

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE: 29TH JUNE, 2011****EXT. NO. 1107****DEPOSITION OF WITNESS NO.109 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Kirtiraj Sambhaji Dalvi
Age : 49 years
Occupation : Land Broker
Res. Address : 29/1167, D. M. Nagar, Andheri (W),
Mumbai 400 053

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

1. I was called by the ATS police on 8/10/06. I had gone to the Indian Medical Association building at Juhu for my work at 10.00 a.m. I started to go back home and at about 10.20 a.m. I was standing at the road for getting a rickshaw. A person was standing there. He stopped me there and told me that he works in the ATS office and his name is Patil. He told me that they had caught an accused in the railway bomb blast case and he wants to make a statement. He asked me whether I am ready to act as a panch witness. I said yes.

Then he took me to their office, which was just by the side of the road where I was standing, near the Indian Medical Association. When we went inside, the person Patil told me that his senior is sitting inside. Then we went inside where ACP Dhavale was present. Another officer probably by name Tonpe was with him and there was one more person present there. ACP Dhavale told me that they had caught an accused in the railway bomb blast case and he is going to make a statement and asked me to hear it and to sign on the statement after reading it. There was another person like me already sitting there. ACP Dhavale told me that he is the other panch. We were taken inside a cabin that was just behind the place where we were. There was another officer present there whose name was told as Deshmukh. There were 3-4 police constables present there. There was a person sitting on the floor. ACP Dhavale told me that he is the accused. ACP Dhavale asked him to tell his name. He stated it as Faisal Shaikh. ACP Dhavale told him to state whatever he wants to state before us. The accused then said that he is ready to show the place where he had thrown cooker ring, cooker whistles and circuit from the train while going to Mira Road in between Dahisar

and Mira Road. Officer Tonpe wrote the statement on a paper, gave it to Faisal for reading and after he read it, he gave it to us for reading. On reading it, we found that it was correctly written as stated by the accused. I signed on the statement first, then the other panch signed below and ACP Dhavale also signed it. I will be able to recognize the statement if it is shown to me. The statement now shown to me bears my signature at sr. no.1, signature of the other panch below my signature and signature of ACP Dhavale by the side. Its contents are correct. (It is marked as **Ext.1108**). The statement was over before 11.30 a.m.

2. ACP Dhavale then told me and the other panch, whom he had introduced to me, to check the vehicle in which we were to go and also to search all the officers who would be accompanying us in the vehicle. We came out with three constables and went to the vehicle. The driver was there and all others were standing outside near the vehicle. I and the other panch checked the vehicle. We found a tool box, jack and a register in the glove compartment of the dash board. I and the other panch stood separately at the two doors of the vehicle. The other panch searched the driver who then sat inside the

vehicle. I searched ACP Dhavale who then sat by the side of the driver. Then the other panch came to the left side where I was standing. Officers Deshmukh, Tonpe and the accused came there. The other panch searched officer Deshmukh. After he sat in the vehicle, the accused was made to sit inside. I searched officer Tonpe and then he sat by the side of the accused. We searched the two constables and then we both panchas and they sat in the back side. One constable had a plastic bag with him in which there were papers, scale, empty plastic bags, seal, lac and thread.

3. We then started from there. ACP Dhavale told the driver to take the vehicle as per the directions that the accused would give. We went to Dahisar bridge and as the vehicle could not be taken on the railway tracks, it was halted on the east side after we went below and crossed the railway bridge. We got down from the vehicle. There was a kachha road going towards Borivali direction and climbing upwards to a height of about 10-12 ft. The driver remained in the vehicle. We all went by that kachha road upwards to the railway tracks. ACP Dhavale asked the accused where to go. He pointed towards the right side direction, i.e., towards Mira Road. There were

four tracks there. We crossed the tracks and went to the West side. As per the directions of the accused we went ahead towards Mira Road by the side of the railway track. Grass had grown. Accused was searching for the place. He said that he had thrown the articles at a spot from where construction of a building that was going on was visible. The accused was pointing out places to the constables and they were searching. At one place near a railway pole the accused pointed towards a copper brown plastic bag that was lying there and said that it was the same bag that he had thrown. There was a meter box by the side of that pole. At the spot there was mud and grass. The constable picked up the bag from a small pit where it was. The bag was torn at 2-4 places. There was a white plastic bag inside it. The contents of the bag were taken out at a clearing near the meter box. The articles were slightly muddy. ACP Dhavale told us to see the articles. There were seven black rubber cooker rings. The mud was cleared and the name 'Kanchan' was seen. There were five stainless steel cooker whistles. The mud on them was cleared and the name 'Kanchan' was seen. There were five pieces of electric wire of different lengths and of red and white colour. The red and white

