



Name: Naveed Hussain Khan

Age: 32 years

Occupation: Private Service

Res. Address: Plot no. 43/45, Lake Shore Towers, G-3, Vidyanagar Colony, Neredmet, Secunderabad

Examination-in-chief by adv P. L.Shetty for A12

I am in custody since 29/09/06. I know that I am arrested in the railway blasts case. I have been residing at the given address since September, 2004 with roommate Shuwashtic Chandrasekhar, who was my colleague in GE Consumer Finance Services, till my arrest. I was at home at Hyderabad at the time of my arrest. I was serving as floor manager in RSR Sales Services Pvt. Ltd. since 13/08/06. I was working in the office of HSBC HDPI Pvt Ltd. in Hi-tech City, Madhavpur, Hyderabad before that since 06/03/06 till the end of June 2006. I was employed before that from 13/09/04 till February 2006 in the office of GE Consumer Finance Services at Habsi Guda, Uppal, Hyderabad. I was residing at Hyderabad since August 2004. I am a commerce graduate.

The bomb blasts took place on 11/07/06 in different locations of the western railways. My colleagues called me in the evening on that day when I was at my residence in Hyderabad and told me about the blasts. I went to my office as usual at RSR services in the morning. I got a message while I was returning home in the evening, that I am supposed to contact a PI Sunil Deshmukh on no. 9967111115 or on landline no. 02226708271. My brother Waleed Hussain had contacted me and conveyed the message. I had received an e-mail from him prior to 29/09/06 that I had to contact PI Sunil Deshmukh as soon as possible. My brother was sub-editor with the Times of India at that time and residing at A-604, Topaz Apartment, Narmada Paradise, Mira Road (E)- 401107.

I know person by name Mohd. Alam Gulam Sabir Qureshi. He had contacted me in mid August 2006 and said that he is being called by the police in connection with somebody arrested by them. I assured him not to worry and co-operate with the police. In mid September he had taken some officers of the ATS to my brother's address in Mira Road and they had given a number and name of a police inspector

to my brother and asked that he should contact me and tell me to contact the officer on the given number, i.e., 9967111115.

I contacted the officer on the given number in the evening when I returned home on 29/09/06. He took the call, but said that he had gone down and that I should call him after ten minutes. I was waiting outside my premises near an STD booth, at that time the local police came and arrested me. I was taken to the STF Branch at Begumpet.

I had occasion to contact PI Deshmukh on 28/09/06. He inquired about my name, contact number, office address, office number, my mobile number, house address and home landline number, if any. I gave all the information and when I asked him what this is all about, he said that this is nothing but they are doing some cross-examination and if they required further assistance from me they will contact me.

Officers from Mumbai were present in the office of the STF at Begumpet, they introduced themselves as Dinesh Kadam and Awahi and Mahesh Bagwe. Officer Kadam told me that I will have to come with them to Mumbai and that I will be let off after 2-3 days. I was brought to Mumbai on the next day, i.e., on 30/09/06 by the morning flight of Kingfisher Airlines of 8.00 a.m., was taken to an office on the same day, which I came to know later on as Bhoiwada ATS unit, taken to the Sewree Court, where I was arrested and remanded upto 13/10/06. I had requested the judge Abhay Thipsay that I wanted to say something and I was allowed to do so. I told him that I am innocent and I do not know why I had been brought there. The judge said that I had been brought there as a suspect and that if I am found innocent I would be released. I was taken to another police station of the ATS thereafter, which I came to know as Kalachowki ATS unit. PI Vasant Tajne, API Arun Khavilkar and PSI Sachin Kadam made inquiries with me and asked me if I knew anything about SIMI or whether I went for any training and what I knew about the train blasts. I told them that I do not know anything about it, but they started beating me with sticks and belts, kicks and punches. I used to plead with them that I do not know anything about what they were asking me, but they did not listen to me. I was never acquainted with any member of SIMI, I did not know anything about SIMI and I never went for any training. I have never gone out of India and I do not have passport. Some or the other officers used to come everyday and inquire with me thereafter.

