



Name: Zameer Ahmed Latifur Rehman Shaikh

Age: 38 years

Occupation: Business

Res. Address: 1538/16, Center Street, Bhimpura Camp, Pune-1

Examination-in-chief by adv Sharif Shaikh h/f Khan Abdul Wahan for A11

I was residing at the above address before my arrest with my father and mother, who is now deceased, brother Sharifur Rehman, his wife, their two children, my wife and my two children as a joint family. I was born in 1975 and took education in Worli naka Urdu medium school upto the 4th standard, from 5th to 10th standard from Anjuman Khairul Islam, Madanpura, Mumbai-8, 11th and 12th standard only from Akbar Peerbhoy College and degree from Maharashtra College, Mumbai Central, Mumbai-8. I started working in my father's stall on the footpath from 1996 after I gave my first examination of the last year of degree. I used to work in the stall off and on before that. I passed the degree in October, 1996 after having failed in the regular examination in that year. My brother works in the shop regularly full time since 1989 alongwith my father. My brother started driving taxi and private cars since 1996 on and off. My father purchased taxi for him in 1998. I obtained four wheeler driving licence in 1997 and got a taxi driver badge in 2001. Cutlery items like spectacles, goggles, handkerchiefs, locks, purses, carry bags, ropes, etc., used to be sold in the stall upto 1996. Key making work started since 1996 alongwith bags and suitcase repairing. We had started travel agency business for two months in between and for that purpose we had installed telephone having number 3053140 and after some days it was changed to 3074011. My brother used to take customers of the hotel that was behind our shop, initially in 1996 and, used to take them to the airport and back or for Mumbai tour and we used to arrange for this. He used to do this work by private cars also and when he started doing good business, my father purchased taxi for him in 1998. My father, me or my brother whoever used to be present at the stall, used to tackle the customers and arrange for the vehicles. My work initially was to look after the shop, relieve my father, purchase goods from the market at Mohammed Ali Road, Abdul Rehman Street, Crawford market, etc. My duty hours were not fixed, but I used to report to the stall at 10.00 a.m. This timing was disturbed after I obtained taxi driver badge in 2001 as I used to take customers in the taxi to the airport at any time. I was using mobile number 9820582720 at the time of my arrest. I was using it continuously for my personal, business and professional work and had not given it to anyone

during this period. The sim card of that phone was purchased in my brother's name. We used to give services to our customers other than transportation, like laundry, shopping, arrangements for movie, shows, medicines and treatment, railway and air tickets and communication. I used to give my mobile to them for receiving and making calls, if they did not have any means communication, except STD phones. We used to get tips from the customers in the currency of their nation like pounds, dollars, Ira alongwith rupees.

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I was married on 03/11/00 with Yasmin, resident of Madanpura. I was not married in December, 1999 as alleged. My first child was born on 16/08/01 and not in August, 2000 as alleged. I have produced my nikahnama and birth certificate of my child. Ext.3406 is the translated copy of my nikahnama and Ext.3407 is the birth certificate of my son. Ext. 3402 is the letter received from the Maharashtra College under the RTIA that I asked for in respect of my educational details. My wife contracted TB when she was pregnant at the start of 2001 and she took treatment in Masina Hospital, Byculla. Her delivery was by way of caesarean operation. My brother's wife also delivered by way of caesarean operation after January 2002. My wife had miscarriage thereafter. Because of all these repeated things my family members were disturbed.

I am a Sunni Muslim. We all in our family are Sunni Muslims and go for ziarat. Two sisters out of three are given in marriage to my cousins at Chittodgadh in Rajasthan and every year they come to Mumbai and we go there. Our khandan is on the route Chitodhgadh, Bhilwada, Singoli, Mandsaur, Ratlam, etc. We go for ziarat at Ajmer and other places of ziarat that are on this route whenever we go there. I and my family members routinely do ziarat of Haji Ali Dargah that is in front of my house and at Mahim, Nariyalwadi Kabrasthan.

My mother told me to go to Iran for ziarat for blessings and for mannat when our family members came to know that my wife is expecting in January 2005, because my mother was too anxious about my wife and unborn child. I had obtained a passport in 1996. I gave it to Fahim @ Raju Flight, agent of Mujawar travels, who was doing the regular work of our customers also. He gave me my passport and ticket of Iran air with visa at the end of March, 2005. He had charged me Rs. 14500/- for ticket and visa and it was cheaper as he was doing our business regularly. I went to Iran by night flight on 04/04/05. My entire family had come to see me off at the airport. My mother gave me 200 pounds and 350 US dollars at that time. I reached Meherabad airport in Tehran, exchanged the currency in Riyals officially at the airport about which I got a receipt. I took a taxi and went to a hotel, gave my passport at the hotel and telephoned my home in the evening and told them about my well being. I stayed there upto 28/04/05. I did the ziarat during that period in the cities of Mashad, Qum and Tehran of the religious tombs there. I returned on 29/04/05 and went home and from then I did my regular work upto my arrest. I preserved air tickets, currency exchange receipts, hotel bills and bus tickets in my house.

