

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE:21ST JANUARY, 2011****Ext.No.766****DEPOSITION OF WITNESS NO.65 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Mehmood Azim Qureshi
Age : 33 years
Occupation : Service
Res. Address : A/403, Amrish Park, Kausa Talav Pali, Mumbra, Dist.
Thane-400612

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

1. Before residing on the above address, I used to reside at 4th Floor, Rehmani Bldg., Opp. Mumbra Station, Mumbra, Thane. I am a native of Lucknow. After SSC, I have done Diploma in Computer Applications, Programming and Hardware Network Engineering. After education I did a teacher's job in a primary school at Mumbra. Thereafter, I did a Diploma in Computers in 1999 at Trans Institute of Computer Technology at Mira Road. I got to know one Israr Ahmed at the institute as he used to teach there and as he used to attend the lectures of SIMI on Kuran, Hadis and life stories of Prophet

Mohammed. He used to give the lectures. I used to hear the lectures as I used to be present. Therefore, I came in touch with SIMI and started attending its programs. I became acquainted with some persons but I cannot tell their names. The office of the SIMI was at Kurla Pipe Road. I used to go there sometimes. Similar types of programs used to be conducted there. In 2000, I had visited Akola for a convention of SIMI. I had acquaintance with the workers of SIMI. They were Abdul Wahid, Sajid Ansari, Irshad Khan who was the Maharashtra President, etc.. Others I do not remember. When I was acquainted with Abdul Wahid I was not related to him. However, when I got married in 2003, he became my brother-in-law (Sadu). Sajid Ansari is my brother-in-law i.e., my wife's brother.

2. If I see them again, I will be able to identify the other members of SIMI whose names I do not remember. (Ld SPP asks the witness whether anyone of them is present in the court. Witness looks around the court room and says that his brothers-in-law Abdul Wahid and Sajid Ansari are present. He points to the accused no. 7 & 8, who are made to stand up and tell their names, which they state as Sajid Ansari and Abdul Wahid Din Mohd. Shaikh). They are the same. I

cannot identify anyone out of remaining.

3. I attended the SIMI office upto 2001. In that year the SIMI was banned. I cannot say why it was banned. As far as I know from the programs that I attended, the SIMI members used to conduct the programs as stated by me earlier. Other than the above described lectures and convention, I had not attended any other programs of SIMI. In November or December 2001, I had gone to Surat for an educational program where there were 125 similar persons. We all were arrested on the allegation that it was a SIMI program, though it was not so. The case is still pending.

4. I had good relations with the accused no. 8 and we were on visiting terms at our houses.

Q. What did the accused no.8 used to do when he used to go out by closing and locking his house?

(Ld Advs for the accused object to the question on the ground that it is a leading question suggesting an answer. Heard both sides. To my mind there is no suggestion of a specific answer, therefore, it cannot be called a leading question. Hence, the objection is overruled).

A. Sometimes the accused no. 8 used to keep the keys of

his house with me when he used to go out after locking the door of his house.

(Adjourned for recess)

Date : 21/01/2011

SPECIAL JUDGE

Resumed on SA after recess

5. Accused no. 8 used to come back to take the keys of his house. I do not remember whether I had given the keys to anyone else. (Ld SPP submits that he seeks permission to put a leading question to the witness before declaring him hostile. Ld advocate Shetty submits that the learned SPP has first to lay down a foundation. Learned SPP submits that the last question was about it). It did not happen that one Ehtesham Qutubuddin Siddhiqui had come to ask for the keys of the house of the accused no.8. (Ld SPP requests permission to declare the witness hostile and to cross-examine him as he is not supporting the prosecution. Permission granted).