colour wires were tied separately. There was a transparent plastic box having two clips. It was opened and found to contain a circuit in yellow colour sponge. There were red, white and black wires attached to the circuit and red colour cap and clamps at one end of the black and red wires. There was a black wire like the wire of headphones of mobile attached to the circuit having a switch in between which had the name 'NOKIA'. All the articles were then packed in five separate plastic bags. The plastic bags were tied with thread, knotted at one place and lac seal was affixed on the knot. Paper slips containing our signatures were pasted on the back side of the plastic bags. The seizure of all the articles was reduced to writing and we were made to sign. It was read over. It was written by officer Tonpe. We then put our signatures. I will be able to recognize the said writing and my signatures. The writing now shown to me bears my signatures at sr. no.1, signatures of the other panch below my signatures and signatures of ACP Dhavale by the side at two places. Its contents are correct. (It is marked as **Ext.1109**). After we returned back to the office, a photo copy of the panchanama was taken out and was given to the accused. He signed below our signatures in receipt of having

received a copy of the panchanama. The signature below our signature is of the accused. 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 up and tell his name, which he states as Faisal Ataur Rehman Shaikh). He was the same accused.

(Adjd. for recess)

Date:-29/06/2011

Special Judge

Resumed on SA after recess

4. I will be able to identify the articles that were seized from the spot. (Ld. SPP makes a request to show the articles that are in the packet at sr. no.4 of list Ext. 16F, which was opened at the time of the deposition of PW 97). The five plastic packets now shown to me are the same. The seven cooker rings having the name 'Kanchan', the five cooker whistles having the name 'Kanchan', the five pairs of red and white wires, the plastic box and the circuit and yellow sponge therein and the copper brown plastic bag and the white plastic bag in the separate plastic bags are the same. The white paper label in each plastic bag bears my signature at sr. no.1, the signature of the other panch at sr. no.2 and signature of ACP Dhavale by the side.

(The seven rubber rings are marked as **Art.331 (1 to 7)**, the label in that bag is marked as **Art. 331A** and the plastic bag containing these articles is marked as **Art.331B**. The five whistles are marked as **Art.332 (1 to 5)**, the label in that bag is marked as **Art. 332A** and the plastic bag containing these articles is marked as **Art.332B**. The five pairs of red and white electric wires are marked as **Art.333 (1 to 5)**, the label in that bag is marked as **Art. 333A** and the plastic bag containing these articles is marked as **Art.333B**. The circuit inside the plastic box is marked as **Art.334**, the plastic box is marked as **Art. 334A** and the label is marked as **Art.334B** and the plastic bag containing these articles is marked as **Art.334C**. The copper brown plastic bag is marked as **Art.335**, the white plastic bag is marked as **Art.336**, the label in that bag is marked as **Art. 336A** and the plastic bag containing these articles is marked as **Art.336B**.) The panchanama was over at about 5.15 – 5.30 p.m.

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

5. I am staying at D. N. Nagar since last 25 years. I am working as a land broker/estate agent since 2007. I used to work as a civil labour contractor before that. I do not have an office. I work alone.

People contact me on my mobile phone. I do not have visiting card. I have not given visiting card to any party till today. I have not advertised my occupation. I worked as civil labour contractor for about three years. I had provided labourers at Parle, Kalyan. I had provided the labourers to the contractor Ajit Chavan at both places. I did not do the work for any other person other than him. I left that work after that as I could not manage it. Before that I used to do the business of cloth. I used to purchase cloth from Surat and used to sell it in retail. I did this work for 4-5 years. I did not do any other work before this. I did not have any particular place or office while I was doing all these businesses. I used to do the work of selling cloth from my house. I stopped doing this business as there was chance of earning more money in the labour contract. I stopped doing this work as I did not get payments from Ajit Chavan on time. I do not pay income tax now. I was doing the work of labour contract in October 2006. I did only one dealing in 2010, 2009. There was no dealing in 2008. In 2009 I did the deal of a landed property in Virar under broker Ravi Darekar. I do not remember the details of the property and the names of the parties. The FSI was 25000. The transaction

in 2010 was in respect of landed property in Santacruz through broker Gavhane. I do not remember the details of the property and the names of the parties because I was sub-broker.