I did my regular work from morning to evening on 11/07/06 and when I came to know about the unfortunate incident of bomb blasts in the evening, I contacted my

home from the PCO, as the mobile network was jammed, told them about my well being and that of my father and brother, who were with me. There was chaos and strange atmosphere on that day, therefore, we closed the stall early and went home. I used to talk with my brother from my mobile to his mobile daily in connection with our work for about 8-10 times. He used to call me even if there was no customer as he loved me.

My mother told me in the night of 20/07/06 that some policemen had come to inquire about my Iran visit and they may come to the stall on the next day and that she has given the address of our stall to them. It was my duty to reach my son and my brother's son to the Anjuman Khairu Islam Urdu School, Madanpura everyday morning. Their school timing in 2005-06 was 10.00 a.m. to 12.00 noon. I used to play football from Madanpura Sports Club in 2005. I used to play football in college also since 1996, except for one or two years in between. I used to practice football before 10.00 a.m., then go to my house and take the children to the school. Their school timings changed to 8.30 a.m. from 2006-07 academic year, because of which my practice schedule was disturbed, because of which I was made to sit on the bench in the league matches at the grounds at Colaba, Cooperage, Metro, Parel and Zavier. I used to go for playing tournaments also.

I reached the children to the school on 21/07/06 and went to the stall. I dropped my father at a hospital by my taxi No. MH-01-X-1199 as he was not feeling well on that day. My mobile was with me and it was on. I returned to my shop. Some people in civil dress were there. The key maker Salim, working in my stall, told them that I have come. They forced me out of my taxi, forced me in another taxi that they had engaged at that time and took me to Unit-II at Saat Rasta. My mobile remained in my taxi as it was being charged. They searched me and took all the belongings and tied them in my handkerchief. I had Rs. 1300/- cash, driving licence, pocket diary, purse, two ATM cards, one in my name and one in my drivers name. My driver was illiterate, therefore, he had given his ATM card to me and I used to operate it as per his instructions. There were some medical prescriptions of some customers. They seized all these articles. I was handcuffed to an iron table in a big room in the Crime Branch, Unit-II office. There were many such people handcuffed there, including two handcuffed to my table. We were taken one by one before a superior lady officer at about 10.00 or 11.00 a.m, whose name I came to know later on as Meera Borwankar. I was taken before her when my turn came and she asked me about my name, address, work and Iran visit. I gave all details to her. I was thereafter taken to a dark room, where 2-3 persons like me were present without clothes. A policeman in civil dress undressed me. We were made to stand opposite each other with our hands stretched above the head and then he went away without giving us our clothes. A policeman came after 1-2 hours and gave me my clothes. Till that time the others had been taken out and I was alone there. I was taken to a backside room where 3-4 persons were sitting on the floor by the side of the bench. I heard sounds of torture from a nearby room and persons were taken there one by one. I was taken inside when my number came, stripped and beaten by flour mill belt on my back, buttocks and legs. I had not eaten anything since morning, therefore, my health deteriorated. They told me that now I would be interrogated and took me to a room where there were computers. A

policeman started taking my statement. Statements of others were also being taken on computers. There used to be a question at the end as to who did the blasts whenever I told about some details. I pleaded my ignorance, therefore, I was again taken back to torture room, ropes were tied to my legs and they were stretched 180 degrees twice or thrice. I was then handcuffed to a table as my health deteriorated more and kept in the same position for the whole night. I was not able to eat the roti and daal that they gave me, till the evening on 22/07/06. I was again taken to the torture room in the evening, made to sit on the floor outside the room. I saw a boy being carried out from that room. I saw the apparatus of saline hung there when I went inside. I was forced to lie down on a bed type table and a needle was forced in the backside of my hand. Some items were attached to my chest and stomach. There was an electronic appliance that was connected. Water like substance was administered through the needle. There were 3-4 persons in civil dress there. One out of them having a French beard, gave an injection in the needle. I became unconscious within 10-15 seconds. I realized that it was the afternoon of the next day, i.e., 23/07/06 when I regained consciousness and I was handcuffed in the other room to a table. The policemen who were in civil dress there appeared to be relieved when I regained consciousness. A policeman abused me and asked me whether I could not bear a single injection. I was given outside hotel food for the first time on that day. I could not eat it and when I stopped after eating half roti, the policeman abused me and asked me to eat it saying that it is from my money. I did not understand it at that time. I came to know when I received the copy of the chargesheet and saw the recovery of an amount less than Rs. 1300/-. I was left handcuffed to that table for the whole night. Many officers used to come during 21st to 23/07/06 with detainees and used to make some inquiries with them and me and then leave.

