

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

**DATE:- 1<sup>st</sup> July, 2010**

**EXT.No.442**

**DEPOSITION OF WITNESS NO.12 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Prithvirajsingh Ekelal Chauhan  
Age : 27 years  
Occupation : Service  
Res. Address : Ward no. A, 96/A, Azad Nagar, Matunga,  
Mumbai.

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

1. I work on the cash counter of the canteen on the Matunga railway station. At 9.30 pm I was called at the spot of the explosion and the panchnama Ext. 441 was prepared, which continued upto 12.30 in the night.
2. At about 2.00 am the station master again called me saying that the bomb experts have come from Kalina. He took me to the coach where the explosion had taken place. I was taken inside the coach. There were burnt articles. The bomb experts picked up burnt cloth, plastic bag, burned flesh pieces, iron piece and scrapings from the floor. These articles were put in four plastic bags, they were packed and sealed and my signature was taken. At the same time another panch was also there who also signed. My signature was taken on a

paper. The panchnama now shown to me is the same, it bears my signatures at serial no.2 on the second and third page, the signatures of the other panch at serial no.1 and its contents now read over to me are correct. (It is marked as **Ext.443**).

3. (Ld SPP requests for opening four sealed packets that are in a box. On opening the box at **sr no.9 of list Ext.16A**, four sealed packets bearing serial no. 1 to 4 and bearing the name of the FSL, State of Maharashtra, Mumbai, case no. M-305/06 and referring to CR No. 77/06, sent by Asst. C.A.) (On opening the packet bearing serial no.1, it is found to contain a transparent polythene bag bearing no. M-305/06 and containing pieces of cloth, pieces of wood, pieces of iron and aluminum. On opening the packet bearing serial no.2, it is found to contain a transparent polythene bag bearing no. M-305/06 and containing a packet wrapped in news paper and tied by white string, having a label having a sealed in middle containing the description of CR No. 77/06 and other details. On opening the newspaper packet, it is found to contain pieces of plastic carry bag, pieces of cloth and 6 pieces of currency notes. On opening the packet bearing serial no.3, it is found to contain a transparent polythene bag bearing no. M-305/06 and containing a packet wrapped in a label news having a sealed in the middle containing a transparent polythene bag containing one cotton swab and it also found to contain a round piece of white paper, having blackish stains on one side. On opening the packet bearing serial no.4, it is found to contain a transparent polythene bag bearing no. M-305/06

and containing a packet wrapped in a label news having a sealed in the middle containing a transparent polythene bag containing two cotton swabs). All the articles in the packet at Sr. No.1 are the same that were taken from the spot. The label in the packet at Sr. No.2 bears my signature at Sr. No.2. The articles in that packet are the same. The label in the packet at Sr. No.3 bears my signature at sr. no.2. The articles in that packet are the same. The label in the packet at sr. no.4 bears my signature at Sr. No.2. The articles in that packet are the same. (The articles in the packet at sr.no.1 are marked as **Arts.16 to 19**, the polythene bag is marked as **Art-20**, the outer khaki packet is marked as **Art-20A** . The articles in the packet at sr. no.2 are marked as **Arts.21 to 23** and the label is marked at **Art.24**, the outer khaki packet is marked as **Art-24A** . The articles in the packets at sr. no.3 are marked as **Art-25 to 26**, label is marked as **Art-27** and polythene bag is marked as **Art-28**, the outer khaki packet is marked as **Art-28A** . The articles in the packets at sr. no.4 are marked as **Art-29 & 30**, label is marked as **Art-31** and polythene bag is marked as **Art-32**, the outer khaki packet is marked as **Art-32A** .

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

4. It is not true that immediately after the blast the stalls on the Matunga railway station were shut down. My stall was closed at about 2.00 am. It will be correct to say that I was on duty on my stall upto 2.00 am. It is true that after the blast there were rains. It was going

on for some time. The power of the railway tracks was closed after the blast but the power of the station was not closed. It is true that there was a commotion on the station after the blast. It is true that there was darkness at the coach where the blast took place. It is true that without torch it was not possible to see the articles that were on the spot. It is true that I had gone to the station master's office in that night. Including me five persons work in my stall. I am the cashier. It will not be correct to say that other than me no other person handles the cash.

5. I was called by the station master. I had no talk with the other panch. I was not told his name and address.

(Adjourned for recess)

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

**Date:- 01/07/10**

Resumed on SA.

6. It is true that the station master had called me to act as panch witness. It will not be correct to say that I have acted as a panch witness on more than one occasion. It is true that I have no knowledge of Marathi. I do not remember whether it is not written in the panchnama that pieces of flesh were picked up from the spot. It is not true that the panchanama was not prepared in the light of torch. It will not be correct to say that the panchanama was written in the police station. It is true that it was raining when the panchanama was being prepared. It is true that the roof of the coach was open. It is true that rain water was falling inside the coach. It is not true that the contents of the panchanama were separately written and I signed later on. It is not true that I had not gone to the spot as panch witness and nothing happened in my presence. It is not true that I deposed to please some police officers.

**Cross examination by Adv Wahab Khan for A/2, 7, 10 and 13**

7. It is not true that I do not have any proof to show that I was

working in the canteen on the Matunga railway station. Railway authority has given licence in the name of my employer. It is not in my name. Police did not ask me for my identity card. The coach where the panchanama was prepared was away from the platform. It is not true that I do not know since when it was standing there. One policeman come to call me from my canteen. I do not know how many policemen were at the spot. It is true that policemen had entered the coach several times. It is true that they had carried the dead bodies and injured from the coach. It is not true that gas cutters were used for removing the injured who were in the coach. I do not remember whether the police had taken photographs of the spots from where they picked up the articles. The media persons were taking photographs and video. I do not remember whether police had done video shooting of the spots. No policeman stopped me when I was entering the coach. The spot was cordoned by rope. I do not know who had tied the rope. Policemen had not given me hand gloves and shoe gloves. However, they had worn it. It is true that no plastic sheet or tarpaulin was tied on the roof. It is true that all the articles in the compartment were soaked. I did not take any article in my hand. Police had taken swabs of blood from the coach. I do not remember whether it was written in the panchanama.

8. I have studied upto 10<sup>th</sup> standard. Many persons had gathered on the platform when police came to call me. There may be about 100-200 persons. I do not remember whether police did not ask anyone out of them whether they are ready to act as a panch witness.

I do not remember whether piece of wood was not taken from the spot and therefore, it is not mentioned in the panchanama. It is true that there is no iron rod in the articles in the packet at sr. no.1. It is not true that piece of iron was not seized from the spot. Water was flowing out of the coach. It is not true that there was nothing like dust like particles in the coach. Police did not take sample of mud from the coach. It is not true that I did not go in the coach, no articles were taken from there and no panchanama was prepared in my presence. It is not true that the panchanama was read over to me. It is not true that I identified the articles today at the instance of the police.

**P. L. Shetty for A/3, 9, 11 and 12 and A/8 in person**

9. declined

**No re-examination.**

R.O.

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

Date:- 01/07/10