(Ld. Adv. requests for time to cross-examine the witness as he wants to go for doctor's appointment. Hence at 3.45 p.m. adjd. to 30/6/11).

Date:-29/06/2011

Special Judge

Date : 30/06/11

Resumed on SA

6. I do not remember for how many times I provided labourers to Ajit Chavan at the two places. I used to provide 4, 5 or 8 labourers as per the requirement. I used to pay the wages to the labourers. Ajit Chavan used to give the money to me in cash. He used to give Rs.2,000/-, Rs.3,200/- and as per the calculations. I cannot tell for how many times I had transactions with him. I do not have any documentary proof to show that I was providing labourers to him and he was giving me money for making the payments of the labourers. I used to supply civil labourers to the contractor, but I did not have any registration as a labour contractor. I have never done the work of civil labour contractor. I have no documentary proof to show that I am working as an estate agent/land broker since last four years. I did not get the commission from my work as a land broker by cheque. I have a savings account of Bank of Maharashtra, Ghatkopar branch since 30 years. I do not have any other account in any other bank. I had a joint bank account with my father. I did not open any account personally. My father is aged 88 years and lives at Andheri with my

elder brother and some times at our native place. The account was operated by the money of my father till the time he was working. It is operated by my money also now. I may have deposited money in this account four or five times during the last 3-4 years. I may have withdrawn money from it many times, 10-20 times during this period. I am not ready to tell how many persons reside in my house. I am married but I do not have issues.

7. I started from my house at about 9.30 or 9.45 a.m. on 8/10/06. The building of Indian Medical Association is at a walking distance of 10-15 minutes from my house and by auto rickshaw it is 5 minutes. I went walking on that day. I do not know the name of the person whom I had gone to meet. That building is a commercial building. I did not meet the person whom I had gone to meet. I did not meet him thereafter also. He was a contractor and I had come to know that he was in need of labourers. But when I went there he told me that he wanted a labour contractor with materials and he had already engaged someone and he did not want only labour contractor. Therefore, I did not go to meet him again. I met him for 15-20 minutes. I again say that I did not meet the person whom I had gone

to meet, but I got the above information from a person who was there. I cannot tell the name of that person. He was a labourer and he told me that his employer has gone out and the work is already given to some other person.

8. I do not know the name of the building in which the ATS office is situated at Juhu. That area is known as Chandan Juhu as Chandan talkies is situated in that area about five minutes distance from that spot. The ATS office is opposite the building of the IMA across the road. I was standing on the footpath near the ATS office for catching an auto rickshaw. When I reached there, a person was there and he stopped me. That man was a policeman. I was not required to wait at the spot because I went with him immediately. I did not know the person who was present in the office of ACP Dhavale when I went there. I did not see him after that day. I do not know how long he was there before I went there. I did not have any talk with him till the time I was in the ATS office.

9. The policeman who met me outside told me that he works in the ATS office and his name is Patil. He told me that they had caught an accused in the 11th July railway bomb blast case and that the

accused wants to make a statement. He asked me whether I would act as a panch witness. I said yes. He told me that his superior is in the office and he will give the further instructions. I did not ask any questions to him. There were two officers in the first room and a person was sitting in front of them. There was no other person other than these persons in that room. The officers were ACP Dhavale and officer Tonpe. I cannot say for how much time I was in that room. ACP Dhavale gave the instructions. Officer Tonpe did not give any instructions. ACP Dhavale told me that they had caught an accused in the railway bomb blast case, that the said accused wants to state something and for that purpose they require panchas, that we should hear what he states and asked me whether I am ready to sign on the statement after reading it. I was in the ATS office for about one hour from the time I went inside and till the time we came outside. I did not ask any question to the officers and constables who were present during that period. ACP Dhavale did not tell me any other thing other than what I told above.

10. ACP Dhavale dictated the contents of both the parts of the panchanama to officer Tonpe. ACP Dhavale was dictating as per

the events that were taking place after I went to that office. I and the other panch were given the parts of the panchanama to read after writing them. As the parts of the panchanama were correctly written, we signed on them after reading them. I have passed the F.Y.J.C. in English medium. I do not know whether the other panch knew English. I signed after realizing that nothing remained to be written or something that had not taken place was written. The English word 'discovery' can be translated in Marathi as 'sanshodhan'. I do not remember whether the officer had told me in the first room that after the accused makes a statement we would have to go for discovery and I would have to act as a panch witness for the discovery, if any. I do not remember whether it is written in the panchanama. (Witness is shown Ext.1108). It is true that it is so written.

