

**M.C.O.C. SPECIAL CASE NO. 21 OF 2006****DATE: 28TH SEPTEMBER, 2011****EXT. NO.1585****DEPOSITION OF WITNESS NO.144 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Satish Hiralal Ahir

Age : 51 years

Occupation : Service ( Dy. SP. States Crimes, Pune)

Res. Address : B-16, Garnet Residency, Shivalkar Road, Wanavadi,  
Pune-40.

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

1. I was working as Sr. PI of Borivali Railway Police Station in 2006. I was on duty on 11/07/06 in the police station. I heard the sound of a loud explosion at about 1828 hours. I and the other officers and staff who were in the police station, immediately came out of the police station that is on the west side of the railway station adjacent to the platform no.1. We looked towards the eastern side from where the sound of explosion had come and saw that a local train had halted on platform no. 4. We immediately rushed to that platform. PI Gaikwad, PSI Dhone, PSI Karekar and staff were with me. On reaching the platform no. 4, I saw that at the distance of 10

feet from the end of the staircase there was bogie no. 935A from which people had fallen out. Some people had fallen inside and the tin of the western side of the bogie was torn apart. At the spot we saw injured persons having sustained bleeding injuries, bodies fallen one upon another, blood in the bogie accumulated at some places, the fans, luggage racks, windows, seats totally broken and articles of passengers lying scattered in the bogie and outside the bogie. I realized that it was an incident of sabotage (ghatpat). I immediately told my staff to call more staff. I directed PI Gaikwad and his staff to immediately take the injured to the hospitals by whatever means available. Local persons, taximen, some local organizations helped us in taking the injured to the hospitals. People started crowding there and coming closer to the bogie. I therefore cordoned off the bogie. When some more staff members came there, I directed some of them to search in the other bogies for similar incident and to see whether there were any dangerous articles kept there. I gave information about the incident to my superiors and on making inquiries from my staff about the injured, I came to know that 18 persons had died at the spot and about 40-50 persons had been injured.

2. I became sure that it was an act of sabotage (ghatpat).

Therefore, I took the complaint of PSI Dhone, who was the beat incharge of Borivali Railway Station, registered crime. The complaint Ext. 106 now shown to me is the same. On the basis of this complaint CR No. 156/06 was registered and the format of the FIR was prepared. Ext. 106-A is the same now shown to me. I called for the articles that are required for preparing spot panchanama from the police station and also called two panchas to the spot. Railway Police Commissioner, Control Room had given directions to the experts to reach the spot. I started preparing the panchanama and was inspecting the bogie with the help of the panchas. At that time FSL expert Shri Kulkarni came there and he showed us certain articles that would be useful for the purpose of the investigation. He gave me nine articles that he picked up from the bogie. I put the articles in separate plastic bags, put the plastic bags in envelopes, sealed the envelopes and pasted labels containing my and panchas signatures. The articles were iron pieces, pieces of paint of the bogie, pieces of rexine, dust from bogie, blood mixed dust, etc. I will be able to identify the articles. The Arts-189 to 198D now shown to me are the same.

The labels on the envelopes Art-190B, 191B, 192B, 193B, 194A, 195B, 196B, 197B, 198B and 198B and 198D contain my signatures and of the panchas. The panchanama Ext. 540 now shown to me is the same, it bears the signatures of the panchas and my counter signatures and its contents are correct. PSI Shelar of BDD Squad came there with two sniffer dogs, one by name Pinky and along with him I surveyed the bogie. I called the local photographer Jignesh Waghedia and asked him to take photographs and video shooting of the spot. I collected belongings of passengers and made an inventory before the panchas. The inventory now shown to me is the same, it bears the signatures of panchas and my counter signatures and its contents are correct. (The inventory in seven pages is marked as **Ext.1586**). Officers of local police stations and my superiors had come there during the panchanama and under their guidance I did further work. The darkness started increasing during the panchanama. Railway authorities made arrangements of light. The panchanama was over at 2340 hours.