I was seated outside in the corridor area at Kalachowki after a couple of days. PW-59 Mohd. Alam Qureshi had come there. He greeted me and I asked him what he was doing there. He replied that he was called by the officers with his passport. He had called me earlier in the month of February, when I was in Hyderabad and informed that he is going to China to meet his elder brother, Parvez Alam Qureshi, who resides in Xinjuan and that he is going there for business purposes and his brother had sent a visa for three months. I inquired with him at Kalachowki whether he had gone to China. He took out a Nokia 7610 mobile handset and showed me his video clipping that he had recorded at the beach in Shanghai. He showed me his passport. Officer Dinesh Kadam came out of the office and asked him what he is doing, snatched his mobile phone and passport and slapped him and

gestured a constable to take him inside. I did not see Mohd. Alam Qureshi till 22/10/06.

Officer Arun Khanvilkar came there on 12/10/06 and told me that I would be produced before the judge on the next day and that I should not complain to the court about any ill-treatment or anything against the ATS. I was on and off taken from Bhoiwada to Kalachowki during the first police custody period and sometimes I was kept there for more than 2-3 days, during which I was taken to the torture room, where I was stripped, beaten on the hands, palms and soles of my feet.

I was produced before the judge on 13/10/06, before which, the officer accompanying me had threatened that if I complained about them, they would pull my brother in the case and my elderly father would also be made co-accused in this case and my uncles and aunts in Hyderabad would be harassed everyday. The remand was extended upto 27/10/06. PI Kandharkar, who was accompanying me told me outside the court after the remand, that I have to write a consent letter for lie detection and narco analysis tests and if I do not comply he threatened me with dire consequences and how he can beat me black and blue. I wrote and gave the consent letter as I was frightened.

I was taken to Bangalore on 14/10/06, kept in the local police station lockup. I was taken in veil, therefore, I could not see the name of the police officer. Officers Tajne, Khanvilkar, Dinesh Kadam accompanied me and DCP Nawal Bajaj and S. K. Jaiswal came at the hospital, which bore the name Lady Curzon something. I was taken inside an operation theater before noon early morning, where there were several machines to gauge heart beats, blood pressure, ECG, etc., and the narco analysis test was completed on the same day. Dr. S. Malini came there, she was an expert in anesthetics, she gave instructions to her assistant about how much anesthetic should be injected. I became semi-unconscious after the anesthetic was injected. However, I was able to understand whatever was asked to me. She had asked me a question inquiring as to who are lodged in the barracks next to me in the lockup. I remembered two names, that of Abdul Wahid and Sajid so I gave the names. A plucker or tweezers was used for twisting my ears. I was in semi-conscious state and I wanted to get rid of the torture. Dr. Malini kept repeating some names and when I repeated the names, the torture stopped. Then she started again with a new set of names and sentences and when I repeated the sentences the torture stopped. This continued for about one and a half hours. When I regained consciousness, the officers accompanying me told me that the test did not take place and that it will be done again. I was not given anything to eat or drink for the next five days, because they felt that if I eat or drink something, it would show in my system and that would hamper the test. The second test took place on the 5th day after 14th and the next day I was brought back to Mumbai.

(Adjourned at 5.05 p.m at the request of the learned advocate).

