

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE: 16TH AUGUST, 2011****EXT. NO.1498****DEPOSITION OF WITNESS NO.133 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Suresh Rajaram Kulkarni
Age : 68 years
Occupation : Pensioner
Res. Address : 402, Nityanand Society, Moraya Heights, Balaji
Nagar, Dhankawadi, Pune-411043

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

1. (Witness requests permission to refer to the notes that he has prepared. Permission granted. Learned advocate for the accused submits that the notes be taken on record and received in evidence).
I was working as Sr. PI of Vasai Road Railway Police Station in July 2006. I was on duty on 11/07/06 at the platform of the Vasai Road Railway Station. API Doke informed me on phone from the police station at 1840 hours that there was a bomb blast near Mira Road Railway Station in a local train. He had made a station diary entry to

that effect. I told him that I am going to the spot and that he should send PSI Bhosale and 15 staff members to the spot. I started from the police station at 1845 hours and reached the spot that was in between Mira Road and Bhayandar at 1945 hours. Staff of Kashimira, Bhayandar and Mira Road Police Stations were deployed for bandobast at the spot. A local train was standing at the spot. Its overhead wire was broken. Focus lights were put up at the spot by the railways. The blast had taken place in the first 1st class compartment. The tin of the compartment was blown apart and the bogie was completely destroyed. Blood and flesh pieces were lying in the bogie. Articles of passengers were lying scattered in the bogie. Seats, fans and windows were broken and lying down. Mira Road Railway Station master Pradeep Verbey met me at the spot. I deployed my staff for guarding the spot and keeping it as it is. Dead and injured persons had been carried to nearby hospitals by the local police and the public. I took the station master to the Bhayander Railway Police chowki, which is within the jurisdiction of Vasai Road Railway Police Station and took his complaint. The complaint Ext.428 now shown to me is the same. It bears the signature of the station

master and my counter signature. I sent API Doke with the complaint to the Vasai Road Railway Police Station and asked the SHO to register a crime and to assign the investigation to me. The SHO registered crime no. 59/06, the printed format of the FIR Ext.429 is the same now shown to me.

2. I then started investigation of the crime. The complainant showed me the spot of the incident. I called two panchas there, showed them the spot and prepared panchanama. The panchanama Ext.564 now shown to me is the same. It bears my signature and that of the panchas and its contents are correct. The dog squad and bomb detection squad had come there during the preparation of the panchanama. PSI Nikam of that squad directed the dog Seema to sniff at the spot and I seized aluminum pieces, paper pieces and blood mixed earth. I put them in two different plastic bags. I put the plastic bags in a brown envelope, affixed a label containing my signature and that of the panchas and sealed them by lac seal. There were many bags in the compartment and outside the compartment. I directed PSI Bhosale to gather the bags under panchanama. I directed the local police to take further steps in connection with the

injured and deceased who were taken to the nearby hospital. I directed PSIs Devkate, Bhosale and Yadav of my police station to take the statements of the injured by going to the hospitals. I had come to know that 25 persons had died at that spot and 62 persons had been injured. A photographer by name Sachin Lade was at the spot. I requested him to take photographs of the spot. A videographer by name Sachin Sawant was also at the spot. I requested him to do video shooting of the spot. PSI Bhosale took the articles from the spot to the police station and prepared the panchanama at the police station. There were about 37 articles and I directed them to search for their owners. PSIs Bhosale, Yadav and Devkate recorded the statements of 51 witnesses and produced the statements before me. A broadcast about the crime was made by the wireless to all police stations and search for accused was launched.

3. I gave the seized articles in the possession of the muddemal clerk on 12/07/06 and he prepared receipt. I sent the seized articles to the FSL, Kalina, Mumbai on 13/07/06 along with my forwarding letter. Office copy of that letter, Ext. 980, now shown to me is the same, it bears my signature and its contents are correct. It bears the

acknowledgment of the inward clerk of the FSL. I took statements of six injured and PSI Yadav took statements of five injured on that day. On 14/07/06 I received the documents of eight deceased and eight injured persons from Police Station Bhayander, five deceased and twenty-three injured from Police Station Mira Road and thirteen deceased and twenty-six injured from Police Station Kashimira. I directed PSI Devkate to register ADR of twenty-six deceased persons, which he did. He registered ADR at sr. no. 36/06 and gave the documents to me. I recorded statements of twenty-four witnesses including videographer Sachin Sawant.