3. I went to the police station thereafter. Railway authorities asked permission to shift the train from the spot and I gave them

permission. I took information about the injured and learnt that till that time 27 persons had died. I prepared three teams of officers and staff and directed them to collect information about accused and to make inquiries. Relatives of the injured and deceased came there for inquiries and to take back the bodies of the deceased. I handed over the nine articles and a forwarding letter to HC Khot and directed him to take the articles to the FSL, Kalina on the next day morning. The forwarding letter Ext. 1582 now shown to me is the same, it bears my signature and its contents are correct. HC Khot handed over the office copy to me after he returned back. The rubber stamp on the back page of Ext. 1582 is the impression of the official seal of my police station. Same seal was used for sealing the nine articles. I took the statement of HC Khot on that day. We were searching for the witnesses and the accused during that day. A person came to the police station at about 2.00 p.m. on 13/07/06 and handed over a sealed transparent plastic bottle containing a metal piece along with a forwarding letter of Sai Nursing and Maternity Hospital. He told us that his daughter was injured in the incident and was taking treatment in the said hospital and the metal piece was removed from her body. I

seized the plastic bottle under panchanama in the presence of two panchas. The panchanama Ext. 562 is the same now shown to me, it bears signatures of the panchas and my signatures and its contents are correct. The metal piece Art-243 and the plastic bottle 243A are the same now shown to me. I sent the plastic bottle and the forwarding letter of the hospital to the FSL with my forwarding letter with HC Khot. The envelope Art-243B is the same in which I had sealed the plastic bottle, it bears my signature and that of the panchas. The forwarding letter Ext. 1583 now shown to me is the same, it bears my signature and the impression of the seal on the back side that I used for sealing the envelope Art-243B and its contents are correct. Our investigation was going on and during that time there was an order that the ATS would conduct the further investigation. The ATS officers came to the police stations and I told them about the progress of the investigation and we had discussions. They had also started making the investigation parallel to our investigation.

4. Jignesh Waghadia brought the prints of the 29 photographs that he had taken and a CD of the video shooting that he had done. I

took them under panchanama in the presence of panchas. The panchanama now shown to me is the same, it bears my signatures and the signatures of the panchas and its contents are correct. (It is marked as **Ext.1587**). One Kishore Popatlal Shah came in the evening on that day and told me that he had boarded the first 1<sup>st</sup> class bogie from Virar side of the 17.37 fast local at Churchgate and stood in the passage in between the rows of seats. He told me that two young boys wearing pant shirt aged about 25 and 35 years, had boarded the train at Churchgate and after overtaking him in the crowd in the train, they had kept a black coloured bag on the luggage rack. He told me that those two persons tried to get down at Dadar in a hurry and at that time he had a hot exchange of words with them as to why they had boarded that train if they wanted to get down at Dadar. He told me that when the train was about to halt on the platform at Borivali Station, he had gone towards the door on the east side for getting down and at that time the blast had taken place, he was thrown out and had sustained minor injuries. He went home after taking treatment and came to the police station on 14/07/06. I took his statement. I told him that I would called the ATS people to prepare

sketches of the two persons, but he was in a hurry and was not feeling well and told me that he would come later on. I tried to contact him many times thereafter till the investigation was with me, but he did not turn up. We inquired with many persons and recorded the statements of about 118 persons, whom we found important. I recorded the statements of 29 witnesses out of them.

5. We were making investigation but we did not come to know anything. Finally on 21/07/06 I sent all the papers of investigation along with PSI Dhone to the office of the ATS. I had prepared the ADR forms of 26 deceased persons and some officer of my police station had prepared 3 ADR forms. We recorded the statements of some injured persons who came to the police station after 21/07/06 after we had handed over the investigation to the ATS. The names of the witnesses whose statements was recorded were mentioned in the case diary. Entries of names of witnesses whose statements were recorded after 21/07/06 are not in the case diary. I did not arrest any accused till the time the investigation was with me.

