

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE:31ST JANUARY, 2011****Ext.No.772****DEPOSITION OF WITNESS NO.66 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Bilal Salauddin Shaikh

Age : 28 years

Occupation : Service

Res. Address : B/4, Garnet Residency, Shivalkar Road, Wanwadi,
Pune-40.

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

1. I stay with my mother, grandmother, i.e., mother's mother and two brothers at the above address. My grandmother has a brother by name Ataur Rehman Shaikh. He has three sons Muzzammil, Faisal and Rahil. Muzzammil and Faisal are present in the court. Muzzammil was working in a software company in Bandra. I do not know what Faisal was doing. Their parents were staying at Mira Road in 2006. Before that they used to stay at Pune in the NIBM Road area. I used to meet Muzzammil off and on at family functions. On 04/07/06 at about 10.00 or 10.30 p.m. Muzzammil called me on my mobile phone from Bangalore. He told me that Faisal's money has come and a person by name Hidayatulla, who stays at Salunkhe Vihar, has the money. He gave me the mobile number of Hidayatulla

and asked me to collect the money from him. He told me that may be Faisal will come and collect the money from me. I said that I would call that person on the next day. Accordingly on the next day I called that person on the number that Muzzammil had given me and told him that Muzzammil had given me his number and had asked me to collect the money of Faisal that had come to him. He told me to come to his residence at Salunkhe Vihar within half an hour. Accordingly I went there and that person came out of the house and gave me the money. It was 15,000/- Saudi Riyals. I was shocked on seeing the money. As it was foreign currency, I asked him about it and he said that it is for Masjid construction. He said that the money was sent by Rizwan Dawrey, who was residing in Saudi Arabia at that time. In front of Hidayatulla I called Muzzammil on his mobile and told him that the money is not in Indian currency but it is in Saudi Riyals and that Hidayatulla had told me that it was for construction of Masjid. Muzzammil told that it is fine and Faisal will come to my house and take it from me. On the same day Faisal called me on my mobile and told me that he was not able to come and asked me to send the money to Mumbai with any person if coming to Mumbai. My maternal

uncle Junaid Khan works as an inspector in the cleaning department in the J. J. Hospital. At that time he was admitted in that hospital after some major operation. His son, my cousin Mohsin Khan, who used to stay at Pull Gate in Pune, was going to visit him at Mumbai. I called him up and told him that there is some money of Faisal and he should take it to Mumbai and Faisal would collect it from him at the J. J. Hospital. He had come to meet my grandmother at that time. But he forgot to take the money from my home. I again called him and asked him whether he had picked up the money. He said that he had completely forgotten it and would come after some time and take it. I was out of my house at my friend's birthday party. During that time he went to my house and picked up the money. He went to Mumbai on the next day with the money. He came back after a week. We met at my place. I asked him whether he had given the money. He said that Faisal had come and taken the money. After giving me summons, the ATS police recorded my statement.

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

(Adjourned as court time is over).

Date : 31/01/2011

SPECIAL JUDGE

Date : 01/02/11

Resumed on SA

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

2. PI B.B. Rathod did not contact me on phone at any time during the last three-four months. I did not receive any phone from the ATS office during this period. I never went to the ATS office at Mumbai during this period. My mobile number is 9860095919. I am using this number since 2006. I will not be able to produce the call details record from 2006 till today. I can try to get it and produce it. (Ld adv calls upon the witness to produce the call details record. Ld SPP submits that the advocate be asked to show whether prepaid call details record are available). I had stated to the police that I have given my statement to them and it was correctly written. I cannot assign any reason why this is not in my statement.
3. Police came to me for the first time in the first week of August 2006 to my house. They were two ATS officers and one local policeman. They did not have any accused, panch witness or witness with them. They came at about 10.00 or 10.30 a.m. All my family

members were in the house. They did not search my house. They did not inquire with my family members. They had come with a summons in my name. I do not remember the outward number and the date of summons. I do not remember whether it was from the court or the ATS office. It is not shown to me in the court till today. I am not sure whether I stated to the police when I gave my statement that they had come to me with summons. As they did not ask me, it is not written in my statement. I remember the name of one ATS officer, viz., Kshirsagar. I was with them for about half an hour maximum. I had offered tea to them. They made inquiries with me. I had stated in brief the information that I had to them. They did not write it down. They did not take me to the ATS office at that time. They did not ask me to avoid contacting anyone. I did not give the mobile numbers from which I had received the calls and on which I had made the call. I had only given my mobile number.

Q. Whether your family members asked you why the ATS police had come?

A- They knew as it was in the news.

