

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE: 26TH AUGUST, 2011****EXT. NO.1534****DEPOSITION OF WITNESS NO.139 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Maruti Dattatray Raskar
Age : 55 years
Occupation : Service
Res. Address : Flat No. 106, 1st floor, Hill View CHS., Balaji Nagar,
Dhankawadi, Pune-43.

Examination-in-chief by SPP Chimalkar for the State

1. I am posted as Dy. SP (Crimes), Maharashtra State at Pune at present. I was posted as Sr. PI at Andheri Railway Police Station from November 2005 to 2008. I was present in the police station on 11/07/06. PSI Ghuge, who was at Jogeshwari Railway Station for patrolling duty, called me from his mobile at about 6.30 p.m. and informed me that at about 6.23 p.m. a bomb blast had taken place in the first class bogie of Churchgate-Borivali slow local train of nine coach at platform no.1 at the Jogeshwari Railway Station. I immediately gathered all the staff of the police station, took the kit of investigation and with the staff went to the spot by the government

jeep. I directed PC Kadam to bring a photographer. I made a station diary entry before going out of the police station. I reached the spot at about 7.00 p.m. I saw the first class bogie to be completely destroyed and articles of the passengers lying scattered. PSI Ghuge and staff of our police station, staff of Oshiwara and Meghwadi Police Stations, passengers, fire brigade personnel of Goregaon, Marol and Andheri and local people had taken the injured and the bodies of deceased to the Cooper, Siddharth and Nanavati Hospitals. Railway officers and senior officers of local police stations were present there for maintaining law and order. Railway authorities had made arrangements for floodlights at the spot. I appointed my staff to cordon and guard the spot. Railway authorities had made arrangements of loudspeakers for giving information to the relatives of the injured and the deceased.

2. Anand Gulab Desai, the guard of that train, came forward when I was making inquiries and narrated about the incident. Therefore, I took his complaint. The complaint Ext.432 now shown to me is the same, it bears his signature and my counter signature and its contents are correct. I sent the complaint with HC Darade, buckle no.

1045 to the Andheri Railway Police Station by jeep for registering crime. The crime was registered at 9.00 p.m. and given CR No. 41/06. The printed format of the FIR now shown to me is the same, it bears the signature of PSI Patil of my police station that I know and identify and its contents are correct. (It is marked as **Ext.1535**). In the meanwhile, I took the statement of Mushraf Khan, motorman of that train. HC Darade came back at 9.30 p.m. to the spot. I then called two panchas for preparing the panchanama of the spot. One was Jaywant Nalage and the other was Taravare. I appraised them about the purpose of the panchanama and in their presence I prepared the panchanama of the spot. One Kirtibhai Gada from Chirag Photo studio, Andheri took photographs and video shooting during the panchanama. The panchanama Ext.494 now shown to me is the same, it bear signatures of the panchas and my countersignature and its contents are correct. I got map of the spot prepared from PC Satish Jadhav, buckle no. 714 during the panchanama and took the signatures of the panchas and made my countersignature. The map now shown to me is the same, it bears our signatures and its contents are correct. (It is marked as **Ext.1536**). PSI Gawade and

Jumade of BDD Squad with the dog by name Prince and its handler came to the spot during the preparation of the panchanama. I collected umbrella, documents, railway pass, valuable articles, mobile handsets, etc., twenty-two articles from the spot in the presence of panchas and put them in a white plastic sack. The panchanama was going on from 2135 of 11/07/06 to 1.45 a.m. of 12/07/06.

3. PSI Gawade and Jumade of BDDS produced certain suspicious articles like watch of Gruen company golden dial, a round ball of melted metal with spring, nuts and bolts, bearing the name MB Jumbo, a battery cell of Geep company described as Powerplus Gold, etc. I showed these articles to the panchas, put them in plastic bags and put the plastic bag in a brown envelope and sealed the envelope by lac seal. I also affixed a label bearing my and panchas signatures on the envelope. The panchanama Ext.496 now shown to me is the same, it bears signatures of panchas and my signature and its contents are correct. It was started at 2.25 a.m. and was over at 3.00 a.m. of 12/07/06.

