

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 20TH JANUARY, 2011****Ext.No.765****DEPOSITION OF WITNESS NO.64 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Hidayatulla Mehboob Sundke
Age : 38 years
Occupation : AC Technician
Res. Address : 62/6, Kedari Nagar, Salunkhe Vihar Road,
Wanawadi, Pune-40

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

1. I have passed the 12th Science. Thereafter, I completed the AC technician course from Golden Jubilee Technical Institute, Pune. I have passport that I obtained in 1993 from Pune. I renewed it in 2003 at Jeddah. From 17/01/2000 to 06/09/2010 I was working in Jeddah in Saudi Oger Company Limited. As the period of my passport was to expire while I was staying there, I got it renewed from the Indian consulate at Jeddah. I have brought the passport with me today. My wife's name is Kausar Jahan. She is M.A., B.Ed.. She came to Jeddah in August, 2004 and did a job there in the Al-wrood

International School.

2. Till my wife came to Jeddah, I used to stay in the bachelor camp, i.e., residential accommodation of my company. Thereafter, I took up a private accommodation outside. Seven-eight months before July, 2006, I became acquainted with one Rizwan Dawrey as he used to come for namaj in the Masjid and was a resident of Pune. Four months before July 2006, he came to India on vacation. At that time I had given my brother's mobile number 9850039669 to him and given his number to my brother. My brother had given my spectacles and some sweets with Rizwan for giving to me. On 02/07/06 I traveled from Jeddah to Mumbai. Before that I met Rizwan on 30/06/06 at his house. When he came to know that I am going on vacation to India, he tried to convince me to take 15,000 Saudi Riyals with me, but I refused saying that there is a risk in carrying this much large amount. He told me that he has collected the money for constructing a masjid in his village. Therefore, I consented to take them with me. He told me that I should give that money to his friend Muzzammil who stays in Kondhwa, Pune.
3. I reached India by Saudi Airlines on 03/07/06 at 11.00 a.m. On

02/07/06 when I was proceeding to the airport in Jeddah, I got a call on my mobile from Rizwan that Muzzammil is not in Pune but he is at present in Bangalore. On reaching Mumbai with my family, I went by K.K. Travels to Pune. On 04/07/06 I sent an SMS to Rizwan asking for Muzzammil's mobile number as he had not given it. I did not get any reply on that day. On 05/07/06 I got a call on my mobile from one Bilal. He asked me about the money. When I asked him as to who had told him about it, he told me that Muzzammil had told him. Then he came to my house. As I was apprehensive about handing over such a big amount, I asked him to let me talk with Muzzammil. Bilal called Muzzammil from his mobile and I talked with Muzzammil. I asked him about the amount and about who had given that amount. He told me that Rizwan had given me that amount and he confirmed that I should hand it over to Bilal. Therefore, I gave the money to Bilal.

4. Thereafter, on 09/07/06 I got a call on my mobile from Rizwan from Jeddah and he asked me about my well being. He told me that the money is received. On 20/08/06 the ATS police had come to me and asked me to come to the ATS office, Bhoiwada on 21/08/06.

Accordingly I went on 21/08/06 and my statement was recorded there.

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

5. (Ld adv S.P.Shetty submits that adv P. L. Shetty has gone to a cremation and will come at 2.30 p.m. He requests that the cross-examination be deferred till that time. Hence, K.B. to 2.30 p.m.)

Date : 20/01/2011

SPECIAL JUDGE

Resumed on SA after recess

6. I am a native of Pune. I have not gone to Jeddah after 06/09/10. My passport is valid upto 2013. I never met Rizwan Dawrey in Pune and have never gone to his house in Pune. I have no information about his family members, I do not know them and I have never met them. It is true that Muzzammil, Rizwan and Bilal are common names in Muslim community. I do not know the mobile number of Muzzammil to whom I was to give the money and the mobile number of Bilal to whom I gave the money. I have never called them on their mobiles. I do not know where Muzzammil used to reside in Kondhwa. I do not know where Bilal used to reside in

Fatima Nagar. Fatima Nagar is 3-4 kms from Kondhwa. I have visited Kondhwa and Fatima areas. Rizwan was residing in Fatima Nagar. It will be correct to say that before that day and even after that day, I have not seen Bilal. I did not talk with Bilal on his mobile or any phone after he took the money from me on 05/07/06. I do not remember my mobile number in July, 2006. I do not remember the mobile number of Rizwan from which he called me from Jeddah. I cannot tell the number of Muslim families residing in Kondhwa and Fatima Nagar. I did not produce my passport before the ATS officers when they took my statement, but I gave zerox copy. I had not taken the original passport with me when I gave the zerox copy. After 21/08/06 I was called on 24/08/06 in the Mazgaon Court where my statement was recorded. On 21/08/06 when my statement was recorded PI Rathod had told me to come on 24/08/06. He took my statement on 21/08/06. He did not tell me to bring the original passport on 24/08/06. I did not produce the passport on my own on 21/08/06 or 24/08/06. My brother's name is Yunus. I do not know from which village Rizwan is. I did not inquire about it with him. I do not know the full names of Bilal and Muzzammil. No one has given

me their full names. I have never met the person Muzzammil indicated by Rizwan. Till today I have no information about him.

