

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 6TH JUNE, 2011****EXT. NO. 996****DEPOSITION OF WITNESS NO.101 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Shashikant Dattatrayay Dhasurkar
Age : 44 years
Occupation : Service (API, Traffic Vikroli Chowki)
Res. Address : Room No. 14, Bldg No.3, Jawahar Road, Police
quarters, Ghatkopar (E), Mumbai-77.

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

1. I was attached to Azad Maidan Police Station from February 2006 to November 2007 as PSI. I was on duty on 03/10/06. PI administration told me at about 5.30 p.m. to report to DCP Zone-I along with one head constable and three constables. Accordingly I went in a police van with the said staff to the office of the DCP Zone-I in front of GPO. I made an entry in the station diary about leaving the police station for that work. The entry at sr. no. 45 in the original station diary now shown to me is in my handwriting. Contents of its

certified true copy are as per the contents of the original. Brijesh Singh was the DCP Zone-I at that time. I reported to him. He showed me an accused at about 7.45 p.m. and told me that he is an accused in the railway bomb blasts case and was brought to him for recording confession. He told me his name as Mohd. Faisal Aatur Rehman Shaikh. He gave the accused in my custody and gave me a letter with the directions that I should take the accused in veil and under proper escort and keep him in a separate cell in the lockup and to take precautions that no police officer and no other person meets him. He directed me to produce the accused before him on 04/10/06 at 1900 hours. Copy of that letter now shown to me is the same. I have the original with me and I am producing it. It is addressed to me. (It is marked as **Ext.997** subject to objection by learned advocates for the accused). I took the accused in my custody and took him to GT Hospital. I got him examined there and took him to the police station and put him in a separate cell in the general lockup, which is on the ground floor of the same building in which our police station is. I directed the head constable on guard duty of the lockup not to allow anyone to meet the accused. A separate head constable was put on

guard outside the cell. I then gave report to the Sr. PI. and made station diary entry. The station diary entry no. 59 in the original station diary is in my handwriting. Contents of its certified true copy are as per the contents of the original. (Certified copy of entry no. 45 and 59 is marked as **Ext.998**).

2. I took out the accused from the lockup in veil on the next day, i.e., on 04/10/06 and took him to the DCP Zone-I under proper escort in a police van and produced him before the DCP at about 1900 hours. Station diary entry about taking out the accused from the lockup was made. The station diary entry no. 37 in the original station diary is the same. Contents of its certified true copy are as per the contents of the original. After I produced the accused before the DCP, he took the accused in his custody and asked me to wait outside. He called me inside at about 8.00 p.m. and told me to take back the accused and keep him as earlier in a separate cell and told me that he had given more time to the accused for thinking over about giving confession. He gave me a letter in my name. Its copy now shown to me is the same. I am producing its original. (It is marked as **Ext.999** subject to objection by learned advocates for the accused). He gave

me similar directions as before and directed me produce the accused before him at 10.00 a.m. on the next day. Thereafter I took the accused in veil and in proper custody in the police van to the police station and put him in a separate cell in the general lockup. I gave similar instructions to the guard head constable. Then I reported to the superiors and made station diary entry no. 40. The station diary entry no. 40 in the original station diary is in my handwriting. Contents of its certified true copy are as per the contents of the original. (Certified copy of entry no. 37 and 40 is marked as **Ext.1000**).

3. I took out the accused in veil on 05/10/06 at 9.40 a.m. from the lockup and in proper escort, took him to the office of DCP Zone-I and entry was accordingly made in the station diary by PSI Pangam at sr. no. 20. The station diary entry no. 20 in the original station diary is the same. Contents of its certified true copy are as per the contents of the original. I produced the accused before the DCP. He asked me to wait outside. He called me inside at about 5.30 p.m. and gave me a letter in my name stating that the confession was not completed as he was required to go for VVIP bandobast and directed me to take the accused in my custody and to keep him in the lockup as before and

to follow the instructions as given earlier. Copy of that letter now shown to me is the same. I have the original with me and I am producing it. It is addressed to me. (It is marked as **Ext.1001** subject to objection by learned advocates for the accused). Accordingly I took the accused in my custody in veil and took him to the police station general lockup, putting him in a separate cell and gave the directions as earlier to the guard head constable. Then I reported to the superiors and made station diary entry no. 28. The station diary entry no. 28 in the original station diary is in my handwriting. Contents of its certified true copy are as per the contents of the original. (Certified copy of entries no. 20 & 28 is marked as **Ext.1002**).