It was in the news that Faisal and Muzzammil are arrested in

connection with the bomb blasts. I did not see whether they were shown giving confessions on the TV. I do not remember how many days before the first week of August 2006, I came to know that they were arrested. I came to know about their arrest when the news about their arrest was on the TV. I do not remember after what gap of days after their arrest, police came to me. My family members were shocked on learning about their arrest. We were not able to believe it as we had not observed any wrong act or suspicious behaviour on his part. After coming to know of their arrest, I did not feel that I had some important information with me. During my interaction with Faisal, I observed that he was concerned with his family and work. I had more close relations with Muzzammil than with Faisal. This is because from February to June 2006 Muzzammil was working as a trainee employee in a software firm by name Spider Systems at Pune and used to stay at my house. He was very happy with his work and was working with enthusiasm. During this period it never happened that he was missing from the house or that his activities were suspicious. Similarly, he never took leaves on some pretext. My cousin Mohsin also used to work with him at the same place during

that period. He used to go for work in the morning and return home in the evening after the work was over. At the end of June 2006 he gave interview at the Datacore Technology, Pune branch, was selected and joined that firm at Bangalore. We used to sleep in the same room. On holidays he used to come with me to my friends. My friends became his friends. I did not observe any suspicious activity on his part and my friends also did not tell me about it.

4. I know that mobile companies can provide information about the tower location of a mobile subscriber when he makes the call. Muzzammil and Faisal were using mobiles. I did not see Muzzammil talking on his mobile during the night. I used to talk with him on his mobile after working hours, if I had some work with him. The ATS police did not inquire with me about calls made to him on particular dates and timings. Police did not check my mobile. Police did not show me the printout of the call details record of my mobile. They did not tell me to obtain the call details record and give it to them.

5. When the ATS officers came to me in the first week of August 2006, they did not tell me to follow them to the ATS office for inquiry on the same day. They did not tell me to come on the next day to the

ATS office. I went to the ATS office about 18-20 days thereafter. I reached the office at about 11.00 or 11.30 a.m. During the period of 18-20 days in between, I was staying on the address that I have given, I was using my mobile and I was doing my normal work. I do not remember whether any ATS officer contacted me in person or called me on my mobile during this period. I did not go to the ATS office during this period. Officer Kshirsagar had not told me that they would record my statement. Even after talking with him on the first occasion, I did not feel that I had any important information with me. The ATS police did not take me anywhere and *vice versa*. They did not ask me to show any place as they are not able to find the address. They did not ask me to accompany them to identify any person in order to ascertain whether they have caught any wrong person. I had taken the ATS police to the house of Hidayatulla on the day when they came with the summons to my house. Thereafter, I did not take them to his house. I do not remember whether we had met Hidayatulla at his house. I had not pointed out Hidayatulla to any person. I had shown the front door of his house. Police had got the door opened from the inmates of the house. After showing the door, I

left after five minutes on my bike. It is true that police had the summons in the name of Hidayatulla and his address and had taken me only to point out his house. I do not know how the ATS came to know my and Hidayatulla's name and address.

6. Except on that one occasion, I have never taken Saudi Riyals in my hand and counted them. I do not remember the serial numbers of the notes. I did not tell the denomination of the notes to the police and they also did not ask me about it. They did not show me the Saudi Riyals. They are not shown to me before the court. If I am shown Saudi Riyals, I will not be in a position to identify whether they were the same notes. Directorate of Revenue Intelligence has not summoned me and has not recorded my statement.

7. In Muslim community money is donated for helping charitable institutions or poor people by way of jakat, fitra and sadqua. Sadqua is given to obtain the good wishes of poor people to avoid any bad effect on oneself. It is optional as per one's ability. Jakat and fitra are compulsory. Every Muslim, who has a particular level of income, has to spare some portion of his income for jakat and fitra. Many people give jakat and fitra, if permissible, to poor relatives, orphanage or for

construction and maintenance of Masjid. This has to be given every year in the month of Ramzan before performing the final prayer of Eid. The persons connected with the work of the charitable institutions and masjids meet persons with a list of their donations of the earlier years. Around 70% to 80 % masjids in India are maintained from such donations. This practice is followed by Muslims all over the world. It is true that persons connected with the work of the charitable institutions and masjids go to foreign countries for collecting such donations. This is a common thing. Giving such donations is a pious act according to the Muslim religion.