4. PSI Yadav took the statements of four witnesses on 16/07/06 and gave them to me. Police station in the Vasai village gave me the statements of seven witnesses. Police Station Dindoshi sent statement of one injured witness. PSI Yadav took the statements of two injured witnesses on 17/07/06 and gave them to me. I recorded the statement of the guard of that train by name Vidyadhin Ramkrishna Shukla. I examined two witnesses on 18/07/06. I gave a letter to the DSO of Mumbai Central railway office and asked him to send the motorman of that train. I recorded the statement of the

motorman Vasantkumar Shrinivas Mazi on 20/07/06. We were searching for the accused in the meanwhile. I handed over all the papers of investigation which I had done to ACP Shengal of ATS as per the order of the Commissioner of Railway Police, Mumbai. I had not arrested any person during my investigation.

5. I will be able to identify the articles that were seized from the spot. The labels on the envelopes Art- 246C and Art-247C, bear my signatures and that of the panchas. The rexine and assorted pieces, Art-245 colly., the three round papers, Art-246 (1 to 3) and the assorted pieces, Art-247 colly. are the same that were seized from the spot.

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

6. It is true that I deposed on the basis of the notes. I am ready to produce them. I had prepared case diary. It was given to the ATS. It is true that all the police officers of other police stations who were investigating the crime were forwarding the papers of investigation to me. I have mentioned them in the case diary from time to time. I had prepared an index of documents that I handed over to the ATS and had obtained a signature on the copy of the index. I cannot produce

that copy.

(Adjourned for recess)

Date:16/08/11

SPECIAL JUDGE

Resumed on SA after recess.

7. It is true that I have written points in the notes on the basis of which I gave evidence. I prepared the notes today on the basis of the copies of the documents in the police station, the originals of which have been filed in court. I saw the documents that were collected by me during my investigation. I did not bring those documents to the court. I may require the case diary to answer some questions. I cannot tell the number of statements of injured that were recorded during my investigation. I cannot say whether statements of all injured that were recorded during my investigation are filed with the chargesheet. The case diary consists of loose sheets. I cannot say whether the ATS officers had come to the spot on 11/07/06, but they had come on 12/07/06. It is true that the ATS was conducting investigation simultaneously. I did not record the statement of any ATS officer during my investigation. The ATS did not forward to me the statements of witnesses in my crime that they had recorded. I do

not remember whether description of suspects was revealed during my investigation. I cannot say from my memory in which part of the bogie the blast had taken place. I had made a detailed inquiry with the injured to obtain the clue about the suspects. I did not come to know the number of suspects during the investigation. I cannot say whether the statement of Ramanand Marutirao Macheware recorded by the ATS was sent to me on 15/07/06. I do not know anything about this statement. I cannot say whether this statement is mentioned in my case diary. The case diary was type written in my police station. I cannot tell the number of pages of the case diary. Every page has my signature, but not of my superior officers.

8. The photographer and videographer were at the spot when I reached there. They had taken photographs and videos before I reached there. They were people of the media and they were doing it on their own. I cannot say whether the photographer and videographer whom I requested to shoot at the spot were of the media. I cannot say whether they were of Samna newspaper and Aaj Tak news channel. I had recorded their statements. On going through the statements I say that the person Sachin Sawant was the

cameraman of Aaj Tak news channel and the person by name Sachin Lade was of Samna newspaper.

9. It is not true that the statements of the witnesses and the papers of the investigation are placed before the superior on the next day. It is not a rule in railway police that this has to be done and their rubber stamp, designation and date with signature has to be obtained. It is not true that such thing was not done at any time. There are no initials of my superior officers on any of the documents to show that they were seen by them. It is true that Vasai Road Police Station gave me the papers for reading.

10. The deceased and the injured were not at the spot when I reached there. Forensic experts from FSL, Kalina had not come to the spot in my presence. I had not called the BDDS squad. PSI Nikam and his staff had come. I cannot tell the number of the staff members. I took the statement of PSI Nikam. I cannot say whether photographs and videos of articles at the spot were taken before they were picked up. No shed was put up for protecting the spot from rains.