4. I took out the accused from the lockup in veil on the next day, i.e., on 06/10/06 at about 9.40 a.m. and under proper escort and took him in police van to the DCP Zone-I. Station diary entry about taking out the accused from the lockup was made by duty officer PSI Jadhav. The station diary entry no. 26 in the original station diary is the same. Contents of its certified true copy are as per the contents of the original. I produced him before the DCP Zone-I and gave the accused in his custody. He asked me to wait outside. Thereafter at

about 3.30 p.m. he called me inside and gave me the custody of the accused and told me to produce him before the CMM. He also gave me a forwarding letter and two sealed envelopes addressed to the CMM. Office copy of the forwarding letter now shown to me is the same. (It is marked as **Art-320**). (Witness submits that he forgot to tell something about taking the accused for medical examination on 05/10/06). After taking the custody of the accused from the DCP on 05/10/06, I had taken him to the GT Hospital and got him medically examined. On 06/10/06 after receiving the accused in my custody along with the forwarding letter and the two sealed envelopes, I took him in veil to the court of the CMM. I reached there at about 1600 hours and reported that I have brought the accused. I was told to wait for sometime. Thereafter at 5.30 p.m. I was told that the CMM was busy in the court work. I was directed to take back the accused and produce him on the next day at about 11.00 a.m. Accordingly I took back the accused and put him in a separate cell in the general lockup and gave the directions as before. Then I reported to the superiors and made station diary entry no. 46. The station diary entry no. 46 in the original station diary is in my handwriting. Contents of the certified

true copy of entries no. 26 and 46 are as per the contents of the original. (The certified copy of entries no.26 and 46 is marked as **Ext.1003**). I also informed the DCP Zone-I on phone about keeping the accused back in the lockup and as per his directions I kept the forwarding letter and two sealed envelopes in my possession.

5. I took out the accused at 10.15 a.m. from the lockup on 06/10/06 for taking him to the CMM court. Duty officer made station diary entry no. 32. Contents of its certified true copy is as per the original entry. I produced the accused before the CMM and handed over the forwarding letter and the two sealed envelopes to him. He asked me to wait outside keeping the accused in front of him. At about 1.00 p.m. he gave me the accused back in my custody and told me to take back the accused. As it was directed by the DCP Zone-I to handover the accused in the custody of the ATS after his production in the court, I took the accused to the office of the ATS at Bhoiwada and gave him in the custody of ACP Patil. I obtained an acknowledgment from ACP Patil about receiving the accused in his custody. Then I returned back to the police station, I reported to the superiors and made station diary entry no. 47. The station diary entry

no. 47 in the original station diary is in my handwriting. Contents of the certified true copy of entries no. 32 and 47 are as per the contents of the original. (The certified copy of entries no.32 and 47 is marked as **Ext.1004**). I had handed over the medical certificates of 03/10/06 and 05/10/06 to ACP Patil. The medical certificates are the same now shown to me. (They are marked as **Arts. 321 and 322**).

6. I will be able to identify the accused. (Witness looks around the court hall and points to the accused no.3, who is made to stand to stand up and tell his name, which he states as Faisal Ataur Rehman Shaikh). He was the same accused. ACP Patil recorded my statement on 19/10/06.

(Adjourned as court time is over).

Date 06/06/11

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

Date : 07/06/11
Resumed on SA

Cross-examination by adv P. L. Shetty for A3, 8, 9, 11 and 12

7. It is true that in the building that houses Azad Maidan Police Station, there is Esplanade court on the ground, first and second floor. In the half portion there is a third floor. In one portion of the ground floor there is police station and lockup. Adjacent to that building is the police club of Mumbai Police. There is a distance of about 20-25 feet between both buildings. I do not know whether almost all officers of Mumbai Police visit that club for recreation. Monthly meetings and conferences by superior officers are held there. There was a police canteen on the ground floor of the police club, but now it is not there. I do not know since when it is not there. I cannot say perfectly whether it was closed about one and half years before. The canteen was running when I was posted at Azad Maidan Police Station. The court of the CMM is on the 3rd floor. I have gone to that court 3-4 times in my career. I cannot tell exactly the number of courts on the 3rd floor. It is not true that the court is in the portion