4. I will be able to identify the articles if they are shown to me. The envelope with the label Art-58B is the same, it bears my signature

and that of the panchas. The wrist watch of Gruen company with belt broken, Art.49, broken chain with piece of rexine bag, Art-50, two deformed steel pieces, Art-51(1&2), one deformed spring, Art-52, one small spring attached with black metal piece, Art-53, one broken battery cell, Art-54, a tube of white metal, Art-55, back portion of steel wrist watch, Art-56, a hook with nuts engraved with the words 'M6 and Jumbo', Art-57 and pulp of gray colour like cotton, Art-58, the plastic bag, Art-58A are the same.

5. Special IG, Railways, Raja Mangaonkar visited the spot in between. Jt. C.P. Patnaik of Mumbai Police also visited the spot. DCP Ramrao Pawar of Central Zone, Railways, DCP Naiknavare, Zone-X of Mumbai Police, ACP Bhosale of Meghwadi Division, ACP Pardeshi of Bandra Division, etc., superiors visited the spot in the meanwhile. PI Sunil Deshmukh of ATS and his staff also visited the spot in between. I informed the police stations about the visits of these officers from time to time, about which entries are made in the station diary. Railway authorities shifted the train to the Kandivali Car Shed after obtaining permission. I directed them to appoint the RPF staff to protect the train as the investigation was going on. The station

superintendent of Jogeshwari Railway Station applied to me for shifting the coach as per the instructions received from Sr. DSO, BCT. It is the same now shown to me. It is addressed to me. (It is marked as **Ext. 1537**). I gave the permission. Office copies of the permission now shown to me are the same, they bear my signatures and their contents are correct. (They are marked as Ext. **1538 (1 and 2)**).

(Adjourned for recess)

Date : 26/08/11

Special Judge

Resumed on SA after recess.

(Adv Ms. Asma Shaikh h/f Wahab Khan is present and she states that advocate Wahab Khan has informed that the chief-examination be recorded. Adv Shetty had also consented for recording the chief-examination in his absence).

6. The railway authorities moved the train to the car shed. I had appointed four teams before this, two for making inquest panchanamas, one for taking statements of injured witnesses and one for investigation about suspects. I appointed staff to guard the seized articles and visited Cooper, Siddharth and Nanavati Hospitals. I also took statements of about 15-20 injured. I returned back to the

spot. The FSL team had come there and at their request I collected samples from the bogie that was in the car shed at Kandivali, in the presence of two panchas Sanjay Singh and Bhaktaraj. Both these panchas are not traced. The panchanama now shown to me is the same, it bear the signatures of panchas and my countersignature and its contents are correct. (It is marked as **Ext.1539**). Two samples were collected there and thereafter we went to the Jogeshwari Railway Station and to the spot at which the blast had taken place. Pieces of blood stained small stones, earth and iron nails were taken. I took all these articles in three separate plastic bags and wrapped the bags in three packets of brown paper and pasted labels bearing my and panchas signatures. I then sealed the three packets. The panchanama started at 7.05 a.m. and it was over by 8.45 a.m. I will be able to identify the three packets. (Learned SPP makes a request for opening the packets at sr. no. 17 and 18 of list Ext. 16E. They are given to the learned advocates for the accused for inspection. The packets are of brown colour having white labels and are in sealed condition with white thread tied across. They are bearing the markings as M-314/06/1 to M-314/06/3. They are shown to the

witness). The labels of all three packets bear the signatures of the panchas and my countersignatures and their contents are correct. (The packet bearing no. M-314/06/01 is opened and the contents are shown to the witness). The iron piece, plywood pieces, cotton swabs are the same. The plastic bag is the same. (The articles are marked as **Art-361(colly.)**, plastic bag is marked as **Art-361B** and the brown envelope with label is marked as **Art-361C**. The packet bearing no. M-314/06/02 is opened and the contents are shown to the witness). The iron strip, two screw, one big screw, plywood pieces, cotton like burnt piece of seat, soil like black substance are the same. The plastic bag is the same. (The articles are marked as **Art-362(colly.)**, plastic bag is marked as **Art-362B** and the brown envelope with label is marked as **Art-362C**. The packet bearing no. M-314/06/03 is opened and the contents are shown to the witness). The blackish red small stones, earth, glass pieces, nail and soil are the same. The plastic bag is the same. (The articles are marked as **Art-363(colly.)**, plastic bag is marked as **Art-363B** and the brown envelope with label is marked as **Art-363C**).

