

**C.O.C. SPECIAL CASE NO. 21 OF 2006****DATE: 23RD AUGUST, 2011****EXT. NO.1528****DEPOSITION OF WITNESS NO.138 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Mohd. Salim Yusuf Kadari

Age : 62 years

Occupation : Retired. (Sr.PI)

Res. Address :A/1002, Chaturbhuj CHS, Sector-21, Kharghar, Navi  
Mumbai

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

1. I was working as Sr. PI at the Bandra Railway Police Station in July 2006. The first blasts on 11/07/06 occurred at 1823 hours. I was on the way to the police station at that time. SHO HC More called me at about 1830 hours and told me that there was a blast in the Borivali fast local train no. 637 Down in the first class bogie near Bandra station after the train had just left Bandra station. I immediately went to the railway station to the platform no.1 reaching there at 1845 hours. Passengers were running here and there on the platform. The staff of the police station were taking out the injured and the deceased and taking them to nearby hospitals with the help of hamals and people. The train was standing on track no.3 in between Bandra and Khar, but near the Bandra railway station. The middle first class bogie had been destroyed. A crowd had gathered. I

instructed my staff members to immediately take the injured and the bodies of the deceased to the Bhabha Hospital. The roof of the first class bogie was blown up, the seats, west side luggage racks were broken. The tin of the floor on the eastern side was pressed down and gaps were created. The lights were broken and had fallen down. The glasses had broken and pieces of glass were lying there. Blood of the passengers was spread in the bogie. Bags, purses and other articles of the passengers were lying on the floor. I sent PSI Naik and Povane to the Bhabha Hospital to prepare the inquest panchanamas and to take the statements of injured witnesses.

2. I came to know that similar type of blast had taken place in between Santacruz and Khar railway stations. I appointed two staff members of my police station to guard the spot and went by jeep to Santacruz station. 635 Down Borivali slow local was standing on track no.1 near the Santacruz railway station. The first class bogie of that train that was the fourth coach from Virar side was destroyed. Western and central portions of the roof were blown up. Western luggage rack, seats were broken and lying down. Glasses had broken and glass pieces were lying on the floor. Western side door had

broken and was lying on the ground on the western side. The overhead bar with handles that is between two doors opposite each other had broken. The floor exactly below the portion of the roof that had blown up was also pressed down. There was a second class portion to that bogie after a partition of mesh. The partition was pressed towards the second class portion and there was a hole in the mesh on the western side. Articles of passengers like bags, purses, tiffins, bottles were lying on the floor. There was also blood on the floor. The injured and the dead bodies had already been taken to the hospitals before I reached there. I sent PSI Salvi, PSI Thorave and other staff to Nanavati, V. N. Desai and Asha Parekh hospitals to prepare inquest panchanamas and to take statements of injured. I kept guards at the bogie for guarding it. In the meanwhile, seniors came to the spot and gave instructions.

3. I then went to the police station and took the complaint of Hemant Tayade, Station Master of Bandra Railway Station and Nizamuddin Shaikh, Station manager of Santacruz Railway Station. I registered Crime No. 86 and 87 respectively on their complaints for the offences under Sections 302, 307, 326, 436, 427, 120-B, 34 of

the IPC, 3,4,5 of the Explosives Act, 151, 152,153 and 154 of the Railways Act. The complaints Exts. 408 and 413 now shown to me are the same, they bear signatures of the complainants and my counter signatures and signatures in the margins. The filled in printed format of the FIR of CR No. 86, Ext.414 now shown to me is the same, it bears the signature of the complainant and my signature also and its contents are correct. The filled in printed format of the FIR of CR No. 87 now shown to me is the same, it bears signature of the complainant and my signature also and its contents are correct. (It is marked as **Ext.1529**).

4. I then went with the complainant Hemant Tayade of CR No.86 to the spot on track no. 3 in between Km 15/3 and 15/4. HC Divekar had brought two panchas Pappu Radhesham Giri and Motilal Kuswah there. I requested the panchas to act as panch witnesses and they consented. The station master Hemant Tayade showed the spot. I prepared the spot panchanama in their presence. Railway authorities had arranged for floodlights. The panchanama Ext.516 now shown to me is the same, it bears the signatures of the panchas and my counter signatures and its contents are correct. I seized pieces of

cloth having strong smell of chemical, pieces of sunmica, pieces of glass and I took swabs of the blood by cotton. I put all these pieces in a plastic bag, wrapped it by brown paper, affixed a label bearing my and panchas signatures and sealed it at the spot. I also seized three metal pieces that were having strong smell of chemical. I put them in a plastic bag, wrapped it by brown paper, affixed a label bearing my and panchas signatures and sealed it at the spot. I saw pieces of flesh, bags, footwear, papers, sunmica and other articles of use by passengers lying at the distance of 150 meters from the spot towards Churchgate on both sides of the track.