I was taken to a cabin at about 11.00 a.m. on 24/07/06 where my statement was again recorded. They were tallying it with my passport, currency exchange receipt, air ticket, hotel receipt and bus tickets. They had given my passport in my hand and had asked me whether it is my passport and I confirmed it. The officer who was taking my statement, abused me taking the name of my mother and brother and said that those people had taken three days for bringing these articles. My passport Ext.619 and driving licence Art.140 are the same now shown to me. (The driving licence is marked as **Ext.4155**). The diary Art.143 is the same now shown to me. (Witness requests at 5.10 p.m. that the matter be adjourned).

Date : 15/07/13

Special Judge

Date : 16/07/13

Resumed on SA

Further chief-examination by adv Shahid Ansari h/f Khan Abdul Wahab for accused continued....

The diary contains my handwriting. (It is marked as **Ext. 4156**). The diary also contains a brief account of articles of customers that I used to purchase for them and of give and take of money. The ATM cards Arts.141 and 142 are in my name and in the name of my driver respectively. The three visiting cards and two chits Arts.144 (1 to 5) are the same. The officer who was taking my statement cross-verified it on the basis of the diary and the other documents. I was telling my mobile number to all the officers who were inquiring with me. I asked the said

officer in the evening on 24/07/06 as well as the other officers who had earlier beaten me as to when I would be released, but they did not beat me on that day. The said officer unlocked my handcuffs and made me sit on a bench and told me that his superior would come in the night and after talking with him I would be released. I was relaxed till the time the superior officer came. The officer who had taken my statement went to the room of the superior officer when he came there and I heard someone scolding in a loud voice. An officer in civil dress came after some time, went in that room, came out and handcuffed me to a table, where I remained for the whole of the night.

I was taken to a lockup in the morning on 25/07/06, bathed and again taken to the dark room. I was taken to Bhoiwada from there at about 3-4.00 p.m. I was taken for medical for the first time in that night and threatened that I should not say anything to the doctor. They made me stand at some distance from the doctor, the police officers went to the doctor and talked with him and I was taken back to the Bhoiwada. I was not medically examined upto 25/07/06 and not allowed to meet my family members. I came to know later on that my mother and brother used to come there regularly and they had brought my passport, air and bus tickets, hotel receipts, exchange receipt to the police station on the say of police.

I had seen accused no. 2 in the morning and accused no. 10 in the evening on 21/07/06 there for the first time and the accused no. 3 during the period I was there.

I was kept awake and interrogated by different officers upto midnight or 1.00 a.m. on 25/07/06. I was frightened and under pressure because of the changed circumstances. I was threatened before we were taken to the court on the next day, i.e., 26/07/06, that I should remain silent and not say anything. I was threatened and under pressure therefore I did not tell anything to the court. I was taken back to Bhoiwada. I was taken to Kalachowki sometime during the period of three days thereafter. I was handcuffed to a ring out of four rings on the floor in a room. I was kept sitting there for the day and taken back in the evening. This happened twice or thrice upto 31/07/06. I was called on the upper floor in the afternoon on 31/07/06, where other people were being interrogated and I was also interrogated. I was taken to a room in a corner, undressed and beaten severely by belt on back, buttocks and feet. I saw the agent Fahim @ Raju Flight standing handcuffed in that room, his condition was not good and he appeared frightened. I was tortured severely and was not able to even stand properly. I asked an officer to give me some medicine for my trouble, but he said that he would get me treated from a doctor. However, I was not given any treatment though a person in civil dress had come there and the officer had told him to give me medical treatment. The officer told me to see the influence that they have. My signatures were forcibly taken on some papers in the night on the ground floor.

I was not taken for medical examination to any hospital except KEM for the so called medical and Kalachowki, I had not given any memorandum and had not taken the police anywhere and there was no recovery from me during this period. I was made to run in the night of 31/07/06. I was not given any medicine or medical treatment on 31/07/06 or 01/08/06. I was again undressed and tortured in the

room upstairs on 02/08/06. A.N. Roy and a Punjabi officer wearing a pagdi were also there. I was taken running to a last room and asked to bang my hands on the floor. I had seen the accused no. 2 at that time. The torture continued off and on upto 14/08/06 in the name of interrogation. I was taken to Kurla in the evening of 14/08/06. A constable showed me an officer and told me that he is Vijay Salaskar and had done many encounters and that I should tell the truth to him. There were other officers there including Alaknure. I saw accused no. 2, 3 and 10 there and two ladies, one in salwar kameez and one in burkha. I was beaten there by sticks. I became semi-unconscious because of the severe beating. I was sent back to Bhoiwada in the night along with two other persons of some other case, whom I had seen for the first time. I think their names were Jabbar and Kadar. I was at Bhoiwada for 2-3 days, during which I was not given any medical treatment. The officers who were interrogating me during this period told me that they know that I am innocent, but they cannot release me as there is considerable pressure on them.