7. I then took the seized articles and the panchanamas to the

police station. I handed over the articles to the muddemal clerk HC Jadhav and his assistant PC Khanvilkar. HC Jadhav took three separate entries in the muddemal register and took my signatures on them. Inquest panchanamas had started to come. Total 28 inquest panchanamas were received on the basis of which ADRs no. 92 (1 to 28) were registered. I again visited the Cooper Hospital and took statements of injured. I returned to the police station, took the statement of PSI Ghuge, who had given me the information of the blasts. I also recorded the statements of PC Sail, who was on day duty at the Jogeshwari Railway Station on 11/07/06 and photographer Kirtibhai. I sent a special report to my superiors on 12/07/06 and the notes of investigation to the railway and city police stations. I prepared a forwarding letter to send the articles that were seized from the spot as per the directions of BDDS. I gave instructions to the investigating team to make inquiries with the daily passengers about suspects.

8. I sent the seized articles to the FSL with ASI Autgiri along with my forwarding letter on 13/07/06. Office copy of the forwarding letter Ext. 960 now shown to me is the same, it bears my signature and its

contents are correct. It bears the acknowledgment of the receiving clerk of the FSL. I took statements of some injured on that day. I directed the muddemal clerk HC Jadhav and his assistant to verify and handover the articles of passengers to their relatives, who had come there to take them back. PSI Tamboli and Gaokar produced statements of injured that they had recorded. I included them in the documents and noted it in the case diary. I gave instructions to the investigating team about suspects.

9. I recorded the statements of some injured who had come to the police station on 14/07/06 after being treated. I gave instructions to muddemal clerk HC Jadhav to handover the articles of injured and deceased to their relatives after due verification. A relative of a deceased by name Ajmera lodged complaint about someone having taken away the gold finger ring and credit card of the deceased after the incident. Crime No. 42/06 was registered on that complaint. One Mithun Jitendra Gandhi came to the police station on that day and requested for showing the seized articles so that he could locate his father who had gone missing after the incident. He stated that he had given missing complaint at Azad Maidan Police Station and had

searched for his father amongst the deceased at Mumbai Central and Bandra Railway Police Stations. Therefore, I showed him the articles. He identified a photograph, a railway pass and other documents as belonging to his father and confirmed that his father had traveled upto Jogeshwari and was amongst the injured or deceased. The name of his father did not figure in the list of the injured and twenty-eight deceased persons. I appointed a team of PSI Ghuge and staff to search for the father of that person as per the description that he gave and gave them instructions. PI Wadankar and staff of the ATS came to the police station on that day for inquiry. I gave them brief information about the crime.

- 10.** I recorded statements of some injured who had come to the police station on 15/07/06 after being treated. I gave instructions to muddemal clerk HC Jadhav to handover the articles of injured and deceased to their relatives after due verification. I sent the articles that were seized in the Kandivali Car Shed and at the spot at Jogeshwari to the FSL along with PC Tambe with a forwarding letter. Office copy of the forwarding letter Ext. 976 now shown to me is the same, it bears my signature and its contents are correct. It bears the

acknowledgment of the receiving clerk of the FSL. I had discussions with officer Wadankar and his staff of the ATS.

11. I recorded statements of some injured who had come to the police station on 16/07/06 after being treated. I gave instructions to muddemal clerk HC Jadhav to handover the articles of injured and deceased to their relatives after due verification. I directed them to make entries in the station diary and muddemal register and to take the acknowledgment of the persons in the muddemal register. I gave instructions to the investigating team.

12. I recorded statements of some injured who had come to the police station on 17/07/06 after being treated. PSI Ghuge and his team produced a man by name Sagar Vyapari and a woman by name Sangeeta Vyapari resident of Manjipada, Dist. Thane and gave report alleging that they had taken the body of Jitendra Darjibhai Gandhi of Kandivali from Cooper Hospital on the pretext that it was the dead body of Sunil Vyapari, Sagar's father and Sangeeta's husband and had cremated the body at Oshiwara and had taken compensation cheque of Re. 1/- lakh from the State Government. I sent the complaint along with the two accused to Juhu Police Station after

making station diary entry as the crime had been committed within its jurisdiction. CR No. 240/06 was registered at Juhu Police Station for the offences under Sections 419 and 420 r/w 34 of the IPC.