5. I will be able to identify the articles and the labels bearing my signatures. The labels with wrappers Arts. 113B and 114A now shown to me are the same, they bear my signatures and that of the panchas and their contents are correct. The pieces of cloth, sunmica and glass described by me above are the Arts. 113 (colly.) and the carry bag Art-113B are the same. The three metal strips Art-114 (1 to 3) are the same now shown to me.
6. PC Bade took photographs of the spot by the government camera in the police station on my directions. The constables earlier

mentioned were kept on guard at the spot.

7. I then asked the panchas whether they are ready to act as panch witnesses for the spot in CR 87/06. They consented. I went with them in the police jeep to the spot. The station manager Nizamuddin showed the spot. I prepared a panchanama in the presence of the panchas. Ext.517 now shown to me is the same, it bears the signatures of the panchas and my counter signature and its contents are correct. I took from the spot pieces of clothes of passengers having strong smell of chemical, pieces of rexine, glass, iron and aluminum. I put them in a plastic bag, wrapped them by brown paper, pasted labels bearing my and panchas signatures and sealed them at the spot. The label pasted to the brown paper wrapper Art-115B is the same, it bears my and panchas signatures. The assorted articles burnt pieces of cloth, iron, rexine, glass and aluminum Art-115 (colly.) are the same.

8. I looked around the spot. I saw pieces of flesh, bags, footwear, papers, sunmica and other articles of use by passengers lying at the distance of 100 meters from the guard bogie towards Churchgate on both sides of the track near the Km 16/14 pole that was bent outside

the track towards west side. The kilometer board that is at a height of 10 feet on that pole was also bent. PC Salunkhe took photographs of the spot on my directions by the government camera of the police station.

9. I then returned to the police station, handed over the sealed muddemal to the muddemal clerk who made entries no. 68 and 69. Twenty-two passengers had died in the blast near Bandra Railway Station and nine had died in the blast near Santacruz Railway Station. The articles of passengers had been brought to the police station by the people. I prepared a panchanama about it, the panchanama Ext.506 now shown to me is the same, it bears my signature and that of the panchas and its contents are correct. The articles were returned back to the claimants. The station manager of Santacruz had prepared a list of the articles of the passengers that were found at the spot and he brought the articles and the list to the police station. ASI Jagdale prepared a panchanama of that. Ext.507 is the same now shown to me, it bears his signature and that of the panchas. The articles were returned back to the claimants.

10. Eight-four passengers in CR No. 86/06 and sixty-nine

passengers in CR No. 87/06 were injured. Their statements were recorded by PSIs and HCs of my police station. Inquires were made with the passengers as to whether they had seen any persons keeping bombs, but no one had any information. Inquires were made secretly in the nearby slums with the help of DB Squad. Criminals on record were brought to the police station and inquires were made with them. Letters were sent through the DCPs to the mobile companies about calls to and from foreign countries. The Director General of Police gave a direction on 11/07/06 to handover the investigation of the crimes to the ATS. We were simultaneously investigating the crimes upto 19/07/06.

**11.** I sent the seized articles to the FSL, Kalina along with the forwarding letter with constable Jadhav, buckle no. 566. The office copies of the forwarding letters Exts.656 (1 and 2) and 657 (1 and 2) in respect of CR No. 86 and 87 respectively are the same now shown to me, they bear my signatures and their contents are correct. They bear the acknowledgment of the receiving clerks of the FSL, Kalina. I recorded the statements of PC Jadhav after he came back.

