

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

DATE: 15TH DECEMBER, 2010

Ex.No.721

DEPOSITION OF WITNESS NO.59 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Mohd. Alam Gulam Sabir Qureshi

Age : 32 years

Occupation : Business

Res. Address : 805, Dheeraj Sagar Bldg., New Link Road, Malad
(W), Mumbai.

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

1. I have studied upto 7th standard. I started my garment business since the year 2000. I had a shop in Poonam Plaza Market, Naya Nagar, Mira Road(E), Dist. Thane. I used to attend discos at Juhu whenever I got the time. At that time I got acquainted with one Imran. Through him I got acquainted with Naved Hussain. At that time Naved used to stay in the Asmita Orchid bldg., Naya Nagar, Mira Road(E). At that time he used to work in call center at Hyderabad. He went to Hyderabad for that work after I developed friendship with him.

2. In September, 2005, my relative Ashraf Qureshi used to stay in Cheena Compound, Shuklaji Street, Mumbai-8. During that period he called me near the Bandra Railway Station where he used to drive an autorickshaw. When I met him, he said that he has a friend by name Sameer on Carter Road, Bandra and he took me to his friend. When we met him and we became friends, I came to know that he was fond of going to dance bars. He told me that he is a computer hardware engineer. We came closer as friends and I started visiting his house and we also used to go to dance bars together sometimes.
3. In January, 2006 I went to the house of Sameer to meet him. I talked with him about my business and asked for financial help from him. He asked me why I am running after money, that money is not everything, that I should think about our religion, that I should think about Islam. He told me that whatever atrocities are being committed on the Muslims, the only way out is Jihad and it will solve their problems. I was shocked on hearing this. He told me that he has given his life for Jihad. He told me that his real name is Faisal Ataur Rehman Shaikh and not Sameer. When I asked him why he has changed his name, he said that it was to hide his identity. He told me that he had gone to Pakistan twice and had taken training in the camps of

Lashker-e-Toiba. He also mentioned the name of Azam Cheema. He told me that Azam Cheema gives financial help to him and he himself is the commander of Lashker-e-Toiba in Mumbai.

4. In February, 2006 once I went to the house of Faisal Shaikh. At that time I saw 5-6 persons in his house. They had gathered there for discussion on some special subject. When I reached there, they were making preparations for doing namaj. They invited me for namaj. After the namaj, Faisal introduced them to me. One of them was by name Asif Khan, one was Dr. Tanveer Ahmed, one was Ehtesham Siddhiqui, one was Sohail Shaikh and the fifth was Muzzammil Shaikh, who was his brother. They were sitting together. Asif Khan took a Kuran and asked all to keep their hands on it and to take the oath that whatever discussion they had there will be secret. Asif Khan asked Faisal about me. Faisal told him that I am his best friend and he should not take any tension about me. Asif Khan asked me to take the oath but I did not take it as I did not have any knowledge about the subject matter of the meeting. Thereafter, I left from there. Afterwards I had asked Faisal about that meeting, but he did not tell me anything.

5. Thereafter, in March 2006 Faisal came to meet me at Mira Road near Shams Masjid with his three friends, Asif Khan, Dr. Tanveer and Ehtesham

Siddiqui. Faisal asked me whether I could arrange for a house for 6-7 months for his friends. In order to avoid him I told him that I have no knowledge about any house and I had also expressed my financial difficulty. Then he asked me to phone Naved and call him. Accordingly I phoned Naved and told him to come near Shams Masjid in the restaurant where we were sitting. After some time Naved came there. Faisal asked me to leave that place saying that he wanted to talk with Naved. I felt bad about it and I left that place.

6. In May 2006, I noticed that Faisal was taking less interest in going to the dance bars and did not talk much. He was appearing changed. When I asked him the reason about his changed behaviour, he told me that he is busy at present as some guests from Pakistan have come to his house. In that month once or twice I went to his house and met him. I saw the guests in his house. He told me that they are his guests from Pakistan and they have come for the good work of religion. He told me the names of those guests as Abdul Razzak, Abu Umed, Sohail Shaikh and one Salim. I met him once or twice thereafter. When I used to go to his house, the guests did not talk with me much and I also did not have much talk with them. I did not used to sit in his house for long and I could not talk with Faisal freely in front of the guests.

Therefore, I used to talk with him outside his house.

7. In June, 2006 Faisal called me and Naved to his house. Then along with him we went to a disco bar. As we were at the disco bar upto late hours, we halted at Faisal's house. On the next day morning Faisal told Naved that because of the guests his house is congested and he should make some arrangements for the guests. After some days, I came to know from Naved that he had made arrangements of two guests of Faisal at Millat Nagar, Andheri. During that month, Faisal had introduced me to one Rizwan Khot. During that period Faisal had purchased a white coloured Maruti 800 car. I, Rizwan Khot, Naved and Faisal used to go around in that car. Rizwan Khot used to drive the car.

