

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE: 27TH SEPTEMBER, 2011****EXT. NO.1571****DEPOSITION OF WITNESS NO.142 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Manisha Murlidhar Doiphode

Age : 57 years

Occupation : Service

Res. Address : 1304, B-7, Tulip, Wardhaman Garden, Thane (W).

Examination-in-chief by SPP Raja Thakare for the State

1. I am working as Asst. Passport Officer in the Regional Passport Office at Worli. I was working as Superintendent in the Regional Passport Office at Pune from 2005 to 2008. We had received a fax from DCP, ATS on 09/08/06 at Pune. The office copy of the fax now shown to me is as per the fax message that we had received. (It is marked as **Ext.1572**). The DCP, ATS had made an inquiry whether a passport in the name of Mohd. Faisal Aatur Rehman Shaikh had been issued from our office. One Jai Kumar was also another superintendent working in that office at that time. We worked together, therefore I know and can identify his signature. We sent reply to the query made by the fax message under the signature of superintendent Jai Kumar and we also sent attested copies of the

application form of passport given by the person and the entire record of the proceedings that were with the passport. The letter now shown to me is the same, it bears the signature of Supdt., Jai Kumar that I know and identify, the attested copies of the passport application and other documents also bear his signatures. The contents of the letter are correct. (It is marked as **Ext. 1573** and the attested true copies of the documents in seventeen pages are marked collectively as **Ext.1574**).

2. Our office had received a letter from the DCP, ATS on 14/08/06 asking for emergency certificate of passport of that same person. I am producing the letter, it bears the signed acknowledgment of passport officer Dengale. (It is marked as **Ext. 1575**). We replied to the letter on 18/09/06. I am producing office copy of that letter, it bears my signature and its contents are correct. (It is marked as **Ext.1576**). Photocopy of emergency certificate of that person was sent with this letter. Thereafter, on 20/09/06 we received a letter dated 19/09/06 from the DCP, ATS asking us to send the original emergency certificate. Office copy of that letter now shown to me is the same, it bears the acknowledgment of my office along with the

rubber stamp. An application in format was sent with the letter. (It is marked as **Ext. 1577(1 and 2)**). The DCP, ATS sent a letter dated 30/10/06 about sending PSI Kshirsagar to collect the original emergency certificate. Office copy of that letter now shown to me is the same, it bears the acknowledgment of passport officer Dengale. (It is marked as **Ext. 1578**). I handed over the original emergency certificate of that person to PSI Kshirsagar by my letter dated 31/10/06. The letter now shown to me is the same, it bears my signature and its contents are correct. (It is marked as **Ext.1579**). The original emergency certificate is marked as **Ext. 1580**).

3. Emergency certificate is issued when passport is lost abroad. The contents of the true copies of the passport application and other documents that were sent to the ATS correspond to the details of the person whose emergency certificate was issued.

Cross-examination by Adv P. L. Shetty for A3, 8, 9, 11 and 12 and h/f Rasal for A1 & 4 to 6

4. (adjourned at the request of Id adv at 4.20 p.m.)

Date:27/09/11

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

Date : 28/09/11
Resumed on SA

5. It is true that I saw the photocopies of the passport application and the other documents with it, Ext. 1574, for the first time yesterday. I do not know who prepared the photocopies. I had no occasion to see the originals of the above documents. Jai Kumar did not put the stamp and signatures on the photocopies in my presence. The letter dated 31/10/06 is the only letter in all the documents bearing my signature. I had not seen the original files of the person in respect of whom I had sent the emergency certificate.
6. I do not know how to read and write Urdu and Arabic. I do not know of any other reason for issuing emergency certificate except that it is issued when the passport is lost abroad. It is true that the emergency certificate Ext. 1580 does not contain the passport number and the date of its issue. It is not true that the photograph on the emergency certificate and on the passport application are of different persons. The person is seen to be having hairs on his head and having a mustache in the photograph on the passport application and in the emergency certificate he is seen to be wearing a cap and

appears clean shaven. The first photograph shows a comparatively larger face than the second photograph. The father's name of that person mentioned in the emergency certificate is Abdur Rehman and in the passport application and other documents it is Ataur Rehman.

7. I cannot tell when our office at Pune received the emergency certificate and under what circumstances it was received. I cannot tell which staff or superintendent received it. Our office did not make any inquiry after receiving it. It is common for our office to receive emergency certificates of Indian nationals from foreign countries. I had not received any emergency certificate during my tenure at Pune and Mumbai, because there are different departments. I do not know whether any department of our office had received any emergency certificate, because I do not interfere. I do not know whether any action has been initiated against the person whose emergency certificate was received. I cannot tell the names of the persons who were in the department that received the emergency certificates. It is true that I had not examined any other document, except the documents that are before me today. I gave evidence on the seeing documents in the court. I have no personal knowledge about these

documents.

Cross examination by adv Wahab Khan for A2, 7, 10 & 13

8. Declined.
9. (Learned SPP requests for taking the re-examination of the witness to ask her about the authority that issues emergency certificates in the foreign country. Learned adv Shetty objects on the ground that asking such a question does not arise in re-examination, that the question that is sought to be asked could have been asked during chief-examination and no ambiguity is created in the answers given by the witness during cross-examination. Subject to objection the re-examination is allowed).

Re-examination by SPP Raja Thakare for the State

10. The Indian Embassy in a particular country issues the emergency certificate on the information given by the person to whom it is issued.

Re-cross-examination by Adv Shetty for A3, 8, 9, 11 and 12

11. Police did not record my statement regarding the emergency certificate. I do not know what other documents were received along with the emergency certificate. I do not know whether

the emergency certificate was sent along with a forwarding letter. I do not know under what law an emergency certificate is issued. I have not seen any other documents in the office in connection with it. It is true that there is no mention in it that the said person had applied and submitted some documents. Emergency certificate is not issued by passport office. I have not studied the law concerning issue of emergency certificate.

Re-cross-examination by Adv Asma h/f Wahab Khan for A2, 7,

10 & 13

12. Declined.

No re-examination.

R.O.

Special Judge

Date:-28/09/2011

**(Y.D. SHINDE)
SPECIAL JUDGE
UNDER MCOC ACT,99,
MUMBAI.**