

**M.C.O.C. SPECIAL CASE NO. OF 21/06**

**DATE: 8<sup>th</sup> September, 2010**

**EXT.No.577**

**DEPOSITION OF WITNESS NO.39 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Afzal Mohd. Hussain Alwani

Age : 33 years

Occupation : Business

Res. Address : 1404, Poonam Towers, MTNL Road, Mira Road (E),  
Dist. Thane.

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**EXAMINATION-IN-CHIEF BY SPP RAJA THAKARE FOR THE STATE.**

1. Since last three years I am residing at the given address and before that I was residing at 204, Poonam Arcade, Sheetal Nagar, Mira Road(E), Dist. Thane. I married in 2002. I do the business of selling and purchasing marine safety equipments with my father-in-law. We have got an office at Vaju Kotak Marg, Fort, Mumbai for the business. These premises are owned by my father-in-law Gulam Raza Mohammad Ali Badami.
2. From January, 2006 I was using my father-in-law's car for

commuting from my residence to the office. It was a Maruti 800 car No. MH-01-V-9568. Somewhere around the first week of June 2006 the car was sold as it had become old and unsuitable for long distance travel as it used to break down frequently. One electrician by name Mohd. Rashid, who was commonly known as Amir, helped in selling the car. He brought a customer by name Muzzammil Shaikh. The car was shown to him at my residence at Mira Road. The deal of the car was struck at Rs.62,000/- and Rs.22,000/- was received as advance. The balance of Rs.40,000/- was paid within 2-3 days in the first week of June and the delivery of the car was given to him. All the transfer forms were duly signed by my father-in-law and I gave them to Muzzammil Shaikh. I kept copies of all the signed documents with me. I have them with me now. After 10-15 days I had called on the mobile phone of Muzzammil, the number of which he had given me, to check whether he had transferred the vehicle in his name. After the ATS called us about some problem about the vehicle, my father-in-law had given a letter to the RTO, Tardeo that we had sold the vehicle. I had sent all the zerox copies of transfer forms to the RTO alongwith the letter. I obtained an acknowledgment of the

RTO office about giving the letter and the documents. I have the copy of the letter containing the acknowledgment with me now.

3. I can identify the said Muzzammil Shaikh. He is present in the court. (Witness looks around the court room and points to the accused no. 9 sitting in the dock, who is asked to stand up and tell his name, which he states as Muzzammil Ataur Rehman Shaikh). He was the same person. ATS police recorded my statement.

**Cross-examination by Adv P. L. Shetty for A/3, 8, 9, 11,12**

4. The car was 1998 model. My father-in-law had taken bank loan for purchasing it. I do not know from which bank the loan was taken, what was its amount and for what duration. It is true that I had done the transactions with the accused no.9 and my father-in-law did not take any part. I do not know whether the loan was from ABM Amro Bank. It is true that it was decided to sell the car as it broke down and was required to be towed three-four times to the garage in 2006. At the time of the sale of the car, the loan was cleared. We had taken clearance letter from the bank about it. My father-in-law had taken it. I do not know on what date he had taken it or of which bank it was. I had not seen it. It is true that it is necessary to take consent

letter from the bank if the vehicle is to be transferred, otherwise the vehicle cannot be transferred in the name of the purchaser.

5. It is true that after the transaction I had no occasion to see the person to whom the car was sold. Police recorded my statement on 02/011/2006. Except the one occasion on which I had called on the mobile phone of the purchaser, I did not call him at any time upto now. I had given the transfer documents, registration documents of the car, RTO documents and other documents to the purchaser. However, I cannot say today what were the other documents. I had read my statement when it was recorded. When I gave my statement I did not describe to the police the specific documents that I had given to the purchaser. My father-in-law had prepared the letter that was sent to the RTO. It was given on 01/11/2006. It is not true that I was not present when my father-in-law prepared the letter. It was typed in our office by the typist.

6. It is not true that I had not sold the car to the accused no.9 whom I pointed out in court. I came to court today at 11.00 a.m. There are a few persons by name Muzzammil Shaikh in Muslim Community. It is not true that it is a common name in Muslim

Community. I received the entire money. It is not true that I deposed falsely at the instance of the police.

**Cross-examination by Adv Rasal for A/1 and 4 to 6 and Ms. Shaikh Asma h/f Wahab Khan for A/2, 7, 10 & 13,**

7. Declined.

**No re-examination**

**R.O.**

**Spl. Judge  
Date:- 08/09/10**

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