Officer Bagwe interrogated me for 4-5 days during September on the basis of CDR of my mobile. There were two sheaves of papers, one containing the details of the calls and one containing summary of who had called how many times on my mobile. Maximum calls were to and from my brother's mobile number 9819131242, more than 200. They crossed checked and ascertained that the said number was of my brother. There were many calls from the PCOs of my local area starting with the digits 49. They inquired with me about those calls. They were of my wife as she could not talk from the house in front of family members. My location of second week of July was of Colaba and Churchgate side, therefore, they beat me severely asking me as to why I had gone there. I did not remember on the first day therefore I had to take severe beating. I remembered on the next day and told them that I had gone to play football matches on behalf of Madanpura Sports Club. There were many other numbers of suppliers, customers, friends, relatives, my shop numbers and others. I was inquired in detail about each number. I was informed that some of those persons had been called and inquired with and I was told that if the person about whose number I told them did not come, they would beat me more. I was interrogated in detail about international calls and they asked me whom I had called abroad. I told them that the numbers are of my customers to whom I gave my mobile for making calls. Sometimes another officer came for the inquiry about the CDR, but I do not know his name. API Bagwe told me after the interrogation that mostly I would be released and that there is nothing against me. I was taken to the hospitals many times during police custody, but was never examined and treated and the police officers used to talk with the doctors. Once my blood sample was taken. I was always threatened since one day before being taken to the court that I should not say anything in the court. I never told anything to the judge as I had been tortured and was frightened because of threats. I was photographed by video camera many times from different angles and with a plate in different get-ups at Bhoiwada and Kalachowki.

I was taken to Kalachowki two or three times in August/ September 2006 and made to memorize a statement in two or three pages that was given to me and to narrate it before a camera. I was not successful because I did not remember the names

and events, therefore, I was unsuccessful in narrating, therefore, I was beaten heavily. The officer used to say that I should say it correctly once and they would be saved as they want to give it to the higher authorities. I was unsuccessful three times, therefore, I was taken Kalachowki. I was called for interrogation in September, but they used to give me inducement, which I refused. I was taken upstairs one night, where officer Dhamankar was sitting with a big injection saying that it is of AIDS and he would inject it in me.

I was taken upstairs on 03/10/06, where officers Shelke, Dinesh Agrawal and one more officer, whose name I do not know, gave inducement to co-operate and asked me to sign some blank papers. I pleaded with them not to make me do these things. Taking into consideration my education, they talked amongst themselves and the third officer said that I would not listen to them in this manner and that I should be taught in their manner. I was sent back to the lockup and taken out at about 8-9-10.00 p.m. and taken to the office of Vijay Salaskar of the Anti-Robbery Cell, Kurla. I was tied to a table and beaten severely and beaten upto morning after taking breaks. Alaknure took my signatures in the morning on blank papers that were in the file. Alaknure took me to Borivali at about 1.30 p.m. reaching there at about 4.00 p.m. The file was with him. It contained some more documents also. We waited upto 6.30 p.m. during which period Alaknue went upstairs and sometimes sent another officer and got the reply that the senior officer had not come.

I was taken upstairs at 6.30 p.m. and handcuffed to a table by the side of a cooler. A local police officer came there after 6.30 p.m. Alaknure had a talk with him and gave him the file.

(Adjourned for recess).

Date : 16/07/13

Special Judge

Resumed on SA after recess

I was made to sit there upto 8.00 p.m. and then put in a lockup. I did not see, meet or talk PW-111 Makarand Ranade. I was again taken to the DCP office on 05/10/06 at about 6.00 p.m. and handcuffed to the same spot. I had finished my fast on both days by drinking water from the cooler there. I saw the DCP for the first time at 9.30 p.m. when he came there with an officer and that officer told me that he is the DCP. The DCP called me inside and told me that some documents are remaining and asked me to sign. I told him that I am innocent, I have not committed any offence and asked him why all these things are being done to me. He stressed me to sign and when I hesitated he threatened that he would phone the ATS and call them and they would take my signature properly and that others have signed and there is a great pressure on him. He picked up the phone, therefore, I became threatened and signed on 8 or 10 written pages. This process was completed within five minutes. The DCP did not ask me any question and I did not say anything to him. I was taken back to Borivali lockup. I was taken out of the lockup at 9.00 a.m. on the next day, taken to GT Hospital and when I was produced before the doctor and he asked me whether I have any complaint, I told him that there is pain in my back as I was tortured at Kurla in the night between 3rd and 04/10/06. The officer who was with me took me to one side on hearing my

