

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE: 10TH AUGUST, 2011****EXT. NO.1478****DEPOSITION OF WITNESS NO.129 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Raju Mani Tapi

Age : 28 years

Occupation : Electrician

Res. Address : R.No. 200, Shivaji Nagar Hutment, Varsova Link
Road, Four Bungalows, Andheri, Mumbai-58.

Examination-in-chief by SPP Raja Thakare for the State.

1. The ATS police had called me on 23/10/06 at 9.00 a.m. when I was standing near a pan shop near a petrol pump on Varsova Link Road. A constable from the nearby chowki came near me and told me that his superior officer had asked me to come and whether I am ready to go with him. I said yes. I then went with him to the ATS chowki. The constable introduced me to his superior officer Sunil Deshmukh. There were three officers and two-three havildars there. There was a person sitting in the back side room where I was taken. The officer told me and one more panch who was there to listen to

what that person says about the blasts on 11/07/06. When we went in that room the person told his name as Sajid Ansari. He stated that he is ready to show the place where the remaining material of timers that were used in the bombs are kept. The officer was writing down as the person was narrating. He then took the signature of the other panch, then my signature and then he himself signed. The memorandum of the statement now shown to me bears my signature at sr. no.2, signature of the other panch at sr. no.1 and signature of the officer by the side. Its contents now explained to me are correct. (It is marked as **Ext.1479**).

2. The officers then called us outside the chowki and asked me and the other panch to take their searches. We searched them. I searched officer Sunil Deshmukh and the other panch searched two constables. Officer Deshmukh had his identify card, handkerchief, purse and weapon. The officers also searched us both panchas. We only had handkerchiefs and money. We went to a white vehicle that was on the road. Officer Deshmukh sat on the front side near the driver. The person by name Sajid sat on the middle seat flanked by two officers and we two panchas and two constables sat on the back

side. Before sitting we had taken the search of the vehicle as requested by the police officers. There was nothing in the vehicle except a stick. Officer Deshmukh told the driver to take the vehicle as per the directions that would be given by the person Sajid. From the Link road we went to Goregaon, Malad and went inside the gate no. 6 in Malvani upto a distance about 250 meters. There was a Mother Teresa School, a chawl in front comprising of 1+1 floor. Sajid asked the police to halt the vehicle at that spot. He got down, went ahead and went through a small lane by the side to a ladder. He was walking in front, officer Deshmukh and we were behind him. There was a board outside the house containing the words in English 'Valid Tanjeem'. We followed the person inside the room on the first floor. An old person was sitting there. There were two parts in that room. The old person was sitting in one part and there were 5-6 computers in the other part. Officer Deshmukh called the old man and told him that he is a police officer and showed his identity card. He told the old man to hear what Sajid wanted to say. Sajid asked for key from him. He gave a key from a bunch of keys that was with him. I do not remember the name of the old man, but he was about 60 years old.

Sajid opened a drawer that was below the computer by the key and took out a plastic bag. From the plastic bag he first took out a soldering gun. He then took out soldering wire, pieces of wire, wax, two tweezers, a screw driver, an Airtel sim card and refill voucher, a multimeter, capacitor, LED, wire, a book, about 14-15 articles. Officer Deshmukh put each article in a separate plastic pouch, wrapped it by brown paper, tied them by thread and sealed them by lac seal. The police had brought the packing and sealing articles in a bag with them. They then affixed labels containing our signatures and the signatures of the officers on the packets. A panchanama was written about all the happenings. It was read over and explained to us and we both panchas and the officer signed. Then we got down, took out a photocopy and gave a copy to Sajid Ansari and took his signature.

3. I will be able to identify the panchanama. It is the same now shown to me, it bears my signature at sr. no.2, signature of the other panch at sr. no.1, signature of the accused, signature of the old person and of the officer by the side. Its contents now explained to me are correct. (It is marked as **Ext.1480**).

(Adjourned for recess).

