

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE: 20TH SEPTEMBER, 2011****EXT. NO.1559****DEPOSITION OF WITNESS NO.140 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Vijaykumar Nana Godbole

Age : 60 years

Occupation : Retired PI

Res. Address : Flat No.3, Atharva Prasad, Tarabai Park, Kolhapur.

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

1. I was attached to Mumbai Central Railway Police Station as PI, Administration, in July 2006. I was on day duty on 11/07/06. I and Sr. PI Rathod returned to the police station at 5.30 p.m. after patrolling. PC-Jadhav 3286 from Matunga Police Station informed on phone at 1830 hours to the SHO that there had been a blast at Matunga Railway Station in a local train. After receiving this information PI Rathod, I and API Inamdar and staff left at 1835 hours in the police vehicle for going to Matunga Railway Station by making station diary entry. We reached Matunga Railway Station at about 1900 hours. We came to know on reaching there that there had been a blast in the local railway on platform no.3. When we reached at the spot,

someone informed Sr. PI Rathod that there had been a blast in the fast local train at Mahim Railway Station. He ordered me to go to Mahim Railway Station with staff in the police vehicle. I immediately went to Mahim Railway Station reaching there at about 1930 hours. On inquiry with a policeman outside, he informed that the blast had taken place at the platform no.3. I and my staff went running to the spot on the northern side. I saw that the train had halted at about 100 to 150 meters distance ahead of the platform and its last three bogies were by the side of the platform. I and my staff reached the bogie in which the blast had taken place. Two constables of Wadala Railway Police Station were there. They told me that fire brigade personnel and general public had shifted the dead bodies and the injured persons to the hospitals and the articles of the passengers were collected and kept in the Mahim Railway Police Station. I saw blood on the ground below the bogie in which the blast had taken place. There were pools of blood, blood, pieces of glass in the bogie. The serial number of the bogie was 528A. I saw the glass of the windows, benches, fans and tube lights to be broken. The front portion of the bogie was severely damaged. I told the railway authority to make

arrangement of light. Accordingly in 5-10 minutes the arrangement was made in front of the bogie. I came to know there that the blast had taken place when the train had started from platform no.3. Therefore, I went towards the platform no.3. I saw that a pit was created on the platform in front of pole no.12/17 and pieces of the cement sheet of the roof had fallen there. I returned back to the bogie in which the blast had taken place and then went to the cabin of the motorman. I inquired about the motorman of the train and met Girishchandra Shridhar Shingar Chaurasiya. He told me that he was driving the said train at that time. I told him that it is necessary to take his first information report. Before that I informed CP, Railway and PI Rathod by wireless that there had been a blast at Mahim Railway Station in local railway train at platform no.3. Fire brigade personnel also informed me before I went to the motorman cabin, that about 25-30 dead bodies had been shifted from the spot and many persons had been injured. The Home Minister for State and the leader of the opposition visited the site when I was there. CP, Railway and ATS officers had also come there.

2. I took the motorman to the office of the station master of Mahim

Railway Station and took down his FIR in Marathi, which was written by my writer as per my dictation. I explained it to him in Hindi. Ext. 426 now shown to me is the same, it bears his signature with date and my countersignature and its contents are correct. I sent the FIR with PC-1319 Sonune to the Mumbai Central Railway Police Station for registering offence. I told him to bring khaki paper, small plastic bags, thread and articles for labeling while coming back. After he returned back I came to know that CR no. 78 was registered. I then took the statement of the guard Ravindra Hari Dalvi. I called two persons from the persons on the railway platform and requested them to act as a panch witnesses. One was Rajendra Keruchand Sonavane and the other was Hemant Rajaram Satardekar. They consented to act as panch witnesses. I, PI Shinde and the panchas then climbed the bogie in which the blast had taken place. D. B. Rane of EMU, Car Shed of Mumbai Central had come there for video shooting of the bogie. B. B. Daundkar and his staff from the CFSL, Kalina had also reached there. We saw two benches from the bogie fallen outside the bogie on the eastern side, blood at various places in the bogie and at some places there were pools of blood. We also

