

**M.C.O.C. SPECIAL CASE NO. 21 OF 2006****DATE: 12TH AUGUST, 2011****EXT. NO.1482****DEPOSITION OF WITNESS NO.131 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Jayant Kashiram Aher

Age : 56 years

Occupation : Service

Res. Address : Block no. 4, Shantiniketan CHS, Hanuman Nagar,  
Kalyan (E), Dist-Thane

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

1. I joined State CID Crime in 1980 as Assistant State Examiner of Documents. I took departmental training of handwriting science for two years. I am working as State Examiner of Documents at present. I have examined about 2.25 lakhs documents and have given opinion in respect of 4500 documents approximately.
2. I received a letter from the office of Addl CP (Crime) Brihanmumbai in connection with CR No. 77/06 of ATS, Bhoiwada Police Station along with the letter dated 11/08/06 and list of documents and questionnaire and one sealed packet. I am producing

the office copy of the letter of the Addl. CP, it bears the inward number of our office. (It is marked as **Ext.1483**). The contents of the office copy of the letter sent by the ACP, ATS to the Addl. CP is as per the contents of the letter that was sent to me. (It is marked as **Ext.1484**). The contents of the list of the documents sent with that letter are as per the contents of the list that was sent to me. (It is marked as **Ext.1485**).

3. I opened the sealed packet and found the five questioned documents, i.e., maps and forty-five specimen sheets. I will be able to identify them.

(Adjourned for recess).

**Date : 12/08/11**

**SPECIAL JUDGE**

**Resumed on SA after recess**

4. The questioned documents Arts. 161, 165, 250, 134 and 116 now shown to me are the same. (They are marked as **Exts. 1486 to 1490**). The specimen documents that were sent with the list, at record pages no. 795 to 884, are the same. (They are marked as **Exts. 1491 (1 to 45)**). The written portion on the questioned documents Exts. 1486 to 1490 were marked by the IO as A1 to E1 in

red ink. I marked them as Q-1 to Q-5 respectively in green ink. The specimen writings of accused Mohd. Faisal Shaikh in the 9 sheets Exts. 1491 (1 to 9) were marked by the IO as V-1 to V-9 in red ink. I marked them as S-1 to S-9 in green ink respectively. The specimen writings of accused Suhail Mehmood Shaikh in the 9 sheets Exts. 1491 (10 to 18 ) were marked by the IO as W-1 to W-9 in red ink. I marked them as S-10 to S-18 in green ink respectively. The specimen writings of accused Zameer Ahmed Latifur Rehman Shaikh in the 9 sheets Exts. 1491 (19 to 27) were marked by the IO as X-1 to X-9 in red ink. I marked them as S-19 to S-27 in green ink respectively. The specimen writings of accused Dr. Tanveer Ahmed Ansari in the 9 sheets Exts. 1491 (28 to 36) were marked by the IO as Y-1 to Y-9 in red ink. I marked them as S-28 to S-36 in green ink respectively. The specimen writings of accused Muzzammil Aatur Rehman Shaikh in the 9 sheets Exts. 1491 (37 to 45) were marked by the IO as Z-1 to Z-9 in red ink. I marked them as S-37 to S-45 in green ink respectively. These are the same documents that were received by me for examination and opinion.

5. I carefully examined the questioned writing and figures in

English and the writing in Urdu script in original in the questioned documents with the aid of scientific equipments such as various types of magnifiers, illuminated ultra lens and stereoscopic microscope. The questioned writings and figures were examined by me side by side with the specimen writings and figures. I prepared the reasons during the course of my examination.

6. *Inter se* examination of the questioned and specimen writings and figures revealed that the general and individual writings characteristics are in the natural variations of one and the same person, these variations are within the range of natural variations and they show superficial in nature and do not affect the significant handwriting characteristic of the writer. The general writings characteristic such as movement, slant, spacing, alignment, relative size, pen-lifts and connection show similar writing characteristics of the writer.

7. When compared with specimen writings and figures in English, the questioned writings and figures shows significant similarities in the following respect :

1) The manner of execution and connection of small letters 'd' and 'u'

in word 'Gudu'

2) The capital letter 'G' is executed in single pen-movement, i.e., without pen-lift.

3) The small letter 's' from single curve to double curve.