**12.** I received a phone call from the Holy Family Hospital



that they had taken out foreign bodies from the bodies of three injured persons, Vishal Nagaich, Devidas Shetty and Gopal Rao. I sent PSI Pednekar, who seized them under panchanama in the presence of panchas. Vishal Nagaich was injured in CR No. 87/06 and the remaining two in CR No. 86/06. I sent the three small sealed plastic bottles to the FSL, Kalina in August 2006 along with forwarding letter with WPC- Satav. The office copies of the forwarding letters Exts. 888(1 and 2) and 889 (1 and 2) of CR No. 86 and 87 respectively are the same now shown to me, they bear my signatures and their contents are correct, they bear the acknowledgments of the receiving clerk of the FSL, Kalina.

13. I then handed over all the documents of the investigation to ACP Shegal at the ATS office, Nagpada on 19/07/06 along with a letter.

(Adjourned for recess)

**Date : 23/08/11**

**Special Judge**

**Resumed on SA after recess.**

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

14. Statements of all the injured were recorded. I did not

read all the statements. The inquiries were made with the injured with a view to obtain information about the crime and the description of the offenders. My subordinate officers did not place statements of some injured before me saying that they are important witnesses. I do not know whether the ATS recorded statements of witnesses during the period of my investigation. Datewise entries about recording the statements were made in the station diary. I did not get any witness who had seen any suspect boarding the train or getting down from it. Even if one eyewitness is found from whose statement description of the suspect can be obtained, then he is important from the point of investigation. I would have remembered such a witness. I have not brought the case diary. I do not remember the names of the officers, names of the injured witnesses, whose statements they recorded and the dates on which they were recorded. I can tell the names of the injured from the case diary and the dates of their statements, but not the names of the officers. I now say that I have brought the photocopy of the case diary. On perusing the photocopy of the case diary dated 14/07/06 I say that statement of injured Amit Rangnath Punja was not recorded. The investigation of the blast was being

done under my supervision. Officers of Vakola and Santacruz Police Stations were assisting me in the investigation. The investigation was with me upto 19/07/06. The above officers used to forward to me the statements of the injured that they recorded. On going through the entire case diary I say that the statement of Amit Ranganath Punja was recorded on 13/07/06 by API Mangale of Santacruz City Police Station. That statement was forwarded to me, on the basis of which I made entry in the case diary. I had given the said statement to the ATS along with all other documents. It is not true that the noting with respect to his statement in the case diary shows that he is an eyewitness. There is no entry in the case diary about the statement of this witness being recorded on 14/07/06. (Learned advocate calls upon the prosecution to produce the statement of the said witness dated 13/07/06 as stated by this witness. Learned SPP submits that the witness whose statement is asked to be produced is not in the witness box and secondly, that the statement is under Section 161 of the Cr. P.C. Hence, there is no question of producing it and it cannot be looked into for any other purpose. In my humble opinion, the prosecution has produced whatever statements it wants to rely upon

with the chargesheet. Hence, no such direction can be given).

**15.** In CR 87/06 PSI Salvi of my police station had on 12/07/06 recorded the statements of Suryakant Balkrishna Sawant, Ketan Dalpatbhai Patel, Jatin Mafatbhai Waghela, Kunda Vithoba Shinde, Pramod Hareshwar Gharat, Rais Abdul Chaudhari, Sheshmal Bhurmal Jain, Nitin Shivaji Tungare, Narendra Gunwantlal Shah, Popat Hasmukh Narayan, Tarun Ishwaran, Amin Sukesha Shekhar. Mumbai Central Railway Police statements had sent statements of Lalitkumar Bhagwandas Phanse, Gulab Ganpat Patole. Bhoiwada City Police Station had sent statements of Chirag Arvind Chavan, Viraj Narendra Panchal. Gaodevi City Police Station had sent statement of Kunal Manohar Kolge. HC Sonavane of my police station had recorded the statement of Anant Pandurang Ashtekar. HC Koli of my police station had recorded the statement of Rajendra Deju Shetty and Chintal Bhadresh Gandhi. HC Jadhav of my police station had recorded the statement of Parimal Gandhi. ASI Thorve of my police station had recorded the statements of Ashok Hari Kamble, Rasik Shantilal Savla, Gopani Lalubhai Purushottam.