**Cross-examination by Adv P. L. Shetty for A3, 8, 9, 11 and 12 and h/f Rasal for A1 & 4 to 6**

6. I handed over the papers of the investigation to the ATS on 21/07/06 in compliance with the order of the D.G., Maharashtra that came to me through my commissioner. I cannot tell the exact date of the order and the date on which it was received by me. I do not have copy of that letter with me. There is a direction in that letter to hand over investigation of the incident to the ATS along with the documents of investigation. There was no direction for making further investigation after receiving that order. Once the charge of the investigation was handed over to the ATS, I ceased to be the investigating officer of that case. I cannot tell the number of statements or names of even one or two persons whose statements I recorded after 21/07/06. I recorded the statements of one witness each on 12 and 13/07/06 and four witnesses on 14/07/06 including Kishore Shah. I recorded the statement of HC Khot on 12/07/06. I did not record the statement of any injured or passenger on 12/07/06. I took the statement of the person who brought the plastic bottle containing the metal piece that was taken out from the person of is daughter. His name was Adambe something. That was the only statement that I recorded on 13/07/06. I recorded statements of

Kishore Popatlal Shah on 14/07/06, but I do not remember the names of the other three. I cannot tell the names of the witnesses whose statements I recorded upto 21/07/06. Kishore Popatlal Shah came to me for the first time on 14/07/06. I tried to call him many times thereafter upto 21/07/06. I did not visit his house, but I sent my staff. I sent PSI Karekar of DB and PSI Dhone of that beat. I did not give him a written requisition calling him to the police station. I do not have any written evidence to show that he was called after 14/07/06. I had given to the ATS his statement recorded on 14/07/06. I cannot tell his phone number. He was an important witness out of the witnesses whose statements I recorded. I had got an idea from his statement about the culprits. He had given the description of the two persons in his statement. Therefore, he was like an eye witness. There is an entry in the case diary that I had called him, that he is an important witness, that he is not coming and I orally informed all these things to PI Khandekar of ATS. I did not think it necessary to inform this in writing to the ATS as they were constantly meeting us everyday. I did not inform in writing to the ATS about it after 21/07/06 and I had made entry in the case diary after 14/07/06 about informing it to the ATS. I

can produce the case diary. (Learned advocate calls upon the witness to produce the case diary. Witness has shown photocopy of the case diary dated 14/07/06). There is no entry in the case diary about that witness after 14/07/06.

(Adjourned as court time is over).

**Date :28/09/11**

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

**Date : 29/09/11**  
**Resumed on SA**

7. Most of the persons whose statements I recorded, were the passengers of this affected bogie. I cannot tell exactly how many of them had traveled from Churchgate and how many of them were in that bogie when the train reached at Dadar. It is true that out of the twenty-nine, only one person could give the clue about the suspects. That person did not produce his medical certificate before me. I had asked him to produce his medical certificate, when he gave his statement on 14/07/06. He did not produce it before me till 21/07/06.
8. I came out of the police station as soon as I heard the sound of the explosion. The panchanama started at 1940 hours. I visited all the bogies of the train. A second class bogie was adjacent to the affected bogie towards Virar side and towards Churchgate it was the half part of the first class bogie, that was second class. It was not ladies reserved bogie. The adjacent bogies on both sides were not affected. The affected first class bogie was not a full normal first class bogie. There were two doors and four windows on either side. I had to enter the bogie from the platform to its east. The blast had taken place