13. I gave instructions to muddemal clerk HC Jadhav on 18/07/06 to handover the articles of injured and deceased to their relatives after due verification. I gave directions to the investigating team.

14. I gave instructions to muddemal clerk HC Jadhav on 19/07/06 to handover the articles of injured and deceased to their relatives after due verification. During that work one Archana Manoj Shah had come to collect diamonds that had been recovered from the dead body of her husband Manoj Shah resident of Malad. The diamonds were in plastic pouches kept in two white paper packets bearing the dates 06/07/06 and 11/07/06 and the carats were also written on the packets. The diamonds were worth Rs. 4/- lakhs. They were returned to Archana Shah after due verification of her identity. Manoj Shah was a carrier of diamonds. ASI Autgiri brought a letter addressed to me from the doctor at Cooper Hospital for taking custody of a metal piece that was taken out from the body of an

injured Mohd. Kalal. The letter Ext. 962 now shown to me is the same. Accordingly I wrote a letter to the Sr. M.O. of Cooper Hospital to handover the metal piece to ASI Autgiri. The office copy of that letter, Ext.963 now shown to me is the same, it bears my signature and its contents are correct. The Sr. MO informed me by his letter that he had done so. The letter Ext. 934 now shown to me is the same. He had also sent copies of the letters Exts. 962 and 964 in a closed envelope. ASI Autgiri had brought a plastic jar in which there was a metal piece. The plastic jar Art-319A and the iron metal piece Art-319 inside are the same. I sent the plastic jar along with my forwarding letter and the closed envelopes, sent by the medical officers of the Cooper Hospital, to the FSL along with ASI Autgiri. Office copy of the forwarding letter, Ext.965, now shown to me is the same, it bears my signature and its contents are correct. It bears the acknowledgment of the receiving clerk of the FSL office.

- 15.** The documents were prepared and along with forwarding letter, case diaries and the documents were handed over to ACP Shengal at the Nagpada office of the ATS by me and HC Darade on 20/07/06 as per the order of the Commissioner of the

Police, Railways to hand over the investigation of the crime to the ATS, Mumbai. An entry was made in the station diary about it. FSL reports that were received later on were forwarded to the IO PI Wadankar of the ATS from time to time. The FSL reports Exts. 977, 988 and 966 now shown to me are the same, they bear my endorsement directing ASI Autgiri to hand them over to the ATS under my signature. Two more reports now shown to me were received from the FSL, they bear my endorsement under my signature directing ASI Autgiri to send them to the ATS. (They are received in evidence and marked as **Exts. 1540 and 1541**).

16. I and PSIs Tamboli and Gaokar had recorded the statements of the injured during the investigation. We had recorded about 80-90 statements including the statements that were forwarded by city police stations.

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

17. I had prepared index of the documents that were sent to the ATS that included the names of the injured witnesses whose statements had been recorded. I cannot produce its office copy. (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). It did not happen that I removed the statements of some witnesses and kept them with me. The special report was about the progress of the investigation. It was sent to ACP Pardeshi, Bandra Division, Railways. The documents concerning the CR no. 240/06 of Juhu Police Station are not shown to me today. I do not know whether Sagar and Sangeet Vyapari are alive. I did not make any efforts for doing their DNA test. I do not know about the result of that case. I can tell the names of the injured witnesses whose statements were recorded on seeing the case diary. I have the photocopy of the case diary. On perusing it I say that the statement of injured Shalab Bhatnagar was not recorded. His name is not mentioned in the case diary as an injured. (Witness is shown an injury report). I cannot say whether this person was injured in the blast that I had investigated. (It is marked as **Ext.1542** as the contents are shown to the witness). I say on perusing the case diary that the statement of injured Vijaykumar Babanna Rayappa was not recorded. His name is not mentioned in the case diary as an injured. It is true that inquiries were made with the injured witnesses to find out suspects and their

description. I did not get the description of any suspect in the statement of any injured witness. I can tell the names of the injured witness whose statements were recorded. (Learned advocate makes a request for keeping in court the photocopy of the case diary that is with the witness).