11. When we entered the room behind the first room, I saw an officer sitting there whose name was Deshmukh, four-five constables standing there and the accused sitting. My signature was taken on the first part in that room. I cannot tell for how long I was in that room. I and the other panch did not talk with the accused in that room. ACP Dhavale asked questions to the accused and officer

Tonpe wrote the answers. Other than officer Tonpe no one wrote anything there. Officer Tonpe correctly wrote the statement made by the accused. I came to know that we were to go to Dahisar after the accused made the statement. I realized that we would require a considerable time to go to Dahisar and come back. One would require about one or one and a half hour by jeep to go to Mira Road from Juhu. We went to Dahisar in one jeep. The intention behind going to Dahisar was to see what can be found and to prepare a panchanama about it. It is not true that therefore we took the searches of vehicle and police personnel. It is true that while starting from Juhu we knew that the search was to be taken in between Dahisar and Mira Road by the side of the track. I do not remember whether it is written in the first part of the panchanama that the statement was given to Faisal for reading and after he read it, it was given to us for reading and on reading it, we found that it was correctly written as stated by the accused. I cannot say why it is not written in the panchanama.

12. I do not remember whether it is written in the panchanama that ACP Dhavale then told me and the other panch,

whom he had introduced to me, to check the vehicle in which we were to go and also to search all the officers who would be accompanying us in the vehicle, that we came out with three constables and went to the vehicle, that the driver was there and all others were standing outside near the vehicle, that I and the other panch checked the vehicle, that we found a tool box, jack and a register in the glove compartment of the dash board, that I and the other panch stood separately at the two doors of the vehicle, that the other panch searched the driver who then sat inside the vehicle, that I searched ACP Dhavale who then sat by the side of the driver, that then the other panch came to the left side where I was standing, that officers Deshmukh, Tonpe and the accused came there, that the other panch searched officer Deshmukh, that after he sat in the vehicle, the accused was made to sit inside, that I searched officer Tonpe and then he sat by the side of the accused, that we searched the two constables and then we both panchas and they sat in the back side, that one constable had a plastic bag with him in which there were papers, scale, empty plastic bags, seal, lac and thread. I cannot assign any reason why all these things are not written in the

panchanama.

13. We went to the West side of the railway tracks. The entire area is marshy land. There were no bushes but there was only grass. I do not exactly remember whether there were bushes. There was no water above the mud. The mud was sticky. I and the other panch did not enter in the mud portion. Two constables searched the place. One was Patil but I do not remember the name of the other. The search was going on for about two and a half to two hours and forty five minutes. We were at the spot where the plastic bag was found. We were at a distance of 2-3 ft. from the spot where the plastic bag was found. I cannot say who out of the two constables first took out the plastic bag. It will not be correct to say that the plastic bag was fully submerged in mud and water. There was water and mud there. We accompanied the two constables at all the spots where they went for the search. The officers were also accompanying or following the two constables. There were four tracks there. The spot where the bag was found was 2-3 ft. from the tracks. The spot was at a distance of about 1 km. from where we climbed the track. There were grass bushes around the spot. We walked by the side of the

tracks for reaching the spot. Mud and water was 2-3 ft. from the track after a slope. There was a slight pit from which the bag was removed. I cannot tell its dimensions. The white plastic bag Art.336 was inside the copper brown plastic bag Art.335. All the articles were in the white plastic bag. It is not true that both bags were smeared with thick mud. They were not covered with mud. I do not remember whether both the bags were cleaned. It is true that there is still some mud on the white plastic bag. It is true that there is some mud on the copper brown plastic bag also. It is true that police did not paste separate labels containing our signatures on both bags. It is not true that the bag Art.335 is not damaged. It is not true that it is not torn. It is true that the white bag Art. 336 is torn at three places. It is true that there are two big holes and one small hole to the copper brown bag Art.335. It is not true that the bag is not torn at some places.

