

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

DATE: 5TH OCTOBER, 2010

EXT.No.629

DEPOSITION OF WITNESS NO.47 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Mohd. Umar Hussainmiya Patni
Age : 54 years
Occupation : Travel sub-agent
Res. Address : Room No.5, 1st floor, 284, Nagdevi Street, Crawford
Market, Mumbai-3

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

1. I work as a sub-agent for sending persons abroad and also do the work of obtaining visa and tickets. From 1997 I mostly did the work of sending people to Maldives. Some persons come directly to me and some sub-agents also bring the work. One of such sub-agent is Mushtaq Shaikh whom I met outside just now. I know him since ten years. About nine-ten years before, he had brought the work of a tailor for being sent to Maldives. I got acquainted with him and thereafter, he had brought the work of two-three persons for Maldives and of two persons for Umrah.
2. In September, 2003 Mushtaq had come with persons by name Faisal and Rahil for the visa and ticket work of Umrah of Rahil and

had given his passport. Mushtaq knew Faisal as Faisal's father had taken him with him to Saudi and they had homely relations. On the next day Mushtaq and Faisal came and gave an advance of Rs.12,000/- for the said work. I got the work of visa and ticket of Rahil for Umrah from Gokul Travels, Marine Lines. After eight days I gave the visa and ticket to Faisal. I got a commission of Rs.1,500/- for this work. After 10-15 days Mushtaq and Faisal again came for the visa and ticket work of Faisal for Umrah. I did that work and got my commission. People go by groups as well as individually for Umrah. Faisal went individually.

3. I do not maintain any record about my work. The ATS police had called me on 08/08/06. They had asked me to bring whatever proof I had about the work of visa and ticket of Faisal for Umrah that I had done. Therefore, I went to Gokul Travels and brought the zerox copies of the passports and visas of Rahil and Faisal and the bills of the tickets. I produced these documents before the ATS officers on 08/08/06. They saw the documents, called two persons and put the documents in a cover and took the signatures of the two persons. I will be able to identify those documents if they are shown to me.

(SPP requests for opening a cover which is at sr. no. 10 of list Ext.16A. The envelope is given to the learned advocates for the accused for inspection. It is a brown paper envelope with label, in which CR No. 77/06 and description of the contents are written. It is not sealed by lac seal. On opening, it is found to contain zerox copies of passports, air tickets and invoice of Akbar Travels of A/3 and Mohd. Rahil Aatur Rehman Shaikh. Witness is shown the documents). These are the same documents that I had produced. The red ink circles on some pages of the documents were made by the ATS officers and signatures by the side of the red circles were made by two persons who were called there. (They are marked as **Art. 261 (1 to 5) and 262 (1 to 6)** and the wrapper with label is marked is **Art. 262A**).

4. I will be able to identify Faisal if I see him. (Witness looks around the court room and points to the A/3 sitting in the dock, who is made to stand up and tell his name, which he states as Faisal Aatur Rehman Shaikh). He is the person by name Faisal. Police took my statement.

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

5. At about 11.00 a.m. on 06/08/06 police had informed me about coming to their office on 08/08/06. They told me to come on 08/08/06. A police constable had come to my house. I do not remember his name or buckle number. He did not give any summons or notice to me. When Mushtaq and Faisal had come to me on the second occasion, they had given passport size photographs and Rs. 12,000/- . It did not happen that at that time he brought four passports. I did not tell so to the police. If it is so written in my statement, then it is wrong. Police had read over my statement to me. It was not written by them that Faisal had brought four passports. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A').

(Adjourned for recess).

Date:- 05/10/10

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

Resumed on SA after recess

6. I cannot tell the name of the person for whom Mushtaq had come to me for the first time for the work of Maldives and in which month and year he had gone to Maldives. I cannot tell the names of

the persons whose work of Maldives Mushtaq had given to me subsequently and I cannot tell the month and year when he had come. He had come to me lastly seven-eight years before. Except for the two persons, he had not come to me for the work of Umrah for any other person. I do not issue any receipt for the money that I receive or the visa that I receive. I do not remember the dates of obtaining visas for Rahil and Faisal. I cannot tell the dates of their validity. I cannot tell the number of their passports and dates of their issue.

