



Name: Shaikh Mohd. Ali Alam Shaikh

Age: 43 years

Occupation: Salesman

Res. Address: Room No. 2, T Line, Plot No. 33, Shivaji Nagar, Govandi, Mumbai-43

**Examination-in-chief by adv Khan Abdul Wahab for A6**

I am residing at the given address since 35 years and it is the house that is in my father's name. I used to reside with my wife and four children on the ground floor, which is 10' x 15'. My elder brother, his wife and four children and younger brother and his wife reside on the first floor. There is a partition in between on the ground floor on one side of which is bathroom and kitchen. There is a cot and cupboard in the front room and space for only 3-4 persons to sit.

I and some other people in the area had closed video parlours showing blue films and gambling dens in the area in 2000. The hafta that they used to pay to the Unit-VII of the Ghatkopar Crime Branch was stopped, therefore, they had called me and threatened that I am trying to be a big leader and that they would involve me in some big case and that I should not become a social reformist as Gandhi had died and I should not try to become a Gandhi. Sr. PI Prakash Ghatkar of Shivaji Nagar Police Station called me on the next day and gave me similar threat. I used to be called to the said crime branch unit and police station whenever there used to be an incident or bomb blasts and after inquiry and making me stay there for some time I used to be released. My house was flooded with water in the heavy rains in 2005 and many articles had flowed away. A pocket containing my two passports and papers of Pearl Green Forest (PGF) company were also lost. I went to complain about it to the Shivaji Nagar Police Station after 4-5 months. HC Mujawar told me that he could not take my complaint if I do not remember the number of the passport and asked me to bring xerox, but I did not find it in the house.

I went to Ramabai Colony, Kamraj Nagar, Lotus Colony, Rafiq Nagar and Shivaji Nagar on 08/07/06 for selling Tilisma Moti, starting at 9.00 a.m. with my mobile. I, my family and my brothers and their families were at the house on 09/07/06 and did not go anywhere for residing. I similarly went for my work at 9.00 a.m. on 10/07/06 to Deonar, Mandala and Baingan Wadi upto 9.00 p.m. The ATS has prepared a false story that bombs were prepared in my house on 8<sup>th</sup> to 10/07/06.

All our three families were in the same house on these three days and had not gone to stay with relatives. Bombs were not prepared in my house. I came to know some of the co-accused during police custody and some during judicial custody. I had never met any of them during my life before police custody.

Officer Vijay Kamble of the ATS had called my brother Hazrat Ali, my wife Saidunissa, neighbour Mohd. Musharaf Khan, friend Nasim Siddiqui Kasmi on 28/10/06 and had taken their statements about my whereabouts on 8<sup>th</sup> to 10/07/06, wherein my brother and wife had stated that we all were at the house during these days and they are at pages no. 265 and 273 of the additional documents produced by the ATS. The ATS has deliberately not examined them so as to prevent its falsehood from coming on record.

I was in the funeral procession of the brother of my friend Mazhar from 4.00 a.m. to 1200 noon on 11/07/06. I had gone to Somaiya Hospital at 1200 noon with Dr. Salman Farsi, an accused in the Malegaon 2006 blast case, Maulana Hussain and a boy by name Ravi for shifting a friend of Maulana Hussain from that hospital to the KEM Hospital, which we did and I was at the KEM Hospital upto 6.30 p.m. after which I returned home. I came to know at about 8.30-8.45 p.m. from the news on TV that there had been blasts in the western railways. I went to Mumbra at 9.00 a.m. on 12/07/06 and returned at about 5.00 p.m. I was using the prepaid mobile no. 9224253454 of Tata that was in my name. I used to contact my customers and the company at Hyderabad from where I used to purchase goods. Tilisma Moti is a sort of Unani medicine.

A head constable came to my house after I returned home from Mumbra on 12/07/06 and told me that officer Shailesh Gaikwad of the ATS has called me to the Chembur office. I went with him. Said officer and PSI More were present there. Officer Gaikwad took my statement about my whereabouts on 11/07/06, gave it to me for reading and I signed on it after reading. I was there upto 8.00 p.m. He gave me his mobile number and took mine. I noted his name and mobile number in a diary. I lost it thereafter. My wife found it in June, 2012 and gave it to me. Names of medical stores which I used to visit are written in it. I did my work on 13/07/06 and returned home at 8.30 p.m. HC Mujawar of Shivaji Nagar Police Station came at 11.00 p.m. and told me that Sr. PI. Nimman has called me for half an hour. I went with him. Many persons were present there. An officer there, whose name I do not remember, was taking the statements of some persons. He also took my statement in connection with the bomb blasts of 11/07/06 and I signed it. Dr. Salman Farsi was also there. His statement was also recorded. I knew him as he was my neighbour. He and his wife are doctors. He had a clinic on the road in that area. His wife used to practice from home. Dr. Farid, son of a customer of my milk business, and one Manjur Ahmed, whom I knew, were there and their statements were also recorded. I and many people were put in the lockup for the whole of the night. Sr. PI Niman came in the morning and when I asked him as to why we were made to sit for the whole of the night though called for half an hour, he told me that inquiry in respect of the blasts is going on and we will be released upto the time of namaz.

ATS officer Sanjay Khaire of Vikroli Unit came there with staff at about 11.30 a.m., took my statement about the blasts on 11/07/06 and the background of my family. I read it and signed it. PI Shripad Kale of Unit-VII of the Ghatkopar unit came with his staff at 12.30 p.m. He also took my statement about the blasts of 11/07/06. I asked him why I am being called repeatedly. He told me that police have become my enemies after I became the leader to stop the video parlours and gambling dens. I read the statement and signed it. He told me to come to Ghatkopar Unit-VII at 5.00 p.m. I returned home and went there at 5.00 p.m. Sr. PI Udaysingh Rathod, who was the in charge of that unit, was there. PI Kale again took my statement about the same subject and also about my family. Many people were there and after making me sit outside the lockup I was allowed to go home at 9.00 p.m.

A head constable of Ghatkopar Unit came at 9.00 a.m on 17/07/06 and told me that Sr. PI Udaysingh Rathod had called me. He gave me the mobile number of the Sr. PI, which I wrote in my diary. I have pasted the last page of the diary in the written submissions that I gave with my statement under S. 313 of the Cr. P. C. I went there at about 11.00-11.30 a.m. where Sr. PI Rathod took my statement in connection with the blasts, which I read and signed. I was released after being made to sit for 4-5 hours. A head constable from the ATS Nagpada took me to that office at 9.30 a.m. on 19/07/06, where officer Shailesh Gaikwad was present. He introduced me to Nawal Bajaj, who wrote my entire bio-data on two pages, about my family, my work and movements and took my signatures and threatened that I should not leave Mumbai and attend whenever called. I returned home at 5.00 p.m. Head constable Vijay Ambekar and Tatugade from the ATS, Kurla came at about 9.30 a.m. on 20/07/06 and took me to the office of Vijay Salaskar and gave me their mobile numbers and said that I should give them to my family members. I wrote them in the diary. I have pasted the page from the diary in the written submissions that I gave with my statement under S. 313 of the Cr. P. C. The ATS office at Kurla is by the side of Bhabha Hospital in the Kurla (w). Crime Branch office is on the first floor. Vijay Salaskar was the in-charge of the ATS office at Kurla. PI Alaknure took my statement in connection with the blasts and I was allowed to go at 4.30 p.m.

A head constable called me to the same office on 21/07/06. PI Alaknure took my statement and allowed me to go after 3-4 hours threatening that I should not leave the area and to come whenever called. A head constable of Ghatkopar Unit-VII came at 9.00-9.30 a.m. on 26/07/06 and told me that PI Kadam had called me at 5.00 p.m. I went there, PI Kadam took my statement and I was allowed to go at about 6.00-7.00 p.m.