when the train was about to stop at the platform. It did not take place when the train was about to leave the platform. The entire train was at the platform. The affected bogie was at the distance of 10 feet from the end of the staircase towards north. The staircase, the platform floor and the over bridge were not affected because of the blast. There were rows of three seats and a long row of seven seats on either ends after entering both the doors. There were four rows of three seats each in the middle portion on either sides. All the benches in the four rows in the middle portion of the bogie were drastically affected. The benches at both ends of the bogie were also affected, but not much. Approximately 7-8 benches of the middle portion had broken and dislocated. All the four benches on the western and eastern side were totally damaged. I know the meaning of dislocation. I cannot say how many of the fourteen benches were totally dislocated, but they were damaged. I described in the panchanama the factual position of the bogie as I saw it. I examined the bogie carefully and meticulously with a view to get assistance in further investigation. No door of the bogie had broken. All four windows of the middle portion had broken and glasses of all windows of the

bogie had also broken. It is true that the portion that was the most damaged, was important from the point of investigation. One could ascertain the place where the explosive was planted, from the location of the dislocation of the benches and breaking of the windows. All windows had broken. The flooring of the bogie was damaged, but was not pushed down or broken. The portion of the bogie above the windows upto the roof of the bogie had blown outside towards the west side. The portion of about 10' feet width x 10' or 12' feet height, i.e., approximately 120 sq.ft portion had blown out. One could see the outside through the gap. I pointed out the important portions in the bogie to the photographer and he took the photographs accordingly. Photographs of all the damaged portions with the serial number of the bogie were taken. I did not retain any of the twenty-nine photographs with me.

9. The point where the blown up portion was, was an important point from my view. The flooring below the blown up portion was damaged, but was not pressed down. The central portion of the flooring was damaged. I had mentioned in the panchanama that the central portion of the bogie was damaged and the portion of 10 x 12

feet was blown outside. On reading the panchanama Ext. 540, I say that it is not so specifically described in the panchanama. The panchanama was written by my writer constable, whose name I do not remember now. He also prepared the list of the belongings of the persons.

10. I had not investigated any case of bomb blast before this case. I did not record the statement of the daughter of the person by name Adambe. I did not ask witness Kishore Shah to show his monthly train pass and he did not show it to me on his own. The statement of Kishore Shah now shown to me is the same, it bears my signature and its contents are correct. He had stated before me the contents of the portions marked A to E from his statement. (They are marked as **Exts. 1589 [1 to 5]**). He may have stated before me that he lost his spectacles, purse, mobile, handbag of clothes and that his pant was torn. I wrote only the things that appeared important to me and I might not have written these things in his statement as they were not important. I wrote whatever was relevant out of the narrative that he gave. I did not write whatever was irrelevant.

Q. whether the loss of articles and tearing of pant was important or

not in the blast case?

**A** – It is important in the investigation of the blast, but in connection with this witness the description of the suspects was more important. We had already prepared inventory of the belongings of the passengers. Inventory means writing the name of the article and its description that were found in the bogie. This witness did not come to me for the purpose of claiming his belongings till the investigation was with me. I did not think it necessary to write in his statement about the loss of his belongings and his pant being torn. It cannot be said that I did not feel it necessary to obtain his medical certificate. I made the efforts to do so by repeatedly calling him upto the time the investigation was with me. The witness may have stated before me that he sustained injuries to his face and left hand, that he had taken treatment from Dr. Maliya's hospital, that the two persons were standing near him upto Dadar, but I did not write all these things in his statement. I wrote down the descriptions of the suspects in his statement as per his version. He did not give more descriptions than that he gave. I did not make any query to him about the descriptions. The description that he gave was not sufficient for identifying any

person. However, I did not ask him further questions about the description as we had other sources like preparing sketches, showing photographs of persons, that I would have used ahead. I did not get prepared any sketch in this case. I did not show photographs of suspects that were with us to the witnesses till the time the investigation was with me. I did not collect photographs of any other suspect from 11<sup>th</sup> to 21/07/06. The witness had not stated to me that one out of them was slightly fat, that he moved aside to let them go inside and they went inside, that the bag was kept on the right hand side luggage rack if one stands facing towards Virar in the train, that there was more crowd in the compartment at Marine Lines, that after Bombay Central, the train was to directly halt at Dadar. He had stated to me that they had some exchange of words with other passengers who asked them where they wanted to get down, that the two persons told them that they wanted to get down at Dadar. He had not stated to me that the other passengers asked them as to why they were standing so much inside in the compartment and that there were many trains for going to Dadar and why they caught the Virar train. He had not stated before me that he also thought as to why