saw the window glass panes to be broken. The FSL people had started doing their work there. They collected swabs of soot, pieces of debris, half burnt pieces of clothes and iron strips of the benches and gave those articles to me. They gave five articles and I also collected twelve articles from the spot. I labeled and sealed the five articles given by the FSL people at the spot. I then prepared panchanama, Ext. 525 now shown to me is the same, it bears the signatures of the panchas and my countersignatures and its contents are correct. I had taken measurements during the panchanama. .Signal board no. S-53 had broken and had fallen at the spot at the platform. I will be able to identify the articles, if they are shown to me. The Arts 117 to 132B now shown to me are the same. The labels Arts. 117B to 119B, 121C, 122B, 123C, 124A, 126A, 127A to 132A bear the signatures of the panchas and my countersignatures. The panchanama was done during the period from 2200 to 0030 hours.

3. Railway authorities requested at 3.45 a.m. for permission to shift the bogie from the spot. I gave the permission and directed PSI Malvankar to inform the railway authority to keep the bogie in the same condition. I returned to the police station at 4.30 a.m. I

constituted six teams of the my staff, two for holding inquests, two for taking statements of the injured person and two for making inquiries about the persons responsible for the blasts. I sent a special report about the incident to my ACP and DCP. I sent copies of the FIR to the Mumbai Central Railway Magistrate, DCP and ACP. ASI Bhoir had brought the articles of the passengers to the police station. I seized the articles under panchanama in the presence of panchas Harilal Bhagelu Gaud and Arvind Govind Sanai. Most of the articles were returned to the injured or their relatives. An amount of Rs. 1.5 lakhs was found at the spot in a bag. It was returned to the son of Laltaprasad Yadav. The panchanama now shown to me is the same, it bears the signatures of the panchas and my counter signatures and its contents are correct. (It is marked as **Ext. 1560**).

4. I recorded the statement of PC Jayraj Sadashiv Sagavekar, 2494 of Wadala Railway Police Station on that day. I then went to Mahim Railway Station and recorded the statements of Farukh Hanif Momin, Dy.S.S. and his pointman Akaram Aba Kamble. I prepared a forwarding letter for sending the five articles handed over by the FSL people, to the FSL. I took the signature of PI Rathod on that letter, put

the O. No. 3125 A and sent it along with the five sealed articles to the FSL, Kalina along with HC Jadhav, buckle no. 731 and HC Kamble buckle no. 1429. Office copy of the forwarding letter Ext. 906 is the same. I received about 28-30 statements of injured that were recorded by my staff and by the staff of other police stations. My staff had also recorded statements of persons who had been injured in other railway blasts. I sent those statements to the concerned police stations. Azad Maidan Police Station had sent an inquest panchanama of a deceased person by name Vrundesha Ramniranjan Sakseria, I gave ADR No. 150/06 to it and it included in the papers.

5. I recorded the statement of HC Jadhav on 13/07/06 in connection with reaching the articles to the FSL. PSI Malavankar gave a panchanama about recovery of an article like a small battery. The panchanama now shown to me is the same. It bears his signature, which I know and identify. (It is marked as **Art-364**). Malad Police Station sent statement of HC Balu Sakharam Kakad. I included it in the papers. I recorded the statement of Avinash Harishchandra Meher on 14/07/06, the constable who works in the photograph department. He had taken the photographs of the spot on 11/07/06

before I reached there. He gave me 29 photographs that he had got developed from Bawan Photo Studio. I took the statement of D. B. Rane who had done video-shooting of the spot as he brought and gave me a CD of the video-shooting.

(Adjourned for recess)

Date : 20/09/11

Special Judge

Resumed on SA after recess.