**16.** PSI Salvi of my police station had on 13/07/06 recorded

the statements of Minarul Anish @ Rehman Islam, Kumari Dipti Sitaram Ghadigaonkar, Mangesh Gagankumar Jha, Sunil Krishnamurari Goyal, Hemchandra Chandrakant Patankar, Umesh Jayantilal Maniyar, Chalil Sanjiv Raghavan, Narendra Surajbhan Khandelwal, Loke Madhukar Narayan. HC Sonavane of my police station had on 13/07/06 recorded the statements of Nimesh Nitin Desai. API Mangale of Santacruz Police Station had sent the statements of Chandrakant Narayan Deshmukh, Sandeep Suresh Naik, Jayantilal Menshibhai Kakad, Kishore Gopinath Divekar, Jaydeep Anant Vyas, Vinay Hanumant Patil, Vinodkumar Keshavlal Darji, Mahendrabhai Babulal Mehta, Anuj Girishkumar Nandwani, Madhukar Babulal Zaveri, Mathew Jacob Kekhe, Minesh Popatlal Munani, Rajeshkumar Sarvanarayan Jha, Sachin Prabhakar Pawar, Pradeep Kantilal Joshi, Amit Ranganath Punja.

- 17.** PSI Salvi of our police station had on 15/07/06 recorded the statements of Vivek Dattatray Shirke, Ashok Tukaram Tandale, Laxman Gopalkrishna Kamat, Zarog Mathew Kalapurekal, Narsimha Mudyogiri Kamat, Alpesh Ashok Kondalkar, Sthapak Ansuf Ramanuj, Jagdish Lalji Godia, Rakesh Jaynarayan Kapoor, Dhiraj Kuwarji

Rathod.

**18.** PSI Salvi of our police station had on 16/07/06 recorded the statement of Clinton George Martish. HC Patil had recorded statement of Sudarshan Subramanyam. HC Divekar had on 17/07/06 recorded the statements of Anish Pradeep Kelkar. PSI Salvi of our police station had on 18/07/06 recorded the statement of Analesh Anand Desai, R. Sudarshan Ayer, Sarbindarsingh Harbansingh. PSI Salvi of our police station had on 19/07/06 recorded the statement of Rohit Jagannath Shetty. HC Sonavane of our police station had recorded statement of Rajendra Manohar Panchal.

**19.** In CR 86/06 PSI Naik of our police station had recorded on 11/07/06 statements of Anant Sadashiv Raorane, Mukesh Kanhaiyalal Hinduja, Rakesh Ramnarayan Pandey, Vijay Ganesh Sahastrabuddhe, Sumankumar Pappa Raju. On 12/07/06 statements of Sajid Mehboob Ali, Vijay Harigopal Purohit, Laxman Vasudeo Parab, Kaushik Uttam Pradhan, Kishore Tuljashankar Shukla, Kajitan Constatin Denis, Kamlesh Mohanlal Shah, Mukesh Indulal Shah, Ravindra Vasant Saravate, Vrushabh Suryakant Pathak, Kalpesh Prakash Mhatre, Bhagyabat Sarbeshwar Rahang, Parag Jayant

Mahadani, Roshanlal Raghunath Sahai, Arun Gunwant Deshmukh, Ashok Baburao Kulgod, Ashok Ramchandra Darayani, Nilesh Chandrakant Maru, Smt. Shobhana Jamashankar Pandya, Shubhendukumar Dehera, Morakkala Gopakrishnan, Mahesh Manaharlal Trivedi were recorded. On 13/07/06 statements of Bhagwandas Phuljibhai Makwana, Nagin Lalji Rathod, Vasant Laharchand Gaudani, Bhaskar Sanaya Kotian, Suhas Pandurang Chaugule, Mukeshbhai Narendra Zaveri, Rajan Kunjbihari Shah, Kaustubh Rajendra Kulkarni, Harish Ramchandra Kundnani, Manbirsingh Rajendrasingh Chandok, Anup Jagdish Saxena, Ramesh Mahadeo Zope, Nishid Sitaram Shrivastav, Nikesh Kantilal Rathod were recorded. On 14/07/06 statements of Dinesh Vishwanath Tirodkar, Suryanarayan Subramaiyam Ayyar, Devdas Siddhu Shetty, Yogesh Natwarlal Adiya, Ashish Rajulal Chavan, Sunil Rambhau Sasane, Deepak Vasudev Chabria were recorded. On 15/07/06 statements of Nitin Anandrao Jawale, Amit Ramdas Bante, Sanjay Ishwarlal Desai, Shriram Govardhandas Lajewar, Ashok Raghuveer Rao, Ganpat Chintaman Pimparkar, Kiran Anantrao Desai, Suhas Chimaji Tawde, Sitaram Mahadeo Pandit were

