

M.C.O.C. SPECIAL CASE NO. OF 21/06

DATE:- 23rd June, 2010

EXT.No.407

DEPOSITION OF WITNESS NO.2 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Nizamuddin Shaikh

Age : 60 years

Occupation : Retd., Railway Station Manager

Res. Address : 303, Abba residency, Hanger Ground

Opp. Railway stn. Jogeshwari,

Jogeshwari(W), Mumbai – 400 102

EXAMINATION-IN-CHIEF BY SPP RAJA THAKARE FOR THE

STATE.

1. In 2006 I was working as station manager of railway station Santacruz. My duty hours were from 8.00 a.m. to 12.00 noon and from 4.00 p.m. to 8.00 p.m.

2. On 11.07.06 I was on duty from 4.00 p.m. to 8.00 p.m. My office was on the platform no.1 and 2 below the staircase of the middle bridge. The nature of my duty was as in charge of the station. A deputy station superintendent used to work under me and his duty was from 2.00 p.m. to 10.00 p.m. At about 6.25 p.m. When I was in my office, there was a loud explosion. Because of the explosion the station building shook. The sound of the explosion came from the direction of Khar. As I was about to go out of the office another Deputy Station Superintendent who was on the control tower informed me on phone that he had also heard the sound of explosion and 635 Down Borivali slow local train is standing on the platform and smoke is coming out from the coach where there was explosion. Thereafter, I instructed my deputy station superintendent to be in charge at the station and to control the situation. I took the two GRP police

constables who were on duty alongwith two hamals and two stretchers and rushed to the spot.

3. When I was going towards the spot I saw people in injured condition running from the spot and the situation was very bad. The local train was standing on track no.1 and it was about to come on platform no.2. I told the injured to go to the office where the deputy station superintendent would give them first aid. When I reached the spot I saw that the train was standing in between kilometer pole no. 17/2 and 17/6. The affected coach was bearing no. 849 A, half first class, half second class, fourth from the motorman coach. The blast had taken place in the first class compartment. When I reached the spot I saw smoke coming out from the compartment, injured people lying outside the coach. I gave instructions to the persons whom I had taken with me and and to other persons who had come there for help, to take the injured to the hospitals. When I climbed the coach I saw that the western roof portion was blown off. The east side portion was ripped. The west side

door was not in place and the east side door was ripped and it was protruding outside. There was a big hole in the roof. The middle carriage handles and pole was pushed in the other compartment. The luggage racks, fans and the seats were uprooted from their places. The passengers in that compartment were lying with their clothes torn completely. Most of them appeared to be dead and we took out the injured and sent them to the hospitals. The luggage of the passengers was damaged and scattered in the coach. We took the injured on the stretchers and also on the seats that were dislodged from their places. The injured were taken to Cooper, Nanavati, Asha Parikh hospitals on the west side and B. N. Desai and R. K. Nursing home hospitals on the east side.

4. On hearing the explosion and on seeing the damage that it had done I felt that it is a conspiratory act of some unknown terrorist organization. I thought that I should lodge an FIR. Therefore, I went to the Bandra railway police station and lodged complaint. It was written in Marathi. The complaint now

shown to me is the same, it bears my signature and its contents are correct. (It is marked as **Ext.408**). I reached the police station at about 10.00 p.m. and my FIR was taken at 10.30 p.m. Then I returned back to the station. A police officer and two persons were there. I showed them the spot. They prepared panchanama. I called my deputy superintendent Biju Vergese from his house and told him to collect the valuable items, documents, cash, briefcases, hand bags and suitcases lying in the coach and took them to my office. After I returned from the police station I prepared a list of all the articles in the docket book and on the next day handed over all the articles with the list to the police. The list is in my handwriting. The list now shown to me is the same, it is in my handwriting, it bears my initials and rubber stamps on every page and my full signature and name on the last page, it bears the signature of the two GRP police, deputy SS Biju and other persons and its contents are correct. (It is marked as **Ext.409**). Police recorded my further statement on the next day.

5. (Ld. SPP submits that some of the articles that were collected from the spot are before the court and he requests to open the carton, which has the labels of bandra railway police station CR No.86/06 and 87/06. On opening the carton it is found to contain sealed packets of CR No.86/06. Hence, they are not opened). (Witness is shown a sketch). The blue print of the sketch now shown to me is prepared by the draftsman of our engineering department. It shows the location of the train and the site of the blast. (It is marked as **Ext.410** as ld. advocates for the accused have no objection to receive it in evidence).

(Adjourned for recess)

DT: 23/06/10

SPL. JUDGE

RESUMEDON SA AFTER RECESS

6. (Ld. SPP requests for opening another carton. On opening it is found to contain one small carton bearing the number CR 87/06 which is tied by nylon string and taped close. The words articles 1 to 9 is written on it. It is opened and found to contain four brown sealed packets, two khaki sealed packets

bearing the name of FSL, State of Maharashtra Mumbai, CR No. 87-A/06 Bandra Railway and three small sealed packets in an open transparent plastic bag. All the envelopes bear labels containing signatures of police officers and two persons and the description of crime number, other details and property. Ld. SPP submits that at this stage he does not want to open the sealed packets and envelopes).

Cross-examination by Adv. Mokashi for A/1, 4, 5 and 6,

7. It will be correct to say that Railway Protection Force(RPF) personnel are deployed at every station of western railway. At the time of the incident they were not present. On that day they were not deployed from the time I went on duty at 4.00 p.m. I did not inform the RPF headquarters about it. It is true that whenever there is an incident concerning the loss of railway property, there is an inquiry by the RPF. Commissioner of Railway Safety (CRS) also conducts an inquiry about such an incident.

8. It is not true that the kilometers poles number 17/2 and

17/6 are at a considerable distance from the Santacruz railway station. They are at the distance of approximately 50 to 60 meters. It is true that from my office the outside scene is not visible. I did not give any intimation about the explosion to the RPF. I was not present when the sketch Ext.410 was prepared. It is true that I did not state before the police when I gave my complaint that I heard the sound of explosion from Khar side. It is true that I did not state from which side I heard the sound. It is not true that I did not inform the RPF after having visited the spot, because I had instructed my deputy station superintendent to do so. It is not true that I am stating this for the first time.

Cross-examination by Adv. Salunke h/f Wahab Khan for A/2, 7, 10 and 13

9. Declined.

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

10. Declined.

Cross-examination by A/8 in person

11. (Cross-examination by adv. Mokashi for A/1, 4, 5 and

PW2/9

MCOC 21/06

6. adopted).

No re-examination.

R.O.

Special Judge.

(Y.D. SHINDE)

SPECIAL JUDGE

UNDER MCOC ACT,99,

Date:- 23.06.10

Gr. MUMBAI.