4) The formation of small letter 'i' and dot over letter 'i' show individual writings characteristics of the writer.

5) The sign '@', i.e., at the rate shows idiosyncrasy of the writer.

6) The sign '@', i.e., at the rate at Q-2 and figure '7' at Q-4 reveal accidental characteristic of the writer.

7) The letter 'y' shows unconscious mannerism of the writer.

8) The foot of the letter 'h', 'm'

9) Horizontal line after the word 'Gudu' and prominent dot in front of the word 'yahoo' reveal highly individual writings characteristic of the writer.

10) the manner of execution and formation of figures '5' and '7'.

11) The letters 'a', 'c', 'o', 'r' show similar writings characteristic of the writer.

**8.** There are no fundamental differences between questioned and specimen writings and figures. Considering the number and nature of

the similarities between questioned and specimen writing, it would be unreasonable to suppose that the similarities exist merely as a result of an accidental coincidence between two different persons writings. The above mentioned similarities are found at one or other places. The similarities stated above in the individual features are significant and sufficient to prove the identity of the questioned writings and figures.

9. In the light of the above, I came to the only irresistible conclusion that the questioned writings and figures marked Q-1 to Q-5 (excluding Urdu writings) shows similarities indicating towards the common authorship of the writer of Exs. S-1 to S-9.

10. The contents of the true photocopy of the reasons is as per the contents of the original reasons that I have with me. (It is marked as **Ext.1492**). It was a typographical error to write 'accidental accident' instead of 'accidental coincidence'. On the basis of these reasons I came to the final conclusion that :- 1) the writings and figures in English marked by me Q-1 to Q-5 (excluding Urdu writings), Exts. 1486 to 1490, shows similarities indicating towards the common authorship of the writer of Exhs. S-1 to S-9, marked by me.

2) I am unable to express any definite opinion as regards the identify of the writings in Urdu script marked Q-1 to Q-5 (excluding English writings and figures ) by me , with those on Exh. S-1 to S-9 or S-10 to S-18 or S-19 to S-27 or S-28 to S-36 or S-37 to S-45, Exts. 1491 (1 to 45), for want of identifying features. Therefore, I gave my opinion BB-331/2006. It is the same now shown to me, it bears my signature and its contents are correct. (It is marked as **Ext.1493**).

11. I sent all the original documents along with my opinion to the office of the Addl. CP (Crime), Gr. Bombay on 31/01/07 with my forwarding letter. The words and figures in English in Q-1 to Q-5, Exts. 1486 to 1490 are the same. It is possible to opine about a document that is in a language which is not known to me, like Urdu. First we study alphabetical letters or stroke by stroke examination for this purpose. The first line in Urdu that is common in Exts. 1486 to 1490 reads 'Teheran, Gul Hotel, Meher Hotel, Amir Kadir Road'. The words in the second line in Urdu are ' Rizwan phone' and the words in the third line are ' Chim email ID' and the words in the fourth line are ' unka admi naksheme marking bataye raste manjil le jayega'. (Witness has referred to his notes).

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

12. (Learned advocate requests for time to cross-examine the witness. He submits that he is not available on 16/08/11, the witness submits that he is not available on 16<sup>th</sup> and 17/08/11. Learned SPP has no objection for deferring the cross-examination upto 18/08/11. Hence, adjourned for cross-examination of this witness to 18/08/11).

**Date : 12/08/11**

**Y.D.Shinde  
Special Judge**



**Date :18/08/11**

**Resumed on SA**

**13.** I took the departmental training of handwriting science in the office of the Additional Chief Examiner of Documents in Mumbai. I have not maintained any personal record of the approximately 2.25 lakhs documents that I examined or about the opinion that I gave in respect of 4500 documents. I cannot tell in how many cases I have given evidence. I require specimen handwriting and natural writings for comparing the handwriting of the concerned person. They are thereafter compared with the disputed handwriting. Natural writings are also called as admitted writings. Admitted writing and specimen writing are required to give the opinion about the disputed writing. The specimen writings are sent by the police. Natural writings or admitted writings are also sent by them. Natural writings as well as specimen writings are required to be sent along with the disputed writings. Natural writing means admittedly written by the concerned person. Specimen writing means that which is taken