6. I will be able to identify the photographs. The photographs Arts. 257 (1 to 29) now shown to me are the same. I received statements of sixteen injured persons on that day, i.e., on 14/07/06. I included them in the papers. I visited the spot again on 15/07/06 to see whether I could get any clue. The ATS office informed me that PI Tonpi of ATS had visited and had seen all the bogies of that train parked in the car shed, along with an FSL team from Hyderabad. Police Station Shahu Nagar had handed over fourteen articles of passengers that they had collected from the spot to HC Jadhav, buckle no. 731 and PC Handore, buckle no. 3086 on 16/07/06. They brought the articles to the police station and I seized them under a panchanama in the office of PI, Crimes in the Mumbai Central

Railway Police Station in the presence of panchas, Ashok Ramdayal Upadhyaya and John Anthony D'souza, who were outside the police station. The panchanama was done in between 1530 to 1700 hours. The important article was an amount of Re. 1/- lakh belonging to a deceased by name Anuj Killawala. This amount was handed over to his daughter Kruti on 18/07/06. I was informed that on 16/07/06 FSL team from Hyderabad again visited the bogies in the Kandivali Car Shed and took samples of metal pieces and bag pieces from the bogie for being sent to the FSL. API Morye had collected four body parts from the morgue in the Bhabha Hospital under a panchanama on 17/07/06. I included that panchanama in the papers. I received the report of the CA on 17/07/06 in respect of the five articles that were sent. I included them in the papers. The CA report now shown to me is the same. (It is received in evidence u/s 293 of the Cr. P.C. and marked as **Ext.1561**). I, a HC and two constables returned articles of the injured and the deceased on 18/07/06. I received many ADR papers from the KEM and Sion Hospital on 19/07/06. I sorted 42 ADR papers concerning our crime and included them in the papers. I sent the remaining papers to Sr. PI, who was investigating the blast at

Matunga. I handed over I-card and wrist watch without belt of an injured Balu Sakharam Kakad, who is a head constable, to his wife on 20/07/06. I had received about 60-62 statements of witnesses upto 20/07/06. I got orders from the superiors on that day to handover all the papers of investigation to the ATS for further investigation. I handed over all the papers of investigation in five files on 21/07/06 along with my letter O. No. 3207 to ACP Shengal of the ATS. We took the statements of the injured who came to our police station after that day and sent them to the ATS. I also sent statements received from other police stations concerning our crimes to the ATS. I also sent some injured who had come to our police station to the ATS along with our constable.

7. Sion hospital sent two letters O. No. 1181 and 1182 on 09/08/06 for the purpose of chemically examining two metal pieces recovered from the body of an injured by name L. R. Pandey and the viscera of deceased Jogarao Mantri Pragada, that were sent with the letters. I sent the articles along with the letters and my forwarding letters to the FSL, Kalina on 11/08/06 along with HC Jadhav. The office copies of the letters Exts. 899 and 902 now shown to me are

the same, they bear my signatures and their contents are correct. I received the CA reports later on and sent them to the ATS. The CA reports now shown to me are the same. (They are received in evidence u/s 293 of the Cr. P.C and marked as **Ext.1562 and 1563**). I had got prepared a map of the spot from my constable and had sent it to the ATS. I had also sent to the ATS the map given by the railway. I had also sent to the ATS all the medical papers that were being received from the hospitals.

8. I made entries in the case diary about the day to day investigation that I made upto 20/07/06. However, no case diary is maintained about the events that took place after 20/07/06. I did not make entry in the case diary of the statements that were received by our police station concerning other blasts.

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

9. The blast at the Mahim Railway Station had taken place about one hour before I reached the spot. Station diary entry was made at Mumbai Central Railway Police Station when I left for the spot. Copy of that entry is not shown to me today. I do not know whether it is filed with the chargesheet. Only one brass seal is provided to one police

station. Every railway police station has a separate seal. I cannot say whether record is maintained about taking the seal out of the police station. I worked in the railway police for five years. Brass seal is in the custody of the clerk. Some record is prepared about taking the brass seal out of the police station. I was not the incharge of the police station, therefore, I had no occasion to see any record about seal. I cannot tell now whether I had never taken the seal out of the police station during my five years there. I cannot say whether station diary entry is required to be made at the time of taking the brass seal out of the police station and bringing it back. I cannot say whether seal movement register is maintained, whether statement of the person who brought the seal from the police station and took it back is required to be taken. Muddemal is required to be deposited in the muddemal room after taking entry in the muddemal register. I am not shown extract of such register today. I had personally handed over the papers of investigation to the ATS. I had not given the extracts of station diary and muddemal register at that time. I cannot say whether they asked for it on that day. I do not know whether there is no record before the court about use of the official brass seal outside

the police station.

