

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

**DATE: 20<sup>th</sup> September, 2010**

**EXT.No.602**

**DEPOSITION OF WITNESS NO.43 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Afzal Hussain Salim Hirji  
Age : 46 years  
Occupation : Service  
Res. Address : Flat no.46, B' Block, Ashraf Apartment, Ganga  
Bawdi Road, Mazgaon, Mumbai-10

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**EXAMINATION-IN-CHIEF BY SPP CHIMALKAR FOR THE STATE.**

1. I am in service as a manager in Al Shaya Nasser Travels. Mohib Ali R Nasser is the proprietor. We do the work of procuring visas for pilgrimage to Haj, Umrah and Ziarat. People go to Haj once a year during a particular period of 40 days. People go to Umrah during the period of six Islamic months and to Ziarat around the year. We do this work for our sub-agents, who bring the passports of the groups to us. All people of Muslim community go to Haj and Umrah and Sunni sects Muslims go to Ziarat also. Shiya and Bohras go to

Damascus and Iran. Sunni people do not go for Ziarat to Iran. 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.

2. On 08/08/06 I was called in the office of the ATS at Bhoiwada in connection with the railway bomb blasts. 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. They showed me passport copy of one of the persons and asked me whether the visa on the passport was done by us through our sub-agents. The ATS had asked me to bring my registers where the names of the seven persons appear. 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. They put the registers in an envelope and sealed the envelope. They told us that the two persons are the witnesses and the registers will be returned to us after the case is over. On going through my registers and the passport I can say which sub-agent had brought a particular persons passport to me and whose passport it was.

Q.- Did all these persons go in groups?

A-No.

The group leader brings 50-80 passports in one shot and the group departs together on one flight. Twenty four hours before issuing the tickets, we check with the group leaders that all passengers are definite. Then only we issue all the tickets together. Sometimes it happens that somebody is ill or there is some accident. Then the group leader tells us to cancel them from the group. We cancel it in our register with red pen by putting a small cross against the name and return the passports. The visa is valid for three months from the date of issue.

3. The entries of the seven persons, whose names the ATS told me, their entries start from 2002 to 2006 and they are in different registers. They were brought by different sub-agents and the group leaders were different. In 2002 one passport of Shaikh Mehmood was received for visa through Western Travels, Mr. Wasi. In 2005 Firoz Ghaswala's passport also came through the same agent. Tanveer Ahmed's passport came through Al Mehdi Tours in 2005. His ticket was not issued through us though the visa was done through us.

Asserat Tours, Mr. Ashik had given four passports from 2004 to 2006, which were of Shaikh Muzammil, Ataur Rehman, Chippa Mohd. Chand and Zulfiquar Faiyaz Ahmed. All these seven persons had not traveled in groups and therefore, except one, the tickets of others were issued by us on different dates as is mentioned in the different registers. The visas of all these seven persons were for Iran.

4. We do not issue visas for Sunni people for Iran because they do not go for Ziarat in Iran. They do not believe in Imam Reza at Mashad in Iran. The passports of all these seven persons were given to us by our Shia agents in groups. After the visa was stamped in the passports, they took the passport back. We did not come to know that these seven persons were Sunnis. We came to know that they are Sunnis when this case came up and I was called to the office of the ATS. The ATS people asked me how we could not recognize them by their names and why we issued visas for Iran to them. As the names like Zulfiquar, Muzzammil were similar to Shia names, we could not identify.

5. There is a way to identify whether a person has gone for Ziarat in Iran and it is that they go to visit Mashad, the tomb of Imam Reza. ,

where they are given one meal, i.e., lunch and a round stamp is put on the visa by taking their passports, by which one can identify whether they have visited Mashad or not. This meal is given only once a year to one person even if he goes ten times in a year.

6. I will be able to identify the registers. (Ld SPP requests for opening a packet at sr. no. 10 of list Ext.16A. It is given to the learned advocates for the accused for inspection. It is a brown paper packet having a label containing the description of CR no. 77/06 and other particulars and it does not have lac seal. On opening, it is found to contain five registers and zerox copy of a letter by Al Shaya Nasser Travel dated 12/04/04, which is accompanied by a list). All these registers are of my travel agency. All the registers are maintained in the ordinary course of our business. There are four-five staff members who make the entries in the registers. The name of Shaikh Muzzammil appears in the register of the year 2004 in respect of passport no. E0634943. This passport had come to us through Asserat tours, Mr. Ashik, for visa to Iran. This person did not travel in a group. There is separate PNR of the Iran Airlines written in his entry by pencil. I will be able to identify the passport. (Witness is shown Art-

178). The passport is the same. On the basis of the number and all the other details of the passport, date of issuing visa and the address in the passport are mentioned in the register. The place of issue of passport is also mentioned. The entry was made by one of our staff members, whose handwriting I identify and its contents are correct. (The entry is marked as **Ext.603**).