complaint and then talked with the doctor. He then took me to Killa court at about 1200 hours and to a room where a person was sitting. He asked me whether I want to say anything. I told him that I am innocent, that I am being involved falsely and my signatures have been obtained forcibly. The person told the officer to take me out and I do not know what talk they had between themselves. The officer took me to his vehicle in the parking lot. Alaknure came there after some time. He abused and slapped me and asked me why I had opened my mouth and took my thumb impression on a paper and gave it to that officer. I was sitting in the vehicle upto 4.00 p.m. with that officer, during which period my signature was obtained on another paper. Alaknure took me back in a Maruti Omni vehicle to Bhoiwada. Borivali staff was not with us. I was put in a lockup after making entry after about half an hour.

I was produced on 09/10/06 before this court. I had told the judge madam at that time that my signatures had been forcibly obtained on papers. She remanded me to judicial custody. They took me to KEM Hospital and from there to the Arthur Road Prison. I was slapped and put in the anda barrack.

I had sent a letter on 02/11/06 to the President of India, Chief Minister of Maharashtra, Home Minister of India and Human Rights Commission in respect of my innocence. Govind Patil, the jailor of anda cell, did not forward that letter. Therefore, I brought it to court on 09/11/06 and filed it in court. Sachin Kadam met me in the office of the superintendent before I was taken out of the prison and threatened that I should co-operate and also allured me that if I co-operate, they would give me money and also arrange for my early release. I complained to the judge about it on that day. She told me to get an application written from the advocate and give it. Shahid Azmi was my advocate at that time and he wrote the application. I gave an application that I had prepared and brought from the prison and also the application written by the advocate and they were marked as Exts. L and L1. Ext. L is the application written by my advocate, it bears my signature and its contents are correct. (It is marked as **Ext. 4157**). Ext. L1 is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext. 4158**).

We were beaten on 28/06/08 by Swati Sathe by raising false alarm and sent to Nagpur Prison from which we were transferred back after one and a half years to Arthur Road Prison. The case started after the stay was vacated in 2010. I sent an application under the RTIA to the Motor Parivahan Vibhag in connection with the vehicle whose number is written in the panchanama and I got reply, which I submitted in the court. Ext.1677 is the same now shown to me. It shows that the vehicle in which they say that I had been taken to my house, had not gone in my area and it also shows that the vehicle was a Qualis vehicle, whereas the panch witness stated that it was a Bolero vehicle. I had sent an application under the RTIA to the BMC to get information about the route from Mahalaxmi temple to Worli naka. I got the information Ext. 3404, which shows that my house is in between Mahalaxmi temple and Worli naka. I am now producing with an application certain other documents that I had obtained under the RTIA.

I had sent an application under the RTIA to the Bhagwati Hospital and I got the information. The photocopy of my application is the same now shown to me, it

bears the facsimile of my signature, its contents are correct. The postal receipt is pasted on it. (It is marked as **Art. 480**). I got the information, it is the same now shown to me. (It is marked as **Ext.4161**, subject to objection by the learned SPP about its proof). It shows that there is no entry of my name in the casualty register on 4th and 05/10/06. I had sent an application under the RTIA to the CP office, Mumbai. Photocopy of my application is the same now shown to me, it bears the facsimile of my signature, its contents are correct. (It is marked as **Art. 481**). I got the information with two forwarding letters and they are the same now shown to me. (Forwarding letters are marked as **Exts.4162 and 4163** and the certified true copy of station diary entries of Anti-Robbery Cell of DCB CID is marked as **Ext.4164**, subject to objection by the learned SPP about its proof). The entries show my presence during the night. I have produced telephone bills of the phone at my house that was in my father's name. (It is marked as **Ext. 4165(1 and 2)**). This falsifies the evidence of the nodal officer of Vodafone that the CDR shows that I had sent sms to this landline from my mobile. There was no facility of sending or receiving sms on the MTNL landline phone at my house.

I had sent an application under the RTIA to the Motor Parivahan Vibhag and I got the information with a forwarding letter. They are the same now shown to me. (The forwarding letter is marked as **Ext.4166** and the true copy of log book is marked as **Ext.4167 (1 and 2)**, subject to objection by the learned SPP about its proof). They show that the DCP was on Prime Minister bandobast rehearsal duty on 04/10/06 and he was not present in his office.