10. I have sent articles to the FSL on a number of occasions. There is a standard format of forwarding letter to send articles to the FSL. It is true that impression of the brass seal is required to be put on the forwarding letter for comparison. I do not know whether copy of the label fixed on the sample is required to be sent with the forwarding letter. Impressions of the seal were not put on Exts. 899 and 902. Witness volunteers- these articles were received from the Sion hospital in sealed condition and therefore there was no necessity of sending the impression of the seal of our police station. Articles seized in this case were deposited in the muddemal room. Statement of the muddemal clerk was not recorded. It is true that serial numbers of the muddemal as they appear in the muddemal register are written in the forwarding letter. Such numbers are not written in Ext. 906. I sent Exts. 899 and 902 on 11/08/06.

11. I visited only one spot, i.e., at Mahim. I was there from 7.30 p.m. of 11/07/06 upto 4.00 p.m. of 12/07/06. The injured and the dead bodies had been taken away from the spot before I reached there. I did not call the persons from the FSL, Kalina or Hyderabad.

Fire brigade officers were present when I reached there. However, FSL officers were not present. They came later on. I cannot tell the exact time when they came and whether the ATS had called them. They were four in number. Media persons were not present when I reached there. I did not take or direct anyone to take photographs or video-shooting of the articles that I picked up from the spot. I had taken statements about what happened during the one hour from the time of the blast till I went there. I took the statement of PC Jayraj Sadashiv Sagavekar, buckle no. 2494 of Wadala Railway Police Station.

- 12.** I met the complainant first near the motorman cabin at about 8.00 p.m. Four constables were present near the bogie. I cannot say whether superior or subordinate officers were present at the spot. The four constables were on duty on platforms no. 5 and 6 and after the blast they had gone running to the spot. I had made inquiries with them when I reached there. They had given information and cognizable offence was disclosed. I did not take statement of any of them at the spot. I cannot say whether I have mentioned the names of all the witnesses, whose statement I recorded or were

recorded by my subordinates or the officers of other police stations. I can state about the names of the witnesses on going through the case diary. I had kept copy of case diary and I have brought it to the court.

(Adjourned as court time is over. Adv Wahab Khan submits that he is before the High Court tomorrow morning in connection with arguments of confirmation matter and he does not have any objection if advocate Shetty starts his cross-examination).

Date : 20/09/11

(Y. D. Shinde)
Special Judge

Date : 21/09/11
Resumed on SA

13. I had taken acknowledgment of the ATS office on the office copy of the letter along with which I handed over the case papers and the case diary. The office copy of the letter is in the police station. I had received about 15-20 statements of witnesses after 20/07/06. They were important statements of injured persons. Entries were made in the station diary about receipt of those statements. I can produce the extracts of the station diary to show this. I am producing photocopies of the entries. (They are marked as **Exts.1564 (1 to 12)**). PSI Patil, one HC and one constable were members of the team for the purpose of investigation and search of the accused. I did not take statement of any of the officers heading the three teams. The ATS did not take my statement. Statement of Prabhakar Dattatray Sadekar was taken on 13/07/06 when he came to the police station. As per the case diary there is no entry about statement of Lalji Ramakant Pandey being taken. I did not make any inquiry with any suspect. It is not true that sketches of suspects were prepared during my investigation. I cannot say whether Prabhakar Sadekar was an

eye witness. It is not true that he had given minute description of a suspect.

14. It is true that every motorman has a schedule timetable of every train along with actual departure time from each station. This record is also maintained in the head office of the railway department. It is true that I did not collect the schedule timetable of this train. The original case diary is not before me. It is not true that I did not seize any article from the spot, nor FSL officers handed over any articles to me, nor I sent any articles to the FSL, that I signed on ready-made forwarding letters at the instance of my superiors and that I gave false evidence.