8. Some of my relatives are in Pakistan. We have such relatives since my birth. Only my mother's sister and her daughter are in Pakistan. My family members talk with them sometime in a year, on and off, but not regularly.
9. I do not remember exactly but I may have stated to the police the date on which Mohsin took the money from my house. Police had asked me about the date. It did not happen that I did not state any date. It is true that persons staying abroad send money with friends or relatives for giving to their family members. Such money in foreign

currency is exchanged with premium from private persons dealing in it. It did not happen that Faisal told me that the money should reach Mumbai on or before a particular date and time. I did not feel that he had an urgency to get the money. The money was given as per my convenience.

10. I have a relative in the police at Pune. His name is Jafarbai. He was an ACP. He has retired. In July, August, 2006 he was posted in Pune. Our family has good relations with him. If there is any problem, we would go to him for help. I had met with an accident in 2003 when I was riding my bike. I do not know whether he had helped. I had sustained injuries and the person who was also on bike and had collided with me from the front side had also sustained injuries on his face. I was admitted in the military hospital for face plating as my face was disfigured. I have no idea whether a case was registered about the accident. I was not required to give surety or to take the bike on bond from court. It is not true that ACP Jafarbai had helped me in that incident by not registering any case.

11. My family did not contact ACP Jafarbai after we came to know about the arrest of Faisal and Muzzammil. He also did not

contact my family. Even after the ATS police came to my house, I did not contact him about it.

12. Sometimes I used to watch the news on the TV after the arrest of Faisal and Muzzammil. I had not watched Rakesh Maria, Jt. Commissioner of Police, giving an interview on TV that members of Indian Mujahideen had committed the blasts. I had heard that the members of Indian Mujahideen had done the blasts. The ATS police did not confront me with any accused and did not show me photographs of any accused. They did not ask me about Muzzammil's friends and about persons who used to visit him.

13. It is true that our family, family of Faisal and Muzzammil and of Rizwan Dawrey are more religious. I do not know whether Rizwan Dawrey is a Konkani Muslim. I am not a Konkani Muslim. I do not know whether Konkani Muslims are more religious than other Muslims.

14. It is not true that I am deposing falsely that the ATS police had given me summons and called me to their office. It did not happen that on 20/08/06 ATS officer Kshirsagar met me at Pune and he had come to my house on that day and I had taken him to the

house of Hidayatulla on that day.

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

15. Declined.

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

16. (Adjourned to 02/02/11 as per the adjournment application
Ext.773).

Date : 01/02/2011

SPECIAL JUDGE

Date: 02/02/2011

Resumed on SA

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

17. I met the accused no.3 Faisal at the time of Ramzan at his house in 2005 or 2006. It was before 2006, but I cannot tell the month in 2004 or 2005. I met him at my house at Pune in 1999 or 2000. I do not know whether thereafter he visited my house at Pune. As Faisal had shifted to Mumbai, he did not visit our house at Pune from 2000 to 2006. As per my knowledge he did not visit our house after he shifted to Mumbai. I did not know where he used to live in 2006. It is not true that as I did not personally meet him, I did not know what he did and where he lived. I did not inquire about it with Muzzammil. I and Muzzammil did not study together when he was staying at my, i.e., my grandmother's house. In 2006 Muzzammil was working in Bangalore. He joined probably in June 2006. I do not know whether he was working in a software company at Bandra. My statement in chief-examination that he was working in a software

company in Bandra is incorrect. I had stated that he was working in Bangalore.

18. NIBM road is in Kondhwa. It is about half kilometers from Salunkhe Vihar. I do not know in which year Muzzammils's family came to reside in Pune, till what year and for how many years they stayed there. In 2006 I was having mobile number 9860931090. I do not remember Muzzammil's and Faisal's mobile or landline numbers at that time. When Muzzammil was in Bangalore I was in touch with him on and off but not regularly. We used to call each other. I do not remember how many times I called him or he called me in June, July and August 2006. I do not use the same mobile number today. I was not remembering Muzzammil's mobile number when my statement was recorded in 2006. That may be the reason why I did not give his mobile number to the police. I do not remember whether police did not question me about Muzzammil's and Faisal's mobile numbers. I did not produce any document nor my mobile handset before the police when my statement was recorded. Police did not ask me to produce the documents about my mobile number. All conversations between me and Muzzammil and me and Faisal

during that period were from my mobile. Today I cannot tell the number from which Muzzammil had called me and from which Faisal had called me on my mobile that were reflected in my mobile. When I gave my statement at that time also I was not remembering the numbers reflected on my mobile. I do not remember whether police inquired with me about those numbers. Police did not ask me about them. I again say that police had asked me about them, but I could not give them as I could not remember them. It did not strike my mind at that time, therefore, I did not produce my mobile handset to the police.