recorded. On 16/07/06 statements of Lalkumar Kansanand Tolani, Jayrajan Ujikrun Nair, Nitin Rasiklal Shah, Nutan Harilal Prasad, Devendrakumar Jain were recorded. On 17/07/06 statements of Sanjay Satyanarayan Namdeo, Parshuram Gangaram Rathod, Sudhirkumar Phanindranath Roy, Jaywant Yashwant Rane, Ramesh Mahadev Manchekar were recorded. On 18/07/06 statements of Prasanna Sitaram Prabhu, Lakhansingh Jayramsingh Rajput, Maumin Harish Momaya, Ramkher Shardaprasad Mishra, Surendra Pundalik Thavi, Murad Mallik Panjawani, Prabhakar Dhaku Iswalkar, Sunilkumar Rameshchandra Singh, Sanjay Nathuji Patil were recorded. On 19/07/06 statements of Vaibhav P. K. Mittal, Pankaj Ashok Vajirani, Avinash Narayan Karve, Nishikant Jagannath Gore, Suhas Manohar Jadhav, Dr. Pankaj Punamchand Lohia, Pundalik Mahalu More, Vivek Rajendrakumar Tulsian were recorded.

- 20.** Bhoiwada and Gaodevi Police Stations had taken statements of injured witnesses. Azad Maidan Police Station and Special Squad, Unit-XI did not send statements to me. PSI S.J. Patankar of Azad Maidan had not sent the statement of injured Amit Prakash Singh dated 13/07/06 and supplementary statement dated



17/07/06. Crime Branch, Unit-XII also did not send any statement to me.

**21.** Statement of Rangnath Punja was recorded on 13/07/06 in connection with return of property. I do not keep photocopies of case diary in every case. I had taken the photocopy of the case diary in this case at that time as the original case diary was going to be sent to the ATS. It is not true that I feared that my case diary may be tampered. I did not take signature of the ATS on the photocopies. I did not inform the ATS that I have kept the photocopy with me. I do not know whether statements of all the witnesses whose names I stated above are filed with the chargesheet.

**22.** I was ahead of BKC Police Station while returning from Kurla on 11/07/06. I went to the spot by the way that goes in front of the Bandra Railway Police Station, but I did not enter the police station. I cannot say whether the Bandra Railway Police Station is about 4-5 kms from the BKC Police Station. I was at the spot of Bandra railway station for about 30-45 minutes and at Santacruz railway station for about 35-40 minutes. I returned to the police station thereafter. I was at the police station upto 10.30 p.m. Media

persons were present when I first reached Bandra railway station. It was rainy season and it was drizzling slightly. Shed was not put up to protect both the spots from rains. I do not know whether the media persons were taking photographs and videos of the spot. My superiors had not come to the Bandra railway station spot upto the time I was there. During the time I was at both spots initially, I did not ask my staff to take photographs. The panchanamas Exts. 516 and 517 were written by my writer constable Bade. His buckle number was 131. His name is written in Ext. 516. His name is not mentioned as being present, writing the panchanamas and his initials are also not on the panchanamas. However, on going through the panchanamas Ext. 516 and 517, I say that his name is mentioned as being present. I had selected the panchas that were brought by HC Divekar. They had not acted as panch witness earlier. It did not happen that the panchas were the persons who do hawking illegally on the railway bridges and who are fined on a number of occasions.

(Adjourned at the request of learned advocate at 4.45 p.m.)

MCOC SPL.21/06

PW 138/19

Ext.1528

**(Y.D.Shinde)**

**Date : 23/08/11**

**Special Judge**

**Date : 24/08/11**  
**Resumed on SA**

**23.** I had prepared an index of all documents prepared during my investigation and had annexed it with my report when I handed over the investigation to the ATS. The names of the witnesses, whose statements were recorded and the officers who had recorded it were written in the index. I do not have its copy with me. It was given under my signature. I can identify my signature. (Learned advocate calls upon the prosecution to produce the index. Learned SPP submits that he will have to call the main IO for this purpose).

