

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 30TH JULY, 2012****Ext. 2930****DEPOSITION OF WITNESS NO.5 FOR THE DEFENCE**

I do hereby on solemn affirmation state that:

My Name : Dr. Abdul Rau Sumar
Age : 68 years
Occupation : Private Practice
Res. Address : Flat no. 1, Ground floor, Tulip Bldg., 3rd Pasta lane,
Colaba, Mumbai-25.

Examination-in-chief by Adv Wahab Khan for A2, 7, 10, 12 & 13

1. I hold the M.B.B.S qualification. I am attached to Saboo Siddique Hospital as honorary medical director since 2004, when the hospital started. There were about 60 consultants attached to our hospital in 2006. We have got almost all the specialties except cardiac operations unit. There was a staff of about 250 persons at that time. The attendance of the staff was by biometric attendance system. The RMOs also used to sign on the muster roll. The time of coming on duty and the time of leaving the duty used to be entered in the biometric system. The concerned staff or doctor was required to put his thumb impression on the machine. Salary of

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the doctors and staff members is paid by account payee cheque. The off days for the doctors and staff were different. Dr. Tanveer Ansari was attached to our hospital. He is present in the court. (Witness points to the accused no. 2 sitting in the dock).

2. The ATS officers had come and talked with me about Dr. Tanveer. (Learned advocate shows Ext.2020 to the witness). Dr. Tanveer was serving in the hospital as Registrar in the ICU. There was only one registrar at that time. The letter Ext. 2020 was issued by me, it bears my signature. The information provided in the letter is as per our record. Its contents are correct. (Learned advocate shows Exts.2021 to 2024 to the witness). These are the pay sheets and salary statements of May and June 2006. They are certified as true copy by me under my signature and their contents are correct as per our record.

3. (Witness is shown covering letter, certificate and biometric record that are filed with the application dated 11/07/12 filed along with the written statement under section 313 of the Cr. P.C. by the accused no. 2). I had issued the covering letter dated 30/03/12, the certificate that the biometric record was generated

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from the computer and the printouts of the biometric record. The first two bear my signatures and their contents are correct. (The forwarding letter is marked as Ext. 2931). I am not directly involved in the putting the data in the computer. (Learned advocate requests that the certificate given by the witness be exhibited. Learned SPP objects on the ground that the witness is not the person described in sub-sections (4) and (5) of section 65-B of the Indian Evidence Act. The objection is correct. Hence, the certificate is marked as Art-399). I have certified the printout of the biometric attendance card as a true copy under my signature, which was printed from computer in respect of Dr. Tanveer Ahmed for the month of July 2006. (It is marked as Ext. 2932). The manager Salamatullah was managing the biometric attendance system. He has taken out the said printout. It is as per the record. The biometric attendance system was operational in July 2006. This was given to the ATS along with other documents. The certified true copy of the muster book of July 2006 is the same now shown to me, it is certified as true copy by me under my signature and its contents are correct as per our record. The original muster book is

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misplaced or destroyed during the renovation of the office.

(Learned advocate requests that the documents⁷⁰ be exhibited.

Learned SPP objects on the ground that as the original is not produced, the contents of the document cannot be compared with

5 the original. The objection is correct. Hence, the document is marked as Art-400. The original muster register was in existence

when a copy was taken out and certified as true copy. A copy of

the muster register was also given to the ATS. (Witness is shown

Ext.2932). As per this record Dr. Tanveer had attended duties from

10 3rd to 20/07/06. He had taken weekly off on 9th and 16th of July. He

was absent on 1st, 7th, 14th and 18th of July. If a person does not put

his thumb to the biometric attendance system unit while coming to

the hospital or going out of the hospital, he is marked as absent.

The in timing of Dr. Tanveer on 09/07/06 is 11.41 a.m. and the out

15 timing is 2258 hours. WO means weekly off as per the software that has been put in the computer.