before the police officer. I cannot say how specimen writings are required to be obtained by the police. I do not know whether specimen writings are to be taken in the presence of independent panchas by drawing separate panchanama. I had received specimen as well as natural handwriting along with the disputed handwriting in some cases and in some cases only specimen handwriting along with the disputed handwriting. I cannot tell the number of cases in which I had not received the admitted documents. The specimen writings that are sent to me always contain the signatures of the officers who take the specimen signatures. I cannot say whether they contain the signatures of the concerned person. I cannot say whether in all cases the specimen writings contain the signatures of the panchas before whom it was obtained. I do not remember whether I have seen the signatures of panchas on the 2.25 lakhs documents that I examined. I am not under the Commissioner of Police, Mumbai. My office is situated in the office of State CID, NCC Barrack no. 4, Opposite CCI, Dinshaw Waccha Road, Nariman Point, Mumbai-20. There are guidelines for police officers given in the Police Manual, Vol-III for obtaining specimen writing and admitted documents. I have gone

through the guidelines. The guidelines contain instructions about obtaining specimens like the contents of the disputed documents of the concerned person. I cannot say about the provision in the guidelines as to how the specimen are to be obtained. I am fully aware of those guidelines today.

**Q.** Are you in a position to contradict me if I say that specimen writing are to be taken before panchas under separate panchanama?

**A.** I am not concerned whether panchas have signed the specimen writing.

There may be a provision to that effect. I cannot say now what is the provision.

**14.** It is true that none of the 45 specimen writings contain the signatures of the panchas. I do not remember when the process of comparing the handwritings started and when it was completed. I cannot say as to how many days I required for comparing the documents. I did not provide the reasons along with the opinion to the Addl. CP. It is a requirement that contents of the disputed documents like words, figures and writings should be in the specimen writing. I know how to read and write English, Marathi and Hindi. I cannot read

and write Urdu.

- 15.** I did not take photographs of the disputed documents and the specimen writings. I examined the original documents. The original documents mean the disputed and specimen documents. I did not receive any admitted documents in the present case. It is not my practice to take photographs of the disputed and specimen documents and to compare their enlargements. I do not agree that comparison becomes easy with the help of enlargements. I am giving evidence about my work since 1983. I have been cross-examined many times in respect of taking photographs of the handwriting and their comparison. I do not agree that the handwriting science is not a perfect science. As per my knowledge at present it is a perfect science. There can be an honest error in giving the opinion about a particular handwriting. Witness volunteers- I am a human being and there may be any error. I do not agree that in the scientific world the science of opinion of handwriting is not accepted as an exact science. I do not have any authority to support my disagreement. It is not true that comparison of specimen and disputed handwriting is not an easy task. Sometimes specimen handwriting obtained by the

police is not the best standard for comparison. This is because it depends upon the documents supplied by the police and in what situation and under what circumstances the specimen were obtained. Therefore, the likewise material of natural handwriting if supplied are more useful. It is true that when the writings of the person are questioned and subjected to inquiry then that person tends to attempt to write in disguise. It may affect a person unconsciously if he is required to give specimen handwriting for inquiry. The unconscious mind of the person giving specimen handwriting may affect his specimen handwriting. I do not agree that disguised handwriting or unconscious handwriting may lead to an erroneous opinion about its comparison with the disputed handwriting.

- 16.** There are individual and general characteristics of handwriting. The general characteristics are movement, slant, alignment and spacing. These are the only general characteristics. I do not know whether there are fifteen general characteristics. I agree that relative sizes, connections, pen lift, pen pressure and shadings are also the general characteristics of handwriting. It is true that few similarities found are not sufficient to arrive at a correct opinion. I do

not agree that giving an opinion about dissimilarity of handwritings is easier than to give an opinion about they being similar. I can make out whether that person is a skilled writer or an unskilled writer from the writing. Variations and deviations are more in respect of handwriting of unskilled writer as compared to skilled writer.

