



Name: Muhammad Faisal

Age: 38 years

Occupation: Business

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**The written statement submitted by Faisal in the Moca Court is as follows:**

**Educational Qualification:**

I have completed my school primary education from 1<sup>st</sup> to the 2<sup>nd</sup> grade through Urdu Medium. As for the 5<sup>th</sup> to the 10<sup>th</sup> standard, it was done through the same medium in Malegaon. As besides Urdu, in this school, Arabic was supposed to be taught as a second language, while Arabic subject was taught instead of Hindi and Marathi, I also passed SSC with Urdu as the first and Arabic as the second language. In place of Hindi and Marathi, I took SSC examination in Arabic language. Since I was not aware of even ABC of Hindi and Marathi, I started to learn Hindi since the time I had been in Jail. As for English, it served me merely as a subject; I acquired it through passing marks in SSC. Neither I know how to speak English nor am I able to understand it. I have been trying to understand the Charge-sheet (of the 07/11 case), originally written in Marathi and English, with the help of my co-accused. I am getting even the 313 statement written by a prisoner.

**Forced to sign the statements:**

I was not least aware as to when and what was the very statement written by the ATS police in English, Hindi and Marathi consisting of. Having asked me, whatever they wrote during enquiry, I didn't know what they were supposed to write nor they told me about it later. They did nothing but persecute me all the time and compelled me to sign the blank papers and documents having inflicted me with 3<sup>rd</sup> degree torture.

**Illegal detention:**

The police of Crime Uranch Unit No 11 had detained me while I was riding my bike on the Meera Road nearby my house on 19/07/06 and drove me in their Jeep straight to their office located on Saat Rasta. There, along-with my father, my cousin, Noman Shaikh (who were presented as the witness as also mentioned in the first chapter) and my school-mate Faisal Khurshid, they illegally kept me locked behind the bars till 27, 07/06. However, I was not allowed to meet and was kept aloof from the rest. I could only see them from certain distance.

### **Given the Clean-chit by Crime Branch but...**

After I was harshly tortured by the crime branch, later on I came to know that my father and cousin were also tormented. The crime branch could not succeed in getting any specific information from me related to 07/11 Train Bomb blast, as I knew nothing about and had no relation with it, nor do I. Finally, the female head of the crime branch, Meera Borwankar told me that they would hand me over to ATS the next day (on 27/07/06) and they would have nothing to do with me and this case as they had personally got all the details but could find no link of me with 07/11 train bomb blast. When I cried and pleaded with her as to why they were handing me over to ATS even when I had nothing to do with train bomb blast, she replied: As it is a legal procedure, we have to undergo it anyhow. It was then that they handed over my brother, Muzammil (detained by Crime branch from Bangloru on 22/07/06), and me to the ATS on the same date.

### **Helplessness, torture and force of ATS:**

It was on 27/07/06 that ATS took both of us to Kala Chauki. Over there, they kept us aloof from each other and an investigation was conducted. Since the very day, they began to torture us. That night, they kept on slashing me unnecessarily. Then, on 28/07/06, we were presented in the court at noon where I told the judge that I was innocent. But, paying no heed to me, I was given in the P.C. of ATS after which the ATS literally got the license to torment me and they continued to do so. During it, different policemen came to visit me and kept on asking me various questions. Then, they would force me to sign on the concocted statements. I was too helpless that I would have confessed and signed all possible crimes taking place in India merely to escape their cruelty and punishment. I was totally kept in dark as to what kind of blank documents I was being forced to sign. However, having signed them I was given rest for some hours during which I was ready to confess whatever they told me just to avoid the torment.

### **Forced to confess bomb-blast being the police pressurised:**

Amid the whole P.C. of ATS, I was never taken to my house or any place for any recovery, nor was I taken to report about anyone or arrest anybody. However, it was just once that they took me to Meera Borwankar's Head Office of Kara Ford Market and kept me there for the day along. Meera Borwankar tried to convince that it would be better for me to do as I was told by the ATS. He asked me to have faith in Allah as I would be surely acquitted if I was innocent. I was told that they were compelled to do so as they were pressurized for the same and they were also responsible to their seniors. In reality, I was being tenderly tempted to confess the crimes never perpetrated by me. At that time, I had also seen Ahtisham Siddiqui (accused No. 4) in the office of Meera Borwankar I was not really aware of earlier. When she tried to persuade me for a long period of time, I told her that it would be better to shoot me rather than being forced to confess the murder of so many people and then hold me responsible for it alone despite the fact that I was neither a murderer nor a traitor. Thus, she kept on convincing me while I continued to plead with her. Then, having transferred both of us from there to Saat Rasta Crime Branch Unit No. 11, Meera Madam had told us that we were supposed to

accompany her for two days and we would no longer be punished if we agreed to consider what she told us. It was at 4 pm when I had seen Ahtisham in Unit No. 11.