4. Salamatullah is the manager of our hospital. I am acquainted with his signature. (Learned advocate shows the true photocopy of pay slip and salary statement of July 2006 of A2 filed

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with his application along with his written statement under Section 313 of the Cr. P.C.). It is certified as true copy by Salamatullah. Its contents are as per the original that is brought by me. (It is marked as Ext.2933). The salary of Rs. 3157/- for 19 days is paid. The true photocopy of the salary statement bears the signature of Salamatullah. (It is marked as Ext. 2934). A copy of this was provided to the ATS.

5. I have brought the original case papers of patients of July 2006 that contain the handwriting and are signed by Dr. Tanveer. (Learned advocate asks the witness to produce them). I am ready to produce them. I can identify the handwriting and the signature of Dr. Tanveer. The case paper of the patient Badrunisa Alimiya shows that she was admitted on 03/07/06 and discharged on 11/07/06. The notes of 4th, 5th and 6th July are in the handwriting of Dr. Tanveer Ansari. By mistake he has written 4th June instead of 4th July. (Learned advocate prays for exhibiting the said notes.
- 10 Learned SPP objects on the ground that separate pages from the entire case paper cannot be exhibited, because it is a complete document and it is not a public record. Learned advocate submits

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that they be exhibited subject to objection. Hence, they are marked as Exts. 2935 (1 to 3).

6. Dr. Tanveer worked in our hospital since December 2004. The hospital was open to all communities. He had cordial relations with his colleagues and patients. He used to work for 8-10 hours on an average daily and sometimes more also. I have brought the original salary register with me. (Learned advocate asks the witness to produce the salary register for the month of July 2006). I am ready to produce it. At sr. no. 77 is the acknowledgement of the salary of Dr. Tanveer.

Cross-examination by adv Ashwin h/f Rasal for A1, 5 and 6

7. Declined.

Cross-examination by adv Wahab Khan h/f Shetty for A/3, 8, 9, 11 and 12

8. Declined.

Cross-examination by Adv Wahab Khan h/f Sharif Shaikh for A4

9. Declined.

Cross-examination by SPP Raja Thakare for the State

10. I have my private practice and I go to the clinic at 8.00

4/12/15

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p.m. I am available in the Saboo Siddique Hospital usually in the afternoon. I go to the diagnostic center near Masjid Bunder in the morning. It is not true that I do not have knowledge about the staff members and doctors coming on duty when I am not in the hospital. I get the information on telephone. I am involved in the management, medical work and technical work of the hospital.

(Adjourned for recess).

Date : 30/07/12

M. Siddique
30-7-12
Special Judge

Resumed on SA after recess.

11. There was one Dr. Aminuddin, who used to look after the administration of the hospital. Then Salamatullah was the manager, who used to look after the staff and the finance of the hospital. A matron is there to look after the nursing staff. I do not have any qualification like degree or diploma in computer. I have not taken any technical training in respect of biometric or computer. Entire system in the hospital is computerized since inception. Except preparing the case papers and the discharge card, all other record is computerized. The first page of the case paper when a patient is admitted is computerized since last two years.

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12. Ours is a 115 bedded hospital, the building is given by the municipal corporation on caretaker basis. My office is on the 1st floor of the 6 storied building. I am not sure, but the main server of the computers is in my office. All the computers in the hospital were not interlinked in 2006. There were about 25 computers in 2006. There was a separate operator for every computer. I can tell the names of the persons who were operating the computers. It is not necessary that 3-4 persons used to operate one computer. I cannot tell the operating system or the software that was used in the computers and their storage capacities. The maintenance of the computers was outsourced.

13. There is only one biometric device used in the hospital and it is on the ground floor. I do not know the model and the make of the biometric machine. I do not know the software that is used in it. I do not know the storing capacity of the system. I do not know about the data that was fed in the system to make it operational. I do not know whether there is any alternate system in it for identification. The system was in place since the inception of the hospital and it was got upgraded from time to time from the

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concerned supplier. I do not have any data to show what data was deleted or added.

