

**M.C.O.C. SPECIAL CASE NO. OF 21/06****DATE: 20TH JULY, 2011****EXT. NO.1187****DEPOSITION OF WITNESS NO.114 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Subhash Choudhary  
Age : 42 years  
Occupation : Service of Central Government  
Res. Address : ---

(Witness states that he cannot disclose his present posting and residential address in view of his current posting. His identity card is seen and verified).  
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**EXAMINATION-IN-CHIEF BY SPP RAJA THAKARE FOR THE STATE.**

1. I was posted as immigration officer in 2001 at Attari Railway Station, Amritsar. Attari is a check post at the border of India and Pakistan. I was required to check all the legal documents of passengers going to Pakistan from India and *vice versa* as an immigration officer. First the LOC, i.e., look out circular is checked from the computer, whether he is allowed to go out of India or not. The passport is checked, the security features are checked, photo, date of birth, name, father's name, address all are verified. Entries

are made in the departure register if the person is going out of India and in the arrival register if the person is coming inside India. Serial number, name of the person, his father's name, address, passport number, visa, the place of destination, etc., are entered in the departure register. The registers are maintained in the ordinary course of official duty. I have brought the original departure register of 2001 with me.

2. I was on duty on 01/10/01 and the entries in the departure register of that date are in my handwriting. On going through the entries, the entry at sr. no. 979 is the entry showing that one Mohd. Faisal s/o Ataur Rehman r/o 1B-1//24, Kubera Garden, NIBM Road, Pune, DOB-1974, passport No.-B5403385 issued on 06/06/01, visa no. 251828 dated 27/08/01 had departed India on 01/10/01 and his destination was Karachi. This entry was made on seeing the passport of that person. DCP, ATS, Mumbai had asked for this information by their letter. Office copy of the letter now shown to me is the same. It bears the acknowledgment of my office under the signature of the senior officer who was incharge at that time. (It is marked as **Ext.1188**). My office had given reply to that letter furnishing a certified

true copy of the entries dated 01/10/01. The letter now shown to me is the same, its contents are as per the original. (It is marked as **Ext.1189**). Certified true copy of that entry now shown to me is the same. Its contents are as per the original in my handwriting. (It is marked as **Ext.1190(2 pages)**).

**Cross-examination by adv P. L. Shetty for A3, 8, 9, 11 and 12**

3. Mumbai Police did not record my statement in this connection and have not contacted me till today. I was attached to Attari railway station immigration office upto March 2005. I cannot say for what period Surjeet Singh was attached to that immigration office. I was on duty from 7.00 a.m. to 10.00 p.m. on that day. I am not attached to Punjab police, but I am a Central Government employee. On that day the train from Attari to Karachi was the Samjhauta Express. There are no scheduled timings of that train. Running of that train depends on the relations between India and Pakistan. I was attached to that office from the year 2000. The train service was suspended many times for long periods when there were strained relations between the two countries. I do not remember how many times it was suspended and the periods. It used to be suspended for a year or two.

4. It is true that the register that I have brought to the court is having the title of 'Entry of Pak Nationals or Foreign Nationals through the check post'. The first entry on 01/10/06 is from sr. no. 956 and the last entry is 991. It is true that I cannot tell the time of departure from the entry no. 979. It is true that it is not mentioned in the entry that the said person is an Indian national. It is true that there is overwriting in the passport number, in the digit '0'. It is true that it appears that either the digit '3' or '8' is overwritten by '0'. It is true that I have not put my signature against any entry. It is put at the end of the day. We do not keep the photocopies of the passport and visa. I cannot say from the entry as to from where and when the visa was issued and its validity period. It is true that column no. 9 and 10 pertaining to the date and place of issue of visa and its validity period are not filled up. In front of the word 'Karachi', the words '30 days' are written.

5. I do not know the stations upto which Samjhauta Express goes in Pakistan. No other train other than that train goes to Pakistan. No one was with me on duty on that day. If the work load increases some subordinate is asked to help. On that day someone had come for

help at the end of my duty period. The entries are made as and when the passengers come to the station. It is true that Mohd. Faisal and Ataur Rehman are common names in Muslims. The entries from sr. no. 956 to 986 are in my handwriting. The entry at sr. no. 979 is in my handwriting.

6. Visas are normally for 30 days from the date of issue. According to the entry the visa in this case was issued on 27/08/01. It is not true that if the visa was issued on 27/08/01 having validity period of 30 days, it was not valid on 01/10/01. This is because the person can travel within 90 days from the date of issue. It is true that even now I cannot say about the validity period of the visa in this case. The words '30 days' mentioned before the word 'Karachi' in that entry means that that person could go and come back within 30 days. I wrote these words because the visa is only for 30 days. It is true that I have kept blank the column no. 11 pertaining to the address of the first place of visit and names of other places to be visited. I cannot assign any reason why I kept it blank. As it was not written in the earlier entries, I did not fill the columns about the place of issuance of visa and the validity period of the visa. I do not know who

wrote the date 29/11/01 in that entry and when it was written. It is true that the person who has traveled to Pakistan cannot stay there for more than 30 days on that visa. However, he can get it extended in Pakistan. It is true that the visa that was granted on 27/08/01 was not extended on 01/10/01. It is true that therefore I kept the column no. 13 blank. It is true that the person mentioned in entry no. 978 had also gone to Karachi for 30 days. The date of the visa is 30/08/01. I cannot explain about the date 11/10/99 in column no.13. I do not remember about the figures 15/17 written in column no. 12. Columns 12 and 13 in front of entry no. 979 are blank.

7. I was not attached to that office on 06/10/06 when the letter Ext.1189 was issued. I cannot tell the name of the officer who has signed that letter and I do not know him.

**Cross-examination by Adv Shetty h/f Rasal for A/1 and 4 to 6 and adv Fakruddin h/f Wahab Khan for A2, 7, 10 & 13**

8. Declined.

No re-examination

R.O.

**Special Judge**

**(Y.D. SHINDE)  
SPECIAL JUDGE**

MCOC SPL.21/06

PW 114/7

Ext.1187

**Date:-20/07/2011**

**UNDER MCOC ACT,99,  
MUMBAI.**