11. The roof of the bogie was torn and it had opened. I did

not call any railway officer to ascertain which part of the bogie was more damaged. I reached the spot about one hour after getting the information. There were about 50-60 persons of the public when I reached there. I went there by RPF jeep as trains had stopped running. The BDDS squad reached there at about 11.00 p.m. The spot panchanama was in progress at that time. I had called the panch witnesses. I did not inquire with them as to whether they had acted as panch witness earlier. Vasai Road Police Station is not near the railway station. It is at a distance of about one or one and a half hours. I went to the spot directly from the railway station after receiving the information. It did not see press photographers moving in and out of the bogie when I reached the spot. I was at the spot upto 3.00 or 4.00 p.m. on 12/07/06. I did not go home or to the police station in between. I did not take the complaint at the spot. The proforma of FIR is not kept at the Bhayander Railway Police Chowki at Bhayander Railway station. It is true that proforma is in bound volume and cannot be taken out of the police station. It is not necessary that CR number, charges and date and time are required to be mentioned in the margin of the complaint/FIR. I do not

remember whether I had made a phone call to the police station during the period that I was at the spot. I did not receive any phone call from the police station. I did not ask for any help when I was there. I had seen the articles of the dead and injured persons at the spot. Most of the articles were returned, but not with court's permission or by panchanama. Their statements were recorded. I can tell their names on going through the case diary. It is true that I did not find and see a single mobile or valuable article at the spot. No relative of any injured or deceased made a complaint or grievance to me about any valuable article.

- 12.** I have sent articles to the FSL many times. There is no format of forwarding letter. It is not true that a copy of label signed by panchas is required to be affixed on the forwarding letter. It is true that seal impression is required to be put on the forwarding letter. It is not true that it is sent for comparison. It is true that I did not send the seal impression with the remark that it is sent for comparison. I did not receive the report from the FSL till the time the investigation was with me. Piece of iron pipe was seized from the spot. It is not before the court. I cannot say why it is not. I mentioned in the panchanama

all the articles that were seized. I cannot say what more articles were seized that were described as 'vagaire' in the panchanama. My writer R. K. Patil had written the panchanama. He had not put his initials on the panchanama. It is true that it is not mentioned in the panchanama that he was present and his buckle number is also not mentioned. I cannot tell the exact number of injured that I came to know upto 21/07/06. I can tell this by going through the case diary. The injured had received compensation from railways.

- 13.** Statement of Joseph Anthony Almeida was recorded by an ASI in our police station on 22/07/06. I do not know whether he is available. It is not mentioned in the case diary of 22/07/06. I met as many injured as possible. I cannot say approximately how many statements of injured I recorded. It did not happen that I did not record the statement of any injured. I cannot say whether not a single statement of injured that I recorded is in the chargesheet. (Learned advocate for the accused calls upon the prosecution to produce statements of witnesses recorded by this witness. Learned SPP submits that the prosecution has produced all the documents in compliance of Section 207 of the Cr. P. C. Hence, the accused cannot

call upon the prosecution to produce certain statements. Heard both sides. In my humble opinion, further investigation of the crime was handed over to the ATS along with all the papers of investigation that this witness had done. Hence, it is for the IO who has filed the chargesheet to explain about the presence or absence of any such statement. In the light of the submission made by the learned SPP about compliance of Section 207, the prosecution cannot be compelled to produce statements of persons whom it does not propose to examine).

14. I had recorded statements of some injured in the hospitals and some injured had come to the police station. I can tell the names of such persons on going through the case diary or their statement. I cannot say whether all those persons were traveling in the bogie. Some were from outside the bogie. I cannot say whether the hospitalized persons were seriously injured and those that came to the police station after discharge were slightly injured. Statements of the injured were important from the point of investigation. There is a computer in our police station. Some statements were handwritten and some were taken on the computer. I did not call any sketch

drawer to the police station. I do not know whether some injured whose statements I recorded were sent with an officer or constable to the ATS. I cannot say whether the ATS officers were also visiting the hospitals during the period I was making the investigation.

15. It is true that I inquired with the injured to get the details of the suspects as to what luggage they had been carrying, where they boarded the train and at what station they got down. It is not true that all the injured that I examined were the regular travelers. I did not think that any injured was giving any false information. It is not true that the injured that I examined had given a clear description of the suspects.