14. It is true that the staff and doctors work in shifts. It is true that my qualification and registration are not mentioned in any documents Exts. 2931 to 2934 and 2935 (1 to 4) including the certificate Art-399. (Learned advocate prays that the certificate Art-399 be exhibited as the contents are being referred. Learned SPP submits that he has not asked the witness to refer to the contents. The prayer is not allowed as it is a general question). (Learned SPP asks the witness to go through Ext. 2020). It is true that Dr. Tanveer had resigned in August 2003 from the earlier hospital that was known as Muslim Ambulance Society's Maternity and Nursing Home, which was later on named as Saboo Siddique Hospital. I have no record to show where Dr. Tanveer was from August 2003 to December 2004. (Learned SPP asks the witness to go through Ext. 2932). It is not correct that the duty hours of Dr. Tanveer in July 2006 were from 0400 hours to 1100 hours. Witness volunteers- the RMO's do not have fixed duties. The timings 0400 to 1100 hours are just a format. The actual timings of

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duties are mentioned in the columns 'in' and 'out'. If a staff member does not come on duty on time, the period of delay is also recorded in the biometric. It is not true that Dr. Tanveer came late on duty everyday in July 2006 upto 20/07/06. It is not true that the data in the biometric attendance system can be changed. There are fixed timings for doctors to come on duty. There is no record with me today to show fixed timings of duties given to doctors. It is true that according to the record, Dr. Tanveer was absent from his duties on 07/07/06 though it was not a weekly off.

15. Our hospital received two letters from advocate of the accused calling for the record. One was received on 12/08/10 and the other on 02/02/12. Dr. Atiya was working in our hospital in 2006. I am aware that she gave evidence in this case. I do not remember when she received the summons. It is true that Ext. 2932 does not show on what date it was signed by me. I must have signed it on 30/03/12 in view of the date on Ext. 2931. After I received the letter from the advocate in February 2012, I took out the printouts and signed them. I asked the computer department to take out the printout of the biometric attendance system of the

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attendance of Dr. Tanveer in July 2006. Our manager took out the printout. It is true that Ext. 2932 is generated on 21/09/10. It is true that if a printout is taken today, it will show today's date. The printout is taken on excel sheet on the computer. I do not know

5 whether it is a report generated from the biometric system. There is no record to show at what time Dr. Tanveer left on 16/07/06. A person is required to put his thumb on the biometric attendance system machine only two times, once when he comes on duty and secondly when he goes off duty. There is no data and no provision 10 in the biometric attendance system for keeping record of a staff member going out of the hospital for any purpose in between his duty hours. I do not have knowledge as to for how many years the data can be saved in the system.

16. It is not true that I mechanically put my signatures on the copies of the documents to certify them as true copies without going through the original documents.

R.O.
YDS
Spl. Judge
Date:- 30/07/12

YDS Shinde
30/7/12
(Y.D. SHINDE)
SPECIAL JUDGE
UNDER MCOB ACT,99,
MUMBAI.

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Spec. MCOG Case No. 21/1
Ex. No. 2931

"C"

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Spl. Judge
MCOG Act, 1999

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THE MUSLIM AMBULANCE SOCIETY DIAGNOSTIC CENTRE

14, Zakaria Masjid Street, Mumbai - 400 009.
Tel.: 4076 3786 / 702 / 703 / 713 AKD, Fax : 2347 5137

M.H. SABOO SIDDIQUE MATERNITY & GENERAL HOSPITAL

Imamwada Road, Opp. Mughal Masjid, Mumbai - 400 009.
Tel.: 4212 0222 / 231 / 228 / 2377 3355

M. H. KARIM MOHAMMAD SULEMAN MATERNITY & CHILD CARE HOSPITAL

3C, Mohammed Ali Road, 1st Floor, Mumbai - 400 003.
Tel.: 2346 9898 / 2341 0130

154, Kambekar Street, Mumbai - 400 003.
Tel.: 2346 5642 / 2346 5046 / 2346 5746
E-mail

2931

Date: 30.03.2012

THE MUSLIM AMBULANCE SOCIETY

Since - 1932

To,

Mr. KHAN ABDUL WAHAB
ADVOCATE HIGH COURT

**SUB: FURNISHING TRUE CERTIFIED COPIES OF DOCUMENTS RELATED TO
DR. TANVEER AHMED.**

SIR,

With respect to your letter for furnishing the true certified copy of documents related to Dr. Tanveer Ahmed, herewith we are furnishing the following documents.