8. I met Faisal lastly on 2nd July, 2006. During that period I used to be with my girlfriend Pinky who had come from Delhi. On 11/07/06 I was with her. In the evening I came to know about the blasts in the local trains in Mumbai. After some days I came to know from the news that Faisal and Naved were caught by the police as they were involved in the blasts. On 02/11/06 ATS police called me for inquiry. Therefore, I went there. They showed me a photograph of a person who appeared to be caught in an accident. I told them that I had seen that person in the house of Faisal and

his name is Abu Umed. I gave my statement to the police as narrated by me above.

9. I will be able to identify Faisal Shaikh, Naved, Asif Khan, Dr. Tanveer Ahmed, Ehtesham Siddiqui, Zameer Ahmed and Sohail Shaikh. (Witness looks around the court room and points to the accused no.12, who is asked to stand up). He is Naved Hussain. (He points to the accused no.3, who is asked to stand up). He is Faisal Shaikh. (He points to the accused no. 2, who is asked to stand up). He is Dr. Tanveer Ahmed. (He points to the accused no. 4, who is asked to stand up). He is Ehtesham Siddiqui. (He points to the accused no. 9, who is asked to stand up). He is Muzzamil Shaikh. (He points to the accused no. 10, who is asked to stand up). He is Sohail Shaikh. (He points to the accused no.13, who is asked to stand up). He is Asif Khan.

Q.- Whether there is any other person in the court whom you had seen along with Faisal but whose name you do not remember?

A-I do not remember as 5-6 years have gone by.

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

10. (Adv Rasal is absent).

(Adjourned for recess).

Date : 15/12/10**SPECIAL JUDGE****Resumed on SA after recess****Cross-examination by adv. Wahab Khan for A/2, 7, 10 & 13**

11. It is true that police did not call me to any prison to identify any person. The ATS police did not show me any person in any of their offices. They did not show me any person by name Riyaz Nawabuddin. They did not confront the accused whom I identified today, in their office with me. They did not ask me to describe any of the persons. I did not describe any person to the police on my own. The ATS police did not ask me any identification mark of any accused or person and I did not tell them on my own. They did not prepare any sketch of any person with the help of expert in my presence. They had showed me only one photograph. It was about postcard size. Till today they have not shown me that photograph again. It was not shown before any panch witness or SEO and no panchanama was prepared about it. It was not mixed up with other photographs and I was not called upon to identify.

12. I sell ladies dress material in my shop, which I purchase from Kalbadevi and Surat. I personally purchase from Kalbadevi and from agents who bring samples. In 2006 I used to open the shop in between 10.00 to

12.00 am and close it at about 9.00 p.m. I used to keep the shop closed on Sunday and sometimes on Monday. I used to go in between 8.00 to 10.00 p.m. to the disco and stay there as per my mood for half an hour or for the whole night also. I used to go in the ladies dance bar, mostly at Discovery Dance Bar at Chembur. I used to have beer. I did not use to do namaj after having beer. I used to do namaj on Friday sometimes and as and when I got time. I used to reach the dance bar at Chembur in about an hour from Mira Road and in half an hour from Bandra. There were ladies dance bars in Mira Road in 2006. From Malad I used to require about one hour to reach the dance bar at Chembur. There were ladies dance bars in Malad in the area in which I live. I got married two years before. I was staying with my parents in 2006. They did not know that I used to take beer and go to ladies dance bars. If I used to be out for the whole of the night, I used to tell them that I was with friends. It is true that I used to go to Discovery Dance Bar at Chembur as I was close to a particular dancer. I do not perfectly remember her name. I had close relation with her for about a month. I never went to her house. I had close professional relations with 2-3 girls during different times. They were connected with the Discovery Bar. I had physical relations with them. I do not know whether they were prostitutes. It is true that drinking

liquor is a sin as per our religion. One cannot enter the Masjid after consuming liquor. As per Islam it is a sin to even look at other girls. I used to consume one beer and used to pay Rs. 500/- or Rs. 1,000/- for the bar girl after I got acquainted with her. This amount was for keeping physical relations with her.