16. The ATS did not take my statement. Our malkhana is in the police station and malkhana register is maintained regularly. There is only one brass seal given to our police station. It is true that a record is maintained to take out the brass seal from the police station, but if I take it out, it is not necessary. I have not brought the station diary or the seal movement register or malkhana register today to the court. I did not give any record about the seal to the ATS and they also did not ask for it. I had asked for the schedule of the

train from the guard, but he did not have it with him. I did not collect it.

17. I was in contact with police stations of Mumbai police and also of railway police. I was contacting them and they were contacting me whenever any information was received. The officers of the ATS, Crime Branch and DCB CID were not contacting me for information of the investigation. The railway officers were helping me with regard to the CCTV. The inquiry about the footage of CCTV was going on at CP level of railway police. I cannot say how many footages were provided. I cannot say whether CCTVs were installed and working at Churchgate station in July 2006. I did not have any occasion to see the CCTV footage till 21/07/06.

(Learned advocate prays at 4.50 p.m. for deferring the cross-examination of the witness with a direction to the witness to bring the station diary with him).

Date : 16/08/11

**Y.D.SHINDE
SPECIAL JUDGE**

Date : 17/08/11
Resumed on SA

1. (Witness is asked to go through the case diary). There is no page missing. On going through the case diary of 15/07/06 I say that statement of Ramanand Marutirao Macheware was not recorded on that day. I recorded the statement of injured Ramanand Marutirao Macheware on 12/07/06, of mother of injured Shailesh Shirish Kawale by name Sheetal on 16/07/06, of injured Rakesh Pandurang Naik and Indrajeet Gaurishankar Pal on 18/07/06. One Kiran R. Kini had brought a handwritten statement to me on 13/07/06.

(Adjourned for recess)

Date : 17/08/11

Special Judge

Resumed on SA after recess

2. Perusal of the case diary does not show statement of injured Amit Dinesh Singh recorded during my investigation. (Learned advocate calls upon the prosecution to make a statement whether statements of the injured stated by this witness are filed with the chargesheet. Learned SPP submits that it is difficult for him to make

such a statement).

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

3. It was not revealed from the statements of the witnesses that I recorded that anyone of them was an eyewitness to the planting of bombs or that any persons could be suspected about their involvement. I took the statement of Ramanand Macheware at the police station. I cannot tell the exact time when I recorded it. It was recorded in Marathi. It was handed over at the ATS office along with all other documents to ACP Shengal. I recorded only one statement of Ramanand Macheware. ACP Shengal did not make any inquiry with me about that person. He was resident of Virar. I do not know whether he is available there or not. It will not be correct to say that in the statement that he gave to me he stated that two persons came in the bogie with green small bag and kept it on the luggage rack though it was not necessary to keep it there and got down at Mira Road without taking the bag with them and when he was looking at the bag with suspicion there was a blast. He had not given the description of any person. It is true that after handing over the papers of investigation on 21/07/06, I did not make any further investigation

and do not know about the further progress of the investigation.

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

4. Railway police are deployed at every railway station. It is true that as incharge of the police station it was necessary for me to provide security at the seven railway stations that were within my jurisdiction. The duty officer or the SHO assigns duties of the officers and the staff to be deployed at the different railway stations. Entry about it is made at the police station. The staff deployed at the railway stations co-ordinate with the station masters at respective railway stations. PC Page and Chavan were on duty at Mira Road railway station on 11/07/06. I do not remember who were on duty at Bhayander railway station. There is a fish market outside the Bhayander railway station and there is auction in open in the morning. There are coolies at that railway station. One Kulkarni was the station master at Bhayader at that time. If any crime is committed within the jurisdiction of a particular railway station, our police officers on duty there make a report to the Vasai Road Railway Police Station. It is true that the staff members deployed at a railway station give information about any crime to the station master of the railway

station. The station master has a separate register for it. If the station master sends information about such an entry to the police station then a corresponding entry is made in the police station. If any crime is registered in the police station, we do not make any effort to find out whether any corresponding entry is made by the concerned station master.

5. I was at Vasai Road Railway Police Station since two years before 2006. Mumbai police intimates the information received by them in connection with any untoward incident that may happen to the railway control room or the office of the Commissioner of Police, Railway and then it is sent to the police stations. We are of GRP, i.e., government railway police. Officers on station duty do not inspect the tracks in between two railway stations. This is done by RPF. They may be keeping a record at their police stations about such inspections. It is not true that waste material is dumped by the sides of the railway track in between Mira Road and Bhayander.