17. I do not remember the exact date when I personally received the documents in this case. I prepared the reasoning at the time of examination. It is true that the reasons, Ext.1492, do not show the date on which I prepared them. I did not send the reasons with the opinion to the police as it is our general practice to produce them at the time of evidence. There is no guideline about not sending the reasons with the opinion. It is not true that on the date I sent the opinion the reasons were not available with me, therefore, I did not send them. The concerned officer did not remind me after receiving the opinion that they had not received the reasons. I agree that the reasons are a part and parcel of the opinion. Except our practice there is no reason why the reasons was not sent with the opinion. This practice is going on since the time the bureau was opened in 1959. There is no guideline or direction. It is not true that I am giving

that excuse for not sending the reasons.

- 18.** I compared the specimen writing *inter se*. I did not prepare any data about it. It is not true that it is not mentioned in the opinion or reasons. It is true that it is not individually mentioned that *inter se* examination of the specimen writing was done. I do not understand the word 'preamble'. The contents of the reasons above para-1 are general as well as specific. There is a lot of difference between a general statement and a specific statement. Paragraphs -2 and 4 of the reasons are general statements and paragraph 3 contains specific statements. I say that it is a general statement in paragraph 4, because of the use of the word 'general'. I do not agree that the contents of paragraphs 2 to 4 are hopelessly vague. I prepared the data at the time of examination. It is not available now as it was destroyed after the reasons and the opinion were typed. I do not feel it necessary to retain the data till I give evidence in the court. There are no instructions or guidelines about destroying the data before giving evidence. It is true that contents of paragraphs 2 to 4 in the reasons do not show which questioned documents were compared with which specimen writing.

(Adjourned for recess)

**Date : 18/08/11**

**Special Judge**

**Resumed on SA after recess.**

19. We do not undertake the examination of the ink of the writing on the questioned documents and the age of the paper. Therefore, I cannot say whether the writings on all the questioned documents were from the same pen. It is not true that I did not examine Urdu writings. I could not give any opinion about the Urdu writing. It is true that the words 'Head sir Garuda@yahoo.com' and the figure '001234987656655' in Exts.1491 (1 to 3) are not found in any of the questioned documents, Exts. 1486 to 1490. I cannot read the Urdu writing on both sets of documents. I had compared 'G' in the word Garuda and in the word Gudu *inter se* in the same document. I have mentioned it in the paragraph 3 of the reasons. It is true that it is not specifically mentioned in the reasons that 'G' in the words 'Garuda' and 'Gudu' were compared *inter se*. It is true that it is not specifically mentioned in the reason that the letters appearing in a particular specimen writing have been *inter se* examined. It is true that the letters 'd' and 'u' were examined in respect of only two



characteristics, i.e., execution and connection of small letters. It is not true that the letter 'G' in both lines in Ext.1491 (1) appears to be different. There are variations. Both the letters are not identical to each other. There are variations in the words 'sir@yahoo.com' in both lines in Ext.1491 (1). It is not true that there are a lot of differences in the letter '@' in both lines. However, both are not identical. Manner of execution is different. The letter 'a' in the letter '@' is not identical in both lines. Not a single letter is identical to each other in all the nine specimens. It is not true that the manner of writing is also different in each specimen.

- 20.** It is true that the writer of the document Ext.1486 has put a dash after the word 'sir' and before the letter '@'. Same is the case in Exts.1488 and 1489. It is not true that it shows the mannerism of writing of the writer. It shows the accidental characteristics of the writer. I cannot tell about the mental condition of the writer on seeing the first line in Ext. 1491 (1 to 9). However, the person who wrote it, is a skilled writer. Skilled writers are those who may be experienced in writing. It is true that the letter 'a' in the letter '@' in Ext. 1487 looks like 'e' and it is fundamentally different with the letter '@' in Ext. 1486.

It is true that the letters '@' in Exts. 1486 and 1488 to 1490 are not exactly identical to each other. It is true that the spaces between the words in Exts. 1486 to 1490 are not identical. Differences between words depend on the documents supplied.

- 21.** It is true that the process of identifying the handwriting involves three distinct stages, i.e., analyzing, comparison and evaluation. In comparison and evaluation we can find out similarities and dissimilarities of two words. My department has not provided me with procedure manual. I have *inter se* examined the figures in the five disputed documents. It is true that I have not given opinion about the figures other than the figures '5' and '7'. It is true that the figure '7' in Ext. 1491 (1 to 3) shows that it is by a skilled writer. There is a variation in the figure '7' in Ext.1486 as compared to Exts. 1491 (1 to 3). It appears to be retouched. It is true that in the figure '7' in Ext. 1491 (1 to 3) there is a horizontal bar crossing it. It is true that though there is a horizontal bar in Ext. 1486, it has not crossed the figure '7', but it touches it.