### **Police Commissioner's order to co-operate with him:**

Similarly, I was tortured by A.N. Roy having summoned me in Naagpada Office where he said to me, "As you see, your whole life has been already ruined. But, there is a possibility that we prove to be a help to you if you co-operate with us." I was indeed so helpless that I agreed to do as I was told. I could not get as to what they really wanted from me having threatened and occasionally being kind to me. I knew it all when I was forced to confess and taken to DCP, Brijesh Singh.

### **This is how the confession was signed:**

From Chandan Chauki, I was taken to DCP, Brijesh Singh into Unit No. 1 opposite to CST (VT) station by ACP Singal, Sunil Deshmukh and their staff. As ACP Singal and Sunil Deshmukh were standing before DCP, I could tell him nothing about my innocence because I was threatened by ACP, Singhal to do as I was ordered by him otherwise they would rape all women of my family taking them to the police station and also entangle my father and brothers in the same case and also threatened me of my end-result in case of not doing so. Since I had been already afraid of 3<sup>rd</sup> degree and mental torture for two and half months, I could say nothing to DCP before ATS. Later, when DCP asked the ATS to stay out of his office, I mustered up courage to discuss the matter with DCP as follows:

**Faisal:** Sir! I am innocent. (Crying) I have been implicated in this case.

**DCP:** I know it.

**Faisal:** Sir! These people are forcing me to confess the train bomb blast crime.

**DCP:** You see, I can be of no help to you in this regard. I am officially ordered to take your confessional statement.

**Faisal:** Sir! Just be kind to me.

**DCP:** You keep quiet.

Then, right before me, he took some documents out of an envelope and said:

**DCP:** These documents have been dispatched to me by the Tol Bajaj and asked me to take your sign on the written confessional statement of yours.

**Faisal:** Sir! How can I sign it when I am innocent?

**DCP:** You see, I am not going to force you, rather I will complain against you in case you don't sign it. Then, they (ATS) will take you to an officer who will compel you to sign. You cannot escape yourself from this proceeding. However, I give you 24 hours extension to consider the matter properly.

Then, I was sent to be locked up in Quila Court. Thus, it was my first and final meeting with DCP.

Besides its constables, one of the constables of ATS was also standing just outside of the Quila Court who would often threaten me and the same was done by Sunil Deshmukh and ACP, Singhal on daily basis. Thus, I would pass 24 hours in fear and terror. It was due to such kinds of threatening that I decided to do as I would be told. Later, I was taken to the Brijesh Singh's office, but he was not over

there. It was there that I was forced to sit in the gallery outside of his office constantly for 5-6 hours and then was locked up. Same was the case on the next day. However, on the following day, Sunil Deshmukh and ACP, Singhal took me out of the lock-up and led me to Chandan Chauki straightaway. DCP Bajaj was there. All the members of ATS were annoyed with me. Having me tied, I was beaten as much as that I lost my senses. In order to escape this torture, I agreed to sign a number of documents which had something written on them in Hindi. I kept on signing them without being read them to me and nor was I permitted to read them. Then all of them took me again to the office of DCP.

**DCP:** "Well, You would not have been beaten so badly, if you were to sign them right before." I kept silent. I was not in my senses due to being tortured harshly. Then they took me to Quila Court. Right down the court, Sunil Deshmukh, ACP Singhal and ATS staff threatened me not to say anything to the Judge after we went upside. So, I promised to keep silent over there. Thereafter, they took me upside where I was taken to judge's room having waited for almost one and half hour. I was made to stand far away from the judge. The judge ordered to remove the veil from my face and some points of discussion took place as follows:

**Magistrate:** Do you have anything to say?

**Faisal:** Yes Sir, I am innocent. I have been implicated in this case. I have committed no bomb blast.

**Magistrate:** Ok. (Nodding to the plice) Take him outside.

Then, I was taken outside and, a few minutes later, driven by a Jeep to the Chandan Chauki just two days before my judicial custody. They called me many bad names.

### **Complaint about torture in the Moka Special Court:**

Thereafter, I was produced in the Moka Special Court. I had already informed the Judge madam how I was tortured by the ATS forced to sign the documents. The judge ordered for my medical check-up and instructed me to write down a complaint. Thus, I submitted a complaint in the court having written by my lawyer, late Shahid Azmi Shaheed.

### **The humbug of Medical Check-up:**

Whenever I was taken to get medical check-up during the P.C., I was threatened not to make any complaint. Therefore, I had never complained about anything to the Medical officer out of fear. But, the same doctor was also in link with the ATS. My condition would get deteriorated to such extent that I could not even walk properly. Despite seeing it, he was not ready to register any report nor did they have any check-up of me on the premise that I was not physically fit for 5 to 6 days to get the check up. However, the same formality was done having called the doctor twice.