Date : 31/07/13

Date : 01/08/13

Resumed on SA

Special Judge

I was taken to Kalachowki ATS Unit in the night of 21/10/06 in the office of ACP Tawde. PIs Sunil Deshmukh and Tajne said that I have said everything according to what they wanted me to say in the narco analysis test. They showed me a CD and played it on the computer screen. I told PI Tajne that it is an edited and manipulated CD as it was jumping between seconds in the bar and there were obviously not the questions that were asked to me. PI Deshmukh said to me that I should not use my brain and he picked up a belt and starting beating me on my head and started giving abuses. I was then taken to the torture room where I was stripped and my hands were tied behind my back. I was made to sit on the floor with my legs extended before me. My legs were tied at the ankles. One constable sat on me and one started belting me on my soles. PI Tajne continued the abusing. A senior officer by name Jaijeet Singh came there and started beating and abusing me and said that I had done the bomb blasts. My legs were stretched to 180 degrees and they continued beating me. This went on for about two hours. Jaijeet Singh went out of the room and the constables gave me newspapers to make balls and I was made to jump from the chair on the floor where there were knotted ropes. I was then taken out of the room and handcuffed to a railing above the door outside the room in such a position that I would not be able to sit. Another accused was taken inside when I was brought out. I heard his screams and sounds of belt slapping on flesh. I was taken inside by constable Sangram after 15 minutes. Officer Khanvilkar was there and the accused no. 7 was there. Khanvilkar gestured towards me and told accused Sajid that he would make his condition like me. He was in the same position as I was earlier in that room, but he was naked. I saw bruises on his face and a constable was standing in position at his feet to beat him with the belt. I was again taken out of the room and handcuffed to the railing.

PI Khanvilkar came to me on the next day, i.e., on 22/10/06 and told me that I would be taken to a senior officer, a DCP, where I will have to sign some papers and if I did not comply, he again threatened me of dire consequences and how my parents and uncles and aunts will be harassed. I was taken to Chandanchowki on the same day in the afternoon to the chamber of PI Deshmukh. Mohd. Alam Qureshi was sitting there. PIs Khanvilkar, Sachin Kadam, constables Akash, Avinash and Sangram had accompanied me. I was made to stand before a table and PI Khanvilkar asked Alam why he had gone to China for three months. Alam replied that his elder brother resides there and he had gone there for business purpose. However, officer Khanvilkar gestured towards a constable to bring the belt and then he started hitting Alam on his head. He threatened him that they will bring his elder sister who stays at Mira Road and all the officers and constables will rape her. Alam started crying and apologizing and asked why he was saying so. Khanvilkar told the constables to take me outside the office. I was called back in the chamber after 5-10 minutes. Alam suddenly said that I was in Hyderabad with a girl when he called me. I understood at that time that he is inclined to say whatever the ATS wants him to say as he was threatened and beaten before me.

I was then taken to Nagpada ATS office, where PI Khanvilkar said to me that they would produce me before the chief. I was made to sit in a waiting room and after about 15-20 minutes I was taken in the chamber where the then Commissioner A. N. Roy, ATS chief and Jt. Commissioner K. P. Raghuvanshi, DCP Nawal Bajaj of

ATS, Jaijeet Singh, S. K. Jaiswal, Javed Shaikh and SPP Raja Thakare were present. DCP Bajaj said to me that I am a literate person and why I am rounded up in this case. I could not say anything as I was very much frightened and I did not know why I was produced there. K. P. Raghuvanshi said to me that if I want to talk with him alone he would send the others outside. When I nodded he gestured to the others to go out. My handcuff was in my right hand. Tajne and Khanvilkar were behind me. He told Tajne to remove my handcuffs and go outside. He then told me to do what they say and I will be released, I will be provided with protection and rehabilitated wherever I wanted to settle down and would be given whatever amount I desire for settling down and if I want to do some business, it will be taken care of. I was then taken back to Kalachowki.