Date : 10/08/11**Special Judge****Resumed on SA after recess**

4. I will be able to identify the articles that were sealed. (Learned SPP makes a request for opening a sealed box at sr. no. 20 of list Ext.16F. It is given to the learned advocates for the accused for inspection. The sealed box is of the FSL, State of Maharashtra, Mumbai, bearing the description 'Case No. K-398/06 Ext.1 to 15, CR No. 05/06, Anti Terrorist Squad, Mumbai, M-505/06. It is opened and found to contain a big transparent plastic bag containing a soldering gun and 14 pouches containing assorted articles. They are shown to the witness). The label marked Ext.1 M-505/06 /1 in the transparent plastic bag bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The polythene bag is the same in which all the articles were. (The polythene bag is marked as **Art-345**, the label is marked as **Art-345A**, the yellow label of FSL is marked as **Art-345B** and the transparent plastic bag is marked as **Art-345C**). The label in the big transparent plastic bag containing the soldering gun marked as Ext.2, M-505/06/2, bears my signature at sr. no.2, signature of the other

panch at sr. no.1 and the signature of the police officer by the side. The soldering gun is the same. (The soldering gun is marked as **Art-346**, the label is marked as **Art-346A**, the yellow label of FSL is marked as **Art-346B**, the lac seal with broken white threads is marked as **Art-346C** and the transparent plastic bag is marked as **Art-346D**). The label in the transparent pouch marked as Ext.3, M-505/06/3, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The four pieces of soldering wire wrapped in four pieces of white paper are the same. (The four pieces of soldering wire marked as Ex 3.1 to 3.4 are marked as **Art-347(1 to 4) with the white papers** in which they are wrapped, the label is marked as **Art-347A**, the yellow label of FSL is marked as **Art-347B** and the transparent plastic pouch having lac seals with broken white threads is marked as **Art-347C**). The label in the pouch containing a round box marked as Ext.4, M-505/06/4, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The box containing the soldering flux is the same. (The box containing the soldering paste (flux) is marked as **Art-348**, the label is marked as **Art-348A**,

the yellow label of FSL is marked as **Art-348B** and the transparent plastic bag is marked as **Art-348C**). The label in the pouch containing a printed circuit marked as Ext.5, M-505/06/5, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The printed circuit is the same. (The printed circuit is marked as **Art-349**, the label is marked as **Art-349A**, the yellow label of FSL is marked as **Art-349B**, two lac seals with broken white threads is marked as **Art-349C** and the transparent plastic bag with is marked as **Art-349D**). The label in the pouch containing a yellow multimeter marked as Ext.6, M-505/06/6, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The yellow multimeter is the same. (The yellow multimeter is marked as **Art-350**, the label is marked as **Art-350A**, the yellow label of FSL is marked as **Art-350B**, one loose lac seal with broken white threads is marked as **Art-350C** and the transparent plastic bag with a lac seal and broken white threads is marked as **Art-350D**). The label in the pouch containing two tweezers marked as Ext.7, M-505/06/7, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the

police officer by the side. The tweezers are the same. (The tweezers are marked as **Art-351 (1 and 2)**, the label is marked as **Art-351A**, the yellow label of FSL is marked as **Art-351B** and the transparent plastic pouch is marked as **Art-351C**). The label in the pouch containing a screw driver marked as Ext.8, M-505/06/8, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The screw driver is the same. (The screw driver is marked as **Art-352**, the label is marked as **Art-352A**, the yellow label of FSL is marked as **Art-352B** and the transparent plastic pouch with is marked as **Art-352C**). The label in the pouch containing empty packet of Airtel recharge card marked as Ex.9, M-505/06/9, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The empty packet of Airtel recharge card is the same. (The empty packet of Airtel recharge card is marked as **Art-353**, the label is marked as **Art-353A**, the yellow label of FSL is marked as **Art-353B**, a lac seal with broken white threads is marked as **Art-353C** and the transparent plastic bag is marked as **Art-353D**). The label in the pouch containing resistors marked as Ex.10, M-505/06/10, bears