(Adjourned as court time is over).

Date : 26/08/11

(Y.D.Shinde)
Special Judge

Date : 30/08/11
Resumed on SA

(Adv Wahab Khan present at at 12.45 p.m. He submits that a confirmation matter is going on and he would resume his cross-examination at 2.30 p.m. and has no objection if Id adv Shetty starts his cross-examination).

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

18. I was on duty at Andheri Railway Police Station from 9.00 a.m. to 9.30 p.m. I started from the police station at about 6.30 p.m. It is not true that it had rained heavily on 11/07/06. However, it was raining slightly intermittently. It had rained at about 7.30-8.00 p.m. I do not remember whether it had rained before 7.30 p.m. I cannot tell for what time it had rained from 7.30 p.m., but there were light showers. They were not heavy showers. I made inquiries with about 3-4 persons after reaching the spot. I started recording the complaint of Anand Desai at about 7.15 p.m. and it was finished at about 8.00 p.m. I had not recorded any other statement except the complaint of Anand Desai and the statement of Mushraf Khan before I prepared the panchanama. Andheri Railway police were making the entire investigation of that incident. I selected the panchas from the persons who were present there. They were the coolies who used to

work on the platform. I do not remember whether it was raining during the preparation of panchanama. It had rained when I was at the Jogeshwari Railway Station. Blood on the platform and the bogie had washed away because of rains at some places. I could not collect any blood from the spot. It is true that some bogies of the train that were behind the bogie in which the blast had taken place were at the platform. There is a staircase on the platform no. 1. The staircase has a roof of cement sheets. I do not remember whether the staircase has cement sheets on both sides. There is a roof on the platform, but not on about 20 % portion. There was no roof on the portion of the platform towards Borivali side, but there was roof covering the end towards the Churchgate side. The 20% may be about 30-40 feet. There was no roof on the platform where the staircase starts. I saw blood on the platform. I saw blood on the platform near the staircase and on the metal (small stones) and near the bogie. I cannot tell about the area of the blood. The blood was at one place but there were many spots. I do not remember the distance between the blood spots near the staircase and near the bogie. I cannot tell at what distance the blood spots were from the staircase. I did not prepare a

sketch during the panchanama to show the spots of blood and the distance of the staircase and the platform and the last bogie of that train. There was blood upto the distance of 50 feet from the staircase. It is not true that the blood had completely washed off because of rains. I cannot explain why I did not collect sample of blood. I collected blood samples in between 7.00 to 8.45 a.m. on the next day. My writer PC Kadam wrote the panchanama. The contents of the last but one paragraph on page 7 of the panchanama Ext. 494 are correct.

- 19.** It is true that panchanama of a spot is important during investigation. I considered all things while preparing the panchanama. I cannot say whether the affected bogie was fourth from the Borivali side. I entered only the affected bogie during the panchanama. I did not enter any other bogie. There was ladies bogie towards Borivali side by the side of the affected bogie. I cannot say whether it was first class or second class. I cannot say which bogie towards the Churchgate side was by the side of the affected bogie. It was not first class bogie, but I cannot say whether it was second class or goods bogie. I was in the affected bogie for about 5-10 minutes during the

panchanama, but I cannot tell the exact time. One or two staff members were with me at that time. HC Tarade and PC Kadam were with me. The writing of panchanama was going on inside the bogie. I went inside the bogie only once. The writer was writing the panchanama as per my dictation.

- 20.** I cannot tell about the sitting capacity of the bogie as it had been destroyed. I do not remember how many doors the bogie had on the platform side. There may be about two windows to the bogie on the platform side, but I cannot say for sure. There were similar doors and windows on the opposite side of the bogie. I had taken the statement of the photographer Kirtibhai Gada on 12/07/06 at about 1200 hours. I cannot tell the number of photographs he had taken. He gave me the photographs on that day itself, but I do not remember how many they were and whether he had given the negatives, bill and the bill amount. I sent the photographs with the documents of the investigation to the ATS. There is no letter about forwarding the photographs. I do not have the acknowledgment of the ATS. I do not remember the number of photographs that I had sent. He had taken photographs from both sides as directed by me. The

sides were one from the platform side and one from the track side. There were tracks on both sides of the bogie. I do not remember whether he took photographs of the inside of the bogie by going inside it.