(Adjourned at the request of learned advocate at 4.30 p.m.)

MCOC SPL.21/06

PW 131/19

Ext.1482

**Date : 18/08/11**

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

**Date : 22/08/11**  
**Resumed on SA**

**22.** The reasons were produced a few days before I gave evidence in court. I do not know the date on which I gave the reasons to the IO for the first time. (Witness is asked to show the original reasons). It is prepared by me. It is true that there is no date in it to show as to when it was prepared. After preparing it I found it to be correctly recorded and then I signed it. Witness volunteers-it is our practice. At that time I did not find any mistake in the reasons when I read them. I do not know approximately how many days before my evidence I gave the copy of reasons to the IO. I did not send it under any covering letter and did not obtain any acknowledgment. I did not find any mistake in the reasons at that time also. The letter 's' has been added to the word 'letter' on page 2 of the reasons in the item no. 11 at the time of checking when it was prepared. I did not realize at that time that the words 'accidental accident' are written instead of the words 'accidental coincidence'. It will not be correct to say that I realized this mistake for the first time when I gave evidence. I realized it after I gave the copies to the police. I cannot say after how many

days I realized it after giving the copies to the police and before giving evidence. The original remained with me after I gave copies to the police. It is true that I knew about this typographical error before I entered the witness box. Even then I did not correct the mistake in the original as well as the copies that were supplied to the police. I have not corrected the original till today.

**23.** I cannot say since when handwriting science has become a perfect science. I cannot produce any authority or any literature to support my contention. 'Questioned Documents' by Osborn and 'Suspect Documents' by Harrison are the good reference books about handwriting science. However, they are not the authorities. I do not know whether there is no authoritative book for that. The above two books do not say that handwriting science is a perfect science.

**24.** I come to the conclusion that particular writing is written by the same person on comparison of the characteristics of the letters and figures. Maximum significant similarities should match to arrive at the conclusion. There is no minimum or maximum number of significant similarities that should match, but according to me

maximum significant similarities should match. I am ready to produce original reasons as I have got an office copy. It bears my signature and its contents are correct. (It is marked as **Ext. 1525**). I have described the significant similarities in letters, figures and sign in points no. 1 to 11 in paragraph-1 in the reasons. The number and nature of similarities mentioned after point 11 are referring to the similarities described in the eleven points. In point no.1 two characteristics of two letters in the word 'Gudu' are referred. For the capital letter 'G' in point no. 2 only one characteristic is written. Formation of letter 'S' from single curve to double curve is the characteristic described in point no. 3 and it is only one characteristic. I had examined the letters with respect to the other characteristics of those letters. I have described the other characteristics in the last paragraph above Para-1 on page 1. I did not describe those characteristics in detail as it is not necessary. It is true that I did not give specific opinion about each and every letter. I do not have any other contemporaneous record except the rough notes that were destroyed and the reasons to show that rest of the characteristics of the letters and figures were considered and found matching. Points

no. 1 to 11 are the reasoning in respect of letters and words in disputed writing and figures and compared by me with the specimen. It is not true that I compared only one or two characteristics as described in the points no.1 to 11.

**25.** I considered all the letters, figures, points and dashes from the English version in the disputed documents and I gave the findings. It is not true that I considered only two figures 5 and 7 for comparison. Points no. 1 to 11 do not show that I considered all the figures in the disputed documents.

**Q.** There is no record to show that you compared the remaining figures.

**A.** After going through the disputed documents I say that it is mentioned in the paragraph-1 of the opinion that I gave, that I have carefully examined the questioned writing and figures in English, which means the encircled portion.

**Q.** The contents of para-1 do not show that you considered all the figures appearing in the disputed documents.

**A.** It is not true.

It is true that I have not specifically mentioned that I considered the

figures 9, 6,0,1 and 4. It is not true that all the figures in the questioned documents Exts. 1486 to 1490 are drastically different from each other. Witness volunteers - However they are not exactly identical with each other. There is a little variation in the figures 9 and 6 in Exts. 1486 and 1487 and in the others questioned documents also. There are variations in the remaining figures also.