### **Torturing my family members:**

I was badly tortured in Anti-Robbery Chauki of Kurla. It was there that my father and other accused were tormented by the Inspector, Vijay Saleskar and whole staff having stripped off their clothes right before my eyes. They also pulled off the Burqa from the body and face of my brother's wife and were planning of raping that innocent girl. Is there anyone with self-respect who cannot feel helpless due to such bad acts of ATS and Crime Branch. I too agreed to sign wherever they asked me and confess whatever they would tell me.

As my family members were tortured, my father had complained to the Prime Minister through the Advocate, Shahid Azmi and Member of Parliament, Abu Asim Azmi. He had also prepared an affidavit to lodge a complaint in the court. But, he didn't do so after a promise was made by the Prime Minister officer. The same affidavits are still available (which were later submitted in the court).

**The witness, Aleem Quraishi, a police reporter:**

I'm not aware of any Aleem Quraishi nor had he ever been at my home. Whatever the witness, called Aleem Quraishi, reported about me in the court was totally false and it was at the instance of ATS that he witnessed against me. When one of the relatives of the same witness called, Rais Quraishi came in Arthur Road Jail, I came to know that Aleem Quraishi was a criminal boy and once his father, Sabir Ghulam Quraishi used to work for the underworld Don, Chhota Shakeel as an extorter. Still he is in link with D Company. Aleem Quraishi is also an ATS reporter.

If the ATS was true in its claim, it would have surely submitted our phone records with charge-sheet in the court, so that, we were punished based on solid proofs. While the fact is that, it had preplanned a fake case in which the Mobile CDR could have exposed the reality of their lies; therefore, they were not ready to submit the Mobile CDR in the court withstanding it was repeatedly demanded by the court. I am not aware of any single person among the people Aleem had reported conducting a meeting in my house. It is in order to save himself that, Aleem is working as a false witness for the ATS and had reported a concocted story in the court. The police had also shot a video film and took some photos of my co-accused and those of mine. It is based on the same film and photos that they get us identified through producing other false witnesses. Thus, this is the way police is playing tricks on the court.

**I had given no recovery to the police:**

During whole P.C., never had I been taken to Bandra, Meera Road or for the probe of any house or place, nor was I ever made stand in any identification period. Rather, I was again locked-up in the Inda-Cell having made me stand in a jail for 20 minutes.

**Support from RTI:**

I got a piece of information from Western Railway with the help of RTI which proved the lie of the witness, Devendra Lahu Patil that the very train in which bomb

blast took place had departed from the platform No. 1 of the Churchgate. I have also submitted the same RTI in the court.

### **A Visit to Pakistan:**

I had a legal visit to Pakistan by train in December, 2001 as the marriage of Zohra Abdurrahman, my cousin in relation, was to be conducted there. She had also come to India in 1999/2000 and constantly insisted us to attend her marriage. Since, I was free then, I had gone to Delhi to get the visa. When I got it easily, I went there to attend her marriage with a legal visa for one month. As the blessed month of Ramadhan had been started, I stayed over there at the behest of my uncle for a couple of days. Later, I returned by train with a legal visa after which I had never been to Pakistan again.

### **The continuous process of signing the false statements:**

Arvind Kumar, a Fema officer, had also witnessed against me in court at the instance of ATS. I mistook him as ATS officer as he had come along with ATS in the ATS office. As he already had a statement written in English, he asked me to write it in my handwriting and later forced me to sign it. Once he had also got my sign on a statement in Urdu language. But, the same statement was not included in the charge-sheet by ATS. The police would force me to sign anywhere and anytime they wished. They had turned my life worse than death despite the fact that I had never taken anyone's life nor had I ever been involved in any bomb blast case.

### **The reality of Maruti Car 800:**

Never have I bought a car so far nor did I know how to drive it. Not even anyone of my family members has purchased any car yet. As the ATS required a car to be planted in the case, and therefore, they asked me during P.C. as to how many of my friends owned a car. I told them about one of friends namely Naseer Teli hailing from Dharawi who had a Centro Car. The ATS also harassed him and released him later. The ATS managed for a Maruti car 800 from somewhere and planted it in our case having linked it with my brother and me. While the fact is that any accusation about any car being used by us in such bomb blast is totally wrong. Even the ATS has no evidence that this car belonged to us. The statement of the ATS that the car was recovered from Rizwan field located in Millat Nagar was not presented in the court.

### **The Judge ignores my complaint:**

It was on 28/09/06 that I had complained to the Judge A.M. Thipsay about my innocence and being tortured by ATS and forced to confess the crime of bomb blast. But, all that the judge mentioned in Daily Newspaper is that I was innocent while he ignored the rest of the complaint. I continued reporting in the court on each date during PC, but there was no trial. The judge was never apt to record my complaint and directly ordered for my remand.