Cross-examination by Adv Wahab Khan h/f Rasal for A1 & 4 to 6

15. Declined.

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

16. PSI Shivthare wrote the spot panchanama Ext. 525 as per my dictation. Everything that I saw and I did is recorded in the panchanama. Nothing that I did remained to be written. D.B. Rane was doing the video-shooting for about 30 to 45 minutes. Twenty-nine photographs were taken before I reached there. No photograph was

taken in my presence. I do not know of what portion of the bogie Avinash Meher took photographs. It is not mentioned in the panchanama. Control room had sent Avinash Meher to take the photographs. I cannot say at what time he had reached there and for what time he was there. He was starting back from there when I reached. I talked with him and told him to send the photographs of the bogie within two days, if he has taken them. He sent them after three days, i.e., on 14/07/06. He did not handover the bill of developing the photographs and the negatives. It was a digital camera. I do not know its make. I cannot say whether I had seen him before 11/07/06. I did not meet him after 14/07/06. I have a camera, but I do not have much knowledge. I know how to use digital camera. I have a Nikon digital camera since last 4-5 years. I did not have it in 2006. I came to know that Avinash Meher had taken photographs by digital camera when he gave his statement on 14/07/06. I know that date and time of the photograph is printed on the photograph taken by digital camera. They are printed on the front side. The photographs that are before the court are those that are given by Avinash Meher. I do not know whether the make of the camera is

printed on the back side of the photograph. It is true that the date and time is not printed on the photographs Arts. 257 (1 to 29). Video-shooting was done in my presence. I had given directions to him about taking the video-shooting of specific spots. I had entered only the affected first class bogie and the second class bogie by its side towards Borivali. I again say that it was towards Churchgate. The first class bogie was the fourth from the motorman cabin. I cannot say what class bogie was on the Borivali side adjacent to the affected bogie. I carefully and meticulously examined both the bogies that I entered. The roof of the first class bogie was blown up in the middle portion of the bogie. The roof of the second class bogie was somewhat blown up. I did not measure the diameters of the roofs that were blown up in both bogies. I did not take measurements inside the bogies to pinpoint the spot of impact in both bogies. The western portion of the roof of the second class bogie was blown up. I did not measure the length between the blown up portions in both bogies. The blown up portion of the second class bogie was lesser in size than the one in the first class bogie. It is true that the sky was visible from both the blown up portions. The half portion on Churchgate side

of the second class bogie was damaged. I cannot say whether the row of seven seats of the second class bogie towards Churchgate side was broken and how many rows of seats were broken. The flooring of both the bogies was not affected. I did not inspect the bogie that was on the other side of the first class bogie, because it was not damaged. Both sides of the bogie were damaged. On the inspection that I made, I could not pinpoint the location where the explosive had been kept in both the bogies. I did not think that it was necessary to take photographs of any particular spot in the bogies.

17. The portion of the roof on platform no.3 that was damaged was exactly above the pit. The platform was of cement concrete. I cannot say whether the pole no. 12/17 was an electric pole. The pit was 4-5 feet from the pole and 4 feet from the edge of the platform. The pit had a diameter of about one and a half feet and was one and a half feet deep. I did not take the photograph of the pit and the portion of the roof above it and I did not tell anyone to take. I did not direct the videographer to shoot them. The pit was fresh and was at a distance of 16-17 feet from the last bogie and 88.50 meters from the end of the platform towards Borivali side. I cannot say

whether it was meters or feet. I had taken measurements. I cannot tell the distance from the pit to the end of the platform towards Churchgate side. I did not take measurement of the length of the bogie from inside and outside. A bogie is about 35-40 feet long. There was blood around the pit on one side. It was a pool of blood. Tube light, speaker and indicator had broken and fallen down. They had fallen from their place that was exactly above the pit. I did not seize those articles. I cannot assign any reason why I did not seize them. I did not seize any articles from the pit and its surroundings. No other portion of the platform and the roof was damaged. The roof is at a height of about 20-25 feet from the platform. After looking at the pit and the damaged portion of the roof above it, I thought that blast had taken place in the bogie at that spot. I did not think that the bomb blast had taken place at the spot of the pit.

(Adjourned at the request of the Id adv at 4.45 p.m.)