19. I met Hidayatulla on 05/07/06 for the first time in my life.

It will not be correct to say that on that day itself I came to know his name. When I gave my statement to the police I was remembering the fact that on 04/07/06 Muzzammil had told me the name of Hidayatulla and that he stays in Salunkhe Vihar. I told the police about it. After my statement was recorded and read over to me, I found that it was correctly recorded. To the best of my knowledge, police wrote whatever I stated and did not add or omit anything. I cannot assign any reason why it is not written in my statement. It did

happen that when I went to Hidayatulla's house on 05/07/06, he introduced himself as Hidayatulla. After 05/07/06 I never met Hidayatulla. It did happen that on 05/07/06 when I called on the number given by Muzzammil, the person said that he is Hidayatulla and he asked me to come to his house at Salunkhe Vihar. Before 05/07/06 I did not personally know Rizwan Dawrey. I had heard his name as he used to stay in the same area, i.e., in my locality Wanawadi. No one introduced him to me before 05/07/06. It is not true that I did not have any talk with him prior to 05/07/06. We just used to exchange greetings. I did not cross-question Muzzammil when he told me to collect the money. On 04/07/06 Muzzammil did not tell me that Faisal will come and collect the money from me. I did not tell the police that Muzzammil had told me so. On that day I told Muzzammil that I would call that person on the next day. I stated so to the police. I now again say that I had not stated so to the police.

20. Hidayatulla did not give the money in envelope or packet. That was not the first time when I had seen Saudi Riyals. I had never handled Saudi Riyals before that day and had never done any transactions of Saudi Riyals. I cannot tell the date and in whose

hands I had seen Saudi Riyals and in what connection. I did not enter Hidayatulla's house, therefore, I do not have any knowledge about his family members and how many persons reside in his house. Till I got the money in my hands, I did not know for what purpose the money was. I came to know that Rizwan Dawrey had sent the money only when Hidayatulla told me about it. I came to know at that time that he stays at Saudi Arabia. I came to know of this for the first time from Hidayatulla. I had met Rizwan Dawrey before 2003. Thereafter, I did not meet him. Before this occasion I had hardly seen one or two notes of Saudi Riyals. It will not be correct to say that as it is illegal to have foreign currency in one's hand, I was shocked on seeing the money. In 2006 my age was 23-24 years. At that time I was working as a marketing agent in Tata Indicom company. I do not know whether it is illegal to hold foreign currency in India. Hidayatulla did not give any document to me while handing over the Saudi Riyals. Obviously as per Muzzammil's request, I was to hold the money from the time I took it from Hidayatulla till the time Faisal took it from me. Day before yesterday I correctly deposed whatever talk I had with Hidayatulla when I went to his house. Other than that I had no other

conversation with Hidayatulla. When Hidayatulla gave me the money, that was the first occasion that I came to know that it was foreign currency. I called Muzzammil on my own on receiving the money. Before receiving the money I had not called Muzzammil. After talking with Muzzammil I disconnected the call. I stated to the police that that person came out of the house and gave me the money, that it was 15,000/- Saudi Riyals and I was shocked on seeing the money as it was foreign currency. I cannot assign any reason why it is not written in my statement. Hidayatulla did not tell me that Rizwan Dawrey stays in Saudi Arabia. Other than the talk with Muzzammil on his mobile in front of Hidayatulla after I received the money that the money is not in Indian currency but it is in Saudi Riyals and that Hidayatulla had told me that it was for construction of Masjid and Muzzammil told that it is fine, I did not have any other talk with him. I had stated so to the police. I cannot assign any reason why it is not written in my statement. I did not call Faisal on 04/07/06 or upto 07/07/06. I again say that on 05/07/06 I had called Faisal and told him that my cousin Mohsin Khan is coming to Mumbai with the money. I had called him in the evening time. Police did not inquire

with me about my telephonic talk with Faisal. This was the only talk on phone with Faisal during the period from January to August 2006. Before January 2006 I did not have any talk with him on phone. Mohsin Khan's mobile number in 2006 was 9326094466. He is my relative as well as friend. I told him on phone to take the money to Mumbai and to give it to Faisal. He did not come to my house as I had phoned him but he was already there as he had come to meet my grandmother Fatima Begum. At that time I was not in the house, but I was in my friend's place. She is alive and stays in the same place in Pune. Police did not inquire with her. When I called Mohsin at that time I came to know that he was in my house. I had called him at around 3.00 or 3.30 p.m. I left my house at about 1.00 p.m. After receiving the money from Hidayatulla, I went to my house, but I was not there upto 1.00 p.m. as I had gone out. Then I came back for lunch and at about 1.00 p.m. I left the house. I do not know at what time Mohsin Khan had come to my house. Till 1.00 p.m he had not come to my house. Period between 1.00 to 3.00 p.m. falls in 'noon' period. My call to Mohsin Khan at about 3.00 or 3.30 p.m. was the first call to him about taking money to Mumbai. I stated to the police