6. Constables Page and Chavan were present at Mira Road railway station when I went there. The trains were not running on that track after the incident upto about the morning of the next day. I

recorded the complaint of Pradeep Verbey in between 8.15 to 9.00 p.m. It is true that I did not put the time below the complaint. It is not necessary to put the time. Vasai Road Railway Police Station is about 5-6 kms from Bhayander. I knew at the time of recording the complaint of Pradeep Verbey that no complaint of any other person had been recorded concerning that incident. It is true that the format of the FIR was not available at Bhayander Railway Police Chowki even then I did not find it necessary to send him to the police station. After taking his complaint, I sent it to the police station, because the station master wanted a copy of the FIR. It is true that there is no remark of giving him copy on Exts.428 and 429. I cannot tell the name of the person who was incharge as station master of Mira Road Railway station during the period when Pradeep Verbey was sent to Vasai Road Railway Police Station.

7. Special IG of Konkan Bhavan, SP, Thane Rural, DCP Bhosale of Western Railway, ACP Ms. Bhangar, Vasai Division Railways had come there. I did not see whether any high ranking officers from Mumbai Police Commissioner office had come there. I cannot say which of these officers visited the spot between 11/07/06 and

21/07/06. One PI Agarwal of ATS was making the investigation. There were other officers, but I do not remember their names. There was no co-ordination between us and the ATS during the period of my investigation. I had met some injured personally. PSIs Yadav, Devkate and Bhosale had met the injured and took their statements. I do not now have a list of the injured persons whose statements were recorded. It was handed over with the papers to the ATS.

8. It is not true that I cannot say today as to what was revealed in the statements of Ramanand Macheware. From the case diary I can tell the names of the injured witnesses whose statements were recorded by PSIs Yadav, Devkate and Bhosale. PSI Devkate had recorded the statements of Prakash Shridharan, William Joseph, Devang Mehta, Govardhan Ingavale, Sanjay Thomas Lopis, Manoj Bharadwaj, Ramanlal Hargovindas Patel, Yashwant Naik, Mahesh Surve, Subhash Lad, Kishore Mhatre, Namit Shah, Avdheshkumar Thakur, Manoj Singh, Wilfred Narhona, Mohd Sabir Yunus Khan on 12/07/06. PSI Bhosale had recorded the statements of Rishikesh Bhavsar, Hirendra Barot, Kailash Mehta, Satish Narayan Manoti, Vijay Nair, Pinesh Shah, Murari Parekh, Namdeo Surve, Raghunath

Chindarkar, Ajay Naik, Ashish Chaturvedi, Hastimal Solanki, Namit Vanmali, Milind Kamankar, Shivkumar Ram, Abhay Shrivastav on 12/07/06. PSI Yadav had recorded the statements of Sunil Chaudhary, Mackwin D'souza, Raju Thomas, Vrunda Suresh Hegde, William Basme, Abhay Shrivastave, Sonal Gonsalvez, Radhesham Singh, Dattatray Chaudhary, Madhukar Mistry, Umesh Shetty, Ramsingh Khatri, Ramnaval Sahani, Tushar Kulkarni, Pratik Raut, Paresh Amlani, Umar Hussain Shaikh, Naresh Patil, Sanju Khobrekar on 12/07/06. He had recorded the statements of Swapnil Amre, Meena Maru, Rahim Punawala, Ajay Bahadursingh, Shankar Abhang on 13/07/06, Bajaranglal Matadin Kayal, PC Govindan on 14/07/06, Atmaram Dalvi, Balaram Sankhe, Dasharath Patel on 15/07/06, Arvindkumar Kanojia, Sharda Ramani, Vrushang Shah, Vishnu Vaghode on 16/07/06, Chandrika Yadav, Rampyare Siddheshwar Lal on 17/07/06 and Swadhin Richpal Padia on 18/07/06.

9. I did not come to know whether the ATS officers had taken the statements of the above injured during this period. No person was brought to the police station as a suspect in this case. The panchas that I took were the hamals on the platforms. It is not true that they

are taken as panch witnesses whenever accidents take place on the platforms. It is not true that they were under my thumb therefore I took them as panchas.

(Learned advocate Wahab Khan makes a request for exhibiting the notes that are prepared by the witness. Heard both sides. The notes be exhibited).

No re-examination

R.O.

Special Judge

Date:-17/08/2011

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