

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:11TH OCTOBER 2011****EXT. NO.1636****DEPOSITION OF WITNESS NO.152 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Hemant Anant Bavdhankar

Age : 47 years

Occupation : Service (PI, Dongri PS)

Res. Address : R. No. 122, Tulsi Bldg., Khetwadi, Mumbai-4

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

1. I was attached to SB-I, CID as API in 2006. I was attached to and joined the ATS on 12/07/06 as per the order of my superiors dated 11/07/06. I used to carry out the work as per the directions of my superiors. I was directed to make inquiries with the travel agents who had arranged for the tickets and visas of some of the accused who had traveled to Iran for ziarat, but had gone to Pakistan. Accordingly I made inquiries and took statements of Mushtaq Ahmed, Jawar Sayyad, Umar Patni, Shaikh Wasi Mehdi Shaikh, Ashik Ali Mukadam, Anees Hussain Afzal Hussain Rizwi, Afzal Hussain Hirji and Maulana Zulfiqar. I took in my custody the documents produced

by Umar Patni, Shaikh Wasi, Asik Ali and Afzal Hussain Hirji under panchanamas. The panchanama dated 08/08/06 concerning the documents seized from Umar Patni is the same now shown to me, it bears my signatures and the signatures of the panchas and its contents are correct. (It is marked as **Ext. 1637**). I will be able to identify the documents. Arts.261(1 to 5) and Arts. 262 (1 to 6) now shown to me are the same. I had encircled names on the passports, visas, air tickets and bills of the travel agents in red ink under my signature and the signatures of the panchas. The envelope in which I had put the documents after seizing them, Art.262A is the same now shown to me, the label thereon contains my signature and the signatures of the panchas.

2. The panchanama dated 08/0806 of the documents seized from Ashik Ali Mukadam now shown to me is the same, it bears my signatures and the signatures of the panchas and its contents are correct. (It is marked as **Ext.1638**). I will be able to identify the documents that were seized. The registers Exts. 616 to 618 are the same. I had encircled the entries of Shaikh Muzzammil in register Ext. 616, of Zameer Ahmed and Chhipa Mohammedali in the register

Ext. 617 and of Zulfequar Fayaz in the register Ext.618 and had put my signatures and the signatures of the panchas. The brown paper with label Art. 260 now shown to me is the same, the label thereon bears my signature and the signatures of the panchas.

3. The panchanama dated 08/0806 of the documents seized from Shaikh Wasi now shown to me is the same, it bears my signatures and the signatures of the panchas and its contents are correct. (It is marked as **Ext. 1639**). I will be able to identify the documents that were seized. The register Art. 259 and the copy of the passport Art.259A are the same. I had encircled the name of Ghaswala Feroz in the register Art. 259 under my signature and that of the panchas. The brown paper with label Art. 259B now shown to me is the same, the label thereon bears my signature and the signatures of the panchas.

4. The panchanama dated 08/0806 of the documents seized from Afzal Hussain Salim Hirji now shown to me is the same, it bears my signatures and the signatures of the panchas and its contents are correct. (It is marked as **Ext. 1640**). I will be able to identify the documents that were seized. The five registers Exts. 608 to 612 now

shown to me are the same. I had encircled the name of Shaikh Muzzammil in the register Ext.608 under my signature and that of the panchas. The entry Ext. 603 now shown to me is the same, it bears my signature and that of the panchas. I had encircled the name of Ghaswala Feroz in the register Ext.609 under my signature and that of the panchas. The entry Ext. 604 now shown to me is the same, it bears my signature and that of the panchas. I had encircled the name of Zameer Ahmed in the register Ext. 612 under my signature and that of the panchas. The entry Ext. 607 now shown to me is the same, it bear my signature and that of the panchas. I had encircled the name of Zulfeqar Fayaz in the register Ext.611 under my signature and that of the panchas. The entry Ext. 606 now shown to me is the same, it bears my signature and that of the panchas. I had encircled the name of Chhipa Mohammedali in the register Ext.610 under my signature and that of the panchas. The entry Ext. 605 now shown to me is the same, it bears my signature and that of the panchas. The photocopies of the letters Arts- 258 (1 and 2) now shown to me are the same. They bear my signatures and the signatures of the panchas. [They are marked as **Ext.1641 (1&2)**].

The brown paper wrapper with label Art. 258A now shown to me is the same, the label thereon bears my signature and the signatures of the panchas.

5. I had recorded the statement of an injured witness Vishal Nagaich (PW-13) and the statement of PC- Kadage (PW-73), who had taken samples to the FSL and had brought the reports and the articles from the FSL. I was attached to the ATS upto 04/12/06.

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

6. The statement of Mohd. Umar Hussainmiya Patni (PW-47) now shown to me was recorded by me, it bears my signature and its contents are correct. He had stated before me the contents of portion marked A from his statement. (It is marked as **Ext. 1642**). He had stated before me that he had gone to Gokul Travels and obtained the zerox copies of the passports and tickets, that Faisal had given four photographs, that Mushtaq had brought Rahil and Faisal. I did not write these things in the statement. I thought it important to collect the documents, therefore, I did not write them in the statement. I wrote whatever I felt important. I am not giving this answer on the basis of memory. I write in the statements of the witnesses whatever I think

important from the point of evidence.