Cross-examination examination by SPP Raja Thakare

6. The ATS police had taken my statement on 05/10/06. It was typed on a computer in Marathi. It was explained to me in Hindi. It is

not true that it was correctly written as stated by me. It did not happen that I had stated to the police that after it was completed it was explained to me in Hindi and I stated to the police that was correctly recorded as per my narration. (Witness is confronted with the relevant portion from his statement, hence, it is marked as 'A').I cannot assign any reason why it is so written in my statement. I came to know that my statement is not correctly written at that time itself. I did not complain to the person who recorded my statement that it was not correctly recorded. I did not complain about it to any of his superior officer. I had stated to the Magistrate that the police have recorded an incorrect statement. I had stated so to the Magistrate at Dadar Court in October 2006. I do not remember the date when I did so in October 2006. It was after about a month after the ATS police took my statement. I did not tell about this to any other person, during the period when the ATS police took my statement and I complained to the Magistrate. I was told by the ATS police after few a days after recording my statement to come to the magistrate court at Dadar on a particular date. I was called to the ATS office three or four times during the period when the ATS police took my

statement and I complained to the Magistrate. API Varpe was the officer who took my statement on 05/10/06. On the subsequent three-four occasions that I was called to the ATS office, he used to be there. I was not given summons in writing to attend. I used to be called there for learning by heart the statement that I was to give before the magistrate. That statement in writing was with me. I did not give it to the magistrate. I did not refuse to go to the ATS office on the three-four occasions, I did not complain anywhere about it. It is true that as I knew what statement I had to give, there was no question of learning by heart the statement that I was to give before the magistrate. I did not tell API Varpe that I knew the facts and there was no necessity of learning it by heart. I was made to learn statement by heart, which was not given by me. It will not be correct to say that no portion of my statement that was recorded on 05/10/06 was correct. I did not feel it necessary to write my own statement and give it to API Varpe.

7. When I was arrested at Surat I had to engage an advocate and take bail. I did not consult any advocate though I knew that my statement was incorrectly recorded by API Varpe and when he called

me subsequently. I did not tell any leader of my community or any political leader about this. I do not have any grievance against the magistrate at Dadar who took my statement. I did not make any complaint in writing to him. The magistrate took down my statement correctly as per the facts that I remembered that I had learnt by heart.

Q. You stated all the things that were true to the magistrate and you have not suppressed any fact?

A. I stated whatever I learnt by heart.

I had stated to the magistrate the statement dated 05/10/06 that I had learnt by heart. It is true that before recording my statement before the magistrate, I was given oath to state whatever is true. It is true that inspite of taking oath I did not state the truth before the magistrate. I did not have any fear of the magistrate. I was rounded up repeatedly by the ATS police after the arrest of the accused no. 7 & 8 and I was threatened to state as per the statement dated 05/10/06 before the magistrate or I would be made a witness or an accused. It is true that I could have told this to the magistrate. Even then I did not complain to the magistrate or to any superior police officer. Witness volunteers-At that time I was very afraid, I was the

sole earning member of my family, my parents are aged and this is the reason why I gave the statement. Even now this fear is in my mind. I do not know where to complain about my statement being incorrectly taken, therefore, I did not complain upto now. It did not happen that I gave my statement before the magistrate by my own free will. I had signed the statement that I made before the magistrate. The interpreter by name Sau. Malekar was present when I gave my statement before the magistrate. I do not remember whether the magistrate and the interpreter had also signed the statement after I signed it. (Witness is shown the statement u/s 164 of the Code of Criminal Procedure recorded on 08/11/06 before the 42nd MM, Dadar, Mumbai). The statement bears my signature. It is true that I had stated to the magistrate my name as Mehmood Azim Qureshi, aged 29 years, occupation-business. I had stated my address correctly to the magistrate as resident of A/403, Amrish Park, behind Simla park, Kausa, Mumbra. It did not happen that I wanted to state something to the magistrate and it remained to be stated. It also did not happen that I stated something to the magistrate and he did not write it. It is true that I had correctly stated to the magistrate that I