13. I met Sameer for the first time in September, 2005. It did not happen that my relative Ashraf Qureshi introduced me to his friend Sameer in September, 2000 and from that time we developed friendship and started going out together. In this case my statement was recorded before a Magistrate. It was recorded after about eight days after 02/11/06. I had signed on that statement. It was read over to me. It was correctly written. I had not stated before the Magistrate that my relative Ashraf Qureshi introduced me to his friend Sameer in September, 2000 and from that time we developed friendship and started going out together. If it is so written in the statement before the Magistrate, then it is wrong. (Witness is confronted with the relevant portion from his statement dated 10/11/06 before MM, 28th Court, Esplanade, Mumbai. Hence, it is marked as 'A'). I cannot assign any reason why it is so written in the statement. I had not stated to the Magistrate that on 02/11/06 ATS police called me for inquiry, that therefore, I went

there, that they showed me a photograph of a person who appeared to be caught in an accident, that I told them that I had seen that person in the house of Faisal and his name is Abu Umed. I had stated to the Magistrate that in March 2006 Faisal came to meet me at Mira Road near Shams Masjid with his three friends, Asif Khan, Dr. Tanveer and Ehtesham Siddiqui, that Faisal asked me whether I could arrange for a house for 6-7 months for his friends, that in order to avoid him I told him that I have no knowledge about any house and I had also expressed my financial difficulty, that then he asked me to phone Naved and call him, that accordingly I phoned Naved and told him to come near Shams Masjid in the restaurant where we were sitting, that after some time Naved came there, that Faisal asked me to leave that place saying that he wanted to talk with Naved, that I felt bad about it and I left that place. I may have forgotten to mention this to the Magistrate, therefore, it is not in my statement. I had stated to the Magistrate that in May 2006, I noticed that Faisal was taking less interest in going to the dance bars and did not talk much, that he was appearing changed, that when I asked him the reason about his changed behaviour, he told me that he is busy at present as some guests from Pakistan have come to his house, that in that month once or twice I went to his house and met him, that I saw the guests in his

house, that he told me that they are his guests from Pakistan and they have come for the good work of religion, that he told me the names of those guests as Abdul Razzak, Abu Umed, Sohail Shaikh and one Salim, that I met him once or twice thereafter, that when I used to go to his house, the guests did not talk with me much and I also did not have much talk with them, that I did not used to sit in his house for long and I could not talk with Faisal freely in front of the guests, that therefore, I used to talk with him outside his house. I had not stated to the Magistrate that in June, 2006 Faisal called me and Naved to his house, that then along with him we went to a disco bar, that as we were at the disco bar upto late hours, we halted at Faisal's house, that on the next day morning Faisal told Naved that because of the guests his house is congested and he should make some arrangements for the guests, that after some days, I came to know from Naved that he had made arrangements of two guests of Faisal at Millat Nagar, Andheri, that during that month, Faisal had introduced me to one Rizwan Khot, that during that period Faisal had purchased a white coloured Maruti 800 car, that I, Rizwan Khot, Naved and Faisal used to go around in that car, that Rizwan Khot used to drive the car.

14. We are seven brothers and one sister. My elder brother

Parvez used to visit China in 2006. I preserve important documents. I have a passport that was issued in 1997. I do not remember any specific dates of going to the disco/ladies dance bars or to the house of the accused no.3 or other meetings. I have never gone out of India. My passport is missing and I cannot find it in the house. I do not even have its zerox. It was lost in 2006. It is not true that I lost it after I had visited China in 2006. It went missing in my house. I did not complain about it anywhere. I have not applied for new passport.

(Adjourned at the request of ld adv at 4.30 p.m.)

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SPECIAL JUDGE

Date : 16/12/10

Resumed on SA

15. I had not stated to the police or to the magistrate when I gave my statement that whenever I got time I used to attend discos at Juhu, that when I got acquainted with Naved Hussain, at that time he used to work in call center at Hyderabad, that he went to Hyderabad for that work after I developed friendship with him. I had stated to the police and magistrate that

in September, 2005, my relative Ashraf Qureshi used to stay in Cheena Compound, Shuklaji Street, Mumbai-8, that during that period he called me near the Bandra Railway Station where he used to drive an autorickshaw, that when I met him, he said that he has a friend by name Sameer on Carter Road, Bandra and he took me to his friend, that when we met him, we became friends, that afterwards I had asked Faisal about that meeting, but he did not tell me anything, that in May 2006 I noticed that Faisal was taking less interest in going to the dance bars and did not talk much, that he was appearing changed. The reason why these things are not mentioned in my statements before the police and the magistrate is that I was afraid at that time, that I had forgotten to tell and I could not tell as I had gone to the court for the first time.

16. I do not know whether sim cards for making international calls are available in market. I do not remember the date upto which my passport was valid. I did not think that somebody may be misusing my passport. My passport was issued in my name that I have given. It was issued on my village address Mohalla Nala, Near Shaikh Pachas Miya Darga, Tal.-Sambal, Dist. Muradabad, Uttar Pradesh. It was got from Regional Passport Office, Bareilly. Bareilly is a different district from

Muradabad. I am born in Mumbai. I studied in Durgadevi School at Do Taki in Nagpada area. I did not do any work in Mumbai after leaving school. During my schooling I used to stay in that area. I had the school leaving certificate of that school and the ration card of that area. I left school in 1993 or 1994. We shifted to Malad 2002 or 2003. After leaving school and upto the time we shifted to Malad, we were staying in Do Taki area, then in Versova and then in Mira Road.