exactly above the police station. There are two entries to the police station, one from the Mahapalika Road and one from the club side. It is not true that one can go to the police lockup if one enters from any entrance. It is not true that as it is closed and there are guards, one does not go to the police lockup directly. It is my say that the lockup is inside the building. It is true that after going through the entrance from Mahapalika Road, one door leads to the police station on the right side and there is staircase on the left side for going to the court above. After entering from the Mahapalika Road there is a big passage in front of the staircase. It is true that on the right side of the passage there is a cell of the staff of the lockup and on the other end there is lockup facing towards the main entry. Accused of nearby police stations that do not have lockups and the accused of other departments like ED, Custom Dept, DRI, CBI, Narcotics Dept. etc., are kept in that lockup. Accused of Marine Drive, Colaba, L. T. Marg, Dongri, MRA Marg, Cuffe Parade Police Stations are kept in that lockup. Lockup is only on the ground floor. It is true that under trial accused from other prisons brought to the Esplanade court are kept in that lockup during the day. I cannot tell the exact number of

magistrate courts in that building. I cannot tell whether there are seven or eight magistrate courts. I do not know to which court our police station was attached. There are six rooms in that lockup. I have entered the lockup many times for supervision and inspection. Every room is about 20x30 feet. There are walls dividing the rooms. I cannot tell the names of the guard hawaldars on duty at the lockup from 03/10/06 to 07/10/06. There are hawaldars on day and night duty, but I cannot tell how many they are and their names. I cannot tell the total numbers of accused in the lockup on all the above dates. One room is kept for women accused. All rooms have facility of toilet and bathroom. I cannot say how many accused are kept in one room. The rooms may be given numbers, but I cannot say exactly. It is true that by the side of the passage the on duty guard constables have their tables and by their side is a big grill door. After entering the grill door there is a passage and there are three rooms on each side. I cannot tell the total number of men and women accused kept in that lockup from 03/10/06 upto 07/06/06. There may be women accused during that period.

8. I cannot tell the exact room where the accused was kept from

03/10/06 upto 07/06/06. The room might have been changed during this period. The accused was kept in our lockup as the DCP was going to record his confessional statement. I was on day duty from 9.00 a.m. to 9.00 p.m. on 03/10/06 and on all days upto 07/10/06. I did not do station house duty during this period. Other accused of railway bomb blasts had been brought in the police lockup during this period. I do not remember the names of the officers who had brought them and on what date exactly they were brought and for how many days the accused were in the lockup and at the direction of which DCP the accused had been brought there and the number of the accused. I did not see the other accused. I cannot tell their names.

9. The station diary entry no. 37 of 04/10/06 may be in the handwriting of PSI Ugale. The accused was with the DCP in his cabin when I went to the DCP's office on 03/10/06. I do not know at what time he was brought there. I took the accused for medical examination on 03/10/06 as without it the accused are not accepted in the lockup. I handed over the medical reports to ACP Patil when I gave my statement on 19/10/06. I was not present near the doctor

when he examined the accused. I cannot tell the names of the doctors who examined the accused on 03/10/06 and 05/10/06. It is not true that the reports Arts. 321 and 322 are carbon copies.(Learned advocate for the accused is referring to the contents of the reports Arts. 321 and 322. Hence, they are received in evidence and marked as **Ext.1006 and 1007** respectively). It is true that the examination notes of the doctor are carbon copies. I collected both the certificates on the same dates. I cannot tell who wrote the handwritten portions in both the certificates. I cannot tell the name of the head constable who was with me on 03/10/06 and 05/10/06. I do not know who circled the thumb impressions. I cannot say whether the figures of the dates in both the certificates are overwritten and who has done it. It is not true that both the certificates are not of the accused Faisal Ataur Rehman Shaikh. I cannot tell the exact time when I got the accused medically examined on both dates.

10. I did not give any written report to the DCP about complying with his directions. I do not know whether the extracts of lockup register were given to the DCP. I cannot tell the period from

which the lockup register containing this period was maintained. I met the CMM at about 4.00 or 4.15 p.m. on 06/10/06. He was on the dais. Then he retired to his chamber, but I cannot tell the exact time. I met him at 5.30 p.m. again as I was called. I produced the accused before the CMM in his chamber on 06/10/06 after 11.00 a.m. when I reached there, but I cannot tell the exact time. I produced him after some time after I reached there. I cannot tell the exact time for which the accused was in the chamber of the CMM. I cannot tell whether he was in the chamber for fifteen minutes, thirty minutes, one hour or one and a half hours. The accused was given in my possession at 1.00 p.m. From there I took the accused directly to the ATS office. I handed over custody of the accused to the ATS at 1345 hours.