**24.** I had prepared the case diary of 19/07/06 and handed it over on 20/07/06 to the ATS. The seized property was not handed over. I did not make further investigation after 19/07/06. Muddemal property register containing the entry no. 68 and 69 is not before the court. The ATS did not ask for the muddemal property as I had already sent it to the FSL on 13/07/06 and subsequently in August 2006. It is true that I had sent some seized articles with the forwarding letter Exts. 888 (1 and 2) and 889 (1 and 2) on 17/08/06 to the FSL. I had received the phone call from the Holy Family Hospital

on 20/07/06. The delay in sending the seized articles to the FSL was because of workload. I cannot say whether I have not sent articles in any other case to the FSL during this period. It is true that the delay in sending the seized articles is not mentioned in the case diary. I do not know whether there are guidelines and model forms in the Police Manual about sending articles to the FSL. I do not know whether a standard format is provided for this purpose. It is not true that copy of label pasted on the packet of the sealed articles is required to be sent to the FSL with the forwarding letter. I do not know whether it is necessary to indicate in the forwarding letter the seal that is used for sealing. I have gone through many reports sent by the FSL. It is mentioned in such reports that 'seals intact as per copy sent'. I do not know whether the seal is verified in the FSL as to ascertain whether it is tampered or changed. I do not know on what basis the remark 'seals intact as per copy sent' is written in that report and what is compared.

**25.** My officers were not recording statements after I handed over the investigation to the ATS. On the basis of the copy of case diary that is with me I say that HC Sonavane of my police

station had not recorded the statement of injured Bipin Datatray Raut on 13/07/06 in CR No. 86/06. PSI Naik of my police station had not recorded the statement of injured Chandrashekhar Vasant Pujari on 19/07/06 in CR No. 86/06. PSI Naik of my police station had not recorded the statement of injured Deepak Vishwanath Parab on 23/07/06 in CR No. 86/06. PSI Gophane of my police station had not recorded the statement of injured Nagendraprasad Korokulu on 27/07/06 in CR No. 86/06. HC Sonavane of my police station had not recorded the statement of injured Kamal Parekh on 27/07/06 in CR No. 86/06. HC Divekar of my police station had not recorded the statement of injured Urban John Baptis Sequira on 27/07/06 in CR No. 86/06. PSI of my police station had not recorded the statement of injured Vinaya Vinay Palav on 17/08/06 in CR No. 86/06. PSI of Kandivali Police Station of my police station had not recorded the statement of injured Pradeep Indulal Shah on 23/08/06 in CR No. 86/06. SHO of my police station had not recorded the statement of injured Kiran Ashok Chaphe on 12/09/06 in CR No. 86/06. HC Sonavane, PSI Naik, PSI Gophane and HC Divekar were working under me. I may not be in a position to identify the signatures of all.

(Learned advocate makes a request to show the statements of all the above witnesses to the witness in order to see whether he can identify the signatures of the officers who had recorded it. Learned SPP submits that any part of the statement u/section 161 of the Cr.P.C. cannot be used for any purpose whatsoever except in accordance with Section 162 of the Cr. P.C. The learned advocate is not on Section 162 of the Cr. P.C. Apart from that, the witness himself has answered that none of such statements had been recorded by him or reflected in the case diary. Hence, there is no question of showing him signatures of any police officer below the statement. In my humble opinion, this request by the learned advocate is hit by the provisions of Section 162 of the Cr. P. C. Hence it cannot be allowed).

- 26.** On the basis of the copy of case diary that is with me I say that PSI Patankar of Azad Maidan Police Station had not recorded the statement of injured Amit Prakash Singh on 17/07/06 in CR No. 87/06. The said person had come to the police station for taking back his article. PSI Salvi of my police station had not recorded the statement of injured Prashant Sitaram Rathi, Harshadbhai Shah

and by HC Divekar statements of Lalit Potdar, Premal Nalin on 20/07/06 in CR No. 87/06. These persons had come for taking their articles and their statements were recorded. PSI Salvi had not recorded the statement of Nilesh Ganeshbhai Jasodiya, HC Divekar of Dara Behram Shroff on 22/07/06, PSI Salvi of Dhananjay Ublekar on 27/07/06, HC Divekar of Tushar Shah, PSI Salvi of Ashish Gokhale on 28/07/06, Chaya Modi on 01/08/06, HC Sonavane of Shivaji Sahin Sakhale 05/08/06, Anishkumar Dutt on 09/08/06, Satish Madhav 14/08/06, SHO of Dinesh Lahori on 16/08/06, PSI Salvi of Vikas Modi on 17/10/06 in CR 87/06. I do not remember whether my officers placed statements of the above witnesses on those dates before me. I had not forwarded the statements of these witnesses to the ATS. I cannot say how they are before the court. I do not know whether SIT was formed by Zone-XI to investigate into the blasts case.