Redekar Commander came from the Nagpada ATS office at 9.00 p.m. on 31/07/06 and told me that officer Shailesh Gaikwad had called me and asked me to accompany him. I went with him and met Shailesh Gaikwad on the Ghatkopar Mankhurd Link Road, where he was sitting in a Qualis vehicle, who told me that he wanted me to meet ATS officer Raghuvarshi. We reached Nagpada ATS at about 10-10.30 p.m. I saw a person in the room with his hands tied above his head. I had seen him for the first time in my life. I came to know his name and came to know

him in the prison as the accused no. 4 Ehtesham Qutubuddin Siddiqui. Shailesh Gaikwad handcuffed me and made me sit on the floor. I asked him why I am handcuffed and that they had released me earlier. He told me that he would release me on the next day morning. I told him to inform my family as they would be worried, but he did not do so. I was handcuffed throughout the night and not given anything to eat. I asked Shailesh Gaikwad, who came in the morning, as to why I am made to stay there and whether he has informed my family. He told me that they would release me in the evening and I should go to the office of Vijay Salaskar in Kurla with PI Mayekar. I saw the accused no. 4 similarly tied in another room, when I was taken out from my room. PI Mayekar took me to the Kurla ATS office. I was handcuffed and made to sit in the torture room and was given a roti and some daal. I was taken before Vijay Salaskar, who came in the evening. When I asked him why I am being repeatedly called though I have no concern with the blasts and my family is worried, he told me that I would be released after 3-4 days, but I was not released. I again said the same things to Vijay Salaskar after 3-4 days and he said that they know that I have no concern with the blasts, but would release me after 4-5 days. My mobile was with me in working condition. Salaskar, PI Alaknure, Dalvi and Mayekar told me to talk with my family and only to greet them and not talk more. They threatened me to tell my family not to talk with any influential person or to engage an advocate, otherwise they would involve me in the bomb blasts case. I told these things to my family members from my mobile. Therefore, they did not give any complaint anywhere. I was not produced before any magistrate during this illegal detention, not allowed to meet any advocate and not checked medically. My statements were recorded on many occasions during this period. ATS officers PIs Shailesh Gaikwad, Alaknure, constables Tatugade, Awate and Vijay Ambekar used my mobile during this period for talking with their family members. Constable Awate talked on my mobile with his friend Ramesh in Kalwa in August for minimum one hour. PI Bagwe had cross-checked all the details in the CDR of my mobile in the ATS Bhoiwada office. He called Ramesh, friend of constable Awate, and made him to stand before and asked him whether he knows me, whereupon he said that he does not know me. When he asked Ramesh about the phone call from my mobile, that person told him that constable Awate, his friend had called him. Bagwe told me that they had taken out the entire CDR of one year of my mobile and that mostly numbers of ATS officers are there on my mobile in August and I told him that the ATS people used my mobile. The biggest evidence about my illegal detention for two months is the CDR of my mobile, which the ATS has not produced deliberately. The CDR of my mobile produced in this court is incomplete and is tampered on the say of the ATS.

I had seen PW-71 Abdul Rehman Dawrey for the first time in the first week of August, 2006 when I was in illegal custody and I recognized him when he came to give evidence. He was kept with me for 3-4 days in the ATS Kurla office. He was frightened. He was brought with his parents in the last week of August, 06 and kept with me for 3-4 days. He has deposed about seeing me there in the first and last week of August, 06. I had also seen PW-59 Mohd. Alam Qureshi for the first time there at that time. He was also kept with me for 3-4 days. ATS officer Dalvi repeatedly took his statements. I came to know his name when he gave evidence in

the court. One more person was brought there, who told his name to me as Ashraf Qureshi.

PI Alaknure took me beating to the office of the Crime Branch at Kurla on 14/08/06, where I saw the accused no. 4 and I also saw the accused no. 3 and 10 for the first time there. I came to know their names in the jail custody. I saw the accused no. 3 and 4 on 15<sup>th</sup> and 16/08/06 also and thereafter I repeatedly saw the accused no. 3. A person who was continuously crying was brought there and officer Dalvi was threatening him and telling him to call all his family members or they would involve all of them in the bomb blasts case. He was kept with me for 3-4 days. I came to know his name during the trial as father of the accused no. 3.

My mobile was working in August and I was talking with my family members. My elder brother and wife came to meet me twice in the Kurla office. I was allowed to meet them for 2-3 minutes. My brother was threatened not to meet any influential person or to engage an advocate. I repeatedly asked Salaskar as to why I have been detained, that I am the only earning member and my wife and children are worried and that he knows that I am innocent. He replied that he knows that I have no concern with the blasts. He again threatened me to repeatedly call my family and tell them the things that he had told me earlier.

I was kept in the Kurla ATS office in this manner from 31/07/06 to 07/09/06. I was handcuffed and kept in a hall in the ATS officer, where a coloured TV was on at about 2.00 p.m. on 08/09/06. ATS officer PI Mayekar was sitting on the adjoining chair watching the TV. It was a Friday. Sahara news channel was broadcasting the news about the blasts at Malegaon. PI Mayekar laughed loudly and said to me that Bajrang Dal people have become active. He and the two constables appeared to be very happy. I was falsely involved in that case.

Vijay Ambekar took me by autorickshaw to Sion in the evening on 09/09/06 and from there by taxi to the ATS office Nagpada. Sr. PI Dinesh Ahir handcuffed me and made me sit in the torture room. Shailesh Gaikwad was there, but he did not give me any explanation as to why I was taken there. I was taken before Sr. PI Dinesh Ahir on the next day. I asked him why I was kept there. He told me that he does not know anything and I should ask the person who had taken me there.

(Adjourned as court time is over).

**Date : 02/07/13**

**Date : 03/07/13**

**Resumed on SA**

**Special Judge**

Dinesh Ahir and Shailesh Gaikwad took me at 7-8.00 p.m. on 12/09/06 to Raghuvanshi on the first floor of the Nagpada office. Gaikwad introduced him to me. I told him that these people have kept me in illegal custody since 1½ -2 months, that I was the only earning member and my family members are in trouble, that they have repeatedly taken my statements and he must be knowing about it, that he knows that I am innocent and do not know anything about the blasts on 11/07/06 and that he should have mercy and release me. He said to me

that he knows that I have no concern with the blasts and I am innocent, that they are in search of a person by name Mohd. Naim Tailor, who resides on road no. 7. I told him that I would search for him if he resides in my area if they release me. He said to me that if they do not get that person, they would fit me in this case. I repeated my submissions and said that my house is destroyed and requested him to have mercy on me and to release me. He said that Shailesh Gaikwad will release me on the next day, but I was not released. I was taken back to Nagpada ATS office and handcuffed.

Dinesh Ahir and commander took me to a photo studio outside on 17/09/06 and took my 3-4 photos holding a plate with something written on it. My elder brother and wife came to meet me during this period. The ATS officers repeated their threats that they should not go to any influential person or engage an advocate and they would release me. Shailesh Gaikwad called my elder brother to the ATS office at Chembur on 24/09/06. My brother called me from his mobile on my mobile and said that Shailesh Gaikwad had told him that they are going to release me before Ramzan, but I was not released. Dinesh Ahir brought the accused no. 7 before me on 25/09/06, which was the first day of Ramzan and asked me whether I know him. I had seen him for the first time in my life and I told him that I do not know him. I broke my fast with the accused no. 7. Shailesh Gaikwad took him from my room at about 8.30 p.m. K. P. Raghuvanshi came down to the Nagpada ATS office at 7.00 p.m. on 26/09/06 and met me. I again told him about my innocence and requested him to release me. He told me to wait for 2-3 days and then I would be released and then he left. ATS officers Vasant Maruti Tajne and Sachin Kadam came at about 8.30 p.m. Sachin Kadam abused me and beat me by shoes. Redekar commander slapped me 3-4 times on my ears. Tajne took my licence, mobile, cash Rs. 170/-, PGF card and deposit slip of Hyderabad bank. ACP S. L. Patil has prepared the false panchanama Ext. 2377. I was not arrested on that day. Shailesh Gaikwad came after some time and said that they would release me on 29/09/06.

Sr. PI Ahir and two constables took me to Bhoiwada lockup on 29/09/06. PI Mandke inquired with me for 2-3 hours on the second floor. I was then taken to the ground floor and veiled by black cloth. I said to Dinesh Ahir that they were going to release me and what they are doing. He told me that till then I was a suspect and now they are making me a confirmed accused. He said that they are not getting the original accused, therefore, they are involving people like me in the blasts case, that there is a great pressure of the Central Government on them to solve the case in any manner. Sachin Kadam threatened that I should not say anything before the judge where they are going to take me and if I complained he would beat me.