am native of Lucknow, that I was born in Mumbai, that I am staying at Kausa, Mumbra since 27 years, that I took education from the 1st to the 10th at Mumbra, that I had gone to the polytechnic college in Bhiwandi, that I failed there, that thereafter I did the Diploma in Computer Application in 1997, that thereafter I did a job of teacher in a school, that thereafter I did the Diploma in Computer Hardware, that I was doing the Diploma in the Trans Institute of Technology at Mira Road, that at that time I met Israr Ahmed who used to teach there, that he used to do the work of SIMI, I had not stated that I was inspired by him but I stated that I joined SIMI. I had stated that I used to go to Kurla Fitwala compound where there used to be lectures of Kuran, Hadis, Sunnat, Mohammed Paigambar. I had stated to him that I participated in a program at Surat in 2001 in which 125 persons were arrested, that I am on bail in that case, that I was in jail for eleven months, that I was in jail in Dist. Nadiad, that in 2002 I came back to Mumbra on bail, that in 2003 I was married with Yasmin Margoob Ansari resident of Mira Road and at the same time her sister Tabassom was married to Abdul Wahid who was a resident of Vikroli and Abdul Wahid was an activist of SIMI. I had also stated that

on 01/09/05 my father had taken shop no. 8 in Shirin Villa on rent from Shamshad Begum resident of Mumbra and there I and my father used to do the business of grocery, that I had secured a vacant room in Moonlit bldg for Abdul Wahid through my acquaintance at the rent of Rs.1800/- p.m. and deposit of Rs. 20,000/-, that thereafter Abdul Wahid shifted there with his family, his wife Tabassum had throat thyroid problem, that sometimes he used to go out for taking treatment, that he used to give the keys sometimes in the shop. I had stated that he had told me to give the keys to Ehtesham Siddiqui who was an activist of SIMI. Witness volunteers- I was told to say so. I had stated that in May 2006 Ehtesham Siddiqui had taken the keys from me. Witness volunteers- I was told to say so. I do not remember what things I was told to state before the magistrate. Witness volunteers- I was told that I may narrate anything in the beginning but my emphasis at the end should be that Ehtesham had taken the keys twice in May 2006. Other than this nothing else was fed to me to be told before the magistrate. It is true that except the earlier portion that 'I was inspired by him' and that ' Ehtesham had taken the keys twice in May 2006', I was not fed anything more.

8. I had stated to the magistrate that I know some SIMI activists, out of which Sajid Ansari is my brother-in-law. I had stated the names of Asif Khan, Israr Ahmed, Irshad Khan, Dalish Shaukatali, Abdul Wahid, Sajid Ansari, Sayyed Hussain, etc. Witness volunteers- I stated those names that were told to me and those that I remembered. I had stated to the magistrate that my trial at Surat is going on and its next date is 12/11/06. (Ld SPP asks the witness to go through his statement). This is the same statement that I gave before the magistrate. It is true that it is not written anywhere in the statement that I had complained to the magistrate that I had stated what I was instructed to state.
9. Except the magistrate and the interpreter, there was no one else present in the chamber of the magistrate when my statement was recorded. It is true that police had told me a large number of things to state before the magistrate but I did not state many things to him. It is true that I could have avoided stating before the magistrate the words 'I was inspired by him' and that 'Ehtesham had taken the keys twice in May 2006'. It is not true that every word in the statement before the magistrate was stated by me as it was the truth and I had

stated it without the pressure of anyone. It is not true that I am deposing falsely that I was told by the police that I may narrate anything in beginning but my emphasis at the end should be that Ehtesham had taken the keys twice in May 2006. The contents of my statement except the portions that I denied are correct. (The statement is marked as **Ext.767**, except the bracketed portion).

(Adjourned at the request of Id SPP).

Date 21/01/11

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

Date : 31/01/11

Resumed on SA

10. Today I do not have any fear or apprehension in my mind. I have nothing more to state than what I had stated on the earlier date. I do not feel that I have forgotten to state something that I wanted to state on the earlier date. Since the last date till today no ATS officer or any police officer has threatened me or put me in fear.
11. My case at Surat is still pending. Since last four years I have stopped attending Mumbra Police Station after the Surat court modified the condition in the bail order about my attendance. I have records of that case. It is true that that case was of Athava Lines Police Station, Surat, but I do not remember whether the CR No. is II-442/01 for the offences u/s 3,10,13 & 15 of the Unlawful Activities (Prevention) Act. I was in Nadiad jail, Dist. Kheda, Gujrat for eleven months. I used to talk with the co-accused when I was in the prison, but not concerning the reason why we were arrested. We felt that we were caught wrongly, but we did not feel that we should raise our

