

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE: 30TH SEPTEMBER, 2011****EXT. NO.1591****DEPOSITION OF WITNESS NO.145 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Vijay Bharatrao Mandlik
Age : 51 years
Occupation : Service (PSI, Vidhan Bhavan Security).
Res. Address : 3/8, Police officers quarters, Opp. Ghatkopar
Railway Station, Jawahar Road, Ghatkopar (E),
Mumbai-77.

Examination-in-chief by SPP Chimalkar for the State

1. I was attached to Police Station Kurla as ASI in 2001. I was on duty from 8.00 a.m. to 8.00 p.m. on 28/09/01. Sr. PI called me and told me and other staff to promulgate the ban by the government on the SIMI organization. I went with my staff by the pipeline road in Kurla (w) and with the help of megaphone we promulgated the ban by the government. We also pasted copies of the notification of the official gazette containing the ban order at conspicuous places like beat chowkis, madarsa, sewage center of BMC, tahasil office, pipe road masjid, etc. We also pasted a copy on the office of the SIMI that

was on the pipe road. The gazette now shown to me is the same. (It is marked as **Ext. 1592 (2 pages)**). We returned to the police station and I gave the report to PI Bodade. The ATS recorded my statement in 2006. PI Bodade made station diary entry about the promulgation. I could not bring the original station diary entry as the police station informed me that it was destroyed. I told them to give it in writing and they gave me attested true copy of station diary entry dated 04/03/09 and of the application by ACP, Sr. PI and PI (Admn.) of Police Station Kurla to the ACP, Kurla Division. I am producing them. (They are marked as **Ext. 1593 and 1594**).

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

2. I was attached to Kurla Police Station from 1999 to 2003. I was transferred to Vidhan Bhavan security in 2004. I cannot tell the date and month on which I joined Kurla Police Station as ASI. It did happen that I was attached to Kurla Police Station from 2001 to 2005. This period is the correct period. I pasted the copies of the gazette at ten places. The Sr. PI had not specified the exact places where the copies were to be pasted, but had told us to do so at conspicuous

public places. I do not remember the name and the buckle numbers of the staff members from that beat who were with me. I promulgated the gazette and pasted the copies on 28/09/01. I started from the police station at about 6.00 p.m. on that day. The copy of the official gazette was received in our police station on 27/09/01. I saw it for the first time when it was given to me on 28/09/01. I returned to the police station at 8.30 p.m. I did not make station diary entry after returning. I did not give a written report to the Sr. PI. Kurla police did not record my statement. I do not know whether any cases in connection with the ban on SIMI were registered in the police station during the period I was there. I cannot say whether any persons were arrested on 27, 28, 29 or 30/09/01 on the allegation that they were SIMI activists. Except my statement recorded in connection with the promulgation of the gazette no other person's statement was recorded on 24/12/06. I did not produce any document before the ATS officer at the time of giving oral statement. The ATS officers did not show me any document. I did not take the station diary with me when I went to the ATS office on that day. I did not go to the ATS office thereafter in connection with this matter. PSI Kshirsagar took my statement. He

was not attached to Kurla Police Station in 2001. I do not know his full name. He did not tell me on that day to produce station diary.

3. I cannot say whether station diary entries of the particular case are required to be preserved till the disposal of the case. I cannot tell the number of cases registered in Kurla Police Station against SIMI activists from 2001 to 2005. I cannot say whether any case was registered. I saw Exts. 1593 and 1594 for the first time yesterday. ACP Satam was the ACP of Kurla Division. I now say I do not know the name of the ACP of Kurla Division in September 2008. I cannot say why the record was destroyed six months after getting the order.
4. It is not true that I deposed falsely that I promulgated the gazette by mega phone and by pasting its copies, that therefore I had not produced the station diary entries when I gave my statement and today also. PI Bodade has retired. I do not know when.
5. The address of the office of the SIMI is that it is in front of the Madarasa, Pipe Road, Kurla (W). I cannot tell the name of the Madarsa. I cannot tell its building number, but it was by the side of municipal school. The school was in 'L' ward, but I do not know the medium in which the school was run. The SIMI office was in a two

storied building. It was on the first floor. I cannot tell the room number or number and name of the building. Copy of the gazette was pasted on that one madarasa only and on three masjids. One masjid was on the Pipe Road, one was on the CST road and one was on the station road. These masjids were in beat no. 3 and 4. I cannot tell their exact addresses. I and the other staff had promulgated the gazette by the megaphone. We had gone in Mobile-III vehicle. We were five including the driver in that vehicle. I and the staff members were using the megaphone one after the other. We promulgated in Hindi. We used to get down at certain places and paste the copies and also make the promulgation. The staff did the work of pasting the copies. ASI Parab was the other person who was announcing on megaphone. PI Bodade was at the police station till I returned back.

6. It is not true that I deposed falsely to help the ATS. The word 'bekayadeshir' in Marathi is said as 'kanoon ke khilaf' in Hindi. The word 'adeshbhang' in Marathi is said as the same in Hindi. It is not true that the word 'bekayadeshir' in Marathi can only be translated as 'gairkanooni' in Hindi.

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

7. (Adv Asma h/f Wahab Khan requests for keeping back the matter upto 2.30 p.m. as adv Wahab Khan is in the High Court.

(Adjourned for recess).

Date :30/09/11

Special Judge

Resumed on SA after recess

8. A fax of the gazette was received on 27/09/01. I do not know when the gazette was received. The fax was received from the Home Ministry of the Government of India. The fax was not shown to me today. It was in two pages in Hindi and English. Photocopies of that fax were pasted. People speaking several other languages than Hindi and English, reside in the jurisdiction of our police station. I do not know what arrangement was made for them to know about the gazette. I do not know whether the fax was of more than two pages. It did not happen that the gazette was not received in Hindi language.
9. It is not true that I did not promulgate the gazette and did not paste its copies, that our police station did not receive the fax of the gazette. I cannot say whether our police station had fax machine at that time and whether it did not have it. It is not true that I deposed falsely.

No re-examination.

R.O.

Special Judge

Date:-30/09/2011

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