my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The resistors are the same. (The 22 resistors are marked as **Art-354(1 to 22)**, the label is marked as **Art-354A**, the yellow label of FSL is marked as **Art-354B** and the transparent plastic pouch is marked as **Art-354C**). The label in the pouch containing two capacitors marked as Ex.11, M-505/06/11, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The two capacitors are the same. (The two capacitors are marked as **Art-355(1 and 2)**, the label is marked as **Art-355A**, the yellow label of FSL is marked as **Art-355B** and the transparent plastic pouch is marked as **Art-355C**). The label in the pouch containing one coil marked as Ex.12, M-505/06/12, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The coil are the same. (A coil is marked as **Art-356** the label is marked as **Art-356A**, the yellow label of FSL is marked as **Art-356B** and the transparent plastic pouch is marked as **Art-356C**). The label in the pouch containing transistors marked as Ex.13, M-505/06/13, bears my signature at sr. no.2, signature of the

other panch at sr. no.1 and the signature of the police officer by the side. The transistors are the same. (The 8 transistors are marked as **Art-357(1 to 8)**, the label is marked as **Art-357A**, the yellow label of FSL is marked as **Art-357B** and the transparent plastic pouch is marked as **Art-357C**). The label in the pouch containing LEDs marked as Ex.14, M-505/06/14, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The LEDs are the same. (The 9 LEDs are marked as **Art-358(1 to 9)**, the label is marked as **Art-358A**, the yellow label of FSL is marked as **Art-358B** and the transparent plastic pouch is marked as **Art-358C**).The label in the pouch containing diodes marked as Ex.15, M-505/06/15, bears my signature at sr. no.2, signature of the other panch at sr. no.1 and the signature of the police officer by the side. The diodes are the same. (The 6 diodes are marked as **Art-359(1 to 6)**, the label is marked as **Art-359A**, the yellow label of FSL is marked as **Art-359B** , two loose lac seals with broken white threads are marked as **Art-359C** and the transparent plastic pouch is marked as **Art-359D**. The box of the FSL is marked as **Art-360**).

5. It was about 1200 hours when all this were over. I will be able to identify the person by name Sajid Ansari. (Witness looks around the court room and points to the accused no. 7 sitting in the dock. He is asked to stand and tell his name, which he states as Sajid Margub Ansari). He was the same person. We then returned back to the chowki.

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

6. I did not tell anyone and I did not feel that I do not want to disclose my name and address from the date of the panchanama till today. I may have signed on about 14 or 15 labels. The labels were pasted by gum. I had seen the labels being pasted. It did not happen that the labels were not pasted and they were kept loose. It did not happen that the label was pasted and the lac seal was fixed on the top of the label. The packets were tied by thread after affixing the labels and then the lac seal was fixed.

Q. There is no gum behind any label?

A. I now again say that labels were not pasted by gum, but they were kept on the plastic pouches, tied with thread and lac seals were affixed.

It did not happen that anything that had taken place in my presence remained to be written in the panchanama. I cannot say whether the printed circuit Art- 349 can be concealed in the pocket or waist or socks. (Witness is asked to put the article in the side pocket of his pants and whether it fits). The circuit does not go in my pants pocket. The printed circuit is 2 ½ x 4 inches. I cannot assign any reason why the printed circuit board is not described in the panchanama.

Q. Please read the letters written on the Art-349

A. I am not able to read it.

I cannot say whether the words 'M42203 VEGAKIT' are written on it. I am working as electrician since 5-6 years. At the time of the panchanama I was learning the work of electrician. I was not doing that work at that time. I told my profession as electrician when the police asked me. It is true that electronic articles are different from electrical articles. I can identify them. The articles before the court are electronic articles. They are not used in electrics. The mention on the last page of the panchanama about electrical components is correct. I have seen circuits. It is true that markings appear at the edges if a circuit is used. It is not true that there are markings at the edges of

Art-349 and it is a used circuit. It is not true that the first four connections on the side of the circuit are different from the other connections.