voice against it. We were not in contact with each other after being released on bail. I can give the name of one co-accused Sayyad Hussain, but I do not remember the names of the others. I may be able to recollect the names of some co-accused if you tell them to me. I do not remember whether one Anis Ismail Nerekar, Saud Ahmed Abdul Rehman were my co-accused. Sayyad Hussain is my brother-in-law. I do not know whether there are cases against him other than that case. I have good relations with him and I am in regular contact with him. I do not remember Abdulla Islam Usmani, Irshad Salim Khan, Mohd. Irshad Ahmed @ Mohd. Kasam. I may be able to recollect Mohd. Irshad Ahmed @ Mohd. Kasam if I am shown his photograph. (Witness is shown the photograph at the end of the agreement Art-264/Ext.654). I am not able to remember him even after looking at the photograph. Israr Ahmed or Asrar Ahmed, whom I mentioned earlier, was not my co-accused. I do not know whether there is any other case against him. I do not remember whether Mushtaq Hussain Bagdadi was my co-accused. I know Muzzammil Hussain Bagdadi. I do not remember whether he was my co-accused. I knew him and Mushtaq Hussain Bagdadi as they used to

attend the SIMI programs. I do not remember whether Anwar Azam Abdul Shaikh was my co-accused. I do not know him. I do not know Armogan Ubedur Rehman Azmi @ Khase @ Babu, who wore spectacles. I do not remember whether he was my co-accused. Accused no. 8 was not my co-accused in that case. I do not know whether there is any other case against him there. I do not know Saif Aatik Nachan. I do not know Asif Bashir Khan @ Junaid. (Ld SPP requests that the accused no. 13 be asked to stand up. Accused no. 13 is asked to stand up. Ld SPP asks the witness to look at him). I do not know him. I do not remember whether he used to attend the SIMI programs. I do not know whether there are other cases against accused no. 7. I do not know Dr. Tanveer Ahmed Mohd.Ibrahim Ansari. (Ld SPP requests that the accused no. 2 be asked to stand up. Accused no. 2 is asked to stand up. Ld SPP asks the witness to look at him). I do not know him. I do not know Ehtesham Qutubuddin Siddiqui. (Ld SPP requests that the accused no. 4 be asked to stand up. Accused no. 4 is asked to stand up. Ld SPP asks the witness to look at him). I do not know him as I have not seen him before.

12. I know where Shams Masjid at Naya Nagar, Mira Road

is. The lectures of SIMI by Israr Ahmed used to take place in front of Shams Masjid. I cannot say whether Anwar, Abdulla, Khase and Ehtesham Qutubuddin Siddiqui used to attend those SIMI programs. I do not know whether Anwar used to stay in front of Shams Masjid, whether Abdulla and Khase used to stay in Shanti Nagar, Naya Nagar, Mira Road. It did not happen that I had stated these four names to the police in the ATS office. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'B'). I cannot assign any reason why it is so written in my statement. When I had gone to Akola for a convention of SIMI, I do not know whether Ashraf Jafari and Shahid Badar Falai had come there from Delhi. I do not remember whether Asrar Ahmed, Muzzammil, Asif Khan and others were present in that convention. I had not stated so to the police. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'C'). I cannot assign any reason why it is so written in my statement. It did not happen that I had stated to the police the names of twenty-four SIMI activist and addresses of some and mobile numbers of some. (Witness is confronted with the relevant portion from his statement. Hence, it is