I and three more were taken to the Sewree court at about 3.00 p.m. I could not say anything before the judge because of the fear of the threats by Kadam and the ATS. I was brought to Kalachowki. Tajne, Kadam and Kolhatkar beat me by belt in the torture room and Tajne told me that they are taking me to my house and not to say anything there to my family members otherwise they would strip me naked in front of the family members and beat me. They veiled and handcuffed me and I asked them why they are doing so. Tajne told me that ACP Kisan Shengal wanted to see my house. I was made to sit in a vehicle, ACP Shengal, PI Ahir, Tajne,

Kolhatkar and 2-3 constables were with me. We reached at about 7-7.15 p.m. I was fasting on that day. They halted the vehicle outside my house on the road side. The front door of my house was 15 feet from the main road and was visible and I saw that it was open. ACP Shengal and Tajne went inside the house. My wife, younger brother Muktar Ahmed and my youngest son Zaid were not at home as they were at the ATS office, Nagpada. ACP Shengal told my daughter that they have brought her father to meet her. I was taken inside the house veiled and handcuffed. My children Rizwana, Ammara and Suhail were in the house. My veiled was removed in their presence. They started crying, on hearing which my elder brother Hazrat, his wife and Muktar's wife came downstairs. I told him that I have been implicated in the bomb blasts case and they should engage an advocate for me. My elder brother told them that they had detained me for two months, that on 24/09/06 Shailesh Gaikwad had told him that they would release me in 1 or 2 days and today they had involved me falsely, that the ATS has deceived them. Khanvilkar threatened him not to talk more otherwise they would beat me more and would make them miserable. My brother, wife and son returned after ten minutes from the ATS office during this period. They knocked on the closed door. A constable opened it and I told them that they are my brother, wife and son and to allow them to come inside, upon which they allowed them to come inside. I told my wife that I am falsely implicated in the bomb blasts case and she should engage an advocate for me. She started crying saying that ATS officers Salaskar and Shailesh Gaikwad have deceived us, that I had been detained for two months and they were threatened not to engage advocate or meet any influential person. Khanvilkar scolded my wife and said that we had too much money, that they should not meet any advocate otherwise they would beat me more.

ACP Shengal, Khanvilkar, Tajne, Kolhatkar and 2-3 constables took my brother Hazrat and his wife upstairs. ACP Shengal and Tajne told them to empty a 7-8 years old cooker in which some dish was prepared, to give it to them and said that they would return it on the next day. The cooker was given to them after emptying it, but without cleaning it. There was no panch with the ATS at that time, they did not seize anything from my house and no panchanama was prepared on that day. The ATS has planted the new pressure cooker that they have produced. I saw the panch witness PW-58 for the first time in the court, he is a regular panch of the ATS and has identified me in the court on the say and instructions of the ATS. I have produced the original copies of four panchanamas and two depositions of the said panch along with my statement u/s. 313 of the Cr. P. C. I was not given any food at my house on that day. I was taken to Bhoiwada lockup in handcuffs and veil. Kolhatkar forcibly took my signatures on the panchanama at Kalachowki on the next day. He did not allow me to read it though I requested.

I was thereafter daily taken from Bhoiwada to Kalachowki and made to stand throughout the day naked and blindfolded in the torture room and not given any food though it was the month of ramzan. Sachin Kadam came to Kalachowki on 03/10/06. I asked him why they are falsely involving me in such a big case. He said that he knows that I am innocent, that they need my help, therefore, they have kept me, that they want to implicate a person by name Ehtesham, that I should not tell anyone. I told him that I am innocent, that I should not be involved in false

case and I would not tell anyone. He said that if I do not help them they would fit me in this case and then I would be imprisoned for 25 years or be hanged. I became afraid and kept silent out of fear. I was kept handcuffed at 7.00 p.m. in the torture room having mesh in Kalachowki. I could see outside from that mesh. I saw that my brother and wife had brought food for me. ACP Datta Dhawle abused and threatened my wife and said that I am a terrorist and my food should not be taken and it should be thrown. The food was kicked and thrown and not given to me and they were not allowed to meet me. Water was made to drip from pipe on my head for about 8-10 hours on a day during this period. I was taken to the hospitals in between. Sachin Kadam used to threaten not to say anything there.

The court did not ask me about my narco test. I was taken to Bangalore for narco test on 16/10/06 by air, kept in the Crime Branch for the night. I was taken for the test on the next day, but brought back as the doctor was not present. I was taken to the hospital on 18/10/06. DCP Nawal Bajaj talked for two hours with Dr. Malini before the narco test. Dr. Malini slapped me and pulled my ear when I was taken for the narco test. She repeatedly put me questions about Malegaon blasts 2006. The CD of the narco test was doctored and prepared. I remember that I had not said anything during the narco test as I became unconscious after they gave me injection. Dr. S. Malini was hand in glove with the ATS and played a big role in involving me in the case. I was taken back to Mumbai in the evening and put in the Bhoiwada lockup.

(Adjourned for recess).

**Date : 03/07/13**

**Special Judge**

**Resumed on SA after recess at 3.10 p.m.**

I had sent an application under the RTIA on 16/08/10 to the Shivaji Nagar Police Station calling for copies of station diary entries. The carbon copy of my application now shown to me is the same, it is in my handwriting, it bears my signature and its contents are correct. The postal receipts and fees deposit slip is attached with it. (It is marked as **Ext.4086**). I got the photocopies of the station diary entries along with the forwarding letter, which are the same now shown to me. (Forwarding letter is marked as **Ext. 4087** and photocopy of station diary entry is marked as **Art.460**). It is mentioned in the forwarding letter that I was called on 14/07/06 in connection with the inquiry of the bomb blasts.

I had sent an application under the RTIA on 26/12/12 to the CP office calling for station diary entries from the Unit-VII of the Crime Branch. Carbon copy of my application now shown to me is the same, it is in my handwriting, it bears my signature and its contents are correct. The postal receipt is pasted behind it. (It is marked as **Ext.4088**). I got the true copies of the station diary entries alongwith two forwarding letters, which are the same now shown to me. (Forwarding letters are marked as **Ext. 4089 (1 and 2)** and true copy of station diary entry is marked as **Ext.4090**, subject to objection by the learned SPP about its proof). The entry shows that Shripad Kale inquired with me in the Shivaji Nagar Police Station and I was called at 5.00 p.m. to the Unit- VII of the Crime Branch at Ghatkopar. It also shows that PI Kadam had inquired with me on 26/07/06 in the evening.



I was taken to Kalachowki on 19/10/06 in the night and kept in the torture room. Sachin Kadam and Tajne came there. Tajne told me that during the narco test I had told everything that I had done in the Malegaon case and the railway blasts case. I said that this is not possible, that I am innocent and I did not say anything in the narco test and asked them to show the CD, thereupon he said that he will show the CD tomorrow. I was taken to the Kalachowki torture room from Bhoiwada at 11.00 p.m. on 20/10/06, where Sachin Kadam and Tajne were present. Kadam brought an album, which contained photographs of injured in the Malegaon blast and threw it before me. Kadam said to me that during the narco test I had told everything that I had done in the Malegaon case and the railway blasts case. I said that this is not possible, that I am innocent and I did not say anything in the narco test and asked them to show the CD, thereupon he said that I am talking more and then he ordered Khanvilkar, Bagwe commander, bhai commander and Sangram constable to tie my hands behind. They did so and made me sit and started beating me by belt one after the another after the first one tired. They removed all my clothes except underwear. I was beaten on my palms by belt. When my hands were swollen after the beating after some time, they banged my hands on the walls. They beat me till late night. There was swelling on my hands, legs and back. There was blood in my urine. I was left in a dark room and Sachin Kadam said that he would meet in the morning. I was made to stand for the whole night, my entire body was shivering with pain. Sachin Kadam took me to the AC torture room, that is by the side of ACP Dhawle's office, in the morning on the next day, blindfolded me and asked me what I had said in the night swearing on my children. I said that I swear on my children that I am innocent. He took me to Raghuvanshi who had come there. I told him that these people had severely beaten me in the night and he should show mercy. He said to me that I should listen to what they say and I have to tell the story about Malegaon and the railway blasts both. I told him that I am innocent and should not be involved in both the cases. Raghuvanshi told Kadam that I am very strong and will not listen to them and to beat me in such a manner that my face would not be recognizable till evening. Raghuvanshi beat me first. Khanvilkar, Tajne, Kadam, ACP Dhawle, ATS constable Sangram, Bagwe, bhai commander tied my hands behind and started beating me repeatedly on my legs after removing my clothes, except underwear. I was shouting and screaming that I am innocent. ACP Dhawle abused my wife and threatened that they would bring all my family members there and strip them naked. Raghuvanshi came there during this period and told me to listen to what they say or he would kill me in an encounter as they had killed Khwaja Yunus and that no one can do anything to the police and all are going about freely. He said that if I do not listen to what they say, my family members would be involved in the case and if I do not listen even then, they would kill me in an encounter. They were continuously beating me. Bagwe commander gave me two punches on my back at the place where I had been beaten on 29/09/06. PI Mohite also beat me at the same place. I told them that my shoulder has broken, thereupon they said that they would break my other shoulder also. In between, they banged my hands on the wall and made me to walk on metal (khadi) that was outside the torture room. Raghuvanshi had taken out a diary from his pocket before giving the threat of Khwaja Yunus and told me that he is giving me six names and I should prepare a story involving them in the Malegaon blast. The names were Dr. Salman Farsi, Shabbir Masiullah, Noorul Huda, Rais Ahmed, Dr.

Wahid and Wajid. Sachin Kadam and Tajne said during this that I have to tell about the Malegaon blast or they would continue beating me in this manner. They told me that they would write and give me stories about Malegaon blast and railway blasts and I should learn it by heart. I pleaded with them that I am innocent and should not be involved in false cases. They started beating me and continued beating till late night and left me in a dark room.