they had boarded that train and 'troubled others' (emphasis supplied). He had not stated to me that he along with the other persons who were standing in the door were thrown on the platform, that he did not know as to what had happened, that people were falling on each other and there was a chaos and commotion. He may have stated to me that people started saying that there was a bomb and then he also realized it, that he wanted to go to platform no.6, but there was a huge crowd on the bridge and he did not have the strength to go through the crowd, that therefore, he crossed the railway tracks, went to the platform no.6 and went out of the railway station, that he wanted to catch an autorickshaw but a policeman approached him and told him that he was injured and he would take him to the Bhagwati Hospital, that he told him that he did not want to go to the hospital and asked him to engage an autorickshaw for him so that he can go home, that a couple was going by an autorickshaw, the policeman asked them to come out and made him sit in that rickshaw and then he went home, that when he went inside his home, even his wife could not recognize him as his face had blackened and there were injuries and blood on his face, that then he went and took

treatment from Dr. Gohil, who is his family doctor, that in the same night he also went to an ENT doctor, who advised him to take rest, but I did not write all these things in his statement.

11. It is true that today I am stating out of my memory that the witness had stated certain things, but I did not write it in his statement. It is not true that I deposed falsely to help the ATS, that I kept many lacunas in the spot panchanama and in the statements of witnesses to make it convenient to be filled up during further investigation.

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

12. (Adv Asma h/f Wahab Khan submits that he is in the High Court and will come at 2.30 p.m.)  
(Adjourned for recess).

**Date :29/09/11**

**Special Judge**

**After recess**

13. (Adv Ms. Asma h/f Wahab Khan requests that the matter be kept back upto 3.30 p.m. as advocate Wahab Khan is busy in CR No. 49. Hence, K.B).

**Resumed on SA at 3.40 p.m.**

**14.** I maintained case diary day-to-day. I did not write the timings of the events of investigation like the starting and ending time of taking statements and preparing panchanamas, etc. It is not necessary to do so. Outside police stations did not forward any statements of witnesses concerning this incident to me. I and my staff had recorded the statements of all the injured in this incident. I got the photocopy of the case diary from the ATS when I first came to give evidence. I cannot say whether I got it one or two days earlier, a month earlier or a year before. I had asked for it. I had not kept a copy of the case diary with me. I had read the entire case diary before entering the witness box. I had given all the documents to the ATS under lists. Names of witnesses whose statements were recorded were in that list. I took acknowledgment about handing over the list. That list is not with the case diary. I stated the names of the witnesses and their role on going through the case diary before I entered the witness box. I had forgotten the names. It is not true that the ATS has provided me with a falsely prepared case diary for giving evidence.

**15.** I had not given extracts of station diary entries and

muddemal registers to the ATS. The ATS did not ask me to hand them over. There is only one brass seal of the police station, which is in the custody of the muddemal clerk. I did not record his statement. We did not maintain record of the use of official seal by me, but if any staff requires it for some work, he makes a requisition, takes permission and makes an entry in the station diary. I am not exempted from making any entry in the case diary about the use of the seal. It is not necessary to make an entry in the station diary if the seal is taken outside the police station.

**Q.** The concerned officer has to give a requisition to the muddemal clerk for taking the seal outside the police station?

**A.** It is not so.

We do not maintain seal movement register. It is true that there is no record in the station diary or any requisition about moving the seal out of the police station for the purpose of investigation in this case. I did not feel it necessary as it is not provided in the law. It is true that I did not make any entry about taking the seal outside the police station during my tenure at that police station.