7. On 06/08/06 the constable who came to me told me that they have caught Faisal in connection with the serial bomb blasts and I have done his visa and ticket work for Saudi Arabia and I should come on 08/08/06 to the ATS office with whatever documents I have. I did not tell at that time that I do not have any documents. On the same day I went to Gokul Travels and met Iddrisbhai who does the work there. I told him to give the record of Faisal and Rahil. I reached the ATS office at about 9.45 a.m. and was called in the office at about 10.00 a.m. Officer Bawdhankar inquired with me. The inquiry started at about 10.30 a.m. and it continued for half an hour to

one hour. It is true that my statement was recorded after taking the documents with me and after inquiry with me. My statement was finished at about 1.30 p.m. I started from there at about 2.00 or 2.30 p.m. They did not start writing my statement before they prepared the panchnama of taking the documents. When the passports of Faisal and Rahil were given to me, their zerox copies were not given and I did not give zerox copies to Gokul Travels. I do not know when and from where Gokul Travels took the zerox copies of the passports and why they took out the zerox. Police did not take my initials on any documents that I produced. Police did not take my signature on panchanama. I had stated to the police at the beginning of my statement that I had gone to the Gokul Travels and obtained the zerox copies of the passports and tickets. I cannot assign any reason why it is not written in my statement.

8. I do not remember whether the photographs on the passports and the four photographs of Faisal and Rahil were similar. I did not compare them. I did not check the documents that were given by Gokul Travels. I have no documentary proof to show that I did the visa and ticket work for both these persons. I had not given the work

of any other person to Gokul Travels when I gave the work of visa and ticketing of both these persons. I do not have any knowledge whether names of any other persons are included in the receipts issued by Gokul Travels.

9. It is not true that I deposed falsely because of pressure of the police about doing the work of visa and ticket of Rahil and Faisal. Police had written in my statement that Faisal had given four photographs. I cannot assign any reason why it is not in my statement. I cannot describe Rahil. I had stated before police that Mushtaq had brought Rahil and Faisal. I cannot assign any reason why it is not in my statement. It is true that it is not necessary to go in group for Umrah. Any person can go individually or with his family.

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

10. I have never gone for Haj or Umrah. Majority pilgrims of Haj go through the Haj committee of the Government of India. There is no such committee for Umrah. In order to save money some people go in groups to Umrah and some opt for going individually. It is true that people who go for Haj, principally go to Mecca, then they visit Medina to the tomb of Prophet Mohammad and other tombs of

his relatives and associates. It is a good fortune of a person to be able to visit the tomb of Prophet Mohammad. Same can be said about visits to the tombs of his relatives and associates. It is true that Sunni Muslims are infamous for their visits to such tombs. It is true that Sunni Muslims are in majority for doing the pilgrimages. It is true that Hassan and Hussain, grandsons of Prophet Mohammad, have a high place of respect in the eyes of Sunni Muslims. Same is the case about Fatima, daughter of Prophet Mohammad and her husband Ali. According to Sunnis, if a person speaks badly about these persons, then he is not a Muslim. If they come to know that certain person has so spoken badly, they will not give their daughter in marriage in their family nor they will marry a daughter of that family. It is true that no Muslim will call such person to his house for meals or even a glass of water and will not go to his house.

11. It is true that Maulanas are responsible for spreading differences and hate between different sects of Muslims. It is true that there are no differences between different sects of Muslims insofar as worshiping Allah and Kuran is concerned. It is true that the disputes between the sects of Muslims from start to end is the

handiwork of Maulanas.

12. I am a Sunni Muslim. I go for pilgrimage to the dargahs at Mahim, Haji Ali, Ajmer, Nizamuddin at Delhi, etc., in India. It is the wish of every Sunni Muslim to go for pilgrimage to the tombs of the ascendants and descendants of Prophet Mohammad. A Sunni Muslim possessed of sufficient means goes for pilgrimage even if he is in any corner of the world. It is true that there are no restrictions by the belief of the Sunni sect of Muslims or by the Governments of Iran, Iraq, Syria, Jordan, Damascus for Sunnis to go for Ziarat. It is true that it is the created restriction of some of the Maulanas that as there is a Shia government in Iran, the Sunni Muslims should not go there. It is true that if a Sunni Muslim is possessed of sufficient means, he will not hesitate to go to Iran for Ziarat. It is true that there is provision of Niyaz at Ajmer from the big utensil (deg) that is given by Akbar. Niyaz for several thousand people can be prepared at a time in this big utensil. It is true that even if a person does not take Niyaz at Ajmer, it cannot be said that he has not done the pilgrimage of Ajmer. There may be several reasons for a person not to take Niyaz when he visits Ajmer Sharif. It is true that for a Muslim who goes for Haj

and Umrah, drinking Zam Zam and eating dates is a holy thing, because it was done by Prophet Mohammad. It is true that at other places of pilgrimage, it is not necessary that a person eats Niyaz to complete the pilgrimage.

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

13. The ATS had not called any person from Gokul Travels when I had gone there. No person known to me had come to that office on that day when I was there.

No re-examination.

R.O.

**Spl. Judge
Date:- 05/10/10**

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