Date : 21/09/11

**(Y. D. Shinde)
Special Judge**

Date : 22/09/11
Resumed on SA

18. I said that I thought that the blast had taken place in the bogie at the spot near the pit on the platform and the damaged portion of the roof above it, because the extent of the damage on the western side of the affected bogie was quite large. I say this on the basis of the extensive damage to the portion of the bogie above the windows of the train and the roof. No part of the bogie on the said western side had fallen down after breaking. There were many holes to the portion of the bogie above the windows. I cannot tell the dimensions of the holes and whether they were one inch or two inches or two or three feet. I have no knowledge about bomb blasts. I did not have any occasion earlier to visit the site of a bomb blast or to make investigation about it. I have been instructed during trainings about the steps to be taken in the investigation of a bomb blast. If a bomb explodes once, it does not explode again. I did not seize any article from around the pit. It is not true that I cannot describe the damage to the western side of the bogie except that it was extensively (chinna vichinna) damaged. The damage on the western

side was that the side and the roof tin sheets were blown up outside and holes were created. I cannot say whether pieces of tin sheets were blown away, they were only bent outside. There was no damage to the portion of the bogie below the window on the eastern and western side of the bogies. There was comparatively less damage on the eastern side. The two benches were lying on the ground at the spot where the affected bogie was standing, at a distance of about one and a half or two feet from the train. They may have been thrown outside because of the blast. They may have been thrown there because of the intensity of the blast at the spot where the train stopped. The train stopped at a distance of 100-150 meters from the spot of the blast.

- 19.** I and my constable prepared the map. I drew the lines and pinpointed the important spots. I did this 5-6 days after the blast. It is true that the train was not at the spot on that day. I did not go to the car shed and take the measurements of the bogies from inside and outside and I did not prepare a plan about it. I do not know whether an official draftsman is appointed for drawing maps. I do not know where that map is after I had given it to the ATS. I did not keep

a copy of that map. Railway did not any give map to me. I did not see any map of the spot after the incident.

20. I visited the spot for about one hour on 15/07/06 to see whether I could get any information or any evidence about the blast. I did not take statement of any person there. I did not do any other thing on that day at that spot in connection with the investigation. I had gone to the Mahim Railway Station on 12/07/06 for taking the statement of the Dy. S. S and his pointman. I did not go there on 13 and 14/07/06. I cannot say whether I went to the spot after 15/07/06. I do not remember having done any special work at the spot after 15/07/06. I had done the investigation of serious cases like murder, dacoity, robbery, etc., before that incident. I know that if any incriminating article is seized, it has to be packed, labeled and sealed. The purpose of sealing is to prevent the article from being tampered. It is true that it is not mentioned in the panchanama Ext. 525 that I packed and sealed the five articles given by the FSL people at the spot. It remained to be written inadvertently. It is mentioned in the case diary. Packing and sealing of article is an important thing during the panchanama. It is not that I do not write such things during

the panchanama. Such a thing is required to be written in the panchanama. It is true that it is also not written in the panchanama that the other twelve articles were packed and sealed, because it was not necessary to pack and seal them. It is not true that as the five articles were not packed and sealed, it was not so written in the panchanama. I had sent only the five articles to the FSL, that were handed over by the FSL people.

- 21.** The two benches that had fallen outside were from the first class bogie. We can distinguish between benches of second class and first class. The two benches were of three seats each. No other bench except these two benches in the first class bogie was broken and fallen. The two benches were of the east-northern side of the bogie. There were eight half benches of three seats each and one full bench of seven seats in the first class bogie. The full bench of seven seats was on the south side of the bogie, i.e., Churchgate side. I cannot say whether there was a full bench on the north side of the bogie. There are two half benches of three seats each in front of the full bench on the southern side. I cannot say whether similar portion was on the northern side. I cannot say whether there was one door or

two doors on one side of the said first class bogie. Platform no. 3 was on the western side of the train. After entering the door of the first class bogie from the western side and after turning right, there were two benches of three seats and facing them was the bench of seven seats. The right side means the Churchgate side. There were six three seats benches on the left side in two rows of three each. I cannot say whether I did not go ahead of the two rows. It is true that therefore I cannot tell about the condition of the northern side of the bogie.