PI Khanvilkar said on 23/10/06 that I would be taken to the office of the DCP where I have to sign some papers and if I say anything against them then he reminded me of the dire consequences. He introduced me to officer Shelke and said that he would be accompanying me. I was taken to the office of DCP, Zone-I, Brijesh Singh, but he was not there as he had gone for bandobast duty. I was then taken to the Azad Maidan police station and put in the lockup. I was taken out in the evening after 4.00 p.m. on 25/10/06 and taken to the office of the DCP, where I was made to sit in a changing room outside the chamber. Officer Shelke went inside the cabin of the DCP. I remained seated in the changing room till 10.30 in the night. I was then called inside the chamber of the DCP. Officer Shelke told me to sign on the papers and wait outside. I had signed all the papers on that day and then I waited outside with officer Sonavane. I was called inside after some time and given a short set of papers and asked to change the date to 23/10/06 and put my initials on them. (Learned advocate asks the witness to go through Ext.1226). These are the same papers on which I changed the dates. I was then taken back to the lockup and from there to Kurla at the residence of a magistrate at about 11.30 p.m. I was produced before the magistrate and HC Jadhav of the ATS gave an envelope to him and then the magistrate said that I should be taken out. I was not aware at that time as to who was the authority in front of whom I was produced and the reason of my production. The magistrate did not ask me anything. I was taken back to Bhoiwada in the same night. There was a call that I was summoned again when I entered the cell. I was taken to Kalachowki from there at about 1.30 to 1.45 a.m. PSI Sachin Kadam who was there told me to enact the contents of a written script before a handy cam. I looked unconvincing at the time of first recording as I was frightened. He then said that he will again do the recording and I should look convincing and do hand gestures. I had complained to the judge in this court on 09/11/06 about the CD that was recorded. My then advocate Shahid Azmi wrote my complaint. (Learned advocate asks the witness to go through Ext. M). It is the same now shown to me, it is in the handwriting of my advocate, it bears my signatures on all pages and its contents are correct. (It is marked as **Ext.4270**).

PSI Sachin Kadam told me in the morning on 26/10/06 that he would produce me before a judge and that I should not complain about any ill-treatment or anything against the ATS officers, otherwise my brother will be pulled in the case and my parents would be harassed. I was lodged in Kalachowki in that night. K. P. Raghuvanshi came to Kalachowki office in the morning, called me inside the office

of PI Tajne, reminded me about the same offers that he had made on 22/10/06 in respect of monetary benefits, rehabilitation, early release and police protection. Two other accused, Sajid Ansari and Mohd. Ali, were taken inside thereafter. We were produced before Judge M. R. Bhatkar, before which the officers who had taken me there had threatened me not to say anything before the judge and that they still reserve the right to extend my police custody. I did not say anything before the judge as I was frightened.

I was transferred to judicial custody on 26/10/06 and sent to Byculla jail along with accused Mohd. Ali, Sajid Ansari, Wahid Shaikh and Mohd. Majid. The superintendent of that prison approached the MCOC court on the same day saying that he did not have high security cell in his prison and we should be transferred to Arthur Road prison. I and the other accused were transferred to Arthur Road Prison on 27/10/06 and kept in the senior citizen barrack, separate from the other accused of our case who were lodged there. K.P. Raghuvanshi came to meet me inside the jail on the next day evening. I was called in the office of the superintendent Swati Sathe, where Raghuvanshi was seated and he reminded me of his offers made to me earlier and said that I should become approver in the case. The superintendent also said that I should obey what he was telling and then I would not rot in the prison. I was then sent back to my barrack. Accused Mohd. Ali and Mohd. Majid were also called by Raghuvanshi similarly after me.

I came to know during judicial custody that the ATS is trying to introduce false confession in my name and the papers that I had signed before the DCP were my confession. I had filed the retraction statement and complaint Ext. 4270 on 09/11/06 about the ill-treatment by the ATS and grievances, which was prepared by advocate Shahid Azmi. The ATS officers continued visiting me inside the prison to pressurize me to become approver. API Khanvilkar and PSI Sachin Kadam came and met me inside the prison on 06/11/06 in the chamber behind the office of the superintendent. Officer Khanvilkar said that now that he cannot beat me or do anything to me and there is an open offer from their senior officer. He reminded and repeated the offers that were given by Raghuvanshi. He said that I should not say anything before the judge on the 9th saying that the judge might be not in a mood to listen to you and that he would come to meet me on the next day again. PI Sachin Kadam came to meet me in the jail in the morning on 09/11/06 and said that I should not complain against them before the judge and if I want to say anything I should do so after that date. Then the superintendent said that so far nobody have misbehaved with me in the jail and if I do not do what the ATS officers tell me to do, then I will face the consequences in the jail. She also said that if I want to complain against her I should not do so on that day, but can do so on the next date. I was taken to the court on that day in the Qualis jeep of the ATS. PC Mahesh Bagwe of the ATS was in uniform and said that he had been transferred to the LA department. He reminded me of the same offers in the vehicle and said that I would be out on bail in the next 15 days and that I will be under the protection and contact of the ATS officers. I filed complaint Ext.4270 about it to the judge when I was produced before her.