marked as 'D'). I cannot assign any reason why it is so written in my statement. I had not stated to the police that in 2001 SIMI organization was banned by the government as its activists were doing unlawful activities and helping people who were doing them, similarly members of SIMI were talking about jihad and instigating about jihad, similarly different terrorist organization were infiltrating SIMI organization because of which police had taken action against members of the SIMI organization and had arrested them, that our SIMI office was at Kurla Pipe Road, Kurla(W), Mumbai where Irshad Khan were used to work as President of the Maharashtra SIMI organization, that police had raided this office and arrested members of SIMI organization and Vikroli Police Station had arrested members of SIMI organization resided at Vikroli. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'E'). I cannot assign any reason why it is so written in my statement. I had not stated to the police that when I had gone for a SIMI program at Surat, Gujrat, members and office bearers of SIMI from Karnataka, Maharashtra and Uttar Pradesh were present for that program, that from Mumbai Anwar, Sayyad Hussain, Anis Nerekar, Saud Abdulla

and Khashe had gone there with me. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'F'). I cannot assign any reason why it is so written in my statement.

13. It is not true that I had stated to the police that I knew Ehtesham Siddiqui since 1999 as he was an officer bearer of SIMI, that when he used to come to Mumbra, he used to meet my brother-in-law Wahid Shaikh, accused no.8, that in May 2006 when I was in my shop Hamja General Stores, Ehtesham Qutubuddin Siddiqui came to my shop and asked me to give the keys of Wahid's house, that thereupon I gave him the keys of the room of the house in which Wahid used to live, i.e., 202 (room no.2), 2nd floor, Moonlite building, B' wing, near Bharat Gear company and Kalshekar college, Kausa, Mumbra, Thane, that I knew that Wahid and his wife were not at home, that at that time there were five-six other persons with him and during that period Ehtesham took the keys from me twice and took meetings. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'G'). I cannot assign any reason why it is so written in my statement.

14. I came to know about the arrest of the accused no. 7 &

8 on the next day of their arrest. I did not go to their houses to ask their family members as to why they were arrested. I did not help in engaging any lawyer for them. I did not go to any court, police station or to jail to meet them. I did not think that I should go and give a statement to the police concerning the matter.

15. I have got a mobile phone. Its number is 9773128254. It is a prepaid number in my name. I recharge my balance by Rs. 300/- per month, on and average. I use it mostly to contact the clients of my office. I do the work of foreign job recruitment. Sometimes I use it for talking to my friends and relatives. I cannot tell the name of any friend whom I frequently call. I used to call Muzzammil Bagdadi and I used to receive calls from him. I used to call Abdul Hussain Sayyad, who is my brother-in-law and used to receive calls from him. It is not true that I used to call Irshad Ahmed and used to receive calls from him. I do not remember whether his number is 9224374208. I do not remember whether Mushtaq Bagdadi's number is 9223161744, but I used to call him and used to receive calls from him. I had not made calls to Rizawan Siddiqui on his number 9029615335 and had not received calls from him. It is true that I used to call Saud Ahmed on

his number 9867568464 and receive calls from him. I know him since two years as he is my colleague in my office. He resides at Pipe Road, Kurla. It is true that I used to make and receive calls on the number 9967812238 of Israr Ahmed. I make and receive calls on my mobile for office work. I receive calls from Saudi Arabia, Nepal and India in connection with my work. I have never made and received calls from Algeria, Croatia, Romania, Lagos, Taiwan, Turkey.

16. It is not true that I know accused no. 2,4 &13 as leaders of SIMI quite well and because of their terror I deposed falsely to save them. It is not true that I know the people whose names are in my statement and I am in their contact even today. It is not true that I deposed falsely that the police had pressurized and threatened me to give the statement. It is not true that my statement was recorded as stated by me. It is not true that I am won over by the accused and therefore, I am making allegations against the police. It is not true that the magistrate recorded my statement as it was voluntary and as it was narrated by me.

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

17. I cannot tell the exact number of programs of SIMI that I

attended at Shams Masjid. Whenever I used to find time from attending lectures of the Diploma in Computers, I used to attend the SIMI programs. I lastly attended such a program prior to 2001. Thereafter I have never attended such a program. Only six to eight persons used to attend such programs. It will be correct to say that I had no interaction with those persons at any time and I did not pay much attention to them. I met Muzzammil Hussain Bagdadi at Kurla Pipe Road in 2001. Mushtaq is his elder brother. Muzzammil Bagdadi resides near my house and we often do namaj in his house. I call him by name Muzzammil. It is a common name in Muslims.

