

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE:- 18/12/2007****EXT.No.105****DEPOSITION OF WITNESS NO.1 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Nagesh Baburao Dhone
Age : 47 years
Occupation : PSI Borivali Railway Police Station
Res. Address : Building No.2, B wing, 1st floor, Room No.106, Queen's Parj, at Post & Taluka Vasai, District. Thane

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

1. I am working as PSI at Borivali Railway Police Station since 05/09/04. On 11/07/06 I attended my duty at 9.00 a.m. On that day my duty was from 9.00 a.m. till 9.00 p.m. I was given duty at Borivali Railway Station. I was given duty as beat officer and I was patrolling and assigned administrative work.

2. At around 18-28 hours on that day I was at Borivali railway police station. I heard loud explosion. At that time Sr. PI Ahir, second PI Gaikwad, SHO ASI Mr. Pandarkar and other police staff were present at the police station. I came out immediately and looked

towards the North side of the railway police station. (Accused nos. 2 & 4 object that Id sPP is leading the witness by mentioning the word North side. The witness himself has uttered word North. Objection overruled). Our railway police station is at platform no.1 of Borivali railway station. Churchgate railway station is at South and Virar is at the North. Platform nos. 2, 3, 4, 5, 6 are at the east side of the railway police station. On the West side of railway police station there are reservation counter and temple. Borivali Railway police station is at the South end of platform no.1.

3. I noticed smoke coming out of first class compartment of Churchgate-Virar local which was at platform no.4. The said first class compartment was to the North near bridge. I heard people screaming and people were running around. I alongwith other police officers and staff rushed to first class compartment at platform no.4. I noticed that the said compartment was totally destroyed due to explosion. I noticed injured people and I noticed heap of human organs were lying, some commuters were unconscious, some commuters were dead, and also pool of blood. We immediately sent injured to Bhagwati hospital for medical treatment. We used all

available transports either public or private to send injured to the hospital. Second PI Mr. Gaikwad and staff went to the hospital. I was controlling the situation. I was there nearly for 20 to 25 minutes.

4. I received call on my mobile from second PI Mr. Gaikwad. He informed me that whatever injured were examined or treated by the medical officers at Bhagwati hospital till then the doctors have announced 18 dead. I received this phone call at around 18-50 hours. He further informed me that 40 to 50 persons were injured and there was constant flow of injured attended by the doctors.

5. Thereafter, I entered first class compartment 935-A of that Virar train. I realized that the said explosion was due to some very powerful explosives and by unknown persons. Thereafter I went to the police station. I wanted to give the complaint. SHO Mr. Pandarkar directed his subordinate officer to take down my FIR. Being the beat officer I gave complaint. My complaint was reduced into writing. I have all the details about the events I have come across and I have seen and heard. After completion of my complaint it was given to me. I read the said complaint. I found the contents therein true and correct. I therefore signed below the complaint.

(Shown Complaint dated 11/07/06). This is the same complaint. I identify my signature. I also identify signature of SHO Mr. Pandarkar. (Complaint is read over to the witness). The contents in the complaint are true and correct. In the margin ASI Pandarkar has mentioned the sections of the offence and have also mentioned CR No. A156/06. (Complaint dated 11/07/06 is marked **Ex.106**).

6. In my presence SHO Mr. Pandarkar directed his assistant to reduce in to writing and fill up the proforma prescribed by the State Government u/s 154 of the Cr P. C. It was filled up accordingly. (Shown document). This is the same proforma. I have signed on the said proforma. I identify my signatures at two places. (Two signatures of the witness are marked **Ex. 106-A (colly)**). ASI Pandarkar when was registering the offence at 19-30 hours at CR No. A156/06 Sr. PI Mr. Ahir arrived at railway police station and he noted down FIR Number and the sections of the offences and he took over the investigation of the said offence. He took me and HC 1215 alongwith him to the spot of the offence. PI Ahir at that time called two persons from the crowd and asked their names. Mr. Ahir explained them that he wanted to draw spot panchanama and he

requested those two persons whether they were ready to act as panch or not. They gave consent. Mr. Ahir introduced me as complainant to those persons. I showed spot of the offence to the panchas. Mr. Ahir started drawing panchanama and I was busy in controlling the mob and also I was helping the relatives of the injured or the commuters.

Cross-examination by accused

Accused no. 1 to 13 are asked to cross-examine the witness if they want or they want time. All the accused show chits where they have written that they have no faith in this court.

Now. Mr. Merchant, who is appointed as amicus curiae, is asked to cross-examine the witness.

Cross-examination by Adv Merchant (Amicus Curiae)

7. Prior to 11/07/06 I and so far as my knowledge is concerned my office too have not received any intelligence about possibility of such incident. Either I or my office have not received any information that any particular group or organization in the country or outside was planning to have such blast. 20 to 25 minutes after the blast crowd was at the spot. When I saw first time towards

the spot of the offence or train I found train in stationary position. I did not verify at what time the said Virar local was scheduled to arrive and was scheduled to arrive and was scheduled to departure from the said platform. I did not ask anybody from the crowd whether the blast has taken place in running train or when the train was stationed. There were nearly 250 to 300 people had crowded near the spot. I didn't ask anybody from crowd whether they have seen anybody entering coach no. 935A and coming out.

8. When I left police station along with Sr. PI. Mr. Ahir I was aware that I was going with him for spot panchanama. It is true when we left our police station for drawing panchanama more than two persons were present on the said platform. We did not ask anybody to act as panch from the said portion of the platform near the railway police station. It is not correct to say that my evidence that Mr. Ahir requested to persons to act as panch from the mob is false.

9. I know that in the police department some police officers are specially trained to defuse bombs and explosives so also they are trained to handle and control the effect of the blast or any explosion. Such trained police officers or staff were in existence prior

to 11/07/06. I am not trained to handle blasts. When I entered the compartment I did not realize what material was used for the blast. I did not phone or send any wireless message to the further stations after Borivali or the stations which are between Borivali and Churchgate intimating about the blast and sending them a note of caution. I am not trained to handle post blast situations.

10.(Accused no. 2 and 13 inform court that they have not engaged any lawyer and as they are appearing in person they are not in a position to cross-examine the witness. It is explained to the accused that if still they want to cross-examine the witness, they can cross-examine on 20/12/2007. Adj'd. to 20/12/2007 for cross-examination).

18/12/2007

(M.R.Bhatkar)
Special Judge
Under MCOC Act.
Gr. Bombay.

Date : 20/12/2007

(Witness is present, however, all the accused expressed their inability to cross-examine this witness, because they need 10 to 12 weeks time. This court has passed separate order in the noting and has held that time of 10 to 12 weeks cannot be granted. Accused again don't come forward to cross-examine the witness. No cross. Witness is discharged).

No re-examination.

Read Over and Admitted to be Correct.

20/12/2007

(M.R.Bhatkar)
Special Judge
Under MCOC Act.
Gr. Bombay.