Q- Whether at any time your application for passport was rejected by the Regional Passport office in Worli?

A- I had never applied for passport to the Regional Passport office, Worli.

My ancestors are natives of Sambal, Dist. Muradabad. I do not have any relatives in Bareli. I had applied for passport and I had gone to Bareli. It will not be correct to say that I had furnished false documents for obtaining the passport. I had given photographs, ration card of Sambal as residential proof. I had not given birth certificate or school leaving certificate. I had obtained the passport through agent. Police had come for inquiry to our mohalla. My name was in the ration card at the Sambal. It is at Sambal. I can call it from my village and produce it. (Learned advocate calls upon the witness to produce the ration card).

17. I cannot tell the exact date in September, 2005 when my relative Ashraf Qureshi introduced me to Faisal Shaikh. It was in the evening. We were at his house for about half an hour. The house was a terrace flat. We were sitting in the hall. There was a sofa, TV and cupboard in the hall. I cannot tell the direction in which the front door was. The TV was on a table near a corner by the window. The sofa was by the side of the front door.
18. I cannot tell the dates and days of the incidents in January to March and May and June 2006 that I had stated. I do namaj at my house. Friday namaj are done at Masjid but if it is not possible to go there, it can be done at home. The afternoon namaj on Friday is with group in Masjid. It is not done at home. There is religious preaching at that time.
19. I read newspapers and watch news on television sometimes. I know that it is the duty of every citizen to help the police. If there is a crime or if any person is doing anything wrong, then it is our duty to inform the police. I know that it is necessary to keep distance from a person who is a terrorist or involved in illegal activity. I know and have heard about the terrorist activities against the nation. I may have heard in the news about Lashkar-e-Toiba, an organization in Pakistan doing terrorist activities against

India. I did not have knowledge about its activities. I was not sure whether after January, 2006 I had such information that I should tell the police, because the accused no.3 was my friend. I did not think it necessary to tell the police even after the meeting of February, 2006, because I did not know what had transpired in that meeting. Even after coming to know that persons from Pakistan have come to the house of Faisal, I did not think it necessary to tell the police about it, because they did not say anything wrong in my presence. Sometimes Maulanas come from Pakistan to India for the work of religion. Even after the blasts on 11/07/06, I did not think that I had important information with me that I should tell the police. Police Station Malad is the nearest police station of our area.

20. It is not true that I was using two mobiles in 2006. The number of my mobile that I was using was 9833059249. Even today I am using the same number. I did not use two numbers at the same time. I do not know in whose name mobile number 9833106159 was in 2006. I do not remember whether I was using this mobile number in 2006. (At this stage learned advocate for the accused has moved an application for calling the subscriber and call details with location of both the mobile numbers stated by the witness, an application for directing the passport office Bareilly, U. P. to

produce documents and application given by this witness, an application for directing the Supdt., Immigration Department, CST International Airport for furnishing travel details of this witness during the period from February to June, 2006 and an application to direct the Supdt., Regional Passport Office, Worli for producing passport number and other details of this witness). I can produce the ration card of my present address at Malad. (Learned advocate for the accused calls upon the witness to produce the ration card).

21. I have read Kuran with its meanings. I have heard religious preachings in Masjid. I have not heard any religious preachings about jihad. I do not know the literal meaning of jihad. I cannot say whether from the point of religion, the meaning of Jihad is the fight of truth against untruth. I do not know what are jihadi activities. I have not heard of the words 'jihadi harkate'.

22. I cannot tell the dates and days on which I met accused no.2 Dr. Tanveer. I met him first in February, 2006. It was evening time. I do not remember whether it was a working day or an off day. I do not know whether from February to April 2006 the accused no.2 used to work in the Saabu Siddhiqui Hospital from 9.30 am till late night, except on Fridays. I cannot tell the date and day on which I met accused no. 13 Asif Khan. It

might be the second or third week of March when I met him. It is true that police did not take me to the house of the accused no. 3 or at other places where I say that I had met the accused. Even I did not tell the police that I will show those spots.

(Adjourned as learned advocates for all accused have applied for adjournment on the ground that they will cross-examine the witness further after getting the documents as mentioned in their applications).