Sachin Kadam and Gaikwad came in the morning on 22/10/06 and asked me what I have to say. I told them that I am innocent and they should not involve me in both the cases. They and Sangram started beating me. I was made to bang my hands on the wall and to walk on the metal (khadi). Thereafter I told them not to beat me and I would do as they say. Sachin Kadam said that now I am behaving as they say and telling the truth. Gaikwad brought two separate papers containing stories of Malegaon and Mumbai railway blasts and asked me to memorize them, saying that I have to tell the stories before a camera, which they would show to big people. I started memorizing the stories. I was made to tell the stories while sitting in an AC room before camera. They were false stories prepared by the ATS.

I was taken to ATS chief Raghuvanshi in the morning on 23/10/06 and I narrated the stories that I learnt by heart before him. He said that they were telling me the same things since beginning, but I was not listening and got beaten for four days, that they would make me approver in both the cases, that they would get me released in 1½ – 2 months from the prison, that there is nothing in my house, therefore, they would give me Rs. 10,000/- per month and Rs. 1/- lakh for business. He said that I should listen to what they say, that he is a Raghuvanshi and would not go back on his promise, that if I do not listen to them, they would fit me in the Malegaon case in the same manner and involve my family members in this case. Gaikwad gave me the papers containing the stories and told me to narrate them before the camera saying that the recording on the earlier day was not properly done. I read the stories and told him that they contain false things that bombs were prepared at my house on 8<sup>th</sup> to 10/07/06 and that Pakistanis had come to my house. He threatened that I have again started behaving as before, that I should quietly tell their story and then he placed his revolver to my head. I quietly told my story before the camera. In between Kadam used to say that I should narrate the story smilingly so that it will appear natural and I should sit with one leg over the other and that they want to show the CD to big people.

Raghuvanshi came in the morning on 24/10/06 with CP A. N. Roy and I was made to narrate the same stories before him. A. N. Roy told me that he is the Commissioner of Mumbai and if I listen to them, they would make me approver in both the cases, would get me released from the jail in one and a half months, that I have to give a confession before a DCP and if I do not do so, they would fit me in the Malegaon case and involve my family members in this case.

PI Kolhatkar and two constables then took me to DCP, Zone-IV at Matunga. PI Kolhatkar threatened me in the vehicle that I should not say anything before the DCP otherwise he will beat me. I was not veiled and handcuffed on that day. They took me in the room of the DCP at 9.00 a.m., the DCP only asked me my name and address. I told him that these people are beating me since 3-4 days and involving

me in false cases. DCP threatened me that I have been beaten very less and I should be beaten more. I showed him the marks of injury. PSI Divekar of Matunga Police Station was not there at that time. The DCP forcibly took my signature with date on 3-4 pages. I signed because of the threat given by Raghuvanshi and A. N. Roy about involving my family members in this case and also fear of beating. The DCP did not write anything in my presence, but the 3-4 pages were already written. I do not know what was written in them and I was not allowed to read them. I did not give any statement before the DCP on that day. Kolhatkar took me downstairs after 5-10 minutes during which we were in the cabin of the DCP. Kolhatkar abused me and said that he had told me not to say anything before the DCP and threatened that I should sign quietly on the next day evening before him. PSI Divekar came there with two constables. Kolhatkar told me that I have to stay there till the next day evening and accordingly I was kept there.

PSI Divekar took me out of the lockup at 5.00 p.m. on 25/10/06. Kolhatkar was standing outside and asked me how I am and threatened that I should sign as I had signed on the earlier day and not to play any mischief or he would beat me in that room itself. They produced me before the DCP at 5.00 p.m., the DCP did not ask me anything on that day. I was forced to sign because of the threats given by Raghuvanshi, Roy, Kolhatkar and DCP. I signed on 13-14 pages that were already written because of the threats of involving me in the Malegaon case and my family in the case. They also took my signatures on two separate blank papers. I did not give any confessional statement before DCP Karale, he did not record my confessional statement and did not give it to me for reading. This story was a false story of Raghuvanshi and Roy. I was taken below in 5-10 minutes after being in the cabin of the DCP. Kolhatkar went back from there. Divekar and two constables took me in a vehicle without veil to a room at Kurla (W), where a person was sitting. He was not introduced to me. PSI Divekar and two constables were present in that room with me. That person did not ask me anything. Divekar gave him two envelopes. Thereafter I was taken back to Bhoiwada lockup. I was not taken for medical examination during this period. I had pains on my back because of the beating. I have produced the MRI report Ext. 2498.

I was taken to Rafiq Nagar in the evening on 23/10/06 to my uncle's house and my aunt was told to say that my family had come to her house on 8<sup>th</sup> to 10/07/06. She said that my family had not come to her house on those days. Kolhatkar and Jadhav commander beat me in her presence.

I was brought to Kalachowki on 26/10/06, where Raghuvanshi, Tajne and Kadam were present. Raghuvanshi threatened me that I should not say anything in the court on that day and that if I say that they had beaten me and taken my confessional statement, they would involve me in the Malegaon case and my family members in this case. I was produced alongwith four persons in the court. I did not say anything before Judge Mrudula Bhatkar on that day, because of the threats given by Raghuvanshi and Roy. SPP Raja Thakare told in the court that we should not be kept in Arthur Road Prison, but should be kept in some other prison as there is threat to our lives and it concerns the safety of the accused. We were kept in the Byculla Prison, where there is no safety zone. We were produced before a doctor on

the next day and I showed the marks of beating to him. We were kept in the barrack no. 1 in the Arthur Road Prison on that day in the evening.

Govind Patil illegally took me out of the barrack at 2.00 p.m. on 30/10/06, though the barracks used to be closed from 12.00 to 3.00 p.m. and took me to the office of Supdt., Swati Sathe, where ATS officer Sachin Kadam was sitting in front of her. He threatened that I should say as told by his superior and whether I remember it and if I do not listen to them, they would take my remand in the Malegaon blast case and again beat me. I was then sent back to my barrack.

I was similarly taken out from the barrack at 8.00 p.m on 02/11/06, Raghuvanshi was present in the office of the Superintendent. I again requested him not to involve me in the case as I am innocent. Raghuvanshi told me that he will keep his promise and I should keep my promise, that I should not say anything in the court on 09/11/06 and if I complained he would take my remand in the Malegaon blast case. I started crying, at that time he said that they would meet me in the Malegaon blast case. I was taken out similarly at 8.00 p.m. on 06/11/06 and taken to the office of the superintendent. ATS officers Salaskar, Mayekar, Alaknure and Vikay Ambekar were present there. I said to Salaskar that he had kept me for two months, that I have no role to play and he should swear on his children whether I have played any role in both the blasts cases. He said that he knows that I have no concern with both the cases and I am innocent, that he had kept me illegally for one and a half months on the say of Raghuvanshi, that I am being implicated by his superiors, that I would benefit if I listen to the ATS chief and then he left.

My brother Muktar came to meet me in the prison on 2<sup>nd</sup> to 04/11/06, but Swati Sathe did not allow him to meet me though he had brought the court order. My advocate Anjali Iyer gave letter to the Supdt about it. The office copy of that letter along with the roznama is the same now shown to me. (The letter is marked as **Art-461** along with photocopy of roznama).

My brother Muktar met me on 06/11/06 in the prison. I told him that I am falsely involved, that my signatures are forcibly taken on confessional statement, that Raghuvanshi and Roy had threatened that if I do not become an approver they would involve me in the Malegaon case and involve my family members in this case. I told him the names of the officers who had beaten me and given third degree torture and that I am more hurt on the left shoulder, that the entire story is false and I asked him to complain to the judge. My brother gave complaint in the court through my lawyer on 07/11/06, which was given MA 309/06.

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

**Date : 03/07/13**

**Special Judge**

**Date : 04/07/13**

**Resumed on SA**

The copy of the complaint now shown to me is the same. (It is marked as **Art-462**). I was taken out from the barrack at 12.30 p.m. on 07/11/06, made to stand with some people, some persons came there, but no one identified me. I was sent back to my barrack after 5-10 minutes. I saw PW-75 for the first time in the court,

but I had not seen him in the prison on 07/11/06. He identified me in the court on the showing and tutoring by the ATS.

I was produced with other accused before judge Mrudula Bhatkar on 09/11/06. I made oral complaint to the judge naming Raghuvanshi, A. N. Roy and other police officers about the torture, they forcibly taking my signatures, giving threats to me about involving me in Malegaon case and that I am innocent and falsely involved. She recorded my complaint in the roznama. I also gave a written complaint, which was marked as Ext. F and F1.