7. I was not searched when I entered the ATS office. The officers did not offer their searches when I went inside the office. No other person than the police searched me. Police did not give their searches to any person other than us. The vehicle was not searched by any other person. I do not know whether the facts of the search of the police officers, our searches and of the vehicle were mentioned in the panchanama. I cannot assign any reason why they are not mentioned. The aged man in that room was not asked to search us or the police.

8. Police were not inquiring with the accused when I went in the police chowki. I did not personally talk with the accused. The police took me in the room where the accused was sitting. There was a havildar with the accused in that room. There was no one else there. It did not happen that three havildars were with the accused in that room along with PSI Kandharkar and ASI Kamble. I cannot say whether it will be correct or wrong if it is so written in the

panchanama. Police did not ask the accused to sign the memorandum in the police chowki. The accused did not make any signature in my presence in the police chowki.

(Adjourned at the request of Id adv at 4.30 p.m.)

Date: 10/08/11

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

Date : 11/08/11
Resumed on SA

9. I have acted as panch witness earlier in one or two cases. I may have acted as panch witness in one or two cases including this case. I have not acted as panch witness in any case of ATS, Crime Branch or police station other than these cases. I gave evidence once in Mazgaon court only before this. It was a case of Crime Branch. I do not remember the unit number. The present case is the second case. I do not remember the date on which I gave evidence in Mazgaon court, but it may be prior to one or one and a half years. I do not remember the name of the police officer whose case it was. He was earlier to officer Pradeep Sharma. The Crime Branch was situated in the premises where the ATS office is now situated. It was in connection with a revolver and a wanted accused was caught. I was called to Chandan Chowki at that time and I signed on a panchanama. I do not know the date, timing and details of that panchanama. I was remembering every detail when I gave evidence in the Mazgaon court. I have forgotten the details because of

passage of time. I do not remember whether that case was of officer Sunil Deshmukh or Tonpi. It is not true that at the time of that panchanama I was called similarly from the place near the pan shop near the petrol pump. I was called from a depot that is quite far away from the petrol pump.

10. I was remembering on 23/10/06 that I had been earlier called to act as panch witness in the Chandan Chowki. I did not remember the name of the officer, but I remembered his face. I do not remember whether on seeing officer Deshmukh and Tonpi, I recollected that they were the same officers who had called me on the earlier occasion. The address given at the time of evidence in the Mazgaon court is the same that is given in this court and in the panchanama. It is not true that when the constable came to call me at the pan shop, I realized that I would have to act as a panch witness. I came to know of it when I went inside the office and officer Sunil Deshmukh told me about it. He asked me whether I had earlier acted as panch witness and I had told him that I had acted once in the same chowki. He asked me whether I had given evidence in any court. I told him that I had given evidence in the Mazgaon court.

11. Police have not arrested me in any case, but my bond was taken by D.N. Nagar Police Station in the office of the ACP. I do not know whether it was a chapter case. It was in the case of our complaints against the builder by name Kiran Hemani. I do not know whether he is a big builder. I do not know whether he had alleged that I had committed extortion. Bond was taken from my mother and wife also. I do not know whether the bond was taken in a case or on NC report.

12. I do not know why it is not written in the panchanama that when I went in the office there were three officers and two-three havildars, that the officers then called us outside the chowki and asked me and the other panch to take their searches, that we searched them, that I searched officer Sunil Deshmukh and the other panch searched two constables, that officer Deshmukh had his identify card, handkerchief, purse and weapon, that the officers also searched us both panchas, that we only had handkerchiefs and money, that we went to a white vehicle that was on the road, that officer Deshmukh sat on the front side near the driver, that the person by name Sajid sat on the middle seat flanked by two officers and we

