my arrest is fabricated. I do not remember whether the disciplinary action against PSI Shinde is not in respect of giving or fabricating false evidence. It is not true that I made false allegations against the police officers only to malign them. It is not true that I made false allegations against PI Mohite, because I feel that his presence as court liaison officer will make the case against us strong.

It is not true that I have made several applications under the RTIA in respect of information not relating to me, but relating to some other co-accused. It is true that Registrar Mrs. Dongre of CMM Court was summoned as a witness on behalf of the defence. I do not know whether she was present in the court, but not examined. (Learned SPP asks the witness to go through the documents at pages nos. 335 to 343 of the list Ext.3929). I cannot say whether this is the official communication by the CMM office and the certified true copy of the information is provided. It is not true that the CMM S.S. Shirke had sought permission from the High Court to leave headquarters from 20<sup>th</sup> to 30/10/06, that S. Y. Shisode, ACMM, 37<sup>th</sup> Court, Esplanade, Mumbai was the in-charge CMM from 24<sup>th</sup> to 30/10/06 and that the certified true copy of the register shows that confessional statements were forwarded by him. It is not true that my advocate saw the record that was brought by Mrs. Dongre and when he saw that it was going against us, he did not deliberately examine her.

It is true that Arts. 346 and 352, i.e., soldering gun and screw driver are used articles. It is true that they are my articles. It is not true that the screw driver Art-352 is used for opening and tightening L-end key screws. Witness volunteers- it is used only for screws used in Nokia phones. It is true that it is not written on Art-352 that it can be used only for Nokia mobile phone. It is true that I have not produced the manufacturers brochure or operator manual of Taparia company to show that this screw driver is only used for Nokia phones. Witness volunteers – the ATS had taken away all the articles which included the entire kit and the brochure. It is not true that I have not mentioned in my written submissions as well as my oral evidence that the ATS had taken my entire kit including the brochure. (Learned SPP shows Arts-358 (1 to 9) to the witness). They are light emitting diodes. They are used in radios, TVs, Refrigerators. They are used for light purpose. (Learned SPP shows Arts-357 (1 to 8) to the witness). I do not know what they are. (Learned SPP shows Arts-355 (1 and 2) to the witness). They are condensers. They are used in TV, Radios, refrigerators. I do not know why they are used. (Learned SPP shows Arts-354 (1 to 22) to the witness). They are resistors. They are used in TV, Radios, refrigerators and general appliances. I do not know why they are used. (Learned SPP shows Art-349 to the witness). It is a printed circuit board. I cannot say where and why it is used. (Learned SPP shows Art-356 to the witness). It is a soldering wire. (Learned SPP shows Arts-359 (1 to 6) to the witness). They are diodes. They are generally used in electronic home appliances. I cannot say why they used. Except Art-356 the other articles were not available in my institute. It is not true



that none of the above articles are useful for repairing mobiles, but they are only used for preparing circuits for bombs. It is not true that all these articles were recovered at my instance from my institute. It is not true that I falsely alleged that these articles were purchased by the officer from Lamington Road. It is not true that these were the odd articles not relating to my work, therefore, they were taken charge of.

I came in contact with the accused no. 4 Ehtesham for the first time in 2005. One of my clients gave me his number and told me that there is some computer problem there. I had visited his place of residence number of times. He never visited my house. He did not visit my shop. I did not carry his articles that were to be repaired from his house to my shop. I had no monthly, quarterly or yearly contract with him.

(Adjourned for recess).

**Date : 30/07/13**  
**Resumed on SA after recess**

**Special Judge**

The accused no. 4 Ehtesham had one computer at his house at that time. I used to converse with him about the considerable printing work that I used to give him apart from the computer repairing work. I do not know his printing work timings. It is not true that I was in constant communication and association with him in connection with our unlawful and terrorist activities and that is why I have suppressed this information in my written submissions. It is not true that I am now disclosing it as it is exposed by the evidence brought by me and the other co-accused. I cannot say whether my signature on Ext. 1480 is by the same pen by which the entire panchanama is written.

It is not true that I have made false, baseless and atrocious allegations against the police officers in respect of torture, force, ill-treatment, coercion and inducement for giving confessional statement or becoming approver, that I have made false and baseless allegations about my alleged illegal detention only to malign the investigating agencies, that I did voluntarily make a confessional statement about my role in the conspiracy to PW-102 DCP Mohite and he recorded it by following the due procedure of law, that the police did recover incriminating articles under the panchanama Exts. 1479 and 1480 in presence of panch witness Raju Tapi PW-129 and officer Tonpi PW-161, that the articles that are recovered show my electronic knowledge and it is I who had prepared the electronic circuits and the timer devices of the bombs in this case, that I was present in the house of the accused no. 6 Mohd. Ali, where the bombs were prepared and therefore, I was rightly identified by Amar Sardar Khan, PW-75, that I falsely alleged that Shamsheer Rehman was against us and in fact I and my brother had terrorized the witnesses, who did not dare to depose against me and as a result of which I was acquitted in the case. It is not true that I deposed falsely. It is not true that my mode of communication was as per the Al-Qaida manual.

No re-examination.

**R.O. (Y.D. SHINDE)**  
**SPECIAL JUDGE**  
**Spl. Judge UNDER MCOC ACT,99,**  
**Date:- 30/07/13 MUMBAI.**