Date : 16/12/10

(Y.D. SHINDE)
SPECIAL JUDGE

Date : 03/01/2011

Resumed on SA

23. I do not know whether the bar dancers used to give their real names or fictitious names. My father's name is Gulamsabir Qureshi. My

name is Mohd. Alam. It will be incorrect to say that my name is Alam, my father's name is Gulam and my full name is Alam Gulam Qureshi. The address that I gave is a flat in the name of my mother Anwari Begum Qureshi. I have record to show my name as Mohd. Alam Gulam Qureshi. I have applied for driving licence for two wheeler and four wheeler to the RTO office at Andheri in 2010 about two months back. I have not yet received it. I do not know whether its number is 164162/10. My date of birth is 13/05/1979. It is not true that I have applied for the driving licence in my name as Alam Gulam Qureshi.

24. It is not possible to search and produce my passport as I have already searched for it but I did not find it. I do not remember whether my passport was obtained when I was a minor. I had not renewed it. My father did not have a passport. I had given my name as Mohd. Alam Gulamsabir Qureshi for obtaining the passport. I do not have any zerox of that and I do not remember its number.

25. Mobile number 9833059249 belongs to me. It is of Vodafone company and is still in use. I had not taken this mobile number by giving my name as Alam Gulam Qureshi. I had taken it by giving copy of my old driving licence. It is deposited with RTO. It was not in my name as Alam

Gulam Qureshi.

26. I cannot tell the date when I came to know from the news that the accused are arrested. It may be about one month before my statement was taken by the police. During this period I was in Mumbai and was attending my routine work. In between my mother was sick and admitted in the hospital. I do not remember whether I had called the accused no.12 from my mobile on his mobile in August 2006 when he was in Hyderabad and I talked with him about accused no. 3 being arrested. I had his mobile number at that time. There were continuous news about arrests. There were news about arrest of accused no. 3 and subsequently when accused no. 12 was arrested. The news about accused no. 3's arrest came about 1 ½ to 2 months before the news of accused no. 12's arrest. It is true that certain facts of the bomb blasts and the case in which they were arrested used to be in the news also. When I heard the news of the accused no. 3's arrest and his involvement in the bomb blasts, I did not know that I had important information that I should give the police. It is not true that after the arrest of accused no.3, police called me and others and after inquiring with me, they allowed me to go as there was nothing against me. Police approached me for the first time on 02/11/06 on my mobile. It was a call

from a landline number. I do not remember the name of the policeman who had called me. I was called at Juhu Police Station. Police inquired with me there. I got the call at about 11.00 or 12.00 a.m. I reached the police station in about half an hour. I was at the police station for about one hour. I was not taken to the office of the ATS at Kalachowky or Bhoiwada or the crime branch office of Vijay Salaskar. There was some superior officer there who had inquired with me for about half an hour.

27. My elder brother Parvez had business at China about the China products. His passport is not from Bareilly office. It was issued from Mumbai. My father was having passport earlier but he does not have it now. Parvez had obtained passport much earlier than my passport. I had prepared my passport on the say of my father. Parvez was in China from February, 2006 upto the blasts. It is not true that during this period I was in China for two months and I had entered through the Hong Kong border. It is not true that no passport was issued to me in the name of Mohd. Alam Gulamsabir Qureshi. The passport had come by post at the Sambal address.

28. I have brought the ration cards of Mumbai and Sambal. (The ration cards are perused and given to the learned advocate for perusal, who has asked for giving him their zerox copies. Learned SPP submits that they

should not be taken on record and their copies should not be given as there are security concerns about the addresses and the witness has expressed such an apprehension. In view of the apprehension by the SPP, zerox copies of the ration card will be taken on record after comparing them with the original and will be exhibited and kept in safe custody and their copies will not be issued till further orders. The zerox copies of the ration card of Sambal and Mumbai are verified by the Sheristedar from their original and marked as **Ext.741 and Ext.742**). The number of the ration card of Sambal is 324490/506. The serial number of the ration card of Mumbai is WA No. 543684.

29. I do not know whether a passport was issued from passport office Mumbai when I was a minor, in my name as Alam Gulam Qureshi, on the basis of my father's passport, whether it was renewed and whether it is still valid. It is not true that the ration card of Sambal is a bogus one and no person by that name resides there. I had given the old ration card for obtaining the passport. This booklet is of a subsequent period after it was renewed. This ration card is valid. Mohamaddin is my younger brother. Parvez is my elder brother. I do not know when the fresh card was issued, because it was obtained by my family members. It is true that it does not

contain the names of all my family members. I cannot say whether Parvez is shown as my younger brother. I do not know whether it does not have rubber stamp of the rationing officer. (Ld SPP states that there is a hologram on the cover and rubber stamp on the first page).