1. Biometric Thumb Impression Entry Sheet from 1st July 2006 to 31st July 2006.
2. Attendance Master Book Records for the Month of July 2006.
3. Pay Slip for the month of July 2006.
4. Salary Statement for the month of July 2006.
5. Files of Patients during the month of July 2006.
6. CERTIFICATE issued in respect of computer printouts of the records & documents.

The Certified true copies of the above said documents are herewith enclosed.

AAI

Dr. A. R. Sumar
Hon. Medical Director



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MCOC Case No. 21/06
Article No. 399

"C"
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20-7-12
Sheristedar
City Civil and Sessions Court
Gr. Bombay
MUSLIM AMBULANCE SOCIETY

THE MUSLIM AMBULANCE SOCIETY DIAGNOSTIC CENTRE
14, Zakaria Masjid Street, Mumbai - 400 009.
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80, Mohammed Ali Road, 1st Floor, Mumbai - 400 003.
Tel.: 2346 9898 / 2341 0130

154, Kambekar Street, Mumbai - 400 003.
Tel.: 2346 5642 / 2346 5046 / 2346 5746
E-mail

Date: 30.03.2012

THE MUSLIM AMBULANCE SOCIETY
Since - 1932

CERTIFICATE

I, Dr. Abdul Rauf Sumar, Medical Director, solemnly affirm that the printouts supplied by me are the records lawfully maintained, regularly fed to the main computer in the ordinary course of the activities carried on over from 1st July 2006 to 31st July 2006, having **S** operational control over the use of the sqid computer.

I certify that the printout is the reproduction from the records derived from the information registered by the computer in the ordinary course of the said activities which was operational at the relevant period and the printout of the Biometric thumb impression **S** Attendance card (i.e. Record), of Employee ID:00000033 & the Pay slip for the month of July 2006, is related to Dr. Tanveer Ahmed supplied by means of appropriate requirement.

I certify that the printouts are true and correct electronic records, supplied from the main computer which is accurate & in my full lawful control.

Certified True copies of the same are attached Herewith.

AR-
Dr. Abdul Rauf Sumar
Hon. Medical Director



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MCO

MCO Case No. 21/06
Exhibit No. 2932

Saboo Siddik Maternity & General Hospital

Attendance Card from 01/07/2006 to 31/07/2006
Report prepared on : 21/09/2010 at 16:24

Special Judge
MCO Act: 1998, Bombay

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DWG 30-7-11

Department : R. M. O.

Emp ID : 0000033

Employee Name Dr.tanveer Ahmed

Date :	Shift In	Shift Out	In	Out	Late	Early	Absent	Leave	Woff	Holi	Extra	Wh
01/07/2006	04:00	11:00					A					
02/07/2006	04:00	11:00							Wo			
03/07/2006	04:00	11:00	11:39	21:29	07:39						10:29	09:50
04/07/2006	04:00	11:00	12:12	22:32	08:12						11:32	10:20
05/07/2006	04:00	11:00	12:50	21:19	08:50						10:19	08:29
06/07/2006	04:00	11:00	08:14	18:33	04:14						07:33	10:19
07/07/2006	04:00	11:00					A					
08/07/2006	04:00	11:00	12:02		08:02						01:02	
09/07/2006	04:00	11:00	11:41	22:58					Wo		07:00	11:17
10/07/2006	04:00	11:00	12:21		08:21						01:21	
11/07/2006	04:00	11:00	12:01		08:01						01:01	
12/07/2006	04:00	11:00	11:21	21:20	07:21						10:20	09:59
13/07/2006	04:00	11:00	12:03	22:20	08:03						11:20	10:17
14/07/2006	04:00	11:00					A					
15/07/2006	04:00	11:00	11:41	21:35	07:41						10:33	09:52
16/07/2006	04:00	11:00	11:35						Wo		07:00	
17/07/2006	04:00	11:00	11:51	22:20	07:51						11:20	10:29
18/07/2006	04:00	11:00					A					
19/07/2006	04:00	11:00	08:19	22:20	04:19						11:26	14:07
20/07/2006	04:00	11:00	12:03		08:03						01:03	
21/07/2006	04:00	11:00					A					
22/07/2006	04:00	11:00					A					
23/07/2006	04:00	11:00							Wo			
24/07/2006	04:00	11:00					A					
25/07/2006	04:00	11:00					A					
26/07/2006	04:00	11:00					A					
27/07/2006	04:00	11:00					A					
28/07/2006	04:00	11:00					A					
29/07/2006	04:00	11:00							Wo			
30/07/2006	04:00	11:00					A					
31/07/2006	04:00	11:00					A					