I had sent an application under the RTIA to the BMC to obtain road map of the area from Mahalaxmi temple, Saat Rasta, Lotus and Worli naka. I obtained the information in person and I sent it to the court from the prison along with my application Ext.3513. The map now shown to me is the same. (It is marked as **Ext.4168**, subject to objection by the learned SPP about its proof). The map shows that my house is in a lane in between two roads and one can go to my house only by one road and that if one goes from the Mahalaxmi temple to my house one has to take only one right turn and not left and right turn as deposed by the panch witness. The officer who deposed that he had taken me to Borivali on 4th and 05/10/06 was not with me on those days, but was with me only on 06/10/06 and I had not seen him on 4th and 05/10/06.

ACP Patil and the other investigating officers have deposed falsely that I gave statements and they came to know during investigation about my involvement, because they have never personally interrogated me. The panch witness has identified me as my photographs were taken and as officer Mohite had pointed me out outside the court to the panch witness on the date of his evidence. I had not given any voluntary confessional statement and I had not signed on any other papers voluntarily, but the signatures were taken forcibly. All the allegations against me are false. I did not know any of the co-accused before my arrest. The CDRs are manipulated, because many calls are not shown and the calls from the mobile of accused no. 2 are shown and the CDR locations are wrongly shown. I am innocent. The ATS has falsely implicated me in order to save their necks and to prevent being exposed as they could not catch the real accused. Sadiq was discharged behind our back to prevent themselves being exposed, because of which there is big injustice on us. All the officers have given evidence to help the ATS and

to falsely involve us. All the confessional statements are false because I do not know any of the co-accused and I had not taken part in any activity. The ATS has deliberately suppressed our evidence and made it untraceable by threatening the concerned officers. The ATS has falsely claimed that it does not have hard copy of our CDRs, because they very much had it and it was shown to us.

Cross-examination by SPP Raja Thakare for the State

It is true that I did my B.Com from Maharashtra College in English Medium. I cannot say whether most of the applications that I gave in this court are in my handwriting and in English.

(Adjourned as court time is over).

Date : 16/07/13

Special Judge

Date : 17/07/13

Resumed on SA

It is true that Ext. L is in the handwriting of my advocate. I cannot say without going through my applications to this court or under the RTIA, whether some of them are in the handwriting of my co-accused. Art.480 is in my handwriting. It is true that I have asked my co-accused to write some applications on my behalf and which I signed. I now say that I cannot say. It is true that some applications on my behalf are in the handwriting of co-accused. It is not correct that I had given instructions and as per the instructions the co-accused wrote the applications on my behalf. Witness volunteers – I only gave subject matter.

1. Can I take it that the applications written by the co-accused on your behalf are not as per your instructions?

I had given the subject matter and they are as per the subject matter.

I know that some of the co-accused have been making applications to various authorities under the RTIA to obtain information. I did not ask them what information they are seeking and for what purpose. My co-accused did not tell me to collect any particular information. It is correct that I did not know what information the co-accused were collecting. I do not think that I have gone through any information collected by the co-accused under the RTIA. I do not share with my co-accused the information that I received under the RTIA.

1. Did you feel that any of your co-accused has no concern with the present offence?

After reading my alleged bogus confessional statement and those of the co-accused in the chargesheet, I strongly believe that neither I nor they have any concern with the present offence.

It is not correct that I had no opportunity to be together with the co-accused before I read the confessional statements. I did not discuss about the case with my co-accused when we were together before I read the confessional statements. It is true that I had no talk with any of my co-accused before my confessional statement was recorded. Witness volunteers- it is bogus.

1. After recording of your confessional statement and before you had opportunity to read the confessional statements of all the accused, did you get any opportunity to discuss about the present case with any of the co-accused?

My confessional statement was never recorded, only my signatures were obtained forcibly under the duress and coercion. I did not have any talk with my co-accused after the date of the alleged confessional statement. I do not know whether none of the co-accused had any knowledge about the facts of the present case. I never asked any co-accused whether they had such knowledge. I did not feel it necessary to have any discuss with them about the facts of the present case.

I have not heard the entire evidence in this case. Witness volunteers- the sound did not reach in the dock. I have not read and understood the entire evidence recorded in this case. It is not true that I have not made any complaint to this court upto now that I have not heard, read and understood the evidence. Witness volunteers- I had initially orally stated about not being able to hear the evidence. It is true that I have answered in the affirmative to the question put by this court as to whether I had understood the evidence recorded in this court. Witness volunteers- I had read some evidence and on that basis I gave that answer. I did not discuss with my co-accused the evidence that I did not hear and did not understand. I took inspection of the court record. Witness volunteers- not the entire record. I have not seen the entire documents that are tendered in evidence. I have incidentally seen the documents that are produced by my co-accused in their defence. Witness volunteers- I had seen those documents that were shown in my name as being produced u/s 313 of the Cr. P. C. where in fact I had not produced them. I have not seen the entire panchanamas that are produced by the prosecution. I have not seen the entire station diaries produced by the prosecution or the accused. I have not seen the CDRs produced on behalf of the co-accused.