7. The entry of visa obtained for Firoz Ghaswala is in the register no.5 of the year 2005. It was brought by the agent Al Mehdi tours. This person also did not travel in a group. The visa was for Iran. The entry was made by one of our staff members, whose handwriting I identify and its contents are correct. (The entry is marked as **Ext.604**).

8. The entry of visa obtained for Chhipa Mohd is in the register no.1 of the year 2005-06. It was brought by the agent Al Serat tours. This person also did not travel in a group. The visa was for Iran. The entry was made by one of our staff members, whose handwriting I identify and its contents are correct. (The entry is marked as **Ext.605**).

9. The entry of visa obtained for Zulfequar Faiyaz Ahmed is in the

register no.6 of the year 2006. It was brought by the agent AS Serat tours. This person also did not travel in a group. The visa was for Iran. The entry was made me and its contents are correct. (The entry is marked as **Ext.606**).

10. The entry of visa obtained for Zameer Ahmed Latifur Rehman is in the register no.3 of the year 2005. It was brought by the agent AS Serat tours. This person also did not travel in a group. The visa was for Iran. The entry was made by me and its contents are correct. (The entry is marked as **Ext.607**). I identify the passport Art-133 on the basis of its number and the other details that are entered in our register. (The zerox copy of the letter dated 12/04/04 and the zerox of list of 25 persons is marked as **Art-258(1&2)** and the brown paper wrapper with the label dated 08/08/06 is marked as **Art-258A**). The letter Art-258(1) was given by my office to the Iran Consulate for obtaining visa. Art-258(2) is the list of persons which includes the name of Ansari Tanveer Ahmed. His passport no. is B0099890. For this person we only obtained visa but did not issue the ticket. The passport had come through Al Mehdi tours, Mr. Anis. This person did not travel in a group. The passport Ext.449 is of that person. I identify

it by its number.

11. (Ld SPP requests for opening a packet at sr. no. 10 of list Ext.16A. It is given to the learned advocates for the accused for inspection. It is a brown paper packet having a label containing the description of CR no. 77/06 and other particulars and it does not have lac seal. On opening, it is found to contain one register titled 'Visa Register' from 01/04/05 to 31/03/06 and zerox copy of passport of A/10. Ld SPP submits that this is not of the travel company of the witness. The register is marked as **Art-259**, the zerox copy of the passport is marked as **Art-259A** and the brown wrapper with label is marked as **Art-259B**). The passports Art-133 of Zameer Ahmed, Art-178 of Muzzammil Aatur and Ext-449 of Tanveer Ahmed do not bear the stamp for visiting Mashad for Imam Reza tomb, Iran. The ATS recorded my statement.

**Cross-examination by Adv Wahab Khan for A/2, 7, 10 & 13**

12. On an average there was a strength twelve staff members in our office from 2002 to 2006. There are more than seventy sub-agents who are in contact with our office for the work. The passports are not received daily. In a group we receive 40-50,

80,150 or 250 passports. The agent gives the passports to any of the four staff members who handles this work. Money is collected by one of these four staff members and one of them makes entry in the register. It is not true that my work is only to look after the accounting and how much money is received. The staff member fills up the requisite forms and along with the money, he sends some other staff member to the concerned consulate. On the due date one of the staff members goes to the consulate, collects the passports that are stamped with the visas, brings them back to the office and the sub-agents collect the passports. It is true that generally I do not examine every passport and do not make entry in the register by my hand.