30. It is not true that I deposed falsely that since February, 2006 upto June 2006 I used to meet accused no. 3 and the other accused, that I had seen four Pakistan guests in his house to whom he had introduced me, that he had asked me to make arrangements for their stay. It is not true that the accused were shown to me in the ATS office. My statement was taken at Chandan Chowki. (Ld Adv Wahab Khan submits that he is not pressing the applications Exts. 723 to 725 and is moving another fresh applications. He has also filed an application for deferring the cross-examination of the witness till he gets the documents. Ld adv Shetty also submits the same thing. Adjourned for recess).

Date : 03/01/2011

(Y.D. SHINDE)
SPECIAL JUDGE

Date : 07/01/11
Resumed on SA

31. I do not remember whether the mobile no. 9833106159 was used by me in 2006. I do not know when Parvez went to China for the first time. I do not remember whether he had gone before I obtained my passport or after. I had not introduced him to the accused no.3. He did not tell me that he knew the accused no.3. I did not phone him when he was in China, but he used to call at home and I used to talk with him. I do not know his number at China. I do not know the ISD code of China from where he used to call me. He used to deal in electronic goods and trading. I do not exactly remember after how many days he used to come to India. I cannot tell his address of China. My father had passport. I do not remember whether he had gone abroad. He did not go to China. I do not know whether he had any concern with the police about any extortion case in connection with Chota Shakeel. I do not know whether my father used to regularly talk with my brother Parvez. I do not know whether the officers of anti-extortion cell of the crime branch had inquired with my father.

32. I do not remember whether my passport was issued from the passport office, Worli, whether it was renewed. I do not have the passport with me, therefore, I do not know whether it is still valid. It is not true that I had traveled to China on that passport. I have not yet received my driving licence from the Andheri RTO, but it is possible that the motor driving school may have received it. I had applied for the licence through the Apsara Motor Driving Training School. I had gone about one month before to that school to inquire whether the licence is received. I have applied for two wheeler and four wheeler licence giving my address of Malad. I had met the person who was incharge at the school.

33. It is not true that no passport was issued in my name from Bareilly office, that I introduced this story on the say of the ATS, that I still have that passport, but I have hidden it as per the instruction of the ATS and that I deposed falsely.

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

34. I met accused no. 12 Naved for the first time during 2004. He served in Hyderabad in 2005. I have no idea since what month in 2005 he started working in Hyderabad. Before starting his service in Hyderabad he was in Mumbai. I do not know the name of the call center where he worked.

I cannot say when he went to Hyderabad after we developed friendship. Witness volunteers-Before that he used to work in Pizza Hut in Mumbai and also in a club at Mira Road. I cannot tell the period during which he worked in Pizza Hut in Lokhandwala, Andheri. Witness volunteers- he was probably working in a club Golden Nest area on the highway in Mira Road. It was probably the Moonlight Club where there is swimming pool, snooker games, etc. I do not know the period during which he worked there. However, I had gone there to meet him once or twice. I did not go there for playing games. I do not remember the dates and days when I went to meet him. I had gone to meet him at Pizza Hut, but I cannot tell the date or month on which I had gone.

35. I do not know whether since September, 2004 he was working for General Electric Company at Hyderabad, whether since that month he was working continuously upto 2006 when he was arrested. I did not go to meet him at Hyderabad. I did not go to meet him at Gurgaon, Haryana. I do not know whether he was working in the Saffron Global Ltd. in Gurgaon from April to August, 2004. it is not true that I had gone to meet him there.

(Adjourned for recess)

Date:-07/01/11**SPECIAL JUDGE****Resumed on SA after recess**

36. I had received the intimation one day before on phone for going to the ATS office on 02/11/06. It was received on my mobile no. 9833059249. I cannot tell the name of the caller. I was called to the Chandan Chowki Police Station at Juhu. PI Salaskar was not there at that time. I did not know him on 02/11/06. Before that day I had not heard of his name. I do not know the name of the police officer who took my statement. I am not in a position to contradict if you say that it was PI Salaskar. There were many policemen there. Only one officer was inquiring with me. There was a policeman with him who was typing. I cannot tell whom I met on 02/11/06. It is true that before that day I had no occasion to meet any police officer about the bomb blasts. Before the phone one day before, no police officer had phoned me and I had not phoned any police officer. Till today I have not come to know the name of the police officer who called me on phone. He told me to come to Chandan Chowki, therefore, I went there. He did not tell me which officer to meet. He only told me that I am called there for inquiry but did not tell me about the subject. He had told me that I have to go to the ATS office at Chandan Chowki. I did not come to know the names of the officers who were there. I was required to go there only once. It was the only occasion in my life when I went there. I went alone. I felt a bit frightened as I was called.