- 27.** I did not take photographs or video shooting of the articles at the spot before lifting them from the spot. The photographs of the spot that were taken on my directions have not been shown to me in the court. I had handed them over to the ATS. I had got the



map of the spot prepared from the railways. I had not made any correspondence with the sketch drawer for preparing sketch of any suspect. I had given the map to the ATS, but it is not shown to me. I did not ask for CCTV footage from any authority of the railway department. I do not know whether at that time Churchgate, Mumbai Central, Dadar and Bandra were under CCTV surveillance. Experts from the FSL had not come to the spots when I was there, but I came to know that they had come earlier. I do not know who had called them. There is no mention in the case diary about it. PI Tonpe of ATS had called an expert from FSL, Hyderabad on 16/07/06. Staff of the BDDS had not come to the spots when I was there, but I came to know that they visited the spots when I was at the police station. I do not know what they did.

- 28.** I had inspected the bogies and the spots minutely. I do not now remember whether the portion of the bogie at the Bandra spot was more damaged on the Virar side or the Churchgate side. Same thing can be said about the bogie at Santacruz spot. The impact was more to the roof at both spots. Western portions of the roofs at both spots were damaged.

**29.** The record of scheduled and actual arrival and departure timings of trains and at what stations it was slow and what stations it was fast is available at the railway station office. I do not know whether the motorman makes a report if there is a delay because of the train halting at any signal. I did not collect such reports from the motormen of the two trains. It is true that it is necessary to send the copy of the FIR to the magistrate as early as possible. I do not know whether an entry about the date and time of sending the FIR is required to be made in column no. 15 of the printed format of the FIR. It is true that if a complaint is made in the police station, it is written on the back side of the first page of the printed format. I did not do so in both these crimes. It was reproduced on the back side of the first page as a copy was required to be sent to the court. The date and time of sending the FIR to the court is not written in column no.15 of both FIRs. Case diary of both the crimes was maintained separately. I cannot say why the statements that I said were recorded on 13/07/06 are not before the court. I cannot say why such statements are before the court, but they are dated 14/07/06. It is not true that my case diary is not properly maintained

and it is tampered, that I did not prepare spot panchanama, that I did not seize any articles from the spots, that I did not send them to the FSL, that I removed the statements of the eyewitnesses from the file in collusion with the ATS officers and that I deposed falsely.

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

**30.** My duty timings were from 9.00 a.m. to 9.00 p.m. on 11/07/06. My police station was adjacent to Bandra Railway Station. Santacruz Railway Station was in my jurisdiction. ASI Jagadale and HC Jadhav were the only officers at Santacruz Railway Station. Two PCs by name Jadhav, Havildar Mejari and WHC Thorat were on duty at Bandra Railway Station on that day. The SHO maintains the station diary. He makes an entry in the station dairy if he gets any information about any incident.

**31.** I was at the spot at Bandra from 1845 hours upto about 1925-1930 hours and at Santacruz from 1945 upto about 2015-2030 hours. I returned to the police station at about 2045 hours and was there upto 2230 hours. I did not go to the Bhabha hospital or any other hospital during this period. Officers of ATS and Mumbai Police did not come to the spots while I was there. PI Tonpe of ATS had

come on 16/07/06. I do not remember whether officers or superiors of Bandra City Police Station had come. It is not true that there was a crowd when I was preparing the panchanama. Media persons were there and they were doing their work. I cannot say whether the video shooting of the spots by media persons was going on upto the next morning. It is not true that it was going on upto 19/07/06. It is not true that they used to be present at the railway stations for taking bytes of persons upto 19/07/06. However, they used to come to the police station. It is true that it used to rain during the period from 11/07/06 to 19/07/06. It is true that no one else was present when I prepared the panchanama at the spots except the panch witnesses, complainant and my staff. There was no crowd on the platforms. The railway stations were deserted at that time. It is not true that except the panch witnesses Pappu Giri and Motilal, there were no other persons available there. I did not summon anybody else for doing the said work as they became available. It is not true that they were labourers. It is not true that the panchas that I took were under my thumb, therefore, I took them. It is true that I did not mention the train number in the panchanama. Proforma of FIR was available at the police

station when I recorded the complainants. SHO More was on duty at that time. I remember that he had made an entry in the station diary of giving me the information about the blasts. The information that I received was of cognizable offences. The station diary containing the entry was sent to the ATS.