two panchas and two constables sat on the back side, that before sitting we had taken the search of the vehicle as requested by the police officers, that there was nothing in the vehicle except a stick, that we went inside the gate no. 6 in Malvani upto a distance about 250 meters, that we went through a small lane by the side to a ladder, that he was walking in front, officer Deshmukh and we were behind him, that we followed the person inside the room on the first floor, that the old person was sitting in one part and there were 5-6 computers in the other part, that officer Deshmukh called the old man and told him that he is a police officer and showed his identity card, that he told the old man to hear what Sajid wanted to say, that he gave a key from a bunch of keys that was with him, that Sajid opened a drawer that was below the computer by the key, that wrapped it by brown paper, tied them by thread and sealed them by lac seal, that the police had brought the packing and sealing articles in a bag with them, that the panchanama was read over to us, that then we got down, took out a photocopy and gave a copy to Sajid Ansari.

- 13.** I now again say that I had not seen brown papers in which the articles were wrapped, but there were white papers. There

were small pieces of white paper on which I signed. The articles were put in the plastic bags or pouches and then labels were affixed.

14. I have electrician's licence issued by PWD office at Andheri near Bhavan's College since last one year. PWD has authorized me to do private work. I can produce the licence. I had got a letter earlier and I would be getting the licence on 13th or 14th. It is not true that PWD has not given me licence one year before. (Learned advocate calls upon the witness to produce the licence).

15. I am not educated. I am born in Mumbai. I cannot read or write Hindi or Marathi. I do not know alphabets of Devnagari language. I was learning electrician work with one Anuj at his site. His site was in Juhu in October 2006. My duty timings were from 10.00 a.m. to 3.00 to 4.00 p.m. The address of the site was Juhu Mhatre lane, in the lane in front of Hare Krishna Temple. I cannot tell the name of the building. I used to go on his bike. I used to return on foot. It is not true that Chandan Chowki is not on the way from my house to the site. I had not gone with Anuj on his bike for work on 23/10/06. I do not remember whether it was a working day.

16. I cannot say how much time one will require by vehicle

from Chandan Chowki to Dadar. I cannot say whether Nagpada and Kalachowki are at more distance than Dadar from Chandan Chowki. I do not know whether officer Deshmukh had sent any officer of Chandan Chowki to Dadar, Kalachowki or Nagpada or any other unit of the ATS for some work or had called for any article from any ATS office.

17. A constable had a bag with the sealing articles and he had brought the bag in the room at Malavani. I do not remember his name and buckle number. I did not inspect the bag in the room. The constable did not give the bag to officer Deshmukh in my presence. The bag was emptied on the table. There was a candle, a red coloured stick, a seal, white thread and small and big white papers. There was nothing else other than these articles. It is not true that nothing was sealed in my presence. The articles were in a plastic bag. The bag was carried to the room along with us.

18. The old man was not given any written notice in my presence. That man was not brought to the ATS office. He was not shown any written paper. Police did not make any inquiry with him and did not take his statement. Police did not take any photographs

or lift any finger prints from that room in my presence. I did not see whether police took the key in their custody. No other person was called there. I do not know whether police took swabs of dirt, etc., from the drawer or any spot in that room. Police did not ask the accused in my presence as to where the articles are available and their price. The box Art-360 was not taken from there. It is true that the soldering gun Art-346, flux Art-348 and wire Art-356 are easily available in the market. It is true that the multimeter Art-350, the tweezers Art-351 (1&2) and screw driver Art-352 are easily available in the market. I do not know whether the soldering gun and the multimeter was checked by the police to see whether they were working. It is true that the circuit board Art-349, the resistors Art-,354 (1 to 22), LEDs Art-358, capacitors Art-355 (1 and 2), diodes Art-359 (1 to 6) and transistors Art-357 (1 to 8) are used in repairing mobiles, tape recorders, radios, etc., and are easily available in the market.