I and accused no. 13 Asif Khan were brought to the Nagpada office for custody in Malegaon blast case in the evening on 13/11/06. We were produced before the same judge on 14/11/06. I told the judge that I had told her that Raghuvanshi had threatened me, that if I do not become approver, I would be involved in the Malegaon blast case, that I am being involved falsely in both the cases and not to send me to the custody of the ATS. In spite of that I was remanded to the custody of the ATS.

Raghuvanshi and Sachin Kadam came to the first floor of the Bhoiwada lockup in the evening of 15/11/06. Raghuvanshi again threatened that I had not listened to them and I had complained to the court and that I had seen his one face and would see his second face now. I was brought to Kalachowki on 17/11/06, where DCP Bawaskar and Tajne were present. DCP Bawaskar told me to listen to them and they would take me out of both the cases and if I do not listen to them he would secure two hangings for me in the Malegaon case. Sangram and Gaikwad constables tied my hands behind and gave me about hundred blows on hands and legs, because of which my physical condition deteriorated, I vomited and there was blood in my urine. DCP Bawaskar and ACP Shengal called me in the torture room at Kalachowki on 20/11/06 and brought my elder brother before me. ACP Shengal threatened that if I do not sign before the DCP, he would involve my brother in the same manner in this case. My brother was crying and seeing it I also started crying. ACP Shengal told me to listen to his superiors and that they would get me released from both the cases. Shailesh Gaikwad and inspector Bagwe came with the CDR of my mobile in the Kalachowki office and Gaikwad said that they have taken out the CDR of one year and he abused me and said that there is not a single number of my friend, but all are numbers of the ATS and Crime Branch. He asked me why I called him repeatedly from the ATS office Kurla. I told him that he had kept me there illegally, therefore, I had been calling him only and except the numbers of the medical stores there were no other numbers. He asked me whether I do not know any SIMI member and that there are no number of SIMI members in the CDR. The CDR was the biggest evidence of my innocence, but the ATS deliberately did not produce it. Inspector Bagwe gave me the bunch of the CDR and he also checked each and every number in my presence.

ACP Shengal and Sanjay Khaire took me to the Nagpada office on 04/12/06 and took me before Raghuvanshi and Subodh Jaiswal. Raghuvanshi again threatened me that if I listen to them, they would take me out of both cases. I started crying and told him that I should not be involved in both the cases and that I am innocent. Thereafter, ACP Shengal again threatened me that I should quietly sign before the

DCP otherwise they would involve my brother in the Malegaon blast case. Sanjay Khaire and two constables took me to DCP Ashok Dumbre and threatened outside his office to sign before the DCP otherwise he would beat me more. I was not veiled at that time. They produced me before the DCP, who did not ask me anything, but forcibly took my signatures on some written papers. I do not know what was written in them. I did not give any statement before the DCP on that day. I was then kept in the lockup of N. M. Joshi Marg Police Station. I was again taken out of the lockup in the evening on 05/12/06 and taken before the DCP, where Sanjay Khaire was present with him. They took my signatures forcibly on 8-10 pages. I signed because of the threat given by ACP Shengal. I was again taken to the lockup of N. M. Joshi Marg Police Station. I was produced before a magistrate on 06/12/06, to whom I told that I am involved falsely in both the cases and I am innocent and I did not give any statement before the DCP. The magistrate took it on record. Sachin Kadam and Kolhatkar were standing outside the room of the magistrate. The magistrate obtained my signatures on a paper on which something was written in English, which I did not understand and I signed because the two officers were outside. I was produced before judge Bhatkar on the same day, to whom I stated that I had not given any confessional statement and my signatures were taken forcibly. She took these things on record. I was then put in the prison. The ATS took my signatures forcibly on the confessional statement in this case as they had taken them in the Malegaon blast case.

I had given some applications from the prison. They are BA 13 sent from Thane prison on 27/01/07, MA 489 sent from Thane Prison on 24/04/07, in which I mentioned about the harassment given to my family members and having detained my wife and uncle at Kalachowki on 25/10/06 for 6-7 hours and wife threatened to sign on some papers, but she did not sign. I had also mentioned about taking me to Rafiq Nagar on 23/10/06 and beating me in front of my uncle. I want to take on record another two applications that were filed with MA 489. (Learned advocate for the accused is not present. His junior advocate Fakruddin requests to keep back this point as learned advocate has gone to the High Court).

My story of the blasts that was videographed, was broadcast on 11/07/07 by the Star News and Aaj Tak channels, as it was sold to them by the ATS for defaming me by showing me as a terrorist. I filed complaint MA 478 about it. (Witness requests for showing the MA). It is the same now shown to me, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.4092**). I have mentioned about the torture in it. R. R. Patil had ordered an inquiry as to how the CD was leaked and had formed a committee. I had sent applications under the RTIA on 05/01/08 and 23/02/08 in connection with the CD. The carbon copy of my application dated 23/02/08 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.4093**). The photocopy of my application dated 05/01/08 bears the facsimile of my handwriting and signature and its contents are correct. (It is marked as **Art- 463**). I received the information in four letters from the PIOs of the office of Commissioner, Government and the ATS. They are the same now shown to me. (They are marked as **Exts. 4094 to 4098**, subject to objection by the learned SPP about its proof). I had sent an application under the RTIA on 04/06/08 for the

same information. Its carbon copy now shown to me is the same, it is in my handwriting, it bears my signatures and its contents are correct. (It is marked as **Ext.4099**).

(Adjourned for recess).

**Date : 04/07/13**

**Special Judge**

**After recess**

(Adv Fakruddin h/f Khan Abdul Wahab present and submits that the Id adv is in the High Court in a matter concerning this case and will come after some time and requests to keep back the matter.

Hence, K.B.

Adv for accused not present at 4.15 p.m.. Hence, adjourned to 05/07/13).

**Date : 04/07/13**

**Special Judge**

**Date : 05/07/13**

**Resumed on SA**

MA 489 sent from the Thane Prison is the same now shown to me, it is in my handwriting, it bears my signatures and its contents are correct. (It is marked as **Ext.4103**). I had sent another application with it, but it is not in the file. I want to produce its office copy. I am producing it with my written application. It is the same now shown to me, it bears my signature and its contents are correct. (It is marked as **Ext.4105**).

I was called by Govind Patil to the office of anda cell on 07/11/06 and told that DCP Bawaskar and Sachin Kadam of the ATS have come to meet me. I told him that I am falsely involved in the bomb blasts case and they are continuously calling the ATS people in the prison and troubling me and I do not want to meet them. He then told me that he is sending me to the hospital and not to tell about it to my co-accused. He had not written my name in the dairy of the anda cell and sent me illegally to the prison hospital. On my request to the CMO on that day, he sent me to the JJ Hospital on the next day for my complaint of injury on the back. I lodged a complaint in the court on 15/11/06 mentioning the names of the ATS officers who had come to meet me in the prison and had also mentioned the names of the ATS officers who had come to meet my co-accused in the prison mentioning the dates and times. MA 751/07 is the same now shown to me, it is in my handwriting, it bears my signatures and its contents are correct. (It is marked as **Ext.4106**). I had sent an application on 02/03/08 about illegal detention and for discharge. MA 99A/08 is the same now shown to me, it is in my handwriting, it bears my signatures and its contents are correct. (It is marked as **Ext.4107**).

(Adjourned for recess).

**Date : 05/07/13**

**Special Judge**

**Resumed on SA after recess.**

I had sent a discharge application on 04/02/08 in Malegaon case. Photocopy of MA 87/08 is the same now shown to me, it is in my handwriting, it bears the facsimile of my signatures and its contents are correct. (It is marked as **Art-464**).

Anda cell incharge Govind Patil came at about 9.00 a.m. on 28/06/08 and told us that we were being sent to Nagpur, Kolhapur and Ratnagiri prisons. I told him to show the order. He said that he has the order, but will not show it. We were then locked in the barrack. Officer Tingre and took away Farough Makhdmoomi and thereafter I heard the Swati Sathe saying that doctor should be taken out and kicked. I then heard the doctor being beaten and he saying as to why he was being beaten. Half an hour thereafter I heard the sound of alarm and sounds of beating and shouting. Officers Govind Patil, Gaikwad, Jutale and Kanaskar came 30-45 minutes thereafter and took me out of the cell with my belongings and beat me in the circle of anda cell. I also saw many co-accused and accused of Aurangabad case having suffered injuries. I saw accused no. 2 Tanveer with his broken hand in a sling sitting by a wall when I was taken to the red gate. We were forcibly loaded in a vehicle and sent to Nagpur Prison, where we were not given any medical treatment for 20-22 days. I narrated about this incident before this court on 29/07/08 and it was taken on record and this court then sent the matter for inquiry to the CMM. I had also given an application for my transfer to Thane Prison and for my medical treatment. We were taken before the CMM on 05/12/08 in connection with the incident and our statements were recorded and I had given copy of MA 751 to the CMM. I have a photocopy of the statement, it bears the facsimile of my signature and its contents are correct. (It is marked as **Art-465**). I have produced a photocopy of affidavit made by one Atif Nasiruddin alongwith photocopy of letter by the ACP, ATS dated 12/12/06 calling him for identification parade, photocopy of memorandum of identification parade and application by Atif's father. (They are marked as **Arts- 466 (1 to 4)**).