21. There was an arrangement for closing the entrance doors of the bogie. Two doors of the bogie had been affected. I cannot say whether the affected doors were on the west side or east side. The affected door was on the Borivali side. The east and west doors on the Borivali side had been affected. There was door on the Churchgate side. I cannot say whether it was affected or not. I did not take measurements of the bogie from inside and outside. I did not tell the photographer to take photographs of specific spots in the bogie. I told him to take photographs of all the spots. 60-70% portion of the bogie was affected. I cannot say which part of the bogie from inside was affected, but it was the part on the Borivali side.

(Adjourned for recess).

Date : 30/08/11

Special Judge

Resumed on SA after recess

22. I carefully and meticulously examined all the parts of

the bogie from inside. I know that the articles that are seized from the spot are required to be packed and sealed. The spot panchanama Ext. 494 is correctly written, there are no mistakes in it and nothing remained to be written to my knowledge. It is true that the articles seized under this panchanama were not packed and sealed. It is not true that it is not written in the panchanama Ext. 496 that the articles were packed and sealed. It might have remained to be written that the articles were packed and sealed. It is not true that the articles were not packed and sealed, therefore, it is not written in the panchanama. The train was taken to the Kandivali Car Shed at about 4.00 a.m. on 12/07/06. I went there at about 7.00 a.m on that day. I was there for about half an hour, i.e., upto about 7.30 a.m. I did not go there again.

- 23.** The roof of the bogie was cut. I do not remember at how many places it was cut. The portion of the roof towards the Borivali side was more damaged. I do not remember whether there was a compartment of a seven seat row faced by two rows of three seats on the Borivali side after entering the door on the Borivali side. I cannot tell the measurement of the passage near the door. It is true

that there were six rows of three seats towards the Churchgate side after entering the door. I did not take the measurement of that compartment/middle portion. It is true that there is a pair of entrance doors on the Churchgate side after that compartment. There was a compartment of a seven seat row faced by two rows of three seats on the Churchgate side after the passage between the doors. I did not take measurements of any points inside the bogie. I did not take the measurements of the distance between the damaged portion of the roof and other portions of the bogie. It is true that I did not measure and mention in the panchanama the distance between the damaged portion of the roof and the doors or seats. It is true that it is not mentioned in the panchanama Ext. 494 that the portions in the bogie on the Borivali side were damaged. It is an important fact. I did not mention it as the entire bogie was damaged. I was convinced that the damage was because of bomb blast. Panchanama is prepared for the purpose of investigation. It is true that it is necessary to locate the spot where the bomb was placed. I had investigated in that direction. I could not locate the spot where the bomb was placed as there was extensive damage to the bogie. I did not measure the length and

width of the cuts of the roof.

24. It is not true that I vaguely described the damage to the bogie in the panchanama and I have not prepared the panchanama correctly as per the factual condition. The writing of the complaint in the FIR Ext. 1535 is that of PC Kadam. It is true that Borivali side and Churchgate side directions are not shown in the map Ext. 1536. I took about 30-40 statements from 11/07/06 to 17/07/06. PI Sunil Deshmukh of ATS came to the spot at about 8.00 or 9.00 p.m., but I cannot tell the exact time. I cannot say for how much time he was there and whether he was there for about 4-5 hours. I cannot tell the number of staff members that were with him. No other senior officer of the ATS had come there. It is true that I could not get any clue about the planter of the bomb from the statements of the witnesses that I recorded. The witnesses did not express their suspicion about any person.

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

25. Declined.

Further cross examination by adv Wahab Khan for A2, 7, 10 & 13

26. (Adv Ms. Asma Shaikh h/f Wahab Khan submits that he

is busy in CR 55 and will come after half an hour. She requests for keeping back the matter. Hence, K.B.