**26.** I cannot read any contents in Urdu in any document. It is true that I could not give any finding about the Urdu writing since I do not understand Urdu. I agree that a handwriting expert who does not read, write or understand any language can give opinion about it. It can be given on the basis of study of the alphabets in the disputed and the specimen documents. However, I could not give any opinion. It is true that there are little variations between the spacings between the words and lines in all the disputed documents. It is not true that there is overwriting in the letters 'G' and 'u' in Exts. 1486 and 1487. Both are retraced and not overwritten. I cannot say whether it shows the nervousness on the part of the writer. Witness volunteers-I cannot state about the mental condition of the writer. It is true that the dash used by the writer in Exts. 1486, 1488 and 1489 after the word 'sir'



and before the word '@' are not found in Exts. 1487 and 1490. These are the important characteristics to decide the common authorship or otherwise of the writer.

**27.** Similarities and dissimilarities in respect of characteristics are required to be considered to identify the authorship. I agree that few similarities are not sufficient to give a correct opinion. Sometimes one significant dissimilarity is sufficient to identify the authorship. Such significant dissimilarity is to be found in a particular letter or figure. It cannot be specifically stated, but it depends upon the documents that are supplied. I found a dissimilarity in the present case. It is described in the point no. 6 in the reasons. It is true that I did not mention in the reasons anywhere else that I found any dissimilarity in any letter or figure.

**28.** I cannot say what precautions are required to be taken while obtaining the specimen writing. Deviations from the normal writings is the repeated characteristics of the writing. Sometimes the repeated characteristics are inconspicuous. While identifying the writings the repeated characteristics that are inconspicuous should be first sought and should be given more weight. They are likely to

be so unconscious that they would not intentionally be omitted when an attempt is made to disguise the writing and these cannot be successfully copied by another writer. I again say that perfect imitation depends on the skill of the writer. It is not true that I have not mentioned in the reasons about the repeated characteristics. I have mentioned it in the third paragraph before the points. On examination of the questioned documents, I found that the writer had developed unexplainable habits of slant of certain letters. I found that certain letters are large and certain are small, i.e., the relative sizes of the letters. It is not correct that the sizes of the common figures and letters differ in all the five questioned documents. I agree that detailed examination of the questioned and specimen documents is necessary to arrive at the definite conclusion. I agree that mere similarities do not necessarily prove genuineness any more than mere superficial differences. In the process of comparison the essential element is the necessity of distinguishing factor.

- 29.** It is not true that my opinion is not correct, that I have not carefully examined the material provided to me and that my opinion is not an independent opinion, but it is based on the

requirements of the police officer.

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

**30.** It is not true that it is necessary to mention specifically all the distinguishing similar or dissimilar features in clear terms while giving opinion and reasons. Our department does not have Urdu handwriting expert all over Maharashtra. I have given opinion about Urdu handwriting in more than 50 cases. It is not true that the writings in the encircled portions in Ext. 1491 (1 to 3) are photocopies. It is true that age of the paper and writing can be ascertained by scientific method. Old record and old documents may be preserved upto certain limit in government departments. It is true that airways are shown on maps by straight lines. I am from Maharashtra. I have not heard of Gulf of Cambay adjoining Maharashtra. It is true that Gulf of Cambay is shown on the map by the letter Q1 in red ink. I cannot say of which year the maps are. It is true that all the five maps are photocopies. It may be that the maps are printed by some company.

**31.** I have brought my office file to the court today. We do not have a working manual. I do not know whether my department has issued any guidelines to the police about collection of specimen

handwriting. I cannot state about a single case in which I received specimen writing without signatures of panchas. I had lastly examined a document sent by the police on 31/12/09. I have not examined any document thereafter till date as I am under suspension. The Director General has suspended me. I do not know his name. It is not true that I have not challenged it. The proceedings are going on. It was in connection with Anti Corruption Bureau matter at Nagpur Bureau, when I was holding the additional charge at Nagpur and the issue was relating to giving handwriting opinion. I do not remember whether I had given a positive opinion. I am not ready to tell about the reason for the suspension. I can produce my suspension order. It was in connection with 18 cases. All were not related to the ACB.