(Adjourned for recess)

**Date:- 20/09/10**

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

**Resumed on SA after recess**

13. It is not true that I cannot tell the names of the staff members who made the other entries. It is true that my travel agency only does the work of sending Muslim people on pilgrimage. We do

not do the work of obtaining visa for other than pilgrimage visa. In our work 99% time we do not send persons other than Muslims. (Witness is shown entries at sr. no. 7 & 8 on a page in the register titled 'Year 2004 No.11'). The two names in these two entries are not of Muslim persons. We had issued tickets to them for Iran. The encircled numbers written in front of the names of the persons are the ticket numbers, but it is not written that we had not obtained visa for them. We do not have licence for obtaining visa for non-Muslim persons. Persons by name Patel are in Memon community. They are not Shias. The person at sr. no. 55 in register no.1 titled '2005-2006' by name Patel Salim Maher Ali is a Shia, because of the word Ali in his name. Mostly if this word 'Ali' is in a person's name, he is a Shia. It is not true that it is a common name in all Muslim communities. It is true that if a person's name is Mohammad Ali, then he is a Shia. If it is Mohammad Ali Alam Shaikh then he is not a Shia. We have issued tickets to Parsi groups.

14. I belong to Shia sect. I went to Iran more than 15 times. I go with my family individually and not in any group. There are 15 stamps on my passport of visiting the tomb of Imam Reza at Mashad.

Witness volunteers-but if I had gone more than once in a year, there is only one stamp. I cannot say whether a person having surname Shaikh is not a Shia. I have only visited religious places in Iran. It is a pious thing to visit religious places. I cannot say whether a person having surname Khan is not a Shia. I cannot say whether a person having name Khan Nusrat wife of Shahid is a Shia. (Witness is shown the entry at sr. no. 11 on a page in the register titled "2005-2006' register no.1). Ticket as well as visa was not issued to this person as there is a red cross mark in front of her name. I cannot tell the total number of religious places that are visited by people for Ziarat in Iran. I cannot even state approximately. It is true that there is no circular of the Iran Government about sending only Shias to Iran. I do not have any documentary evidence to show that my travel agency only sends Shias to Iran. (Witness is shown the register titled 'Register No.5, 2005'). Only tickets were issued to the person whose names are written at sr. no.67 as Irani Salim Jaffer Ali and at no. 68 Gupta Yogendra Kumar. There is no endorsement that visas were not issued. It is true that in the entries of the persons for whom visas were obtained, ticket numbers are also mentioned.

15. I have visited the tombs of Imam Reza in Mashad, Masuma-E-Qum in Qum and Shah Abdul Azim in Tehran. The first two are descendants of Prophet Mohammad. Generally Prophet Mohammad is respected by all Muslims. It is not true that all his family members are respected by all Muslims. We respect Hazrat Ali, Hazrat Fatima, Hazrat Hassan and Hazrat Hussain. Hazrat Fatima was daughter of the Prophet, Hazrat Ali was her husband and Hazrat Hassan and Hussain were their children. Sunni sect Muslims respect these four.

16. People who go to the tomb of Imam Reza are considered his guests. Tour operators take groups of persons there. I do not know whether Imam Reza has properties like fields and gardens, which generate income. It is true that there is an arrangement for one time meals for the guests of Imam Reza, known as Niyaz or Prasad. The package of the tour operators includes the charges for traveling, lodging and food. There are no charges for the meals at the tomb of Imam Reza. A guide accompanies the tour. There is an arrangement at that tomb to prevent a person from having more than one meal in a year. It is true that the group leader

submits the passports of the persons in his group in the office of the Imam Reza, the stamps are put on the visas and tokens are issued. Then the persons proceed for having the meals. It is true that if a person goes there but does not want to have the meals, there is no necessity for getting his visa stamped by the office of the Imam Reza. It is true that my passport and the passports of my family members do not have fifteen stamps of Mashad of our fifteen visits. It is true that the arrangement of stamping the visas at the Imam Reza is made to prevent the tour operators from misusing the facility of free food. It is not true that without stamp on the visa and the token, an individual or his family can have meals. I cannot produce any certificate or letter from the Iran Consulate about this procedure. I have not seen any rules displayed at the Imam Reza tomb, that only Shias can visit it for Ziarat and Sunnis are not allowed. Since 24 years, I am doing this work. I do not know of any circular or order issued by the Iran Government that only Shias can visit Iran for the purpose of Ziarat.

17. I have read the Kuran but not with its meanings and translation. We consider Moses as the Prophet of Allah and the

religious book Touret given to him by Allah. It is true that all sects of Muslims respect Moses. It is a pious act for every Muslim to pay respect to the tomb of Moses. All Muslims accept that Jesus is the Prophet of Allah and the Bible is given to him by Allah and they are respected by all Muslims. These aspects are confirmed by Kuran. Moses is the Prophet for the Jew community and Jesus is the Prophet for the Christian community. It is true that generations of Moses and Jesus are considered as respectable by all sects of Muslims. It is true that tombs of the ascendants and descendants of Moses and Jesus are scattered in different countries like Iran, Iraq, Syria, Jordan and Saudi Arabia. It is a pious thing to go and pay respects at these tombs. As and when it is feasible for Muslims, they go to these places.