The ATS has falsely involved me and eight other accused in Malegaon case and then CBI also walked the same road, but the NIA gave no objection to our bail application on 05/11/11 and said that we have no role to play in those blasts. The NIA has filed a case against four Hindu persons on 22/05/13 saying that we nine accused have no role to play. Unit-VII of the Crime Branch has also filed a false case against me like this case and Malegaon case. I was informed by Shabbir Masiullah on 17/03/08 in the prison that he is falsely involved in the Malegaon case and I am shown as wanted accused in a case filed by the Unit-VII of the Crime Branch, Ghatkopar. I sent an application to the Killa court No. 37 for producing me before it and informed that I have been falsely involved in this case as well as Malegaon blast case. Its carbon copy now shown to me is the same, it was written by my co-accused, it bears my signature and its contents are correct. (It is marked as **Ext.4108**). I did not get any reply to this application for one and a half years, therefore, I sent an application under the RTIA on 13/11/09 to PIO, Killa Court asking for the information about my application and why I was not produced. Its office copy now shown to me is the same, it is in the handwriting of my co-accused, it bears my signature and its contents are correct. (It is marked as **Ext. 4109**). I did not get any reply for 1½ years, therefore, I sent an application to the Principal Judge of the City Sessions Court alongwith copies of the earlier applications and



chargesheet. The photocopies of the applications now shown to me are the same, the applications bears the facsimile of my signatures. (They marked as **Arts-467 (1 to 3)**). This case was prepared by officer Shripad Kale of the Crime Branch, who had inquired with me on 14/07/06 in Shivaji Nagar Police Station and had taken my statement. I met him 4-5 times in this court hall and outside and when I asked him why he has involved me in a false case. He replied that he did so only for passing time. The Crime Branch, Unit-VII people showed some false papers to this court on 03/11/11 and obtained police custody, without my knowledge and in the absence of my advocate. The certified copy of the order and other papers are the same now shown to me. (It is marked as **Ext. 4110 (1 to 7)**). The said case is also a false case as per the train blasts case and Malegaon case.

Since I lodged a complaint against Raghuvanshi and Roy on 09/11/06 in this court, the ATS, Crime Branch and local police have been going to my house repeatedly and harassing my family members. The ATS officers Shailesh Gaikwad and staff of Shivaji Nagar Police Station went to my house at 12.30 in the night on 19/05/07 and beat my 12 years old son. My family members did not complain because of the threats given by them, but they told me. He again went with some staff similarly on 07/03/08 and knocked on the door and said that they are ATS officers, my children started crying, but my wife did not open the door. I gave complaint about it on 22/05/08 and it was given MA 219/08 and judge Vinay Joshi mentioned in the roznama that it was sent to the CMM. Its photocopy is the same, now shown to me, it is in my handwriting, it bears the facsimile of my signature and its contents are correct. (It is marked as **Art-468**). I got an application written by my co-accused and sent it to the CMM on 22/08/10 inquiring about MA 219/08, but I did not get any reply. Its photocopy is the same, now shown to me, it is in my handwriting, it bears the facsimile of my signature and its contents are correct. (It is marked as **Art-469**). I similarly sent an application on 31/12/12 to the CMM to call me to the court in connection with MA 219/08. 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.4111**). I similarly sent an application on 04/04/13 to the CMM for the same purpose along with a copy of the application dated 22/05/08. It is the same now shown to me, it is in the handwriting of my co-accused, it bears my signature and its contents are correct. (It is marked as **Ext.4112**). I had gone to the CMM court in March, 2013 and had inquired with the Registrar Uma Dongre about my above applications and on checking the records she had informed me that the application dated 22/05/08 is not received, but the subsequent applications are received. I gave a photocopy of the application dated 22/05/08 to her.

I sent an application under the RTIA to the PIO, CMM court on 13/05/13 in connection with the above applications. 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. 4113**). My wife sent an application to the Commissioner of Police in connection with the continuous harassment by the Crime Branch and the ATS and sent a copy to this court, which is at Ext. 3704. Copies were sent to the Chief Justice of the High Court, CMM, Chairman, NHRC, National Commission for Minorities, New Delhi, Chairman of Maharashtra State Minority Commission, Chairman of National Commission for Women and Sr. PI of Shivaji Nagar Police Station, Govandi. My wife received letter dated 28/03/13 from the Chairman of

Maharashtra State Minority Commission that her application was sent to the Home Minister.

I sent an application under the RTIA to the PIO, CP office on 28/03/13 in connection with the application of my wife. Photocopy of the application of my wife along with postal receipts now shown to me is the same. (It is marked as **Art-470**). I got reply on 29/04/13 from DCP, Chembur in which it was written that the application was sent to the Shivaji Nagar Police Station for action and one more letter to Deonar Police Station. I had given an application to the DCP, Chembur in connection with my wife's complaint on 20/04/13. I got reply from Sr. PI Shivaji Nagar Police Station on 07/05/13 informing that inquiry about my wife's complaint is being made by PI Dinesh Desai. Other information was not provided. I got a letter dated 04/04/13 from CP, Mumbai that my wife's complaint was sent to DCP, Chembur and I should collect information from there. I want all the letters be exhibited. (Copy of letter by Chairman, Maharashtra State Minority Commission dated 28/03/13 to Home Minister is marked as **Art-471**). Carbon copy of my application under the RTIA dated 28/03/13 is in the handwriting of my co-accused, it bears my signature and its contents are correct. (It is marked as **Ext.4114**, letters from PIOs are marked as **Exts.4115 and 4116**, information is marked as **Ext.4117** and another letter from the PIO is marked as **Ext.4118**, subject to the objection by the learned SPP about its proof). No action has been taken on the application of my wife, but she was called three times to the Shivaji Nagar Police Station and made to sit there for an hour, but PI Sohoni used to remain absent. My wife gave complaint against the said officer on 06/04/13 about his behaviour. I am producing its photocopy along with postal receipts. (It is marked as **Art-472**).

I sent an application under the RTIA on 08/04/13 about PI Sohoni and other details. Its photocopy is the same now shown to me, it is in my handwriting, it bears the facsimile of my signature and its contents are true. (It is marked as **Art-473**). My wife received a letter from Shivaji Nagar Police Station on 15/04/13. It is the same now shown to me. (It is marked as **Art-474**). I received information along with documents and forwarding letter, they are the same now shown to me. (Forwarding letter is marked as **Ext.4119** and information is marked as **Ext.4120**, subject to objection by learned SPP about its proof). It is in the letter dated 15/04/13 that my wife will not be called to the police station and her statement will be taken at the house when she is well. My wife was sick for 20-25 days, therefore, her statement was not recorded and after she got well my son and brother phoned constable Shashi Pawar and it was informed that they would come for inquiry. Finally my wife got letter dated 21/06/13 from Sr. PI of that police station asking her to inform as to when she would be at home for giving statement. The said letter is the same now shown to me. (It is marked as **Art. 475**). PI A. D. Ghadigaokar of Chembur Unit-VI went to my house on 17/04/13 at 6.30 p.m. and asked strange questions and also asked about whereabouts of Dr. Salman. I sent an application on 20/04/13 to the DCP of that unit asking for information about Ghadigaonkar. Its carbon copy now shown to me is the same, 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.4121**). I got information alongwith forwarding letters. (Forwarding letters are marked as **Exts. 4122 and 4123** and information is marked as **Exts.4124 to 4126**, subject to objection by learned SPP about its proof). The information

contains the information about PI Ghadigaonkar going to my house on 17/04/13. It is my request to this court to take action on going through all the above documents, against all the persons who have been harassing my wife from the last seven years. My wife has contracted diseases like high blood pressure and diabetes, because of the harassment.