18. Before our marriages, I had never met the accused no.8. I came to know him at the time of marriage in 2003 and before that I did not know him. Even today I know him only because of our relation. I and my father used to sit in our shop. Accused no.8 and his family resided in Mumbra for about one or one and a half years. I cannot tell the date, months or year. He may have given the keys of his house to me on four or five occasions when he went out. I know his wife, mother and two brothers. His mother did not stay with him at Mumbra. He used to himself collect the keys from me when he used

to return on the same day or after two or three days. I have never handed over the keys to anyone else other than him and his wife.

19. I do not remember the date on which police recorded my statement. The police called me many times at the ATS office before recording my statement. I was called daily for a span of ten to fifteen days. I do not remember the date on which the accused no. 8 was arrested. I was called by the ATS police after the blasts for the first time in July 2006 at their office at Kalachowki and near Byculla Railway Station. I do not remember the name of the police officer who called me near Byculla Railway Station. API Varpe was the officer at the ATS office at Kalachowki. I used to be called at 10.30 a.m. and I was allowed to go at about 7.30 p.m. During this period they used to inquire with me and asked me questions. In July they did not inquire with me about the accused no.8. In July 2006 API Varpe was not the officer who used to inquire with me, but there was some other officer whose name I do not know. In September, 2006 my father was also called on two-three occasions at the ATS office. During the period of my inquiry prior to the date on which my statement was recorded, I used to be given a questionnaire and I was asked to answer the

questions. API Varpe gave me a copy of my statement, which was in Marathi. It was not with me when I went to the magistrate. API Varpe took the copy of the statement and my bag containing some documents when I went inside the Court hall at Dadar and when I came out, he gave me my bag, but forgot to take back the copy of the statement. I have it with me now. He had given me the copy on the very date on which he took my statement. I am ready to produce it. (Witness has produced a typewritten statement dated 05/10/06 in his name. Ld SPP submits that the statement should be received in evidence as the witness has stated about he being given it on the day when his statement is recorded and he has brought it to the court on his own and has stated about it. Ld adv Shetty submits that the witness has only said that he was given a copy and not the original and he is producing it and the contents are not being referred. Subject to the point being decided finally the copy is marked as **Art-309**). After giving me this copy, API Varpe told me to learn it by heart and state accordingly before the magistrate. I was provided with this copy on four or five occasions whenever I visited the ATS office and it was taken back. I was told one month before my visit to the Dadar

court to give my statement to the magistrate as per the copy of the statement provided to me. That was the first time when I visited the Dadar court. I was taken to the Dadar court at about 11.00 in the morning. From there I was taken to the ATS office, my father came there and then we both left. My father used to be at the ATS office for about two or three hours on every occasion that he was called. We were never given any written summons to call us to the ATS office. I was called by the police for fifteen to twenty times before my statement was recorded at Dadar Court.

(Adjourned for recess)

Date : 31/01/2011

SPECIAL JUDGE

Resumed on SA after recess

20. It is true that as I was called on many occasions and my father was called on three-four occasions by the ATS police, I was afraid that I would be involved in the bomb blasts case. Therefore, I did not complain anywhere about the police.
21. Accused no.8 was called several times by the ATS police and he used to go. I do not know whether he was taken for inquiry in the bomb blasts case on 12/07/06 to Vikroli Police Station. I

know that he was taken by PI Salaskar on 14/08/06 to Byculla office where he was detained upto 21/08/06. He was taken to the ATS office at Kalachowki in September 2006 and detained there for about one week, but I do not know the dates. Thereafter he was required to attend the ATS office daily. I and my father were taken to the office of the ATS at Bhoiwada. I do not remember whether it was on 28/09/06. Accused no. 7 was taken to the ATS office and detained there for about ten-twelve days, but I cannot tell the dates. It is true that because of the pressure of the police I stated as instructed by the police when I gave my statement and I did not think it proper to complain against the police.