7. The statement of Mushtaq Ahmed Mohd. Saheb (PW-46) now shown to me bears my signature and its contents are correct. He had stated before me the portions marked A to I from his statement. (They are marked as **Ext. 1643 (1 to 9)**). He had stated before me that he used to get done the work of visa of Maldives and Saudi Umrah from agent by name Umar Patni, that the ATS officers had asked him from whom he got the work done. He had not stated before me that in 2004 Faisal had asked him to obtain visa for Iran for his friend Tanveer Ahmed Ansari and had sent the passport with Muzzammil, that he used to give such work to him every two-three months, that Ashik had asked him for what work these people are going to Iran and he had facilitated the talk between him and Faisal. He had stated before me that acquaintances from Kerala, Andhra Pradesh, Hyderabad used to bring the work of obtaining visas and tickets, etc., and that he used to get the work of Maldives, Saudi Umrah done from agent by name Umar Patni on Nagdevi Street in Crawford Market. He had not stated before me that Faisal and Rahil had not gone in group, but they had gone separately for Umrah in Saudi Arabia.

8. The statement of Afzal Hussain Salim Hirji (PW-43) now shown to me bears my signature and its contents are correct. He had stated before me that he is in service as a manager in Al Shaya Nasser Travels, that Mohib Ali R Nasser is the proprietor, that they do the work of procuring visas for pilgrimage to Haj, Umrah and Ziarat, that people go to Haj once a year during a particular period of 40 days, that people go to Umrah during the period of six Islamic months and to Ziarat around the year, that Shias and Bohras go to Damascus and Iran, that people go to the tombs of Imam Hussain in Iraq, Kerbala, of Imam Ali in Iraq, Najaf, of Imam Musse Kazim in Bagdad and of Imam Mohammad Aqi in Samarra in Iraq, that they told me the names of Shaikh Muzzammil, Ataur Rehman, Zulfiquar Faiyaz Ahmed, Mohd. Chhipa, Mehmood Shaikh, Dr. Tanveer Ahmed and Firoz Ghaswala, total seven names, that they showed him passport copy of one of the persons and asked him whether the visa on the passport was done by them through their sub-agents. I did not write these things in his statement. He had not stated before me that the ATS had asked him to bring his registers where the names of the seven persons appear, that they went through the registers, circled

the names by red pen, called two staff members and said that they will take the registers in their custody, that they put the registers in an envelope and sealed the envelope, that they told them that the two persons are the witnesses and the registers will be returned to them after the case is over.

(Adjourned for recess).

Date : 11/10/11

SPECIAL JUDGE

Resumed on SA after recess

9. He had stated before me that the group leader brings 50-80 passports in one shot and the group departs together on one flight, that 24 hours before issuing the tickets, they check with the group leaders that all passengers are definite, that then only they issue all the tickets together, that sometimes it happens that somebody is ill or there is some accident, that then the group leader tells them to cancel them from the group, that they cancel it in their register with red pen by putting a small cross against the name and return the passports, that the visa is valid for three months from the date of issue, that they were brought by different sub-agents and the group leaders were different, that Tanveer Ahmed's passport came through

Al Mehdi Tours in 2005, that his ticket was not issued through them though the visa was done through them, that all these seven persons had not traveled in groups and therefore, except one, the tickets of others were issued by them on different dates as is mentioned in the different registers, that they do not issue visas for Sunni people for Iran because they do not go for Ziarat in Iran, that they do not believe in Imam Reza at Mashad in Iran, that the passports of all these seven persons were given to them by their Shia agents in groups, that they did not come to know that these seven persons were Sunnis, that they came to know that they are Sunnis when this case came up and he was called to the office of the ATS, that the ATS people asked him how they could not recognize them by their names and why they issued visas for Iran to them, that as the names like Zulfiqar, Muzzammil were similar to Shia names, they could not identify, that this meal is given only once a year to one person even if he goes ten times in a year, that all the registers are maintained in the ordinary course of their business, that there are four-five staff members who make the entries in the registers, that this person did not travel in a group, that there is separate PNR of the Iran Airlines written in his

entry by pencil, that he will be able to identify the passport. I did not write these things in his statement as I recorded what I felt was important.

10. The statement of Shaikh Mohammad Wasi (PW-45) now shown to me bears my signatures and its contents are correct. He had stated before me the portion marked A from his statement. (It is marked as **Ext. 1644**). He had stated before me that on reaching the ATS office, the officer told him two names, i.e., Sohail Shaikh and Firoz Ghaswala, that they asked him whether these two persons had done the ticketing and visa work from his office, that he telephoned his office and asked them to verify, that after some time it was informed that the ticketing and visa work of Suhail Mehmood was done by their office and only visa work of Firoz Ghaswala was done by his office, that a copy of the passport of Sohail Shaikh and the register containing the entry of Firoz Ghaswala was brought from his office. I did not write these things in his statement as I recorded what I felt was important.