I have been falsely involved in the Mumbai local train blasts, in the Malegaon case and in the case filed by the Unit-VII of the Crime Branch. I am innocent. I am not a member of SIMI, I do not know any member of SIMI till today, I am not a member of L-e-T, there was no conspiracy on 8<sup>th</sup> to 10/07/06 at my house and I did not take part in any conspiracy. RDX was not recovered from my house on 29/09/06. ATS has mixed RDX in cotton and has misled the court. We have been falsely involved in this case by producing false evidence by Raghuvanshi and Shengal to mislead the court as they had done in the Malegaon case. Raghuvanshi, A. N. Roy, Nawal Bajaj, Ashok Dumbre, DCP Karale, ACP Shengal, ACP S. L. Patil, ACP Bawaskar, PIs Mandke, Mayekar, Tajne, Khanvilkar, Dinesh Ahir, Alaknure, Dalvi, Phadke, Shailesh Gaikwad, Mohite, Sohoni, A. D. Ghadigaonkar, APIs Sachin Kadam, Kolhatkar, constables Bhai commander, Sangram, Bagwe, Gaikwad, Vijay Ambekar, Tatugade and Jadhav, have falsely involved me in this case and Malegaon case. They should be punished after making inquiry. ATS took IM member Sadiq Shaikh in custody and discharged him wrongly and misled the court and has done injustice on me. I had seen the interview given by Sadiq Shaikh on the CNN IBN channel on TV on 27/02/09, when I was in the Nagpur prison, wherein he had confessed of doing the train blasts in 2006. That CD is in the court.

(Adjourned as court time is over).

**Date : 06/07/13**

**Special Judge**

**Date : 08/07/13**

**Resumed on SA**

I request the court to play the CD so that I can identify the interview. (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). It is my request to this court to see the CD once before giving judgment.

I have written the written submissions filed with my statement u/s 313 of the Cr. P. C., it bears my signatures and its contents are true. (Witness requests that he be shown CDR Ext. 3814 (1 and 2)). The mobile number 9969102939 of officer Shailesh Gaikwad is reflected in the entries dated 12<sup>th</sup> to 16/08/06. ACP S. L. Patil has not produced page no. 8 of the Mumbai Mirror issue Ext. 810, which was the evidence of my innocence. I am producing a downloaded copy of the said page no. 8 given to me by my co-accused no. 8 alongwith an application now. It is the same now shown to me. (It is marked as **Art-476**). Whatever is written against me in the confessions of my co-accused is all false. The allegations in the final report Ext. 2451 are all false and baseless. I have not torn and destroyed my both passports.

Except Muscat I did not go to Dubai or Pakistan. I am not involved in any conspiracy and had not gone for that purpose to Mira Road and Bandra. I had seen accused no. 4 and 7 during illegal custody and the accused no. 2 during judicial custody. The ATS and Crime Branch officers are repeatedly going to my house even now and torturing my family members so that I become an approver. Special PP Raja Thakare is misleading the court by producing false witnesses in this case and in Malegaon case to convict me and my co-accused and to secure our punishment and hanging. I had seen the accused no. 7, 8 and 12 being tortured and beaten during police custody.

My wife had received a letter from the National Commission for Women, its photocopy is the same now shown to me. (It is marked as **Art.477**). I am innocent in both the cases and justice should be done towards me.

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

(Adjourned for recess).

**Date : 08/07/13**

**Special Judge**

**After recess**

(Adv Ms Shazia Khan h/f Khan Abdul Wahab for accused present at 3.25 p.m. and submits that Id adv would be coming in 5-10 minutes as he is cross-examining a witness in CR No. 29 and requests to keep back the matter. She submits at 3.30 p.m. that learned advocate has asked to start the cross-examination).

**Resumed on SA after recess**

It is true that many applications on my behalf are in English. It is not true that I read the applications before filing them in the court. My co-accused wrote the applications as per my instructions and had explained what they had written. I have faith in the co-accused. It is not true that many applications were written by my co-accused on my behalf. It did not happen that my co-accused told me that some types of applications are to be given. I had told them to write the applications. It is not true that I have given all the applications after consultation with my co-accused. There are 3-4 co-accused with me in the barrack and I have discussions with them about the case. Witness volunteers- it is on very few occasions that I had the discussions. It is true that I share the factual position about me and they share factual position about them. It is not true that after doing so we decide who will give what type of application in whose name. It is true that the co-accused to whom I show my applications know about their contents. It is not true that the co-accused also tell me what applications they have made. I filed applications in the handwriting of accused no. 2 and 8. Accused no. 2, 4, 10 and 13 are also in my barrack. Accused no. 3 is not in my barrack.

It is not true that I had replied in the negative when the court asked me the question as to whether I want to give evidence on oath during my statement under section 313 of the Cr. P. C. It is not true that I regularly come to court and hear the proceedings that are going on in the court. It is true that I have not complained upto now to this court that I have not understood the proceeding that are going on in the court. I asked permission of the court to take inspection of the record and

took inspection. I wrote the written submissions in the prison. I know that accused no. 2, 4, 7, 8, 10, 12 and 13 have given written submissions, but I do not know about the others. I did not take information as to what they have written concerning me in their written submissions. I did not inform them what I have written about them in my written submission. I felt that we should have knowledge about what we have written about each other in our written submissions. I have copies of all the applications that I gave to the court and to other authorities. It is true that I wrote my written submissions on their basis. I started writing the written submission in June 2012. I did not feel that I should get confirmed the dates and names written in it from my co-accused so as to prevent any mistakes. My written submission and evidence are correct and do not contain any false statement.

It is true that I rely on all the documents that I obtained under the RTIA and produced in court. It is not true that I am relying on the documents as the information in them is complete, correct and I admit it. It is not true that I do not admit as correct the information under the RTIA that I have produced. It is my say that the information is incomplete. It is not true that I say that it is incomplete as it is not according to my desire and does not suit me. It is true that I have not examined any officer for proving the truthfulness or otherwise of the documents that I produced under the RTIA.

I do not know when the ATS was formed. I came to know about its existence on 12/07/06. I did not know at that time where its offices were and what type of cases the ATS investigates, but knew only about Chembur. I was not in the Bhoiwada ATS office on 20/10/06. I was in the lockup of Bhoiwada before 20/10/06. I again say that I was in the Bhoiwada office on 20/10/06. I was not in the Bhoiwada office for the whole day on 21<sup>st</sup> to 25/10/06 in the night. I had not seen PI Mohite on 20/10/06. I had seen him on 21/10/06. I had not seen him on 22<sup>nd</sup> to 25/10/06. (Learned SPP submits that he is producing certified copies of station diary entries alongwith an application as he wants to show them to the witness. Learned SPP asks the witness to go through the station diary entry no.1 dated 17/10/06, entry no. 11 dated 03/11/06 and certified copy of deposition of PI Mohite in CC No. 310/PW/07. Learned advocate Khan Abdul Wahab objects on the grounds that the contents cannot be shown to the witness as they are not proved and it is not his record. Objection overruled).

1. Officer Mohite was deputed to Lucknow for the investigation of the crime as per the station diary entries dated 17/10/06 and 03/11/06 and was not in Mumbai during this period?

These entries are bogus and I do not believe in them.

It is not true that officer Mohite has given evidence in CC No. 310/PW/2007 in the Mazgaon court that he was so deputed to Lucknow during that period. It is not true that I gave false evidence about officer Mohite on the instigation of accused no. 2 and 4 and my advocate, that I made false allegations as per the Al-Qaida manual against all the police officers whose names I have given in my evidence. I was taken to different hospitals during my police custody period. It is not true that papers of my medical examination are produced in the court. It is not true that the prosecution has examined the doctors to prove the papers that they have prepared.

Witness volunteers-the doctor who examined me in the KEM Hospital has not been examined. It is not true that I have made baseless and false allegations about torture and ill-treatment.

My elder brother Hazrat Ali has passed the 12<sup>th</sup> standard. He works in a nursing home. I respect him and have faith in him. It is not true that I do not hide anything from him and that I confide in him. My younger brother Muktar is a tailor and has passed the 5<sup>th</sup> standard. I have full faith in him. Birth date of my son Suhail is 22/02/94 as per my memory. I do not know the birth dates of my wife Saidunnisa and brother Muktar. I have full faith in my wife. It is true that my both brothers do not have any criminal record. I had called my elder brother for giving evidence and I have no complaint about his evidence. I had summoned my wife to give evidence. It is not true that I did not examine her though she was available.

There is a case filed by the DCB CID, Unit-VII against me, which is a false case, other than this case and Malegaon blast case. I am on bail in that case. Charge has been framed in that case, but the trial has not started. I have not read the chargesheet of that case. It is true that I do not know about the date and facts of the incident alleged in that case and the names of the co-accused. I have engaged an advocate in that case. I had appeared lastly in that case on 22/05/13. I was present in the court when the charge was framed against me. It is true that I have not challenged the framing of charge in any higher court.

There was no externment notice issued against me at any time. I have never been arrested and produced in any court since the year 2000 till my arrest in this case. I have no complaint about my statement recorded on 12/07/06 by Gaikwad of Chembur, ATS, about my statement recorded on 13/07/06 when I was called by HC Mujawar at Shivaji Nagar Police Station, about the statements recorded by Sanjay Khaire and Shripad Kale, about the statement recorded by PI Rathod on 17/07/06, about my statement recorded by Nawal Bajaj on 19/07/06 and about my statements recorded by API Alaknure on 20<sup>th</sup> and 21/07/06. I was allowed to go after my statements were recorded on 12/07/06 and on 19/07/06. It is true that from 12/07/06 to 26/07/06 I was not arrested and produced before any court by the officers who took my statements.