(Adjourned for recess)

**Date : 22/08/11**

**Special Judge**

**Resumed on SA after recess**

- 32.** I do not remember of which year the ACB case was and how many years prior to December 2009 it was. I cannot say whether it was before 2006. All the 18 cases related to giving opinion of

handwriting. I had given opinion in two cases only. I did not give opinion in the remaining 16 cases and I cannot say who gave it. It is not true that the opinion in the 16 cases was given under my supervision. I do not remember whether it was given by my colleagues and whether it was given. I do not remember whether some cases were prior to 2006, some were of 2006 and some were after 2006. I do not know what are the charges in the two cases in which I gave opinion. I was not given show cause notice before suspension. I have not given evidence in the court in respect of those two cases. I have given evidence in a number of courts after 2009 and I am in court for about 10-11 days in a month. I have not stated during any evidence that I am under suspension. It is not true that I was given the list of 18 cases along with the suspension order. The details of those cases have not been given to me. The suspension order may be of two or three pages. The reason mentioned in the order was in connection with the ACB cases. I do not know whether the ACB had investigated the 18 cases. I do not know whether any of my juniors, colleagues or superiors were suspended in connection with the same matter. It is alleged in the suspension order that I had

given false, erroneous and incorrect opinions. A crime is registered against me and I have taken regular bail. I was in custody for ten days. Bail was granted by the special court. The ACB recorded my statement before arrested. I was suspended after arrest. The chargesheet is not yet filed. It is true that the State has filed reply to my appeal against the suspension in the MAT. It is true that I was concerned with all the 18 cases and it is alleged that I had given opinion in all cases. I am the only accused in that case. All the 18 cases are related to Nagpur region. The office files are in the office. It is not true that I cannot get the files if I am under suspension. I do not know whether the action was taken after the complaint by 18 people or the ACB took action *sou moto*.

**33.** It is not true that I prepared the reasoning during this month. It is true that there is no reference to the reasons in the opinion. I always put date below my signature. I put date below my signatures on the opinion and other official correspondence not on the reasons. (Learned advocate calls upon the witness to produce copy of suspension order).

**34.** It is not true that I did not examine any writing and I did

not give any opinion, that no questioned documents or specimen documents were sent to me, that I signed on the ready-made reasons as per the convenience of the ATS, that I am in the habit of giving false and erroneous opinions and I gave false evidence.

**Cross-examination by adv Rasal for A1 and 4 to 6**

**35.** It is true that translation of the Urdu writing was not taken by me and it was not provided by the ATS also. I tried to find out about the contents of the Urdu writing by taking the help of one Jamil at the time of examination of those documents. I do not give any written requisition for such help. It is true that the documents that are before the court do not indicate that I have taken the help of said Jamil. The ATS did not ask me for translating the Urdu writing on the questioned documents. There is no reference about translation of Urdu words in the opinion and the reasons. It is true that I gave the translation of certain words in Ext. 1486 to 1490 for the first time on 12/08/11.

**36.** It is true that while examining any document I use lens and concentrate on curves, strokes and slants. It is true that it will be better if enlargements of writing are available to other persons for

considering the observations made by me. As an expert I would be in a position to say on which curve, stroke and slant I had relied upon. It is true that I have not specifically mentioned in the reasons about the curve, stroke and slant that I had relied upon. It is true that the specific letters where I had observed the pen lift and the single and the double curve are not described in the reasons. It is desirable to know from which particular document I had chosen a particular word. It is true that it is difficult to know from the reasons as to which particular word I had chosen for examination. Idiosyncrasy in point no.5 means the peculiarity of a particular person. It is not true that my opinion about the sign '@' is incorrect. Unconscious mannerism means unconsciously written by a person. It is true that the letter 'y' in Exts. 1486 to 1490 is not exactly identical. It is not true that there is a loop at the end of 'y' in Ext. 1491 (7). There is a curve there and also in Exts.1491 (1 to 9). There is an indication in Ext.1486 and curves in Exts. 1487 to 1491. It is true that I have not specifically mentioned in the 3<sup>rd</sup> paragraph from the last in the reasons as to from which document I found the above mentioned similarities. It is not true that I gave the opinion mechanically to help the ATS.



No re-examination

R.O.

**Special Judge**

**Date:-22/08/2011**

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