18. It is true that present Muslim community persons are considering that they are the followers of Prophet Mohammad. All sects of Muslims consider Allah as the Supreme and Prophet Mohammad as the last messenger. All Muslims are governed by Kuran, thereafter by Hadis and thereafter by consensus. There is no concept of sects in Kuran. I do not know about Hadis.

19. It is true that if a tourist goes in a tour organized by a tour operator, he cannot deviate from the program. It is true that if a person goes individually he can stay for long and go to some places that are not in the tour. It is not true that one can save money by going individually. It is true that dry fruits, saffron, carpets, stones, tobacco and some domestic items are cheaper and of better quality in Iran as compared to India and one can bring them for personal use or for sale with profit. It is true that it is common for persons to cancel their tours along with the groups. It is not true that the office for extension of visa in Iran is in Mashad. It is in Tehran. I have never extended my visa in Iran. I know this from the Iran consulate.

20. On all occasions I went only Iran. I do not know about the procedure for going for Ziarat from Iran to adjoining countries. Shia sect Muslims observe Moharam. It is known as the month of sorrow. It is true that Sunni Muslims arrange religious functions to remember the very same persons for whom Shia Muslims observe Moharam. It is true that Sunni Muslims do this for eleven days by distributing water to thirsty people, by arranging for water tanks and on the tenth day by distributing cold drinks and khichada as prasad.

It is true that there is not much difference between Shias and Sunnis in following the Allah, Prophet and Kuran. In fact there is no difference. It is true that there is no ban by the Iran and Iraq governments for Sunni and Shia sect Muslims to visit the religious tombs there.

(Deferred to tomorrow at the request of the Id adv at 4.30p.m.).

**Date:- 20/09/10**

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

**Date : 21/09/2010**  
**Resumed on SA**

21. It is true that absence of stamp of the office of Imam Reza is not a sign of not visiting Mashad. It is true that it is only an indication that the person has not taken the meals at the tomb of Imam Reza. It is true that taking meals is optional and it is not compulsory. It is true that no stamp or endorsement is made on the

visa about visiting the other two religious places, i.e., Masuma-E-Qum and Shah Abdul Azim. It is true that any Muslim or non-Muslim can go for Ziarat to Iran and return without having stamp of free meal on his visa. It is true that there is a considerable population of Sunni Muslims in Iran. Under the regime of Saddam Hussain there was a restriction on members of Shia Muslim sect in Iraq as the government was of Sunni sect. However, there was no restriction on Sunnis in Iran at any time, although the government was of Shia sect. We Shias respect Imam Jaffer Sadique equally as we respect Imam Reza. I do not know whether Imam Jaffer Sadique is the teacher of Imam Abu Hanifa. I do not know whether Sunnis follow Imam Abu Hanifa. It is true that Sunnis prepare sweet dishes in memory of Imam Jaffer Siddique. Iran government arranges conference once in a year in the memory of Shia leader Imam Khomeini on his anniversary day and invites people of all religions and different sects of Muslims from all over the world. I do not know whether the invitees are taken around all the religious places.

22. It is not true that my agency is the only agency in Mumbai that obtains visa from the Iran consulate. There are two more

such agencies. The passports were submitted by the sub-agents at different times and there was no overlapping of periods and persons.

23. I do not remember whether I got to know from the newspapers for the first time that there was some problem about people who had visited Iran for Ziarat. I do not remember coming to know about this issue from the sub-agents. The ATS or the police did not send any summons or notice to my office in connection with this matter. It is not true that the ATS first approached the proprietor of our travel agency. The ATS officer had not come to our office. They contacted me on telephone in the night of 07/08/06. I again say that sub-agent AS Serat tours, Mr. Ashik had called me on 07/08/06 and told me to go to the office of the ATS on 08/08/06 with the registers. I went to the office of the ATS at about 10.30 to 11.00 a.m. I was there upto 12.30 p.m. It required about 45 minutes to one hour to record my statement. It is not true that we had charged fees for the visas of these seven person. It is a practice of our office not to charge anything for the visas for pilgrimage to Iran. I do not remember whether I was not in the office of the ATS upto 4.30 or 5.30 p.m. I produced the registers that I had taken with me, at about 10.00 to

11.00 a.m. In that period police took them in their custody. The panchnama was prepared in that period itself. I do not remember whether the packet was sealed by lac seal. It is true that no label was pasted on the packet in my presence. I do not know whether police did not write or type a panchnama in my presence.