**16.** The nearest railway court at that time was at Vasai.

Copy of FIR is required to be sent to the magistrate and the date of sending is required to be written in paragraph 15 of the format. I had not written it in this case. It is not mentioned in the case dairy. I do not have an acknowledgment of having sent the copy of the FIR to the magistrate at present. I did not take the statement of the court clerk. I do not put dates below my signatures. It is not true that PI Tajane and Khandekar of the ATS prepared the statement of Kishore Popatlal Shah and asked me to sign on it. I do not know whether PI Tajane introduced an accused in CR No. 129/02 of L.T. Marg Police Station as the said witness. I do not know whether PI Tajane had come yesterday. It is not true that I met him in the court premises. It is true that I have not put the dates below my signatures in the statements of twenty-eight witnesses and I put the date only below the signature of the statement of Kishore Popatlal Shah. I did not send his statement to the magistrate till the investigation was with me.

- 17.** PSI P. B. Bhandwalkar was my subordinate officer. There is no entry in my case diary about the statement of injured PC Santosh Prakash Khanvilkar being recorded. PSI Bhandwalkar recorded the statement of Suresh Shekhar Suvarna on 15/07/06 and

he had shown it to me. I had a discussion with PSI Bhandwalkar about that statement. It is true that it was revealed from his statement that he had seen a twenty-five years old person wearing a pathani dress, shallow complexion, slim, 5' 6" height, having a slight beard, hurriedly getting down from that train at Bandra. It was not revealed that he was an injured person. I had directed PSI Bhandwalkar to call that person for preparing sketch. It was not revealed that he was admitted in the Ashish Hospital on 11 and 12/07/06. Not a single sketch was prepared during the period the investigation was with me. I did not call the sketch drawer as there was no reason to call him.

**Q.** Whether any expert had provided with any sketch of any suspect?

**A .** No expert had provided me with any sketch of any suspect as there was no occasion to call for any expert.

Till the time I handed over the papers of investigation to the ATS, I came to know that 118 persons had been injured in this incident. I cannot say whether I had received any inquiry from the railway tribunal to inform whether a particular person had been injured in our case. I cannot say whether I had provided information about injured person to any government body along with his statement that he was

an injured in this incident. I do not know whether the injured in this case received compensation from the government. I had not provided copies of their statements to the injured for claiming compensation. It is true that I had to work hard in the investigation of this crime. I and my staff strived day and night to collect evidence. It is true that statements of injured that came in the police station, those that were admitted in the hospitals and of the relatives of the deceased were recorded.

(Adjourned at the request of learned advocate at 4.40 p.m.)

**Date :29/09/11**

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

**Date : 30/09/11**

**Resumed on SA on 3.15 p.m.**

18. On perusing the case diary, I say that our police station had not recorded the statements of Kattinchira Raina, S. Meena, Manmadan Nair, Shobha Patil, Bajirao Desai, Shivkumaran N., Baptist Sequera, Somnath Singh, Yogesh Pende, Simon Lopes, Prakash Rajaram Bendkar and Jatin Dinkarra Vyas. I cannot say whether I or my subordinates had certified certain claimants as injured before the tribunal. I was in the same police station upto May 2007. I cannot say whether the railway medical officer or the railway tribunal had asked for certificates of the injured in this incident. I cannot say whether copies of statements recorded by us were given to the injured or to any authority for deciding compensation. It is true that if the railway authorities ask for certificate about any injured person, I can give it on the basis of the statement of that injured and his name in the list of witnesses. It is not true that statements of all the above injured persons were taken by my police station, that the case diary has been tampered and the statements have been removed, that certificates have been issued in connection with

Prakash Rajaram Bendkar and Jatin Dinkarra Vyas, that all the above persons were important injured witnesses in this case.