Later on

Cross-examination resumed on SA

(Witness is shown portion marked-A from the statement of PW-96). Said witness had stated before me the contents from the portion marked-A from his statement. (It is marked as **Ext.1545**). The case diary of this case is in loose sheets. It is true that it does not contain the signatures or the initials of my superior officers about having inspected it. It is true that the events of taking statements and preparing panchanamas are written chronologically with date and time in the case diary. I generally keep copy of the case diary of any crime, if investigation is to be handed over to someone else. It is done for refreshing memory of the investigation. I had gone through the case diary before giving evidence and I gave evidence accordingly.

- 27.** My police station has muddemal property room. Entries are made in the muddemal register chronologically as per the receipt of the articles. I had not given the original muddemal register or its

copy to the ATS. The ATS did not ask for it at that time, but they asked for it later on. I had not given it. I cannot tell when they asked for it. It is not true that there was no entry in the muddemal register, therefore, I did not give a copy to them and they did not ask for it. There was only one brass seal of our police station. It is in the custody of the muddemal property incharge. No record is maintained about its use in the police station or if it is taken out. There is no record like station diary entry or seal movement register or requisition to the property room incharge about taking the seal outside the police station.

28. I am not shown the photographs or the video shootings that were taken by Kiritibhai Gada. Photographs of the articles that were picked up by me from the spot were not taken before picking them up. The fire brigade people did not do anything else at the spot other than taking the injured and bodies of the deceased to the hospitals. The spot was not covered with any shed. The spot had become wet. It had not rained heavily, therefore, I did not make any efforts to dry the spot. I did not collect the time table of the schedule of the trains from the motorman or the railway office.

29. On going through the case diary I can say, whose statements were recorded by whom and on what date. I recorded the statement of motorman Mushraf Firoz Wahid Ali on 11/07/06, of Mrs. Jasbinder Pradeepkumar Sanyare, Ms. Lata Bhimrao Shirsath, Mrs. Deepika Arun Chavan, Jayprakash Balkrishna Gurav, Chaya Vilas Kothe, Nikhil Vasant Khopkar, Bajirao Bhausaheb Desai, Ambar Abu Mendhe, Aparna Vivek Salvi, Nilesh Rohidas Kadam, Shanta Rohidas Kadam, Rambharan Y. Mishra, Rambhau Vitthal Sadavart, Vilas Maruti Ghunge, Chandrakant Mataprasad Mishra, Praveen Laxman Bhat, Mohd. Tanveer Mohd. Ali Kalam, Pinto Anil Saroj, Sachin Abaji Rahate, Mahesh Vilas Pitale, Prakash Bhalchandra Wagh, Ashwin Ramesh Bharucha, Dilip Ramchandra Shinde, Vijay Pandurang Mistry, Bipin Natwarlal Shah, Janak Harshad Upadhyay, Kshitij Anil Bhaldora, Dadasaheb Babarao Gokhane, PI Nitin Ghuge, PC P. S. Sai, Kirtibhai Gada on 12/07/06, of Yogesh Gulabrao Pehedam, Usha Rajesh Raval, Sambhaji Pheku Yadav, Manish Mahant Joshi, Ramdas Dhondiba Warange, Mohd. Salim Abdul Khalil Khan, Arvind Wangbhaji Mahendra, Parag Panditrao Rane, Harshad Subhash Borgaonkar, Chandrakant Vinayak Joshi, Chetan

Barkhadas Mehta, ASI Autgiri on 13/07/06, of Sanjay Balu Sidhwan, Ashok Radhakisan Singhal, Shashikant Raghunath Dabherkar, Sachin Nagindas Gupta, Abhijit Avdhesh Sharma on 14/07/06. PSI Tamboli produced the statement of Paresh Ambalal Foda and others on 16/07/06. Oshiwara Police Station had sent the statements of Narendra, Dholabhai Upreliya, Deepjyoti Suryaprakash Chatterji, Deepak Balmukund Shah, Kita D'Souza, Harish Devmal Gandhi, Bhabham Aba Solkar, Gulab Yadav, Bharat Radhesham Rathod, Ramkumar Bachansingh on 16/07/06. Statements of injured who came to the police station on 17/07/06 were recorded. They are Sanjay Ghanshyam Pandey, Hitesh Shashikant Shah, Subhash Shankar Khedekar, Sushant Bharat Manina, Andu Regori Fizo Rado. Statements of injured who came to the police station on 18/07/06 were recorded. They are Mangesh Sadanand Mistry, Kamlakar Jayram Sankhe, Amrut Tulsiram Patil. Goregaon Police Station forwarded statements of witnesses on 19/07/06. They are Pramodkumar Manager Thakur, Rajan Govind Nair, Shiva Balan, Sushila Vijay Walthate, Shivanna A. Shetty. The SHO had recorded the statement of Geeta Narayan Meshram on 12/07/06.