Some or the other ATS officers used to come and meet me every week or fortnight during my judicial custody and pressurize me to become approver. My advocate Shahid Azmi filed complaint MA 297/07 on 21/05/07 before this court against the officers who used to come in the prison to pressurize me. It is the same now shown to me. I had gone through it cursorily.

The CD that was recorded by PSI Sachin Kadam was leaked to the media and it was shown on 11/07/07 by the Aaj Tak news channel. MA 500/07 was filed as a complaint against it by my advocate Prakash Shetty. I did not go through it. Mumbai Mirror published the said news item on 12/07/07. It was a false recording as I was threatened to read out the script that was given to me, which consisted of the fabricated story of the ATS.

I came to know the co-accused when I met them after my arrest. I was never acquainted with any of the accused of the present case. I was never a part of any organization either directly or indirectly. I never had any occasion to hear about any accused from anyone. I did not give any voluntary confessional statement before anyone including the DCP. I was forced to sign on already written papers under threats and duress. Information was obtained under the RTIA during my judicial custody that CMM Shisode was not the in-charge CMM on 25/10/06. I was not taken anywhere other than the places that I mentioned and I did not give any discovery statement, neither did I lead any police party to any place and nothing was recovered at my instance. Nothing incriminating was found in the search of my house at Hyderabad. The ATS did not take me back to Hyderabad after they brought me to Mumbai. I was taken to some hospitals, where I was asked to stand far away from the doctor and the ATS officers used to give the information and obtain signatures of the medical officers. I was never examined by the medical officers nor was I provided any treatment during the police custody period. I was asked to put my thumb impression on some occasions. I was never taken to the hospital when I was beaten. I was taken to the KEM Hospital and once to the GT Hospital. I had no chance of meeting any doctor.

I have been wrongly arrested. I am innocent and have nothing to do with this case. I am not involved either directly or indirectly in this case. I am relying on the CDs that I have produced with my statement u/s 313 of the Cr. P. C. One CD contains the video recording of the statement made by accused Sadiq Israr about he committing the bomb blasts on 11/07/06. The second CD contains letter sent by an ATS officer stating that the 13 people arrested in this case by the ATS are innocent and have been falsely implicated. My prayer is that this court may consider viewing them.

Cross-examination by SPP Raja Thakare for the State

I have mostly stated whatever I wanted to state in my defence to the court. I have produced whatever documents I wanted to produce. I did not produce any documents alongwith my written submissions that were filed with my statement u/s 313 of the Cr. P. C. It will not be correct that I do not want to produce any record that is not already produced before the court. It is not the case that I did not deliberately not produce any record that I wanted to produce with my written

submissions. I do not feel at this juncture that I have not produced some record that I ought to have produced. I had made an application under the RTIA to obtain information that would be helpful for my defence in this case. I did not produce the information that I obtained under the RTIA. It is true that I had called for the information under the RTIA, because it could be useful to show my innocence. It is not true that I deliberately did not produce the information that I obtained under the RTIA, because if produced it would have shown my deep involvement in the conspiracy of the present crime.

I have been interacting with my co-accused in the prison. It is not true that the interaction is in respect of the present case. I did have interaction with the co-accused pertaining to this case. I had asked my co-accused to obtain information under the RTIA for me, if it was a common information for all of us. It is in respect of production of two or three accused before CMM Shisode. I am aware that a common application was moved regarding the CDRs of mobile phones that were used by all the accused. I was using mobile phone number 9866772114 prior to my arrest. It is true that I myself did not ask for the CDR of my mobile number. I did not ask any of my co-accused to particularly call for the CDR of my mobile number. CDR of my mobile number has not come on record. It was not called for in the common application. It is not true that I did not call for the CDR of my mobile number as I knew that it would clinch my involvement in the present case.