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

22. I do not know any of the persons who were present in the educational program at Surat where I had gone in November or December 2001. I came to know later on that we were arrested on the allegation that it was a SIMI program. It is true that on all the occasions that I was called to the ATS office at Byculla, there used to be some other similar persons called there. It is true that we all used to be threatened that if we do not tow their line, we would be arrested

in that case. It is true that whenever I went to the ATS office, I used to say yes to whatever they used to tell me. Because of this continuous pressure I did not complain about the police anywhere.

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

(Adv Salunkhe h/f Wahab Khan submits that he is in the High Court and requests that the matter be kept back. Ld SPP submits that he be permitted to interpose another witness. Ld advs Rasal and Shetty have no objection. Hence, the witness is asked to step down).

Date : 31/01/2011

SPECIAL JUDGE

RESUMED ON SA

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

23. I received calls from the ATS office thrice in November, twice in December 2010 and on 18th, 19th and 20/01/2011 on my mobile number 9773128254. I have saved those numbers in my mobile. I cannot tell the names of the officers who used to call me. (Witness requests permission to go through his mobile handset and tell the numbers. Ld SPP submits that in that case the mobile will

have to be deposited in the court as the witness is going to depose on the basis of its contents. Witness is told about this and he consents to deposit his mobile handset in the court). I received a call from mobile number 9870332523 on 18/01/11 at 5.58 p.m., another call from 23726688 on 19th and 20/01/11, but the record of 19/01/11 is deleted. Witness states- the mobile handset does not have a sim card as I have left it at home. (The mobile handset is taken on record and marked as **Art-310**). I am using the mobile number above given since 2009. It is true that the calls were made from the ATS office to pressurize me to give evidence as per their version. I was called to the ATS office once in November and once in December 2010 and three times in January 2011. I had taken my mobile with me on all the occasions. I used to be at the ATS office for about half an hour to one hour. They had called me there to tutor me. During this period sometimes my mobile used to be on and sometimes it used to be off. It happened that during the period that I was at the ATS office, I had received and made calls from my mobile. My sim card of BPL company is issued in my name. I can produce the call details record with the tower location and IMEI numbers of the last four months by

applying to the BPL company. (Ld adv calls upon the witness to produce the call details record).

24. I watch the news on the TV. I do not remember whether the accused no. 12 Naved Hussain was shown on Aaj Tak channel giving a confession. I do not remember whether I have seen an interview of Jt. Commissioner of Crimes Rakesh Maria, in which he had stated that the train blasts of 2006 were done by accused belonging to Indian Mujahideen.

25. My in-laws are from Mira Road. On 09/07/06 I had gone with my wife to Mira Road. It was a Sunday. I was there from 11.30 a.m. upto dinner. Accused no. 7 was present there at that time and he had not left the house at any time. At that time accused no. 7 & 8 were also using mobile phones. They used to be in contact with me from their mobiles. One can get the tower location of the call from the mobile company.

(Ld SPP requests that he be permitted to re-cross-examine the witness on the ground that new material has come forward in his cross-examination from the side of the accused. Permission granted).

Re-cross-examination by SPP Raja Thakare for the state.

26. I do not have the sim card that was in the handset Art-310. It is true that the calls that are received on a particular sim card that is in a particular mobile handset, are only recorded in that handset. Sim card details are found in the phone memory. Today by looking at the handset memory one cannot say to which sim card number the calls were received. During the last six months I did not make any call to any ATS officer on his mobile from my mobile number or to any landline of the ATS office. I do not know the mobile number of the accused no. 7 & 8. (Ld adv Wahab Khan submits that the Id SPP Chimalkar and the PI Mohite are taking down the numbers from the mobile handset. Ld SPP submits that he has got every right to inspect the article. The court staff is directed to write down all the dialed, incoming and missed calls in the mobile handset Art-310 and to give a copy to the defence and to the prosecution and keep one copy on court record).

No re-examination.

R.O.

Special Judge

Date:-31/01/2011

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