11. The DCP did not record the statement of the accused on 04/10/06, as per the letter that he gave me. The accused was in the cabin of the DCP for about one hour on that day, from 10.00 a.m. to 5.00 p.m. on 05/10/06 and from 10.00 a.m. to 3.30 p.m. on 06/10/06. I was sitting outside the chamber of the DCP on all three days. I do not remember whether no one entered and came outside from the cabin of the DCP during the above periods. It is true that on

all three days I went inside the cabin to take the custody of the accused only when the DCP called me. The DCP gave me instructions as per the instructions in the letter on all three days. The DCP told me on 04/10/06 that he has given fourteen hours time to the accused for thinking over about giving the confession and asked me to produce him after that period. The Prime Minister was visiting Mumbai on 05/10/06. I do not know when he came and when he went.

12. It is not true that I did not comply with any of the directions given by the DCP, that I did not get the accused medically examined, that I deposed falsely on the say of my superiors.

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

13. Declined.

Cross-examination by adv Wahab Khan for A2, 7, 10 & 13

14. (Deferred to 08/06/11 as per the request of Id adv as he is busy in the High Court in the afternoon session)

Date 06/06/11

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

Date : 08/06/11
Resumed on SA

15. Inward outward register of accused is maintained at the general lockup, i.e., lockup register. There is no lockup diary. Entries about the time and date of putting an accused in the lockup and taking him out are made in that register. The commander of the guards, who is a head constable, maintains the register. He is attached to Azad Maidan Police Station. I am not attached to Azad Maidan Police Station at present, therefore, I will not be able to produce the lockup register. I had instructed the commander of the guards to make the entries whenever I took out the accused and put him inside. As per my knowledge that is the only register that is maintained. It is true that particulars about a particular accused being kept in a particular room are not written in the register. There is one guard commander on duty along with hawaldars of the police stations of which the accused are lodged there. All the guards sit outside the

main grill door of the lockup. It is not true that if any accused is to be taken out, the guard commander opens the door and the hawaldar of the concerned police station goes inside, gives a call to the concerned accused and brings him out. I cannot tell the exact timings that were entered in the register of taking out the accused and putting him back. I did not feel it necessary to produce the extracts of the lockup register before the DCP as well as the IO. The accused are put in the lockup on the basis of production warrants issued by the courts or the memos of police stations. The guard commander maintains the record of the memos. I did not give written memos to the guard commander in the case of this accused. Accused was taken out in the mornings on 05/10/06 and 06/10/06. It is correct that he was put back in the lockup in the evening on 05/10/06. (Witness requests permission to refer to the station diary entries to answer the question as to for what time the accused was with him on 05/10/06. Permission granted). The accused was with me for about one hour or one hour and fifteen minutes on 05/10/06. He was with the DCP for about seven hours on that day from 10.00 a.m. to 5.00 p.m. (Witness requests permission to refer the station diary entries to answer the

question as to for what time the accused was with him on 06/10/06. Permission granted). The accused was with me for about two hours on 06/10/06. He was with the DCP for about five and a half hours on that day. It is not true that the accused was not kept in the general lockup on 06/10/06, but he was taken to the office of the ATS at Chandan chowki and was kept there for the entire night, that he was pressurized there and then produced on 07/10/06 before the court. It is not true that on 5th and 6/10/06 the ATS officers were in the passage on the backside of the cabin of the DCP and were pressurizing the accused to sign on the confession. I had not gone to the backside of the cabin of the DCP. I did not take the accused there on 03, 04 or 05/10/06. It is not true that I prepared false station diary entries as per the instructions of the DCP, that I deliberately did not collect the extracts of the lockup register.

16. I do not know whether miscellaneous application number was given to the forwarding letter of the DCP. I do not remember whether there was a big rally of the BJP on 04/10/06 at the Oval Maidan. I know that there was a VVIP bandobast on 05/10/06, because of visit of prime minister. It is not true that I deposed falsely.

No re-examination
R.O.
Special Judge

Date:-08/06/2011

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