1. Is it correct that you did not produce any document to show where you were working, what were the timings of your work and that you were continuously working during the period prior to your arrest?

The documents are already on record and it is the offer letter of HSBC.

It is true that there is no document on record to show the timings of my duty and my actual attendance on duty. It is correct that I had said no when this court asked me the question during the statement u/s 313 of the Cr. P. C. whether I want to give evidence on oath. It is correct that I did not make an application for giving evidence on oath when my co-accused had given applications. I cannot tell when I first decided to examine myself on oath. I decided to examine myself on oath as I have nothing to hide and I am innocent and falsely implicated in the case. It is not true that I have not led any positive evidence of my innocence and my evidence is only of denial of the allegations. I did not consult with my co-accused before giving evidence as to what evidence I should give. None of my co-accused persuaded me to give evidence as they had given. It is not true that it is not true that it is on the persuasion of my co-accused, particularly accused no. 4 Ehtesham, that I decided to give evidence.

(Learned SPP submits that he is required in the High Court at 3.00 p.m. and requests to keep the matter tomorrow. Hence, adjourned).

Date : 01/08/13

Special Judge

Date : 02/08/13
Resumed on SA

It is correct that this court put questions u/s 313 to all the accused simultaneously. I did not have any occasion to read the written submissions of any of my co-accused. I did not consult with any of my co-accused before writing my written submissions. I required 2-3 hours to write them.

1. Do you feel that you have written the complete written submissions and covered all the important incidents and events having bearing on your defence?

I wrote them in brief.

It is correct that at that time I did not feel it necessary to file any elaborate written submissions. I did not talk with my co-accused about the areas of common defence that we should take. I have not read the entire chargesheet, but I have read some part concerning me. I have not read the entire evidence. I have not heard the entire evidence given by my co-accused. I have not read their evidence. I am not aware whether any of my co-accused has deposed about my presence and the ill-treatment during police custody. It is correct that in my written submissions I have not given the name of my employer, my work timings and whether I was regularly attending my work.

I do not have a passport. I have ration card which shows the address as Room No. 22, 3rd Floor, 216/218, Chattriwala Mansion, Ebrahim Rehmatullah Road, Bhendi Bazar, Mumbai-3. I do not have PAN card. I have driving licence. I got it in 2001. I am a responsible and experienced driver. It is correct that I had no previous case before this case against me and therefore I had no occasion to interact with any police. It is correct that the police officers whose names I took, were all strangers to me before this case. I made notes of the events that took place from the date of my arrest till filing my written submissions and I also collected copies of roznamas. I do not know whether my co-accused also made such notes. I did not share my notes with them.

It is correct that I have mentioned mobile number 9866772114 as the mobile that I was using. It is true that I did not mention it in my deposition. Witness volunteers – it slipped my mind. (Learned SPP asks the witness to go through Ext.3768(4)). It is true that there are calls made at 1456 hours on 02/07/06 and at 2024, 2139, 2210 and 2231 hours on 08/07/06 from my number to 9892312244. The number 9892312244 is of Mohd. Alam Qureshi. I have received calls on my mobile from this number when he came back from China at the end of June 2006. It is true that I got ten calls from this number from 28/06/06 to 12/07/06. They are at 0257, 1544, 1727 and 1828 hours on 28/06/06, at 1412, 1517 and 2109 hours on 02/07/06, at 1507 hours on 11/07/06 and at 1433 and 2359 hours on 12/07/06. I am acquainted with Mohd. Alam Gulam Qureshi since 1999. I met him for the first time at Bhendi Bazar. I used to work in an STD booth with a boy by name Imran and Mohd. Alam was his friend and I got introduced him. It is correct that I have not mentioned in my written submissions as well as oral evidence about working in an STD booth. We were on visiting terms with each other, but not at our