24. It is not true that my statement was read over to me yesterday before I gave evidence. I do not remember whether I had stated to the police when I gave my statement that I am in service as a manager in Al Shaya Nasser Travels, that Mohib Ali R Nasser is the proprietor, that we 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. I cannot assign any reason why all this is not mentioned in my statement. I had stated to the police 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. I cannot assign any reason why all this is not mentioned in my statement. I had stated to

the police 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 me passport copy of one of the persons and asked me whether the visa on the passport was done by us through our sub-agents, that the ATS had asked me to bring my 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 us that the two persons are the witnesses and the registers will be returned to us after the case is over. I had stated to the police 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, we check with the group leaders that all passengers are definite, that then only we issue all the tickets together, that sometimes it happens that somebody is ill or there is some accident, that then the group leader tells us to cancel them from the group, that we cancel it in our 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. I had stated to the police that they were brought by different sub-agents and the group leaders were different. I had stated to the police that Tanveer Ahmed's passport came through Al Mehdi Tours in 2005, that his ticket was not issued through us though the visa was done through us, that all these seven persons had not traveled in groups and therefore, except one, the tickets of others were issued by us on different dates as is mentioned in the different registers, that we 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 us by our Shia agents in groups, that we did not come to know that these seven persons were Sunnis, that we came to know that they are Sunnis when this case came up and I was called to the office of the ATS, that the ATS people asked me how we could not recognize them by their names and why we issued visas for Iran to them, that as the names like Zulfiqar, Muzzammil were similar to Shia names, we could not identify. I had stated to the police that this meal is given only once a

year to one person even if he goes ten times in a year. I had stated to the police that all the registers are maintained in the ordinary course of our business, that there are four-five staff members who make the entries in the registers. I had stated to the police 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 I will be able to identify the passport. I had not stated to the police that the entries in the registers are made by some of my staff members whose handwriting I can identify and I have made two entries. I cannot assign any reason why above things are not mentioned in my statement.

25. Police did not give me any receipt, voucher or copy of panchnama about taking the registers from me. Police took my signature on one paper but I do not know what it was. It is not true that the ATS calls me off and on and I go to their office. It is true that the ATS people told me that the seven persons whose names they told me are Sunnis, that they had obtained visas for Iran from my travel agency, that they had been caught, that the person whose passport they showed me did not have the stamp of free meal of Imam Reza. The person Ashik had told them all these things on

seeing the passports. It is true that one cannot visit the adjoining countries having the religious places after going in Iran without obtaining visa.

26. It is not true that at the instance of the ATS I am saying that these seven persons had not gone for Ziarat to Iran as the stamps of Imam Reza are not there on their visas. It is true that at the tomb of Imam Reza one can stay for thirty days and visit the tomb every day. It is not true that at the instance of the ATS I am saying that Sunnis do not go for Ziarat to the tomb of Imam Reza.

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

27. It is true that the registers that are before the court contain the entries of five persons out of the seven names deposed by me. Twelve-fifteen registers are required every year. (Witness is shown the register titled '2005-2006 register no.1'). It is true that the month for which the register is maintained is not written on the cover of the register. (Witness is shown the register titled 'Year 2004-11'). It is true that the year 2003 is struck off and year 2004 is written. It is not true that the ink of the year 2003 and 2004 are different. The words 'year' and '2003' are in same ink. It is true that the ink of the words

'year' and '2004' is different. My staff member Sayyed Mohd. Nawaz did the correction in the year 2004. It is true that the register contains the columns of serial number, name of the pilgrim, number of the passport, date of issue of passport, place of issue of passport, place and date of birth, date of expiry of passport and their address. It is not true that the registers contain the names of only pilgrims that have gone for Ziarat or other holy place. Five percent of the persons may not be non-pilgrims. We used to write the names of the persons in a group together. At one or two places non-pilgrims names are included in the groups because they were flying in the same flight by the same agent. It is true that pilgrims and non-pilgrims are not distinguished and no separate lists are made anywhere in the registers. (Witness is asked to point out the names of non-pilgrims in all the five registers). In the register titled 'Year 2004-11' the names of non-pilgrims are on one page at sr. no. 10 Shah Raj Dilip Bhai, sr. no. 13 Ajay Bhag Chandani, on another page at sr. no. 1 Mutyavenkata Surya Subramanyam, on another page at sr. no.1 Shah Rajendra Baradi Chandra, at sr. no. 2 Chulliparbil Mohanan Narayanan, at sr. no.8 Palav Bhiwa Sadashiv, etc. There are several