It is not true that I falsely stated that I had seen the accused no. 4 Ehtesham on 31/07/06 in the Nagpada ATS office with his hands tied.

I had not applied for passport for the first time, but my father had applied. I was 22 years of age at that time. I had signed on the application. I do not remember the exact date, but it was in the year 1991. It is true that it was not an application of my father showing me as minor, but it was my independent application. I had given the address above mentioned as my address at that time. I do not remember what address proofs I had given at that time. The passport was valid for 10 years. I did not travel abroad on that passport. I had prepared it in case it would have been necessary if I got some employment. I obtained my second passport in 2002. It was valid for 10 years. It was not a passport that was obtained by extending the period of the first passport or by submitting the first passport and obtaining the second one. I had gone outside India on the second passport. I went to Muscat in

2003 for three months. I returned within two months. I did not apply for new passport after I realized that my old passport flowed away in the flood. It is not true that I took the first passport for going clandestinely to Pakistan from another country, that on the second passport I went to Muscat and from there clandestinely to Pakistan for training and took militant training in the camp of Azam Chima. I do not remember by which airline I returned from Muscat. It is not true that I deliberately destroyed my passport to prevent collection of evidence about my movements. I do not remember the name of the company where I worked in Muscat, but it was in Al-Khumer area. It is not true that I have not produced a single document to show that I worked in Muscat. It is not true that I fabricated the false story that the passport was flowed away in the floods.

(Adjourned as court time is over).

**Date : 08/07/13**

**Special Judge**

**Date : 09/07/13**

**Resumed on SA**

(Witness requests permission to explain the answer that he gave to the question about his reliance on the documents produced by him under the RTIA. Permitted). I am relying on the documents produced by me under the RTIA, except the reply that I received in connection with the CD.

It is not true that I gave the above explanation after discussion with the other co-accused in the prison.

It is not true that I am required to maintain contact with Unani doctors for my business of Tilisma Moti. It is not written on the bottles of Tilisma Moti that it is Unani medicine. I cannot say whether it will be false to say that Tilisma Moti is Unani medicine. I do not know in which hospitals Unani medicine is practiced in Mumbai. I knew Salman Farsi since 1999. He is a Unani doctor. I do not know whether his wife is a Unani doctor. I never went to his house. His wife practices from home, but I do not know in what pathy. I have casual relations with him and for the purpose of taking medicines from him. It is not true that he is co-accused with me in the Malegaon blast case. I have received the copy of the chargesheet in that case. I have read my confessional statement in that case. The allegations against me are that I had sent persons to Malegaon for doing the bomb blasts. Witness volunteers- the allegations are false. I do not know what allegations are made against Salman Farsi in that case. He was arrested in that case before I was arrested. I know this as he told me about it in the prison. He was not with me together in the prison. We used to be produced in the court together. I did not ask him from where and why he was picked up. Witness volunteers-he told me in the prison that he was falsely picked up from his clinic. There is one case against him in the Kurla court, which is prior to the Malegaon case. I cannot tell the year of that case. I came to know about the said case two or three days after his arrest. I stood surety for him. I do not know the nature of allegations against him in that case. It is of Shivaji Nagar Police Station. I do not know whether it was LAC No. 56/04 for the offences u/s 153 and 295A of the IPC r/w Ss.3 and 12 of Printing and Regulation Act. I do not know whether the case is still pending and my bond is not

discharged. It is not true that I and Salman Farsi are close friends and are together in illegal activities.

I know accused no. 2 Tanveer since the time I saw him in judicial custody. He is a Unani doctor and was working in Saboo Siddik Hospital. Witness volunteers- he told me about it. It is not true that I used to go to him for my business of Tilisma Moti and I knew him before 2006. I do not know till today that there are two cases against him in the Kurla court. I have received copy of the chargesheet in this case. I do not know whether certified copies of chargesheet against accused no. 2 are filed with the chargesheet. It is not true that I knew him since long before 2006 and he was also indulging in unlawful activities like me.

I used to purchase Tilisma Moti from Hyderabad. It is not true that I have not produced any document to show it. It is not true that I used to be in contact with the accused no.12 at Hyderabad and other than this I had no concern with Hyderabad. I used to keep a stock of 5-6 boxes of Tilisma Moti, each box containing 100 pieces. It is true that no Tilisma Moti was found during the search of my house on 29/09/06. Witness volunteers-there were two boxes in the cupboard. It is not true that I deposed falsely that I used to go around at different places for sale of Tilisma Moti.

1. There are no allegations against you in the chargesheet of this case about you doing any overt act on 11<sup>th</sup> and 12/07/06?

The whole case is false. I have not read the entire chargesheet.

It is not true that I stated falsely that I had gone to Mumbra on 12/07/06 to sell Tilisma Moti. It is not true that I had gone there to meet the accused no. 8 and to see off the Pakistani wanted accused.

It is true that my brother Mukhtar wrote all the things in MA 309/06 on my instructions and whatever is written is true and correct. It is true that there is no allegation in it that police were pressurizing me to say that I and my family were not residing in my house on 8<sup>th</sup> to 10/07/06. Witness volunteers – I had told my brother to write it, but he must have forgotten to write it. It did not happen that I did not tell him some things, but he wrote anything. I have not examined him as defence witness. It is not true that I did not examine him to prevent the false story that I stated from being exposed.

I do not know what narco test is. Witness volunteers- I only know that it is done for involving false persons. I do not know when and why it is done and what is revealed. It is not true that no narco test CD or report is produced in the court. It is not true that I have falsely alleged that narco test is done to falsely involve persons.

I heard the evidence given by PW-71 Abdul Rehman Dawrey, which he gave in my connection. I do not know whether he has not stated a single thing about me in his chief-examination and whether in his entire deposition he has not stated about being detained for 3-4 days in the Kurla ATS office and whether my advocate had



not suggested to him during the cross-examination that he was detained with me in the Kurla ATS office. Same is the case about PW-59 Mohd. Alam Qureshi. I have not cited and examined Ashraf Qureshi as my defence witness. It is not true that as per the Al-Qaida manual I have falsely alleged to defame the investigating agency that the said witnesses were detained for some days in the ATS office. I have not read the Al-Qaida manual.

Jt. CP. Raghuvanshi, DCP Bawiskar, PIs Mandge, Khanvilkar, Salaskar, API Alaknure and PSI Kadam had filed their individual replies to my MA 751/07. Witness volunteers-they are all false.

It is true that I had applied under the RTIA to obtain copies of station diary entries from the Shivaji Nagar Police Station for the period from 11/07/06 to 15/07/06 and for the Crime Branch, Unit-VII from 13/07/06 to 29/07/06 as I wanted to rely on them for my defence. I rely on the copies of the station diary entries that I obtained and produced.

I do not know about the allegations against me in the case filed by the Ghatkopar, Unit-VII. Riyaz Bhatkal's name is mentioned in the chargesheet, but I do not know why it is mentioned and I heard his name for the first time. I do not know whether even today he is the wanted accused in many bomb blasts cases throughout India.

It is true that I have made applications and they are made on my behalf to about 6-7 authorities in respect of false involvement in this case, torture and ill-treatment to me and my family members and for inquiry. It is true that till today no action has been taken against any policeman. It is not true that I have been repeatedly making such allegations, therefore, no authority believes in me and therefore, they have not taken any action.

It is not true that I am the main conspirator in the preparatory acts of the bomb blasts and in the making of the bomb blasts, that I had gone to Pakistan clandestinely and had taken militant training in the camp of Azam Chima, that I destroyed my passport to prevent any evidence being collected against me, that bombs were assembled at my house at Govandi and I played a role in that, that police found traces of RDX in my house during inquiry, that I voluntarily gave my confessional statement before the DCP and confirmed it before the magistrate, that it has been recorded as per the law and as stated by me, that I had taken the police to my house and police had searched it and my brother has identified my signature on the panchanama, that the co-accused have given their confessional statements as per law and whatever they have stated in my connection is correct, that I falsely stated that some of the officers had stated to me that they know that I am innocent, that the police had shown me the complete CDR of my mobile and had inquired with me in detail about all the calls, that it is my false and concocted story that police officers had given their mobile numbers to me and I wrote them down and pasted the pages in my written submissions, that my story in my written submissions is false and concocted and I gave false evidence on oath in consultation with co-accused no. 2, 4, 7 and 8 and under the influence of instructions of my advocate.

No re-examination.

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

**SPECIAL JUDGE**

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

**Date:- 09/07/13 MUMBAI.**