residences. Imran was the only common friend. I remember one Urvashi Shivdasani, who was also a common friend. She is married and a homemaker. I used to meet Mohd. Alam Qureshi at Cafe Coffee Day and Barista. It will not be correct to say that I had close relationship with him. It will be correct to say that he used to confide in me even for any small problem. I am not aware whether he had a landline phone at his house. I do not know whether he was having any other mobile during the period from 2004 to 2007. Witness volunteers – I was not in contact with him. It will not be correct to say that neither he contacted me nor I contacted him during this period. Witness volunteers – I was not in his contact in 2004 and 2005, but he contacted me once at the beginning of 2006 and then when he returned from China at the end of June. I have not entirely heard his evidence, but I have read it. I instructed my advocate about his cross-examination. He might have been asked in cross-examination about his mobile number, which he gave as 9833059249. I do not remember whether he did not give his mobile number as 9892312244.

I am not aware whether the mobile number 9892312244 was used by accused Faisal and the CDR of this number is called on behalf of the accused by the common application. It is not true that accused Faisal was a common friend of me and Mohd. Alam Qureshi. It is not true that I used to meet accused Faisal at bars and discotheques, that I was in constant communication with him on the mobile number 9892312244 in connection with the conspiracy of this case.

I did not ask Mohd. Alam Qureshi as to in connection with whose arrest he was called by the police, when he informed me about it. It is true that I have not mentioned in my written submissions about seeing him being beaten in the ATS office. It is true that I have not mentioned in my written submissions about he showing his passport to me in the ATS office, police interrogating him in connection with his China visit and he showing me the video clip on his mobile that he had taken at Shanghai.

My parents were residing in Kuwait in 2006. They never sent me any money. My brother Waleed was residing in Mira Road at that time. I used to be on visiting terms at his house if I got an off. Witness volunteers – he and his wife had come to visit me at Hyderabad in April 2006. I did not give my address of Bhendi Bazar as my place of residence to the police. Witness volunteers- I was brought from Hyderabad and my uncle and aunt resided at the address of Bhendi Bazar. It is not true that I used to reside at the Mira Road address in Mumbai and the accused Faisal and Muzzammil used to reside at Mira Road near me. It is not true that accused Ehtesham, Sajid and Asif Khan were also residing in Mira Road and we all were in constant contact with each other. It is not true that I am denying my stay at Mira Road only to disassociate myself from the co-accused.

My parents came to meet me in the prison at Nagpur.

1. They did not come to meet you when you were in police custody in Mumbai?

I was not allowed to meet anyone during police custody.

My advocate met me for the first time on 09/11/06. He did not represent me in the Mazgaon court. My remand was not taken at Mazgaon court. I was first produced directly before the MCOC court on 30/09/06. There was one person in handcuffs, who was produced alongwith me. I cannot tell his name, because we both were veiled and taken separately. Shahid Azmi was my first advocate. I am not aware when he was approached for representing me. I had full faith in him. I have full faith in this court. I did not show distrust and disrespect to the previous presiding officer Mrs. Mrudula Bhatkar, who is now a High Court judge. I have full faith in the Indian judiciary.

I do not know what is lie detection test. I know what is narco test. Witness volunteers – it is done when somebody has to be falsely implicated.

It is not true that I have leveled all false allegations against all police officers named and unnamed, in respect of torture, allurement and inducement for becoming approver, as a strategy of the terrorists as mentioned in the Al-Qaida manual, that I was the core member of the conspiracy in this case and I played my role, particularly of transporting bombs from the house of accused no. 6 Mohd. Ali at Govandi to Bandra in the house of accused Faisal, that my interrogation led to the discovery of the Maruti car that was used for transporting the bombs, which I had driven, that I voluntarily gave confessional statement, which was recorded by DCP Brijesh Singh by following the due process of law, that I was one of the planters of the bombs in the Borivali slow local, that I decided to step into the witness box at the eleventh hour as I was persistently persuaded by my co-accused, particularly the accused no. 4 Ehtesham, that I falsely contended that I was in Hyderabad from 8th to 11/07/06 and that I deposed falsely.

No re-examination.

R.O. (Y.D. SHINDE)
SPECIAL JUDGE
Spl. Judge UNDER MCOC ACT,99,
Date:- 02/08/13 MUMBAI.