such names in all the registers which include names of Hindu persons. It is true that every group starts with serial number one and no continuous numbers are given in the registers. Only on reading the name of the person I can say whether he is a pilgrim or a non-pilgrim. It is true that the date of receiving the passports of a particular group are not mentioned on the top of the names of each group. Except the year that is mentioned on the cover of the registers, it is not mentioned anywhere inside the register. We did not scrutinize the passports before sending them for visa of pilgrimage. The passports in connection with the entries at Exts. 606 and 607 were received in the groups where their names are written for visa. It will be correct to say that along with the passport in connection with the entry at Ext. 607, we had received 65 passports. Out of 65, 22 entries are in my handwriting. It will be correct to say that along with the passport in connection with the entry at Ext. 606, we had received 81 passports. In between sr. no. 65 and 64 there is a different group of nine persons. It is from the same agent Asserat. It is not true that I cannot tell on going through the registers as to which pilgrim went with the group and which pilgrim went individually. Date of departure

is marked with pencil and if it is different from the date of the group then I can identify. (As Id adv is referring to the contents of all the registers, they are received in evidence and marked as **Exts. 608 to 612**). (Witness is shown the register Ext.611). The date of departure on the backside of the page no. 2 where the list starts, is on the top left corner. In black ink it is written 'BOM THR 2ND MAY' and below it, it is in pencil 'THR BOM-12/MAY'. The 2ND MAY is the date of departure from Mumbai to Tehran and 12TH MAY is the date of arrival. I cannot assign any reason why the departure date is written by pen and the arrival date is written by pencil. In all the registers the dates of departures of persons who have not gone in groups is written by pencil and at some places the dates of arrival are also mentioned. It is true that it is not unusual for some pilgrims to go alone and not in tours. The red cross mark at the start of the names of some persons is about cancellation. If date is written by red pen it means the change of the date of departure. It is true that the entries at sr. no. 73 to 81 are canceled for the flight of 2<sup>nd</sup> May and they are transferred to the flight of 30<sup>th</sup> May as per the date in red ink. It is true that except the date written in pencil, there is no other mark or

endorsement to show that a particular person went individually.

28. Prior to 2006 we were casually sending the passports to the consulate for visa. Details of each and every individual are required to be submitted in their individual applications. These applications are filled by the staff of my office. Consulate has given the prescribed proforma applications to us. I do not think that there is any column to write the religion of the applicant. It is also not necessary to write that a person belongs to Muslim community and therefore, it is not necessary to write to what sect a Muslim person belongs.

29. (Witness is shown passport Art-178). It is true that in the name of the passport holder and in his father's name the surname 'Shaikh' is written. The passengers going for Ziarat do not come to our office. It is not true that I deposed falsely at the instance of ATS, that the registers are manipulated. It is not true that Sunnis respect the tombs in Iran. Khan surname is in Sunnis. Khojas do not go for Ziarat. There are two sects in Khojas, one is Khoja Shia and one is Khoja Agakhani. Merchant Bhimani Punjani is a Khoja Shia. Khoja Agakhani do not go for Ziarat.

**Cross-examination by Adv Rasal for A/1 and 4 to 6**

30. On the day of the blasts, I came to know of them on the TV. I was not keeping track of the blasts subsequently but I used to watch the news on the TV. I do not read newspapers. I had no talk with any sub-agent regarding the blasts. They used to show the photograph of one suspect on the TV on all channels. I do not remember whether as and when persons were apprehended in connection with the bomb blasts, their photographs were shown on the TV. I came to know the names of the seven persons on 07/08/06 when Mr. Ashik told me about them. The name of Zulfiquar Faiyaz Ahmed was told on the TV and as he was the passenger of As Sarat, Mr. Ashik informed me about it. He told me only this name on 07/08/06. On 08/08/06 I came to know about the remaining six names. On that day I took all the relevant registers with me.

31. It is not true that I gave false evidence about involvement of the names given by the ATS on 08/08/06 at the instance of the ATS.

**No re-examination.**

MCOC SPL NO. 21/10

PW-43/29

**R.O.**

**Spl. Judge**  
**Date:- 21/09/10**

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