7. I have no idea how much foreign currency one can bring to India. I have gone to Jeddah six-seven times upto now and to no other country. I never carried my own money with me while coming to India. Before 02/07/06 I never brought any money of any other person to India. I do not know whether it is a crime to bring foreign currency to India without the appropriate permission. As there is a risk of losing the money and it being stolen, I did not bring cash amount with me at any time. I was not detained and my articles were not confiscated at any time. At the time of departure out of India the personal search of the passenger is taken and his bags are searched at the airport. At the time of arrival, such search is not taken. Bags are also screened. One has to make a declaration about the belongings that he is carrying when one travels by air. I do not know how much Indian currency I can take with me to a foreign country or how much foreign currency I can bring with me to India.

8. I did not declare the 15,000/- Saudi Riyals at Jeddah airport or at Mumbai airport. There is no entry about this amount in my

passport. In 2006 the value of one Saudi Riyal was Rs. 11.50/- to Rs. 12/-. I am not given any notice by the customs department or any other authority about bringing those Riyals to India. Except my words I have no evidence to show that I have brought that amount with me. I did not ask Rizwan to give Muzzammil's address of Pune and he also did not give it to me. Even when Rizwan phoned me when I was going to the airport at Jeddah, I did not ask him his address of Bangalore or his phone number. On 21/08/06 when I gave my statement, I was not remembering that on 02/07/06 when I was proceeding to the airport in Jeddah, I got a call on my mobile from Rizwan that Muzzammil is not in Pune but he is at present in Bangalore. Therefore, I did not state so to the police. Before today I had stated about this in the Mazgaon Court. It is not true that I am stating falsely that I stated about this in Mazgaon Court. It is not true that I deposed falsely that I brought 15,000/- Saudi Riyals and gave them to Bilal.

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

9. I do not remember the serial numbers of the Saudi Riyals that I had brought. I would not be able to recognize them if they are shown

to me today. The ATS officer did not show them to me for the purpose of identification.

10. Bilal brought officer Kshirsagar to my house. Officer Kshirsagar made inquiries with me. I gave him whatever information I had. It was not written there. They had come to me at 1.30 p.m. on 20/08/06. At that time I had not refused to give any statement. I did not give my full statement. I cannot say why my statement was not recorded at that time. I do not know whether it is necessary at the immigration counter to declare the foreign currency one is carrying, therefore, I used to carry my money by demand draft. One has to sign disembarkation card at the time of landing of the flight mentioning passport number and other details. There is a clause in the card to declare the articles that are required to be declared. I have never given any declaration about carrying any foreign currency whenever I came to India. The DRI officers never approached me and have not taken my statement. Police did not check whether any mobile number that I stated to them, is in use or not. Police did not show me any photographs or any person.

11. It is true that some persons stay and work clandestinely

even after their visas are over or their passports are lost. It is true that some persons go to Umrah Haj pilgrimage and continue staying there illegally even after expiry of their visas. It is true that the employers in Saudi Arabia take the passports of employees so as to prevent them from running away because of the hard working conditions and climate and such persons stay there illegally, working with the help of others. It is true that it is a common thing for employees to run away from a strict employer though he has taken their passport. Such people then work somewhere else. Generally, local police there do not entertain complaints against such employers. When the employees above mentioned are caught, they are put in jail for a month or two and are sent back to their country with exit pass. It is not true that my statement was not recorded on 21/08/06. I had gone to the ATS office yesterday. I was there for about 10-15 minutes. Officer Rathod had called me. On 15/01/11 officer Kshirsagar had come to my house and given me letter to come to the ATS office. That letter is with me. I was given summons of the court. I met officer Rathod and I talked with him. He did not ask me whether I remember everything. He did not read over my statement to me. It is not true

that he tutored me.

12. It is not true that I did not come from Jeddah to India on 02/07/06, that I deposed falsely because of the pressure of the ATS.

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

13. Declined.

No re-examination.

R.O.

Special Judge

Date:-20/01/2011

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