It is true that I have been provided advocate by Jamiat-ul-Ulma. I think that all co-accused have been so provided advocates. I cannot say about the other accused, but I have full faith in my advocate. I did not think about it, therefore, I cannot say whether I thought that the advocates of the other accused are spoiling my case. I have faith in Indian judicial system. I have complete faith in this court. I did not think about it, therefore, I cannot say whether this court has given me full opportunity to defend myself. It is true that I have challenged the application of the provisions of the MCOC Act to this case before the High Court as well as the Supreme Court and my petitions were dismissed by both courts. I do not remember whether I had applied for bail in this court. I do not remember fully, but I do not think that I have applied for discharge from this case.

1. You do not have faith in the police?

I do not have faith in the ATS police and Crime Branch after what I have gone through. I cannot say whether I have faith in the other police. I was never arrested by any police before 21/07/06. It is not true that before July, 2006 there was no occasion to complain against any police officer. It is true that I did not complain against any police before July, 2006. I do not remember whether all the policemen of all ranks, whom I have named, were unknown to me before this case. It is true that I came in their contact for the first time in connection with this case.

I am relying on all the documents that I have produced in my defence. Witness volunteers- there is something amiss. It is correct that I rely on the documents because I believe that they reveal the truth. I believe that all the documents, other than the CDR, that I have produced are true, correct and complete.

1. May I take it that you do not believe the CDR of your mobile to be true, correct and complete?

The CDR is incomplete, audited and many things are removed from it and some things are added in it.

1. May I take it that the CDR of your mobile is not reliable?

There are many things that are reliable.

I can tell the names of the parties on going through the numbers in the CDR as far as I remember. I do not remember the number of Fahim @ Raju of Mujawar Travels. Witness volunteers- it is not in the CDR. I cannot tell to whom the mobile number 9869320457 belongs. I had not personally made any call to this number or received any call from this number. It is not true that this mobile number is of accused no. 2 Tanveer and I was in communication with him.

Our stall does not have a name legally. It is 1 meter x 1 meter legally. There was a permanent servant by name Salim working in it and some used to come off and on. The stall is in the name of my father. I do not know whether we have a licence under the Shops and Establishments Act. Witness volunteers- There is a licence of BMC.

1. Is it in the name of a proprietary concern or partnership firm?

As far as my knowledge goes, it is in the name of my father only.

The monthly turnover of the stall in 2006 was around Rs. 1.5 to 2 lakhs. At a time there used to be goods worth around Rs. 40,000/- in the stall. We did not have sales tax registration and I did not have PAN card. My father did not have PAN card. My father was not an income-tax payer. I never paid income-tax.

The taxi that my father purchased is a Fiat Padmini. He purchased it second hand. It is not a tourist taxi. It is not a black and yellow cab. It did not have national permit. Me, my brother and driver used to ply it. It used to run 90-100 kms per day on an average. It had a fare meter. The permit was in my brother's name. It is correct that log book of taxi is required to be maintained. The average daily income

from taxi when the driver used to ply it was Rs.300-350/- and when there used to be hotel customers, the income was above Rs. 2000/- per day. It is not true that the taxi was not being plied as per meter. It is true that I have not produced the permit of the taxi before the police and before this court. It is not true that I was using the vehicle for illegal purposes and that is why I have not produced any document about it.

It is correct that our family income was well sufficient to maintain our entire family. I am being supported by my family even after my arrest. It is correct that in all my applications under the RTIA I have claimed that I am living below poverty line. Witness volunteers – I have given reasons for it that I am in prison and have no income.

I applied for passport in June 1996. My parents did not have passport. My brother has passport. I do not remember when he applied for it. He did not go abroad. I applied for the passport just to have a document. I had no intention to go abroad in 1996. The passport was valid for ten years. I did not use it before going to Iran as far as I remember. I cannot say whether hundreds of people go to Iran by air everyday for ziarat. I cannot say whether there were many passengers going to Iran for ziarat when I went there. I do not know whether many travel agents do booking of passengers going to Iran. I do not know whether when visa is issued by the Iran embassy, it is mentioned in the visa whether person is going alone or in group. It is true that no one from my family had gone to Iran for ziarat before I did. We used to book bus tickets in the travel agency that we had for two months. We did not do the work of obtaining passport, visa, air tickets, etc. I do feel that my visit to Iran is the only reason why the police are after me.