Strength 1 Main Total 15.0 096:37 0 13.0 0.0 5 0 15 10
Strength 1 Main Total 15.0 1: 0 13.0 0.0 5 0 15

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DRS

DR. ABDUL RAUF SUMAR
(HON. MEDICAL DIRECTOR)

M. H. SABOO SIDDIQUE
MATERNITY & GENERAL HOSPITAL
Managed By
THE MUGHAL KNOWLEDGE SOCIETY
Opp. Mughal Masjid,
MUMBAI

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MCO Case No. 21/06
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Article No. 207-11

Sheristedar
City Civil and Sessions Court
Gr. Bombay

MONTHLY

No.	NAME	Designation	MONTHLY													
			1	2	3	4	5	6	7	8	9	10	11	12	13	14
			Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
	Dr. Zahid Qureshi	R.M.O	u	u	P	P	P	P	P	P	No	P	P	P	P	P
	Dr. Ali Eliza	R.M.O	P	P	P	u	SL	P	DO	P	P	P	P	P	P	P
	Dr. Tanveer	Registrar	-	-	P	P	P	P	DO	P	P	P	P	P	P	P
	Dr. Nasir Ansari	R.M.O	P	DO	P	P	P	P	P	P	DO	DO	u	P	P	P
	Dr. Isahuddin	R.M.O	DO	P	P	P	P	P	P	P	P	DO	P	P	P	P
	Dr. Ayaz	R.M.O	P	DO	P	P	P	P	P	P	DO	P	P	P	P	P
	Dr. Anees	R.M.O	P	P	P	P	DO	P	P	P	P	P	P	DO	P	P
	Dr. Amin Khan															

AR

DR. ABDUL RAUF SUMAR
(HON. MEDICAL DIRECTOR)

M. H. SABOO SIDDIQUE
MATERNITY & GENERAL HOSPITAL
Managed By :-
THE MUSLIM AMBULANCE SOCIETY
Imamwada Road, Opp. Mughal Masjid.
MUMBAI-400 009.

A77-400

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MUSTER BOOK

MONTH OF July, 2006

13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	A.	S.	L.	P.	Remarks.
Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon			
P	P	P	NO	P	P	P	P	P	P	NO	P	P	P	P	P	P	P	NO	P				2CL 31 days
P	DO	P	GL	P	P	P	P	DO	P	P	P	P	P	P	DO	P	P	P					2CL/1CL 31 day
P	DO	P	P	P	P	P	P	DO	-	-	-	-	-	-	-	-	-	-					19 days
P	P	P	P	P	P	P	DO	P	P	P	P	P	P	P	P	P	P	DO	P				2CL 31 days
P	P	P	DO	P	P	P	P	DO	P	CL	P	P	P	P	P	DO	P	CL					2CL/31 days
P	P	NO	P	P	P	P	P	P	NO	P	P	P	P	P	P	P	NO	P					31 days
P	P	P	P	P	DO	P	P	P	P	P	P	DO	P	P	P	P	P	P					31 days
								7upl leave	DO					P	P	P	DO	P					24 days

DR. ABDUL RAUF SUMAR
 (HON. MEDICAL DIRECTOR)
 M. H. SABOO SIDDIQUE
 MATERNITY & GENERAL HOSPITAL
 Managed By
 THE MUSLIM AMBULANCE SOCIETY
 Imamwada Road, Dept. Mughal Masjid
 MUMBAI-400 009.