(Adjourned as court time is over).

Date : 30/08/11

(Y.D.Shinde)
Special Judge

Date : 13/09/11
Resumed on SA

30. I have mentioned in the case diary the names of the witnesses whose statements are recorded by me. I have also mentioned the names of the witnesses whose statements were recorded by officers of Oshiwara and Goregaon police stations and which were forwarded to me. Zone XI had not forwarded any statement. I have mentioned the dates of the statements recorded by the above police stations on the dates on which they were received. I can identify my signatures on the statements that I had recorded. It might have happened that I did not mention in the case diary the names of some witnesses whose statements I had recorded. I did not do it deliberately. On going through the statements at record page no.23 to 24, page no.27-28, page no.157 and page no.67 of Vol.IV-E, I say that I had recorded the statements of Chandrawardan Maganlal Sawala, Sunil Kashiprasad Bajaj, Supriya Baban Kheratkar and Vasant Abhimanyu Shirsikar respectively on 12/07/06 but they are not mentioned in the case diary. On going through the statements at record page no.163 and 259 of Vol.IV-E, I say that I had recorded the

statements of Vipul Manharlal Halani and Jafar Ali Shaikh on 14/07/06 and 16/07/06 respectively but they are not mentioned in the case diary. These names remained to be written inadvertently.

31. I cannot say why the statements of the witnesses that I received from Oshiwara Police station on 16/07/06 are not in the chargesheet. It did not happen that PSI Tamboli of my police station recorded the statements of these witnesses from 11th to 14/07/06. I cannot assign any reason why this is not mentioned in the case diary though their statements are with the chargesheet. I can identify PSI Tamboli's signature. PSI Tamboli is available. I cannot say why the statements of Rajan Nair, Shiva Balan, Shivanna Shetty and Premkumar Tahkur sent by Goregaon police station on 19/07/06 are not with the chargesheet. It is not mentioned in my case diary that these statements were recorded by PSI Tamboli on 12/07/06 though they are with the chargesheet.

32. A zone is headed by a DCP. I cannot tell the location of Zone-XI and Zone-XII. I do not know whether these two zones had constituted an SIT for investigating the bomb blasts. I cannot assign

any reason as to why the statements of Subhash Khedekar, Sushant Manina, Hitesh Shah and Andu Fizo Rado are not with the chargesheet. There is no endorsement in the case diary that PSI Tamboli had recorded their statements on 12/07/06. I cannot say why the statements of Sushila Walthate received on 19/07/06 from Goregaon Police station is not with the chargesheet.

- 33.** Our police station had not recorded the statements of Hansraj Kanojiya and Vaibhav Mahale on 20/07/06, Sujit Gore and Dinesh Nadar on 23/07/06, Jokin John Fernandes on 25/07/06, Kamalkumar Devada and Gopal Shyamsundar Choudhary on 29/07/06, Ramkumar Yadav on 03/08/06, Rajnish Balkotki on 22/08/06, Neelam Vishnu Ghegadmal and Vijayanti Anirudha Sule on 30/08/06, Rajendrakumar Mulkraj Mahajan on 31/08/06 and Gayabhai Narude on 04/09/06. These persons were the injured persons and they must have come to the police station after I handed over the case papers on 20/07/06, therefore, their statements might have been recorded and therefore they are with the chargesheet.

34. It is not true that the case diary is tampered in collusion with the ATS and it was provided by the ATS before my evidence. It is not true that in collusion with the ATS I removed statements of important eye witnesses in order to falsely involve the accused, that the statements are suppressed and I gave false evidence.

No re-examination

R.O.

Special Judge

Date:-13/09/2011

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