37. I came to know about the bomb blasts on 11/07/06 itself. I used to watch the news about the blasts on the TV and used to read them in the newspapers. I cannot tell the exact date on which I came to know from the news that accused no. 3 and 12 were caught by police. I came to know after about one month. I had seen the news on the TV about the accused no. 12 being arrested and had read in the newspaper about accused no. 3's arrest. Accused no. 3's news also came on TV. The news came in the newspapers first and thereafter, it was shown on the television. First there was news on the TV and once accused no. 12 was shown on the TV. I had seen only accused no. 12 on the TV. I do not remember the channel and newspaper in which the news had come and the exact date. It is true that though I knew that my friends accused no. 3 and 12 were caught by the police, I did not contact the police upto 02/11/06. It is true that if the police would not have called me, I would not have gone and given my statement. When I was called on that day by the police, I did not think that it was in connection with my visits to the dance bars.

38. I was told on 02/11/06 to come to the MM Court on 10/11/06 after 10.00 a.m. After 02/11/06 upto 10/11/06 police did not contact me again and I also did not go and meet them. On both days the incidents were fresh in my mind. On 02/11/06 I was told that I have to state the same things before the court that I stated. The officer who took my statement told me this thing. On 02/11/06 I was at

the Chandan Chowki Police Station for about one and a half hours, but I cannot tell the exact timings. I had gone in between 10.00 and 11.00 a.m. and left at about 12.00 hours. Police required about one hour to inquire with me and type the statement. They asked questions to me and I gave answers. I was inquired in Hindi and the statement was written in English. I know English somewhat but I do not understand it much.

39. I cannot tell the exact dates and days of the meetings that I had as stated by me in my chief-examination. I do not know much about the guests from Pakistan at the house of the accused no. 3. It is not true that after January, 2006 I never met the accused no. 12 because at that time he was serving at Hyderabad and therefore, I am not giving the days and dates of the meetings with him.

40. I had stated to the police that accused no. 3 told me that they are his guests from Pakistan and they have come for the good work of religion, that after meeting them I met accused no. 3 once or twice, that I did not used to sit in his house for long and I could not talk with Faisal freely in front of the guests, that therefore, I used to talk with him outside his house. I cannot assign any reason why these things are not written in my statement.

41. I do not know where accused no. 9 used to work in February, 2006 or where he used to stay. I do not know whether after March, 2006 he was working in the Oracle Company at Bangalore. I saw him for the first

time in February, 2006 and thereafter I did not meet him. Thereafter, I saw him in the court only. I do not know whether before March, 2006 he was working in Spider Systems in Viman Nagar, Pune and whether he was doing the Oracle Applications DBA course in Pune. In February, 2006 I had no knowledge about what the accused no. 9 does or where he stays.

42. I cannot tell the date in June, 2006 when I came to know from Naved that he had made arrangements of two guests of Faisal at Millat Nagar, Andheri and the date when Faisal called me and Naved to his house. I cannot tell the date on which Faisal purchased the Maruti Car and from where and at what cost. I had stated to the police that I came to know from Naved that he had made arrangements of two guests of Faisal at Millat Nagar, Andheri. (Learned SPP submits that it is in the statement that subsequently he came to know from Naved that two of Faisal's Pakistani mehmans had been shifted to some house in Millat Nagar, Andheri(W), Mumbai). I cannot assign any reason why it is not written in my statement. I came to know Rizwan Khot during that period. I had stated to the police that I, Rizwan Khot, Naved and Faisal used to go around in that car. I cannot assign any reason why it is not written in my statement.

(Learned advocate requests at 4.10 p.m. for deferring the cross-examination)

Date : 07/01/2011

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

Date : 11/01/11

Resumed on SA

43. I do not know anything about jihad. I do not know what activity is called as 'Jihad'. I do not know whether it is an Urdu word. My mother tongue is Urdu.

44. I do not know where I was born. Since my childhood I am living in Mumbai. Since I became knowledgeable, I am living in Mumbai. One of my brothers is the youngest. He is 10-12 years younger to me. He was born in village Sambal. I was born on 13/05/1979. I had submitted my application for passport at Bareilly in 1997, but I do not remember the month. An agent had filled up the form. I do not remember his name. I do not know his address of Sambal. The agent had filled up the form on the instructions

given by my mother. I was present at that time. She was giving the correct information. At the end I signed as it was correctly filled up. I had given Sambal as my place of birth in the application. I had not given my mobile number at that time. I had given the information that for some days prior to the application I was staying at the Sambal. I cannot say what period I mentioned in the application. I had mentioned the period as per the ration card. I cannot tell the year in which the ration card of Sambal was issued. (Witness is shown Ext.741). It appears to be issued on 25/07/2006. I do not have the ration card prior to this, if any. I do not know whether it is not mentioned in the ration card that it is a duplicate or it is a renewal.