22. I called the panchas two hours after I reached the spot.

I had inspected the bogie, the spot of the pit, taken the statement of the motorman and sent the statement to the police station during these two hours. I did not visit the bogie after it was taken to the car shed. I cannot say whether it is written in the panchanama that the two benches that had fallen down were of the first class bogie. I do not know whether the photographer had taken their photographs. It is true that in the photographs Arts. 257 (1 to 29), there is no photograph of the benches that had fallen down. I say on going through the panchanama that it is not written that the benches that

had fallen down were of the first class bogie. It did not happen that the benches fell after I reached the spot. It was necessary to describe the fallen benches. It is true that if the fallen benches would have been described as being from the first class or second class bogie, it would have facilitated pinpointing whether the blast had taken place in the first class or second class bogie.

- 23.** It is mentioned in the forwarding letter Ext. 906 that the five articles are in sealed condition. On going through Ext. 906 I say that it is not so mentioned. I had put the impression of the brass seal on the forwarding letter. The words in that seal were 'Mumbai Central', but I cannot tell all the words.

(Adjourned for recess)

Date : 22/09/11

Special Judge

Resumed on SA after recess.

- 24.** I was attached to Mumbai Central Railway Police Station from 25/01/06 to 01/09/07. The jurisdiction of our police station was Mumbai Central upto Mahim Railway Station. I was in Sindhudurg district before my posting at Mumbai Central Railway Police Station. Thereafter I was posted at Railway Traffic, Byculla

from 01/09/07 to 31/03/09, the jurisdiction of which was the vehicular traffic outside the railway stations of central, harbour and western railway. I handed over all the statements that were recorded by my police station to the ATS without retaining any statement with me. I had prepared a list of all the documents that I handed over to the ATS. Description of the documents and names of the witnesses whose statements were recorded were included in that list. I had taken acknowledgment of ACP Kisan Shengal on the office copy of the list. I do not have that office copy with me. It is in the police station. I cannot say whether I can get it and produce it. (Learned advocate requests the witness to produce the office copy of the list). I cannot say whether I can get the office copy of the list. I am not in a position to go to the police station and bring the office copy as I stay in Kolhapur and I am not keeping well. The office copy of the forwarding letter and list containing the acknowledgment of the ATS officer was given to the muddemal clerk HC Karande and PC Patil, 2048.

25. The photocopy of the case diary that I have with me was with me. I did not bring it from the police station. The

photocopies of the station diary entries were taken from the station diary that is with the ATS. It is the original station diary. The station diary now shown to me is the carbon copy. The original pages of the station diary are in the DCP office. Station diary at the Mumbai Central Railway Police station is not in loose sheets. It is a bound book. It is one and a half by two feet.

Q. Who binds the carbon pages?

A. The carbon pages are not bound afterwards. The station diary is in a bound form and consists of two pages of very serial number. One station diary book consists of 40-50 double pages. The station diary book is numbered. Another station diary book does not contain page serial numbers continuous to the earlier station diary book. Continuous numbers are given to the entries in a day. I cannot say whether there are more pages than 40-50 in one station diary book. I did not give the station diary book to the ATS. It will be correct to say that I have seen it today for the first time after that time.

26. We had sent lists of the deceased and the injured and their certificates to the railway board for the purpose of compensation, on the basis of which the compensation was paid. We

gave certificates of the injured and of the heirs of the deceased whose statements we had recorded. On going through the copy of the case diary I say that upto 20/07/06 we had not recorded the statement of Sajid Gujar and Francis Nadar. Statements of some injured witnesses were recorded after 20/07/06, but there is no case diary about it. However, entries were made in the station diary. The station diary before the court is upto 31/07/06. I cannot say upto what date we had recorded the statements of the injured and heirs of the deceased. The photocopies of the station diary entries produced today are concerning recording of statements of twelve witnesses.

27. It is not true that I am not ready to produce the office copy of the list of statements of witnesses and documents in order to help the ATS, that I deposed falsely to help the ATS.

No re-examination

R.O.

Special Judge

Date:-22/09/2011

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