(Adjd. for recess)

Date:-30/06/2011

Special Judge

Resumed on SA after recess

14. It is true that the inner diameter of the cooker rings Art. 331 (1 to 7) are same. It is true that the word 'Kanchan' in white

colour is seen on all seven rings. The diameter of these rings is smaller than the diameter of the ring in the lid of the pressure cooker Art.303. It is true that the word 'Kanchan' in white colour is not found on this ring. There are engraved words 'ISI CM/N-7461980' on the inner surface of this ring. (It is marked as **Art.337** at the request of Id. Adv.) No one observed whether there was any other mark on the seven rings except the word 'Kanchan'. I did not inspect the seven rings by taking them in my hands. I cannot tell the diameter of the rings. I do not remember whether the whistles were measured. I had taken the whistles in my hands and inspected them. The five whistles were also slightly muddy.

15. It is not true that my three signatures on Exts. 1108 and 1109 are different from one another. It is not true that there is a difference in my first and second signature. I cannot say whether the signatures on the labels Arts. 331A, 333A and 336A are different because the lac seals are affixed on the part of signatures on the last two labels. I do not have knowledge about electrics. I use mobile. Headphones having 'NOKIA' marking are generally available in the market. I had taken the transparent plastic box in my hands and had

inspected it. Except the Nokia headphone wires I cannot describe any other item in the plastic box. The red piece attached to the red and black wires can be described as cap. I cannot tell for what it can be used. No one told me about its use. The distinctive number 'P0052AD' on the IC on the circuit board was not noted by anyone. I do not know whether the number 50V on the blue item and the number EA3562 3579 545 9824C on the steel item was noted by anyone. The said numbers are easily visible. The five pairs of wires were measured. There is a difference in length of about 1 cm between the wires Art.333(1) and 333(2). They may be about 15-16 cm long. There is a difference in length of about $\frac{1}{2}$ cm between the wires Art.333(3) and 333(4). They are double in length than Art.333(1) and 333(2). Art. 333(5) may be about 12-13 cm. All these pieces of wire appear to be cut from the same wire. Such type of wires may be available in any electrical shop. I had purchased a pressure cooker. Rings like Art.331 and whistles like Art.332 are available in shops.

16. It was written in the panchanama that there was a kachha road going towards Borivali direction and climbing upwards to

a height of about 10-12 ft. It is not true that it is not mentioned in the panchanama. I do not know whether it was written in the panchanama that ACP Dhavale told the driver to take the vehicle as per the directions that the accused would give, whether ACP Dhavale asked the accused where to go, that he pointed towards the right side direction, i.e., towards Mira Road, that there were four tracks there. I cannot assign any reason why these things are not written in the panchanama. I do not remember whether it is written in the panchanama that we went to the West side, that as per the directions of the accused we went towards Mira Road by the side of the railway track. I cannot assign any reason why it is not written in the panchanama. It was written in the panchanama that he said that he had thrown the articles at a spot from where construction of a building that was going on was visible, that the accused was pointing out places to the constables and they were searching, that the accused said that it was the same bag that he had thrown. I cannot assign any reason why these things are not written in the panchanama. I do not remember whether it is written in the panchanama that the constable picked up the bag from a small pit where it was. I cannot

assign any reason why it is not written in the panchanama.

17. It did not happen that police with the help of accused got down from the tracks and searched for the plastic bag. It is true that the area was marshy, lined by grass, however, it was not covered by black mud and there were no bushes. I do not remember whether there was black mud and bushes in that area. Therefore, I cannot say whether it is rightly or wrongly mentioned in the panchanama. The panchanama was not read over to us but we read it. My statement yesterday that it was read over is also correct because it was read over and then given to us for reading. However, it was not explained to us in Marathi. We returned back to the ATS office in between 6.30 to 7.00 p.m. The photocopy of the panchanama was obtained *en route* at Dahisar.

18. It is not true that nothing happened in my presence on that day, that nothing was seized in my presence, that we had not gone to Mira Road, that the accused did not make any statement before me and nothing was discovered at his instance, that I signed on the panchanama in the ATS office, that I work as a regular panch for the police and therefore to oblige them I deposed falsely.