The office of Mujawar Travels is opposite Maratha Mandir Talkies in Mumbai Central area. Fahim @ Raju was not its proprietor or employee. I knew about Mujawar Travels and through it I came to know Fahim @ Raju. I had developed relations with Fahim, but it cannot be said that they were very good. He was one of the agents of Mujawar Travels. It is not true that I did not come across any other agent of Mujawar Travels. Fahim was not acting as the exclusive agent of Mujawar Travels. He did not take me to any other travel agency than Mujawar Travels. We do not have any receipt about our transactions with Mujawar Travels, because we used to transact with Fahim and other agents. I do not have any document in Fahim's name or of his letterhead. Mujawar Travels was dealing in obtaining air tickets, visa, train tickets, bus tickets, but I do not know whether they were obtaining passports. I do not know whether it was an IATA approved agent. I do not know whether Fahim was not an agent approved by IATA. I do not know whether only such approved agents can do the work of obtaining passport. I used to make payment to Fahim when we had business transactions with Mujawar Travels. I had not given any work of obtaining passport and visa to Fahim other than my own.

(Adjourned for recess).

Date : 17/07/13
Resumed on SA after recess

Special Judge

It is correct that except my bare words I have not produced any documentary evidence to show that I had obtained my visa and air tickets from Mujawar Travels through agent Fahim @ Raju and their names are not mentioned in my written submissions with my statement u/s 313 of the Cr. P. C. and in any earlier application. I have not cited and examined Fahim @ Raju as my witness. Witness volunteers- as he is untraceable. I have not heard the evidence of PW-43, PW-44 and PW-46. I know that they gave evidence concerning me. It is not true that I falsely contended that I obtained visa and air tickets from Fahim @ Raju, agent of Mujawar Travels. It is not true that I handed over my passport to the accused no. 3 Faisal and that he handed it over to PW-46 Mushtaq. I do not know whether the accused no. 3 Faisal handed over the passports of accused no. 2 Tanveer, accused no. 9 Muzzammil and accused no. 10 Suhail to PW-46 Mushtaq. It is not true that PW-46 Mushtaq handed over my passport to PW-43 Afzal Hussain through PW-44 Ashik Ali for obtaining visa and air tickets and that is what is reflected in the entries Exts. 607 and 617. It is not true that I falsely created the story of Fahim @ Raju and Mujawar Travels just to make an attempt to discredit the legally conducted investigation by the ATS. (Learned SPP shows the register Ext.617 and the page containing the photograph of the witness). It is true that the photograph and address are mine. I will have to see my passport to say whether the passport details are of my passport. (Learned SPP asks the witness to see the passport). It is true that the passport details are of my passport.

I am not aware that holding foreign currency without permission of the RBI is an offence. I am not aware that I cannot obtain foreign currency from anywhere other than the RBI or the authorized foreign exchange traders. I do not know whether there are columns in the last few pages of the passport in respect of foreign exchange for traveling expenses. (Learned SPP asks the witness to see his passport Ext.619). It is true that page 33 of the passport shows the table of foreign exchange for traveling expenses. It is correct that my passport does not have endorsement about having taken foreign exchange. It is not true that I had unauthorizedly visited Pakistan through Iran for taking training in terrorist activity, that my entire foreign tour was sponsored by terrorist organization. It is true that I have not produced a single document to show that foreign exchange was provided by my mother. It is not true that I am saying this for the first time as I know that my mother is not alive and cannot be brought as witness to corroborate or controvert my statement. It is not true that there is no mention in any of my applications or my written submissions u/s 313 of the Cr. P. C about giving my mobile for use to the customers and that I used to get tips in foreign currency from customers.

It is correct that I replied in the negative to the question put by this court during my statement u/s 313 of the Cr. P. C. whether I want to examine myself on oath. I realized about giving evidence on oath when I received the CDR of my mobile phone. I realized from the start that the CDR of my mobile would provide evidence of my innocence. It is true that I did not file any documents with my written submissions u/s 313 of the Cr. P. C. about my mobile and did not furnish details about the landline phone.

It is correct that I have not produced any authentic government approved map particularly showing my residential house. My first child was born in Fauzia Hospital situated at Bapti Road, Shuklaji Street, Mumbai. The reason for going to that hospital is that my mother took my wife there. It is not true that the accused no. 2 Tanveer had told me to go to that hospital and that is the reason why I went there. It is not true that I and accused no. 2 Tanveer are associates of each other indulging in unlawful and terrorist activities.

It is not true that I am very much a part of the conspiracy in this case and had also attended the conspiratorial meetings that took place at the house of accused no. 3 Faisal, that I was involved in doing the recce of the places to be targeted, that I did visit Pakistan clandestinely for taking terrorist training, that incriminating material has been recovered lawfully under a panchanama, that I voluntarily gave my confessional statement to the DCP who recorded it lawfully, that I am trying to cover up the latches and lapses in the evidence given by my co-accused and I deposed falsely against all the police officers regarding the alleged torture.

No re-examination.

R.O. (Y.D. SHINDE)
SPECIAL JUDGE
Spl. Judge UNDER MCOC ACT,99,
Date:- 17/07/13 MUMBAI.