that I called him up and told him that there is some money of Faisal and he should take it to Mumbai and Faisal would collect it from him at the J. J. Hospital. I cannot assign any reason why it is not written in my statement. It did not happen that on 05/07/06 Mohsin Khan came to my house in the morning and at that time I told him to take the money to Mumbai and to give it to Faisal. Mohsin Khan took the money from my house in the morning on 06/07/06. I cannot tell the exact time. My grandmother gave him the money. I do not remember whether I talked with him about the money on 06/07/06 on phone. I came to know in the evening on 06/07/06 that he had taken the money in the morning. After receiving the money, I talked with him twice on phone in connection with taking the money to Mumbai. I talked with him on 05/07/06, but I do not remember the exact time. It will be correct to say that when I made the first call he was at my house. I do not know where he was when I called him on the second occasion. At that time I called him to remind him to take the money. I do not remember the time when I left the house in the morning on 06/07/06. It will not be correct to say that in the morning on 06/07/06 Mohsin Khan had not come to my house. I was out of my house at

that time. I told him to take the money. I do not remember whether I met Mohsin in person on 05/07/06. I cannot say whether I only met him in the morning on 06/07/06, in between 05/07/06 and 06/07/06. I do not remember whether on 05/07/06 I had told Mohsin that the money was in Saudi Riyals, whether he had asked me the purpose of that money, whether I told him that the money was sent by Rizwan Dawrey for construction of masjid and it was to be taken to Mumbai and given to Faisal and whether Muzzammil had told me to collect the money from Hidayatulla. I had called Mohsin Khan for the second time on 05/07/06 in the evening, but I cannot tell the exact time.

(Adjourned for recess)

Date : 02/02/2011

SPECIAL JUDGE

Resumed on SA

21. Mohsin Khan has come to court today. He did not come with me. He was in Mumbai. I met him outside. When he collected the money from my house, I was outside with my friends. He went to Mumbai in the evening on 06/07/06. I had stated to the police that he had come to meet my grandmother at that time, but he forgot to take the money from my home. I cannot assign any reason why it is not

written in my statement. I had stated to the police that he said that he had completely forgotten it and would come after some time and take it. I cannot assign any reason why it is not written in my statement. I had not stated to the police that at that time I was out of my house at my friend's birthday party. I had stated to the police that he went to Mumbai on the next day with the money, that he came back after a week, that we met at my place. I cannot assign any reason why these things are not written in my statement. Mohsin took the money to Mumbai on the same day on which he had taken the money from my house. My statement in chief-examination that he went to Mumbai on the next day with the money is not correct. I had stated to the police that he said that Faisal had come and taken the money. I cannot assign any reason why it is not written in my statement.

22. It is true that when police were recording my statement, they were asking questions to me and I was giving the answers. Police asked me the dates on which I went to Hidayatulla's house, on which I called Mohsin Khan on his mobile, the day on which Mohsin collected the money and the day on which Mohsin went to Mumbai with the money. I had stated all the dates to the police and police

wrote them correctly. It did happen that Mohsin came to my house in the morning, I told him to take the money to Mumbai and give it to Mohd. Faisal, that he asked me for what purpose the money is and I told him that Rizwan Dawrey had sent it from Saudi Arabia for construction of masjid and Muzzammil had called on phone from Bangalore and told me to take them from the person by name Hidayatulla, that he agreed and thereafter, I went out of the house, that in the afternoon when I reminded him on phone, he took the 15,000/- Saudi Riyals that I had kept with my grandmother. I had stated so to the police and police had written it correctly.

23. Before 21/08/06 police had not called me at any time. I do not know on what date Muzzammil and Faisal were arrested in this case. It is not true that I deposed falsely that I gave Saudi Riyals to Mohsin Khan for being giving to Faisal, that Muzzammil had phoned me for this purpose, that the said money was reached to Faisal through me.

No re-examination.

R.O.

Special Judge

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

MCOC SPL.21/06

PW 66/25

Ext.772

Date:-02/02/2011

**UNDER MCOC ACT,99,
MUMBAI.**