Sign:

Muhammad Faisal,

Ataurrahman Shaikh

### **Analysis of Md. Faisal's statement:**

The following confession is recorded originally in Hindi.

It was clearly stated by Faisal in the court that he completed his education through Urdu medium with Arabic subject and he is not aware of Hindi and Marathi at all. You will be surprised to know that the very statement submitted by Faisal in the court is in Hindi. How can a person not aware of Hindi be able to read it? While it is also mentioned in his confession that it was read by the accused and got it right too. The fact is that the accused was forced to sign the confession. How can we now prove that the statement is wrong as the accused didn't know Hindi and he was compelled to sign the confession, as well as, it was done just because the DCP was pressurized by the top officers? In fact, proving it all is almost impossible. So, it is far better for the accused to die rather than sign any document while being in police custody.

### **Confession of the top officers:**

You can see how the top police officers make confession just in front of the accused about their failure to find the real culprits and, hence, they force the accused to admit his non-committed guilt as they are pressurized by the government and public. Meera Borwankar, who urged and compelled the accused to confess his crime, today is found to have been promoted as the head of the Maharashtra Jail. It is a common observation in the police department that, the more a police officer is corrupt the sooner his promotion to higher post is expected.

### **DCP under the command of the top police officer:**

It was DCP Birijesh Singh who shared a secret with Faisal that they will get the documents signed by him by force if he was not ready to do so willingly and he will not be helped in this regard by any good DCP he would get by chance. He also told him that the police will take the accused to another DCP as it is police and not the court which decide to which DCP the accused should be taken to and, hence, he must be sure never to sign, no matter how good or bad DCP he chanced to meet.

### **Helplessness of PM before the police:**

Nowadays, it has emerged to be a theme of the newspapers that having gone to Delhi, the family members of Faisal along-with Abu Asim Azmi complained to the then PM Manmohan Singh about the torture inflicted by ATS. It was then that hearing it all, the PM assured them of the trial, but he could do nothing even after 8 years have been passed. It does clearly indicate the fact how helpless a PM of the country is before the police system!

### **Police can recover even "elixir" from your house:**

No recovery was given to the police by Faisal during his custody, but the court declared that the maps of the houses, SIMI literature, particles of RDX, remaining material of producing the bomb etc were recovered from the house of Faisal. It means police can recover anything from anyone's house even the elixir following the direction of the accused which will be accepted by the court as truth. Hence, the accused, whenever he is presented in the court, should be enough bold to ask the judge to get recorded that he recovered nothing yet nor does he know anything like that nor there remains any question to get it later. Thus, one should never be ready to sign any (written) report of postmortem.

### **ATS links Pakistan visit with terrorism:**

It is as clear as crystal that there are many people whose relatives still live in Pakistan and also continue to pay each other's visit. So, is it a crime to have anyone's relative in Pakistan? Is it a crime to go to visit one's relatives legally? If not, what's wrong if Faisal went to meet his relative in Pakistan by the Samjhota Express based on which ATS told the court that rather than going to meet his relatives in Pakistan, Faisal went to get training of arms and ammunitions in the camp of Lashkar-e-Taiba. Can any sensible person go to a hostile country to get such kind of training with a legal visa and get into troubles unnecessarily?

### **Why not one more Taxi?**

According to ATS, a taxi and Maruti car were used by the accused for smuggling bombs and it was couple of months later that the car was recovered by the police from Millat Nagar. There were also found some particles of RDX during the probe. But, nothing like that was found in the taxi in which the bombs were transported from Govandi to Bandra and from Bandra to Churugate. Now the question is that supposing the accused used the personal car then what the logic demands is that it should not have been used for this purpose so that there remains no possibility of being tracked. If the accused can use 7-8 cars for smuggling bombs, why could not they have used one more? Most importantly, if they were unwise enough to have used it for the same purpose, then why didn't they wash the car rather than parking it in a secure place for a number of months? These are the questions which sufficiently prove that the accused used no car to smuggle the bombs.

### **A principle:**

May be you bechance to face some prejudice-minded people in favour of the police who might pay no heed to you just like that of Faisal who was often ignored by the judge. But, it does not necessarily mean that we should avoid talking to the judge as it might possibly prove to be a source of discouraging the police and refrain from torturing you anymore being afraid of their complaint to any other judge anytime. Thus, it will be better to keep on consulting him rather than ceasing to be silent. However, it is wise enough to keep silent in case of being before the police, rather continue convincing the judge about your innocence.

The whole case of Faisal is based on ground of truth and reality as myself (the writer) saw Faisal being inflicted with torture in ATS Kala Chauki. Though I was not acquainted with him then, it was after being prisoned that I recognized him due to



his long hair and remembered that it was Faisal who was illegally entangled in the 07/11 case.