11. (Witness is asked to go through the case diary of CR no. 77/06 and state on what dates he had recorded the statements of

PW 43 to 47). I had not maintained the case diary. On going through the case diary I say that the fact of recording the statements of these witnesses and their names is not written in the case diary. PI Rathod was maintaining the case diary. I had handed over the statements, panchanamas and the documents that I had seized to him. I did not tell him to make entry in the station diary, because he was my superior and I had done the work as directed by him. It is also not mentioned in the case diary that the panchanamas were prepared and the documents were seized. On going through the case diary I say that my name is not specifically mentioned as having done any part of the investigation.

12. I do not remember the exact date on which I had recorded the statement of Vishal Vijaykumar Nagaich, but probably it was in September 2006. He was injured in the Khar blast. On going through the case diary of CR No. 87/06, I say that it is mentioned on 20/09/06 that I have recorded the statement of the said injured. PI Vijay Kadam had maintained this diary. It is true that station diary entry is required to be made about recording the statements of witnesses. I did not make any station diary entry about the work that I

did. I do not remember whether summons or notices were issued to the witnesses. It is true that articles that are seized under panchanama are required to be sealed using lac seal and brass seal. It is true that I did not seal the registers and documents that I seized. This is because the brass seal was not available at that time. I do not remember of which police stations the ATS was using the seals. I do not remember whether the ATS had its own seal. I never took the seal of the ATS out of the office. I do not know about the procedure that was followed for taking out the seal from the office and if the seal of some other police station was brought.

13. I do not remember how many officers like me from other branches and the police stations were attached to the ATS during this period. I remember the names of PSI Kshirsagar, API Bagve and PSI Tambe, but I do not remember to which police stations they belonged. Some head constables and constables were also similarly attached.

14. I do not remember how many teams were constituted for the investigation of the blasts. Our team was assigned the work of taking statements of injured, collecting medical reports, etc. I did not

take part in the work of collecting the call details record of the mobiles of the accused persons and examine them. I do not remember whether our team was not given this work, whether I or my team had taken the accused for narco analysis and brain mapping. I had gone to the Arthur Road prison on 10/10/06 for serving notice on the accused. I remember that I had requested the accused to sign, but they refused. It is not true that I tried to obtain their signatures without showing the contents to them. Supdt., Swati Sathe was present. It is not true that I had threatened them to withdraw their retractions.

15. I do not know the total number of sects in Muslims. It is not true that I did not take the statements of any witnesses and did not seize any registers or documents, that I signed on readymade statements at the time of filing chargesheet on the say of my superiors, that I prepared false statements and that I did not prepare any panchanama.

Cross-examination by Adv P. L. Shetty for A3, 8, 9, 11

16. I do not know whether summons have been served on the panchas in all four panchanamas and whether they are available on their given addresses. It is true that all the panchas were from

Bhoiwada area. I had personally not called the witnesses to the ATS office. I came in their contact only on 08/08/06. I cannot tell the name of the officer of the ATS who had called them, but the message was given from the ATS office. I do not remember on what date prior to 08/08/06 they were sent the message. I was given intimation prior to 08/08/06 that they would be coming to the office on that day. I do not remember the exact date when I was given the intimation. ACP S. L. Patil had given me the intimation. I cannot tell at what time I took the statements of the four witnesses. Documents seized under the panchanama Ext. 1637 were photocopies. I did not incorporate in the panchanama all the particulars that were in the said documents. I wrote the details of the number of passport, the name of the passport holder, etc. I did not write the date of birth of Mohd. Faisal as it was not in those documents. I cannot say without seeing the documents why I did not write the date of issue of the passport and its validity, the date of issuance of the air ticket and the date of the proposed travel. I do not now remember whether I did not write these details as they were not in the documents. I did not purposely omit to write these details. I do not remember why I did not write the ticket number

that was in the bill.

17. (Witness is shown the entry in the register Ext. 616). I do not know who has done the overwriting in the date of birth from 1983 to 1984. On referring the contents of the panchanama I say that it was there when I seized it. I do not remember whether I interrogated the witness about the contents written in pencil in that entry. (Witness is shown the entry in the register Ext. 617). The words 'only Iran visa' were in that entry when I seized the register. I did not make any inquiry as to who had written those words. I cannot say whether the handwriting of those words differs from the handwriting of the other words in that entry.

18. I cannot say without seeing the documents as to why the passport number, visa number and ticket number of Shaikh Muzzammil are not written in the panchanama. It is not true that all the documents are fabricated, that I deposed falsely to suit the case of the ATS and therefore, the documents are created.

Cross-examination by Adv Wahab Khan h/f Rasal for A1 & 4 to 6

19. (Adopted cross-examination by advs Wahab Khan and Shetty).

No re-examination.

R.O.

Special Judge

Date:-11/10/2011

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