

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE:2ND FEBRUARY, 2011****Ext.No.774****DEPOSITION OF WITNESS NO.67 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Mohsin Junaid Khan

Age : 26 years

Occupation : Service

Res. Address : 210, Deccan Towers, Pull Gate, Camp, Pune- 001.

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

1. I am born, educated and residing in Pune. I have done the Diploma in Industrial Electronics. I have relatives residing in Pune. Bilal Salauddin Shaikh is related to me. Out of the accused before the court, Faisal and Muzzammil are my relatives. As far as I know, In 2006 Muzzammil was working in a software company at Bangalore. I do not know where Faisal was residing. Bilal was residing in Fatima Nagar, Wanawadi. I do not know Rizwan Dawrey. In 2006 my father was admitted in J. J. Hospital at Mumbai for an operation of prostate cancer. I used to visit him.

2. I used to visit Bilal's house as his and my grandparents are common. In 2006 also I used to visit his house. On 06/07/06 I was to visit my father at Mumbai. On that day in the morning, I went to visit my grandmother at Bilal's house. Bilal told me that he has got some money, i.e., Saudi Riyals and they are to be given to Faisal at Mumbai. As they were Saudi Riyals, I asked him what is the money for and how it came. He told me that some person came from Saudi Arabia and gave the Saudi Riyals to him. He told me that it was for construction of masjid. He told me to take the money with me to Mumbai and give it to Faisal, if I am going to Mumbai on that day. I said that I am going to Mumbai and that I would take the money with me. At about 4.00 p.m. on the same day, he gave me a call and told me to collect the money from our grandmother with whom he had kept it. Accordingly I collected the money which was 15,000/- Saudi Riyals. I went to Mumbai on the same day taking the money with me. On the next day when I was in my father's ward in the J. J. hospital, Faisal called me on my mobile phone and then he came there after some time and took the money. In this connection the ATS police took my statement on 21/08/06.

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

3. Police took my statement at the ATS office at Byculla at about 12.00 to 1.00 p.m. Officer Rathod and his assistant Ravi Kshirsagar were there. There was no other officer except these two. There was one more person who was typing my statement on the computer. It was read over to me after it was typed and it was correctly written. I read it myself. It was not read over to me by any officer. I am not conversant with Marathi. I am very much conversant with English and Hindi. I was questioned in Hindi. The statement that was typed in Marathi was not explained to me by any officer in Hindi. Bilal had come with me to the ATS office on that day. His statement was recorded prior to me. He came with me from Pune to Mumbai and we returned back together. I do not know who recorded his statement. It was on the same computer. I was 22 years of age in 2006. Bilal is two years elder to me. I have done my masters in management.
4. I do not know Muzzammil's qualifications. I met him last two or three months before August 2006. He was staying at Bilal's house. That house belongs to his maternal uncle, who is my paternal uncle. Bilal is my father's sister's son. I do not remember the name of the

company where Muzzammil used to work in Bangalore. At that time I knew the name but now I do not remember. I do not remember when he joined that company. I do not know what Faisal was doing. It may have been years to have met Faisal before that day, because I did not have any contact with him. It may have been ten years or more. I do not remember when I met him. Before that day I did not have his contact number. Nobody gave Faisal's contact number to me.

5. I went to Bilal's house on 06/07/06 at about 10.00 or 11.00 a.m. Bilal was in his house. I was there for about an hour. I collected the money from his house at about 4.00 p.m. When he called me I was at my house. Bilal's house is five kilometers from my house. Apart from Bilal telling me about taking the money to Mumbai for giving to Faisal on the two occasions on 06/07/06, he had not told me about it at any other time. My visit to my grandmother in the morning on 06/07/06 was a casual visit. Before that time I did not know about Saudi Riyals and that they were to be given to Faisal. On 05/07/06 Bilal did not contact me and did not call me on my phone about taking the Saudi Riyals to Mumbai to give them to Faisal. I used to travel by ST bus from Pune to Mumbai. I did not take the money in the morning

on 06/07/06, because I was not sure that I would be going to Mumbai. The money was not given in an envelope or packet, but the notes were open. Before that I had no occasion to transact with Saudi Riyals. I might have seen them earlier, but I do not remember. Initially I refused to take the money to Mumbai as it was foreign currency. I consented as Bilal told me that it is for construction of masjid. I had refused earlier as I thought that I would land in trouble if I am caught with the foreign currency. I was not aware that possessing foreign currency without valid documents would be an illegal act. As it was a big amount I had refused earlier. If it would have been a small amount I would have taken it without hesitation. There was no apprehension as it was a big amount. I am not prepared to do an illegal act for construction of masjid. I did not question Bilal about the legality of the Saudi Riyals and any documents about it. Bilal told me in the morning on 06/07/06 itself that the money is Saudi Riyals. It will be correct to say that Bilal told me to take the money to Mumbai if I am going there. On 07/07/06 there was no talk between me and Bilal about the money. I stated to the police that Bilal told me to take Saudi Riyals to the Mumbai. I cannot assign any reason why it is not

written in my statement. I had stated to the police that as they were Saudi Riyals, I asked him what is the money for and how it came, that he told me that some person came from Saudi Arabia and gave the Saudi Riyals to him, that he told me that it was for construction of masjid. I cannot assign any reason why this is not written in my statement. I do not remember whether I had stated to the police that I said that I am going to Mumbai and that I would take the money with me. I cannot assign any reason why it is not written in my statement. I ignored whatever Bilal told me in the morning on 06/07/06. I did not inform him at that time that I would be going to Mumbai. Before Bilal's call to me at 4.00 p.m., I did not inform him that I am going to Mumbai. I was not informed about the money being with my grandmother. My grandmother stays with Bilal, his mother and elder brother. I remember that my grandmother was present in the house in the morning as well as in the afternoon when I went there, but I do not remember whether Bilal's mother was present on both occasions. I do not remember whether I did not tell the police that at 4.00 p.m Bilal told me that the money is with our grandmother at her house. The reason why this is not in my statement is that I do not remember

whether I had stated it to the police.