45. The ration card of Mumbai was obtained in 2002 or 2003 showing the address of Malad. My parents had given the information for obtaining the ration card at Sambal. My two brothers Javed and Fakre Alam are married and they stay at Sambal since 1995, off and on. They have children. They did fruit business, then cloth business. They stay in our ancestral house. (Witness is shown the ration card Ext.741). It is true that their and their family member's names are not in the ration card. Shah Alam is two years and Parvez is three-four years elder to me. I cannot say why Shah Alam is shown as five years younger and Parvez is shown as ten years

younger.

46. I do not know whether a person cannot have two ration cards.

I do not know whether when the application was made for obtaining ration card at Sambal, an application was given at Mumbai to cancel the names in the ration card at Mumbai. There are entries in Ext.741 about taking kerosene in 2007 and 2009 and on the first page there is a stamp of providing gas service. It is not true that Ext.741 is not of my family. Qureshi is my surname. It is true that this is not mentioned anywhere in Ext.741. My grandfather's name is Shabbir Hussain. It is true that in Ext.742, which is the ration card of Mumbai, his name is not mentioned. I do not know the person by name Maqbul Ilahi. I do not know the meaning of the word 'Abhikarta'.

47. Accused no. 12 was staying with his brother in Asmita Orchid building in Mira Road in 2004 when I got acquainted with him. I had gone to his house. I do not remember the month. It is not true that he was not residing there in 2004. He had told me that his father was in Kuwait and had remarried and he did not have mother. It is not true that he was not residing there in 2004, 2005 or 2006. After 2004 he had shifted to Evershine area in Mira Road. He had told me about it. He was staying on the 5th or 6th floor in the building in front of R. K. Hotel, but I cannot tell its name.

48. The person whose photograph was shown to me on 02/11/06, was about 25-26 years of age. I do not remember his description now. I do not know when and in what accident he was caught. Police did not tell me about it and also did not tell me in what type of accident he had been caught. They told me that he was killed in the bomb blast in the train. On seeing the photograph I thought that it was of Abu Umed. It is true that the body was appearing injured and burnt to some extent and the face was appearing injured to some extent. I recognized that body as that of Abu Umed. It did not happen that police told me that it is the photograph of Abu Umed. I cannot tell which side and what portion of the face was injured or burnt. I was shown the photograph of entire body. I do not remember the parts of the body that were injured or had burn marks. It was not naked. It was covered with cloth. Except the private parts, remaining parts of the body were visible.

49. I do not know whether my girlfriend was caught in the raid in 2006 and was put in the Chembur Remand Home in May 2006. I developed friendship with her since 2005. She used to stay in Durga Nagar, Andheri. I do not know whether in January, 2006 she became pregnant and tried to commit suicide. It is not true that I got her abortion done. I had good

relations with her. It is not true that I deposed falsely, that I deposed falsely about the different meetings in 2006 on the say of the ATS to help them. I used to contact accused no. 3 during the January, 2006 and July 2006. I do not remember the mobile number from which I used to make calls. Parvez had no contact with the accused no. 3. I did not give accused no. 3's mobile number to Parvez. It is not true that I was in China during this period and therefore, I am not producing my passport. It is not true that I have produced false ration cards.

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

50. It was only I who was looking after the business of the shop. I was not doing any other business except garment business at that time. At that time I did not do the work of estate agent. There are many dance bars in between Mira Road and Dahisar check-post. I do not know whether there were dance bars in Shanti Nagar and Srushti area. I had gone to the Discovery Bar on four-five occasions. I know where it is. At that time I did not go to any other dance bar. I do not know the names of the girls with whom I had professional relations. Police had not asked me the names of the girls, when I went to Chandan Chowki Police Station. At that time police did not show me any photograph. It is true that I did not describe the accused to

the police at that time. At that time I had no idea whether they had been arrested or not. Police did not show me photographs of the accused whose names I had told them. After I mentioned the names of the accused during my statement on 02/11/06, I identified them for the first time in the court on 15/12/10.

(Adjourned for recess).

Date : 11/01/11

SPECIAL JUDGE

Resumed on SA after recess

51. It is not true that I identified the accused at the instance of the police and their names were given to me on 02/11/06. I do not know who informed the police about my name. My mother was not doing any work in 2006. The flat at Malad was purchased in her name in 2001 or 2002. My father had paid the price. It is not true that there was no property in my father's name at that time. It was in Kumbharwada in Do Taki area. It was sold about one year before. At that time my father was doing the work of property dealer. It is not true that the reason for purchasing the flat at Malad in the name of my mother was that my father had relations with Chota Shakeel and that he was arrested in that connection.

52. I did not lodge any complaint about the loss of my passport.

It is not true that I deposed falsely and I named the accused at the instance of the police, that I have not seen them at any time.

No re-examination.

R.O.

Special Judge

Date:- 11.01.2011

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