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

19. I have seen Mira Road, Bhayander and Dahisar area by train many times. After leaving Mira Road upto Dahisar there are buildings on the eastern side adjacent to the railway tracks. I do not know whether there is any railway crossing between Mira Road to Dahisar. There are residential buildings on the western side in the area near Dahisar railway station. I cannot tell the distance from the spot where we got down upto Dahisar or Mira Road railway station. The building under construction that was visible from the spot was about 100-150 mtrs. from the spot. I have traveled by this route since 2002. I do not know whether people residing nearby the tracks cross the tracks for reaching their homes early. I do not know whether there are small factories in Mira Road and Dahisar, whether waste of the factories is thrown by the side of the tracks. I do not know whether there is a traffic of persons near the tracks in the mornings and whether there is a traffic of women who come there to pick up the waste. There was no waste material lying around the place where we got down from the vehicle upto the spot where the plastic bag was found. I did not pay attention whether any salt pans were visible from

the spot. I did not see sea water nearby. I cannot say upto what distance the marshy land was from the tracks. I did not pay any attention to what was on the eastern side of the track. We were at the area of the spot for about half an hour. Thereafter, we did not directly go to the vehicle. The articles were taken out from the bag in the clearing. After the bag was found, we went to the vehicle after about one hour or one hour and fifteen minutes. We were eight people at the spot. No railway police or officer came to the spot during this period.

(Adjd. to 1/7/11 as court time is over. Witness submits that he has doctor's appointment in between 1.00 and 1.30 p.m. at Chembur and he will come thereafter.)

Date:-30/06/2011

Special Judge

Date : 01/07/11

Resumed on SA

20. It will not be correct to say that construction of a building complex was going on and it was visible from the spot. There was only one building there. There was no one there, therefore, the officers did not inquire with any person. I did not see the officers making any note anywhere before we started from the Chandan chowki. We returned back to the Chandan chowki. I did not see the officers making any note anywhere after we reached it. It is not true that I did not go anywhere and nothing happened in my presence.

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

21. It did not happen that we noticed two tracks, one on the western side going towards Virar and one on the eastern side going towards Churchgate. I do not remember whether it was so written in the panchanama. (Witness is shown Ext.1109). I cannot say whether it is so incorrectly written in the panchanama.

22. I was supplying labourers in October 2006. I do not remember when I filed the income tax return last. I do not know at

what centre I filed it as I had given it to CA Omprakash Sharma of Dahisar. He has an office, but I do not know whether he is a chartered accountant. I do not remember when I first submitted income-tax return. I had submitted the return for 2007-08 and before that I had submitted it but I do not remember when. There was a gap in between. I have an Alto car. I purchased it new without loan by giving down payment by cheque. Its registration number is MH-02-BG 1377. I had given the same address as given by me above when I applied for registration. I purchased it in 2008 and it is still with me. Before that there was no vehicle in my name. I do not remember my PAN card number. I have a PAN card. (Witness states that he will not answer any personal questions). I will produce a copy of my PAN card. I had given the same address as given by me above when I applied for PAN card. It is not true that it was in the firm's name. It was in my personal name. I do not remember when I had obtained it. It was obtained prior to 2006. I do not remember what business I stated in the application form for PAN card. I do not remember whether I submitted NIL return or showed some income. I do not want to state about the business that I mentioned in the return. I do

not remember whether I did not show in the income-tax return the business that I was doing in 2006, about which I stated in court. I had mentioned my bank and the bank account number in the return. I do not remember whether I used to deposit money received by cheque in the bank account in 2006 and whether I paid money by cheque. It is not true that I deposed falsely that I was doing labour supply work in 2006. (Ld. Adv. calls upon the witness to produce copy of PAN card).

23. My mobile number in October 2006 was 9324973062. I used to procure the labourers, but I did not have any labourers with me. I used to work as agent. I used to pay Rs.300/- to a mason per day. Accused did not sign before me in the ATS office. He signed when he received the copy of the panchanama. Accused did not sign at the spot where the recovery was made. I do not remember whether any officer told him to sign. As the accused was not asked to sign before me, there was no question of he refusing to sign. I used to bring the cloth from Surat by train. I did not pay octroi as the cloth was in small quantity. The houses on the east side of the tracks were at a distance of 100-150 mtrs. It is true that the west side of the track

was the area of creek. I cannot say whether the dampness at the spot was because of rain water or sea water. I cannot say upto what distance the land was damp. The land by the side of the track was at a level of 2-3 ft. below the track. It is not true that I am deliberately not telling my personal details as I was not doing that business at that time. I did not give any application to the SPP or any ATS officer before I came to court. I did not make any request from 8/10/06 till I came for giving evidence. I had given my name and address but the police did not ask me about my occupation. I did not make a request at that time that they should hide these details. I did not make a request to the ATS officers to do so before I came to court. It is not true that I am the informer of the ATS and I signed on readymade panchanama to help them and I deposed falsely as I am tutored.

No re-examination

R.O.

Special Judge

Date:- 01/07/2011

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