

which also police had prepared a memo. He also stated that this court has passed order making him an accomplice.

103... During cross examination by learned counsel for A1 and A4 PW1 revealed that he know to speak in English without difficulty and was also able to grasp English spoken to him. He admitted that during Ext.P1 confession he was in the custody of NIA. From the Airport he was directly taken to the Kozhikode Rest House. His younger brother Shafaz was also with him as per his own request. He disclosed that he had stated to the Magistrate everything in his knowledge in his Ext.P2 statement. He admitted that before the Magistrate he had not stated that while talking to Calicut Times he had revealed them regarding the Marad case. The reason for the omission is also disclosed by him. While swearing before the Magistrate he did not remember that.

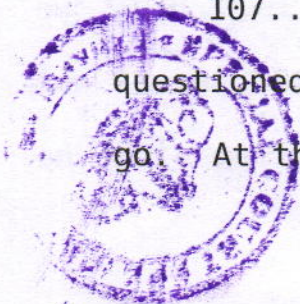
104.. When he was specifically asked as to why after filing Ext.P2 petition on 20.3 in court again filed Ext.P3 petition in court, he stated that he thought that he could thus be filed. At that time his younger brother had come to court. When the brother was consulted he advised him to file one more petition. Since his first petition was not considered by court he again filed the petition on the request of his younger brother. He was not aware of the order passed by the court on 20<sup>th</sup> itself in Ext.P1.

105... His arrest was recorded at 10 a.m. on 19.3.2010. He explained that his statement before the Magistrate that he was not in the custody of NIA before recording his arrest is true since he

thought that it was not custody. He further disclosed that when he was taken to the Magistrate for recording his statement he was not in the custody of NIA. He was taken to the Magistrate by escort policeman. He also disclosed that on producing him in this court, for two days he was in judicial remand and he was given to the custody of NIA for three or four days only thereafter. He had filed Ext.P1 in court by himself when the court wanted him to put in writing what he wanted to state and the petition was posted to another date for hearing him. He further disclosed that though in Ext.P1 he had written that he was revealing his role as well as the role of others who were along with him, he disclosed those details only before the Magistrate. He also stated that he did not tell to the Magistrate the telephone number of A1 and that A1 had called him from a telephone booth to his mobile phone.

106... He stated that for reaching Gulf Bazar from the Markas Masjid he took about 10 to 15 minutes. 3<sup>rd</sup> March 2006 was a Friday. It was time for the people to assemble for the Juma. People used to be present inside and outside the Mosque. Juma will be after Qutuba so that people who came for the Qutuba could also be available for the Juma. If there is much crowd, Juma was held even on tar roads. He stated that he had met A1 and team in the Mosque not during the Juma time but previous to that.

107.. Before he was arrested by NIA, Kerala Police had questioned him. On 19.3.2010 he was questioned and then let to go. At that time he did not disclose to the police about his role



in the offence. He also disclosed the reason; he was traced by the police to be questioned on the basis of some drawing/pictures prepared/issued during investigation. Subsequently he thought that he must tell in court the truth. That is why he filed Ext.P1. Previously he also did not choose to approach the Magistrate to disclose the truth for the reason that he was afraid of Al Naseer and allies. It is subsequently thereafter he went to Abudabi and then returned on leave. He also admitted that he made the confession on the strength of persuasion from his younger brother. Himself is a firm believer in Islam. Hiding the truth is unIslamic. Islam values truth the most.

108.. During further cross examination for A3 the witness clarified that after about two weeks of the occurrence in this case CW33 Xavier had summoned him and examined. During his investigation on the satisfaction that he had no role he was let to go. He also clarified that during the course of investigation on the understanding that some phone call had gone from some booths, the Investigating Officer had shown him to some attenders of booths and they stated that the witness was not the person who telephoned and he was hence let to go. He denied the defence suggestion that as on the date of occurrence and as on today there was no such a telephone booth in existence to which the witness had gone from Markas Mosque and telephoned. The Markas Masjid is at about 100 to 150 meters south of the Mofussil Bus Stand. On the date of occurrence the witness had participated in