- 19.** I did not ask for identity card from the witness Kishore Popatlal Shah and he did not give it on his own. I did not ask him to describe the bag more than what he had described. I was the incharge of the police station. I had not made station diary entry when I reached the police station. Duties assigned are written in the duty book register. There was no question of entry of I coming on duty as I was the incharge of the police station. There is no entry in the station diary about I coming on duty on 14/07/06. I cannot say whether I was in uniform or in civil dress. Kishore Popatlal Shah came after lunch, but I cannot tell the exact time. I cannot tell the time when his statement commenced and finished. The timings are not written in the case diary. I cannot tell upto what time he was in the police station, but he was there for about one hour. It did not happen that he was made to sit in the police station till the sketch drawer came, that the sketch drawer did not come. I did not ask him to show where he was sitting in the train. I did not show him the photographs or the video or the sketch of the bogie to ascertain his location. It is true that the

schedule of that train was an important thing. Timetables are available with the motormen and the railway department. I had called the motorman, but he did not come. I did not collect the timetable. I did not take the statement of the constable who was sent to call him. I did not issue the notice under Section 160 to any witness.

**20.** PI Khandekar of the ATS used to meet me. It is not true that PI Tajane also used to meet me. It is not true that PI Tajane gave me the photocopy of the case diary on the first day on which I came for evidence.

**21.** Kishore Shah was not returned any article. I cannot say whether any of his belongings were found. He had not stated before me that he had cloth business in Swadeshi Market, Kalbadevi, that generally he leaves his house at about 10.30 or 10.45 a.m. and returns at about 7.30 or 8.00 p.m., that on that day he started from his shop at about 5.00 p.m. and went through the subway to the Churchgate Station and that about two minutes before the departure time of the train, two persons entered the compartment.

**22.** It is not true that at the instance of the ATS officers I have manipulated the case diary, that I did not record the statement

of Kishore Popatlal Shah and that I gave false evidence.

No re-examination.

R.O.

**Special Judge**

**Date:-30/09/2011**

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

**Date: 07/02/14**  
**Resumed on SA**

**Further cross-examination by adv Khan Abdul Wahab as per the order of the High Court dated 30/01/14 in Cri. Appeal No. 1194/13**

23. I was attached to Anti Corruption Bureau, Pune in September, 1997. I was the investigating officer of Crime No.18/97 for the offences under the Prevention of Corruption Act of Police Station Yawat. The accused were acquitted in that case in 2003. It is not true that therefore there was a departmental inquiry against me. Witness volunteers – I got a letter in 2006 that there were lacunae in the investigation and I was asked to explain. The lacunae were that the complainant and panch witness no. 1 did not support the prosecution and that I had kept some lacuna in the investigation. I had asked for the concerned documents at that time itself, but they did not provide the documents to me. I had given explanation in September, 2011 after I received a letter to give it. I applied for VRS in March, 2012. It was rejected on the last day of the notice period, i.e., 31/05/12 stating that my one increment was stopped for one year with no further effect. (Ld. Adv. requests permission to show Ext.4291 to the witness. Permitted.) This is the certified copy of the order

withholding my increment for one year. I have challenged this order before the DG and Home Ministry. It is not yet decided. It was an allegation that though the complainant did not know Marathi, I took his complaint in Marathi and did not read it over to him. It is not true that I am a master in manipulating the investigation in this manner, therefore, I was taken by the ATS as one of the investigating officer.

(Learned SPP submits that he wants to re-examine the witness for clarifying the last suggestion given by the Id. advocate. Learned advocate Wahab Khan objects on the ground that there is no ambiguity. Heard both sides. Re-examination is permitted).

**Re-examination by SPP Raja Thakare for the State**

24. I was not attached to the ATS when I did the investigation in this case.

Witness volunteers – I would like to add that the order of withholding my increment for one year was the first punishment on me in my 28 years of service.

**R.O.**

**Special Judge**

**Date:-07/02/2014**

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