6. I do not know who gave my mobile number to Faisal. Before 21/08/06 I came to know about the arrest of Muzzammil and Faisal from the news and newspapers. I do not remember the date on which I came to know about it or how many days prior to 21/08/06 I came to know about it. I watched the news on the TV for three-four times on one day. It was being flashed throughout the day, but I cannot tell the date. It may be in August 2006. I had read it in the newspapers also. I had read the Times of India and Indian Express. I do not remember the date and month. This news was published two-three times in the newspapers.

(Adjourned as court time is over.)

Date : 01/02/2011

SPECIAL JUDGE

Date : 03/02/2011

Resumed on SA

7. I do not remember the date of the newspapers in which the news about the arrest of Faisal and Muzzammil had come. However, I remember that it was in the month of August 2006 in the Times of India as well as the Indian Express. Apart from reading in these newspapers and from the news on the television, I had no knowledge about their arrest. I do not remember the first date on which the news appeared in the newspapers and in the television. I do not remember the exact date when my father was admitted in the J. J. hospital, but he was admitted in the first week of July 2006. He was discharged in the first week of August 2006, but I do not remember the exact date. The fact that he was admitted in the J. J. Hospital was known to me and almost all my family members. Before 06/07/06 Muzzammil did not contact me at any time. We were on cordial terms. We did the same course. We used to discuss about our course. Apart from our relation we were also good friends. I will prefer if you ask questions in

English or Hindi. I am not much conversant with Marathi. It did not happen I had started for going to Mumbai on 06/07/06 and I went to Bilal's house at 11.00 a.m. I do not remember whether I had stated so to the police. (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 did not inform Faisal about my father being admitted in a particular ward in the J. J. Hospital. I and Bilal came to Mumbai on 21/08/06 and went back to Pune on the same day.

8. I received the summons to attend court on 20/01/11. Officer Kshirsagar had come with the summons. I was directed to attend the court on 21/01/11. I did not come to court on that day, because I was told that there was some delay and the date was postponed. I was informed about it at about 9.00 a.m. I was asked to appear on the Monday of this month. However, I do not remember the date. I came to court on Monday. From Monday I am regularly present in this court. Bilal was also remaining present. From the last three days I am staying at my father's place in the J. J. Hospital. Bilal commutes from Pune. I am seeing him from Monday till yesterday in the court. I have

no knowledge whether the Saudi Riyals arrived in Pune legally or illegally. It is not true that when the police called me on 21/08/06 I did not know for what purpose they had called me. I was aware that they were going to question me regarding the Saudi Riyals, because one day back officer Kshirsagar had come with the summons and he explained to me whatever had happened. One more officer from Pune was with him and there was no one else. He served me a written summons. On the next day I and Bilal went to the ATS office together. Before 21/08/06 I had no occasion to tell about the Saudi Riyals to anyone or to any authority.

9. It is not true that I deposed falsely, that I never handed over any Saudi Riyals to Faisal, that I deposed falsely under the pressure of the ATS officers to help them. I had stated to the police that when Bilal called me at 4.00 p.m. on 06/07/06, he told me to take the money from our grandmother with whom he had kept it. I cannot assign any reason why it is not written in my statement.

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

10. I met the police officers for the first time at Pune at my house. They came to my house at about 11.00 a.m. on 20/08/06.

They had my name and address. Except the two police officers there was no one else. I do not remember the date and outward number of the summons, which officer had signed it and whether it had an official seal.

11. I had not noted the serial numbers of the Saudi Riyals.

The ATS officers did not show me any notes for the purpose of identification. I did not tell the denominations of the notes to the police. They also did not ask me. Even if they are shown to me today, I will not be able to identify whether they are the same notes. Directorate of Revenue Intelligence had not recorded my statement about this.

12. Muzzammil was using a mobile. He used to contact me from his mobile. The ATS officer did not show me printout of any mobile calls and asked me about the numbers. Muzzammil was staying in Pune from February to June 2006. He was working in a software company in Pune before he went to Bangalore. I did not observe any suspicious or doubtful behaviour on his part. It did not happen that he suddenly disappeared sometimes from the house or did not return from his work place. He used to leave house for his

work and return at the scheduled times. I did not feel that I had any important information with me when I first came to know about the news of the arrest of Muzzammil and Faisal. I and my family were shocked on knowing it. Me and my family members did not go and inquire with the ATS as to why they were arrested. The ATS police did not search the room where Muzzammil used to stay and sleep. I used to watch the news about the arrest carefully whenever they came on the TV or in the newspapers. I had seen that some accused were shown on the TV confessing to the crime. I do not remember that I had seen the then Jt. Commissioner, Rakesh Maria saying on the TV that the blasts were done by members of Indian Mujahideen.

13. I had told the ATS police about the reason why my father was admitted in the J. J. Hospital. They did not ask me for any medical papers about it. It is a common thing for donations to be sent by Muslims from Gulf and European countries for mosques, madarsas and charitable institutions. These donations include jakat, fitra and sadqua. Sometimes NRI muslims give the donations in person when they visit India and if they do not have occasion to travel, they send them with some friend or relative.

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

14. Declined.

No re-examination.

R.O.

Special Judge

Date:-03/02/2011

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