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DUPLICATE COPY Ext 2933

M.H. SABOO SIDDIQUE MATERNITY & GENERAL HOSPITAL

Managed By : THE MUSLIM AMBULANCE SOCIETY

28067 "C" 25941

Pay Slip For The Month Of : July 2006

Branch : IMAMWADA Department : RESIDENT MEDICAL OFFICE Category : MONTHLY

0077 Tanveer Ahmed Date : 30/03/2012 Designation : MED CAL OFFICER

LEAVES		EARNINGS		DEDUCTIONS		REFERENCES	
CL TAKEN	0	BASIC ACTUAL	2,605.00	PF AMT	0.00	CL PREV. BAL.	0
PL TAKEN	0	HRA T.	0.00	PROFESSION TAX	60.00	PL. PREV. BAL.	
SL TAKEN	0	TEA ALLOWANCE	552.00	INCOME TAX	0.00	SL. PREV. BAL.	
ABSENCE	12	EXTRA ALLOWANCE	0.00	BANK INSTALLMENT	0.00	CL. BALANCE	
LEAVE WITHOUT PAY	0	TOTAL OT	0.00	PF I NSTALLMENT	0.00	PL. BALANCE	
PAID HOLIDAY	0	OTHER EARN.	0.00	ADVANCE	0.00	SL. BALANCE	
WEEKLY OFF	5			OTHER DEDUCTION	0.00	BASIC REF.	4250
EXTRA DAY	0			LIC Premium	0.00		
DAYS WORKED	14						
OT HOURS	0						
DAYS PAY	19						

Total Earnings : 3,157

Total Deductions : 60.00

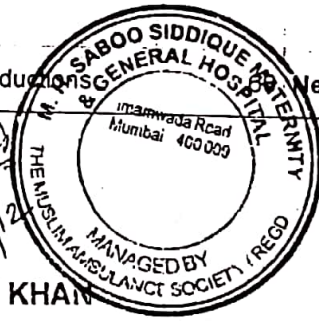
Net Amount : 3,097

MCOC Case No 21105 Ex. No 2933

NOS Spl. Judge DW 5 MCOC Act, 1999 Bombay, 30-7-12

30/3/12

SALAMATULLAH KHAN MANAGER



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Ex. 2934

M.H. SABOO SIDDIQUE MATERNITY & GENERAL HOSPITAL.

Managed By : THE MUSLIM AMBULANCE SOCIETY

Opp. Moghal Masjid, Imamwada Road, Mumbai-400009

Salary Statement For the Period : July 2006

Dept. Sr.	Employee Name	Duty Days	Basic	Gross Salary	Loan Bank	Loan P.F.	Advance	P.F.	P.T.	LIC	Total Deduction	Nett	Signature
0070	Tufail Mohammed	31.0	3,850	3,850					120		120	3,730	<i>A. Tabis</i>
0071	Mujeebur Rehman	0.0	3,600										
0073	Qudsia A	29.0	3,350	3,134					60		60	3,074	<i>[Signature]</i>
0075	Shafqat J	31.0	3,850	3,850					120		120	3,730	<i>[Signature]</i>
0077	Tarveer Ahmed	19.0	4,250	2,605					60		60	2,545	<i>[Signature]</i>
0078	Zahid Qureshi	31.0	4,625	4,625					120		120	4,505	<i>[Signature]</i>
0192	D. Azeem Suleman	0.0	3,350										

MCOC Case No. 21/06
 Ex. No. 2934
 Spl. Judge
 MCOC Act, 1939
 Bombay.
 DWS 30-7-12