- 32.** The injured were given compensation. There was no inquiry with me at that time. There was no inquiry with me as to what statements I had recorded at the initial stage. I do not know on what basis compensation was given to the injured. I did not record the statements of the staff members, who were kept on guard duty at the spots. It is not true that I did not prepare any panchanama on that day and that I was not present on that day at the spots.

(Adjourned for recess).

**Date : 24/08/11**

**Special Judge**

**Resumed on SA after recess**

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

- 33.** Drawing of spot panchanama is an important event in the investigation of a crime. There were twelve bogies in 637 Down Borivali fast local train including two 1<sup>st</sup> class and nine bogies in 635

Down local train. I do not remember how many first class bogies were there in 635 Down local train. I cannot tell the exact number of sitting capacity in the bogies at both spots. Though I had inspected the bogies minutely and meticulously, I cannot state about their sitting capacity. I recorded the statement of PC Salunkhe, but not of PC Bade. There was one government camera in the police station at that time. I do not remember its make. I do not remember the exact number of photographs that both constables had taken. PC Salunkhe was not with me during the panchanama of the first spot. He was at Santacruz. PC Bade was with me during the panchanama of the second spot. He was present at the time of both the panchanamas. I do not remember when I got the photographs and from which laboratory. I do not remember the exact date when I first saw the photographs. They were sent to the ATS. PC Bade had taken them to the ATS, but I do not know to which officer he gave them. They were not forwarded with any covering letter and no acknowledgment was obtained. I cannot tell the exact number of photographs and negatives that were given. I am certain that PC Bade had given them to the ATS. I took PC Salunkhe's statement on 12/07/06 in respect of

the photographs that he had taken. I cannot assign any reason why PC Bade's statement was not recorded about taking photographs. I cannot tell the full name and buckle number of PC Salunkhe. I have mentioned my observations about the affected bogies clearly in the panchanamas. I observed the affected bogie of the first spot at 6.50 p.m. for the first time. I had visited both sites before recording any of the FIRs.

- 34.** Churchgate is to the south side and Borivali is to the north side of both the spots. I cannot say from which platform at Bandra the train had passed. The train was halted at a distance of 350 mtrs from Bandra Railway Station. The second train was halted at a distance of 100 mtrs before Santacruz Railway Station. I cannot tell about the sitting arrangement of both bogies because the benches had broken. I cannot tell how many benches had broken in both. Normally the handles to the overhead rod in between the doors facing each other are facing towards the doors. There are two doors on one side for entering a bogie from the platform, one on the north side and one on the south side. There are similar two doors on the opposite sides of those doors. There is a big space called as passage

between the doors facing each other. There are rows of seven seats and two rows of three seats facing it on both sides of the doors on one side. There are windows between two rows of seats facing each other. There is no overhead rod with handles in between these rows of seats. There are three seat rows in the portion in between the two pairs of doors. I am not sure whether there are three or four pairs of doors. In between the three seat rows there is an overhead rod with handles. I do not remember how many overhead rods were broken in both the trains. I did not take internal measurements of both bogies. I did not take measurement of the portion of the roofs that were blown up and of the floor that had been pressed downwards. We can pinpoint the spots in the bogie by showing measurements. I did not measure the diameter of the portions that were blown up and pressed down. I did not mention the exact location of the damages caused in both bogies in both the panchanamas. I did not measure the diameter of the portion of the mesh in the bogie at Santacruz, that was pressed towards the second class compartment. The mesh was towards the north side. I did not measure the distance between the portion of the floor that was pressed down and the portion of the mesh that was



pressed towards the second class compartment. I did not observe or note facts other than those mentioned in the panchanamas. I cannot say from what angles and of what portions PC Bade and Salunkhe took the photographs. I did not prepare sketch of the bogies including the damaged portions. I do not agree that correct sketch of the spot giving the measurements of the damaged portions may enable the investigator to fix the identity of the culprits.

No re-examination

R.O.

**Special Judge**

**Date:-24/08/2011**

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