- 19.** A constable had gone for obtaining a photocopy. The photocopy shop was two minutes from the house. I do not remember the name of that shop. It is not true that there was no zerox shop in front or nearby that house on that day and even today. Only one

photocopy was obtained. Copy was not given to the old man. Officer Tonpi wrote the panchanama in his own handwriting. Some other officer probably by name Kandalkar had written in the police chowki.

- 20.** It is not true that no panchanama was prepared in my presence, that the accused did not make any statement in my presence, that he did not disclose any article, that the panchanama was prepared and I signed on it in the ATS office, that I identified the articles and the accused as instructed by the ATS officer. It is not true that I have worked as a panch witness on a number of times, that I am informer of Sunil Deshmukh and a regular panch witness. It is not true that I deposed as instructed by the ATS officer.

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

- 21.** (Adv More h/f Shetty submits that adv Shetty is in CR no. 55 and has requested to keep back the matter at 2.30 p.m. Hence, K.B).

Date : 11/08/11

SPECIAL JUDGE

Resumed on SA after recess

- 22.** Chandan Chowki Police Station is at a distance of five

minutes from the petrol pump on Varsova Link road. The police constable took me only. There were many people at the pan shop where I was stand. I do not know from where the other panch had been called and at what time and from where he was. His age was about 29-30. His name was probably Godfi. We were together from 9.00 am to 1200 hours. We did not have any talk except that we told each other that we were the panchas. I do not remember the date and month when I had earlier acted as a panch witness. I do not remember the name of the accused of that case or his age. A revolver was found with him.

23. The accused was sitting on the floor when I entered the room. The other panch went inside that room with me. I cannot tell the name and the buckle number of the constable who took me to the ATS office. He, officers Deshmukh and Tonpi were continuously with me upto 1200 hours. They took me and the other panch in the room where the accused was sitting. Officer Deshmukh said that panchanama of the statement that the accused would be making was to be drawn. Two havildars and one officer were with the accused in that room. I cannot tell the name of the officer. The constable told me

at the petrol pump that his superior officer had some government work and whether I would go with him and I said yes. He did not tell me what that work was and I did not ask him about it. I knew on 23/10/06 as to what a panchanama is. I knew that that work would require considerable time. I am not in service. I do my own business. Officer Deshmukh signed on the memorandum and the panchanama. Officer Deshmukh asked questions to the accused at the time of the accused making the statement. I do not remember how many and what questions he asked. I have never done mobile repairing work. I use mobile. I do not know what instruments are required for repairing mobiles. I had earlier seen articles similar to the articles that were seized on that day many times in the market like Bombay Bazar at Andheri and in electronic shops. I have never purchased such articles. I had seen people purchasing such articles many times. I and the other panch did not ask any question to the accused. I did not come to know from where and when the accused was arrested. There was no other person in that room except the old man. I cannot tell what day of the week it was. The room was open. It was not locked. I have no knowledge as to whether other people used to sit

there and work or do something. I and the other panch did not have any talk with the old man. There was only one drawer there that was opened. The drawer was of the computer table. There were 4-5 such tables there. Police did not search for anything else in that room.

24. It is not true that I deposed falsely to help the police. My bond was taken by the ACP Dilip Suryavanshi. I reside in the jurisdiction of Police Station D. N. Nagar. My bond was taken about one year before and not three years before. My bond was not taken before that. No case was registered about it. No notice was given to me before my bond was taken. I do not have that bond paper with me. Nothing was given to me. I cannot produce any document about the bond. It is not true that police had registered a case against me, that they arrested me and filed chargesheet and that case is pending, therefore, my bond was taken. It is not true that I do not want to tell about the case, therefore I am not ready to produce any document about the bond. I do not remember whether any bond was taken when I signed on the panchanama in this case. I cannot say for how much time we were in the room where the accused had taken us. The police officers did not ask any questions to the accused and the

accused did not say anything.

Cross-examination by adv Shetty h/f Rasal for A1 and 4 to 6

25. (Cross-examination by adv Wahab Khan and Shetty-
adopted).

No re-examination

R.O.

Special Judge

Date:-11/08/2011

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