

**M.C.O.C. SPECIAL CASE NO. 21 OF 2006****DATE:3RD OCTOBER 2011****EXT. NO.1614****DEPOSITION OF WITNESS NO.150 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Shashank Ganpatrao Shelke

Age : 45 years

Occupation : Service (PI, ATS).

Res. Address : B-305, Nalini Appt., Mulund (E), Mumbai-81.

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

1. I am attached to the ATS as PI since June 2011. I was in the crime branch in 2006 as API and on 15/07/06 I was sent on deputation to the ATS. ACP Patil told me on 03/10/06 to accompany PI Sunil Deshmukh to take the accused Faisal Shaikh to the office of the DCP, Zone-I. Accordingly I and PI Deshmukh went to the lockup at the ATS office at Bhoiwada and took the accused in our custody. I asked HC- Ghag, buckle no. 2327 to make station diary entry in the Kalachowki office of the ATS. The contents of the true photocopy of the station diary entry no.8 now shown to me are as per the contents of the entry in the original station diary entry. (It is marked as

**Ext.1616**). We took the accused in veil to the office of the DCP, Zone-I and produced him at about 5.00 p.m. before the DCP Brijesh Singh. ACP Patil had given a letter to the DCP. We gave that letter to him and obtained acknowledgment on the office copy. The DCP told us to go back, therefore we returned to Bhoiwada office and I directed HC-Ghag to make station diary entry. He made the station diary entry no.11. The contents of the true photocopy of the station diary entry no.8 now shown to me are as per the contents of the entry in the original station diary entry. (It is marked as **Ext.1617**).

2. ACP Patil told me on 23/10/06 to take accused Naveed Khan to the office of the DCP, Zone- I for recording of his confessional statement. Accordingly I took the accused in my custody at 1.30 p.m. and told HC Ghag to make station diary entry. I then took the accused in veil to the office of the DCP Brijesh Singh and produced him before the DCP at 2.00 p.m. The contents of the true photocopy of the station diary entry no. 8 now shown to me are as per the contents of the entry in the original station diary entry. (It is marked as **Ext.1618**). ACP Patil had given a letter to the DCP. We gave that letter to him and obtained acknowledgment on the office copy. The DCP told us to

go back, therefore we returned to Bhoiwada office and I directed HC-Ghag to make station diary entry. He made the station diary entry no.10. The contents of the true photocopy of the station diary entry no.10 now shown to me are as per the contents of the entry in the original station diary entry. (It is marked as **Ext.1619**).

3. I will be able to identify both the accused. (Witness looks around the court hall and points towards the accused no.3 sitting in the dock. He is made to stand up and tell his name, which he states as Faisal Ataur Rehman Shaikh. Witness looks around the court hall and points towards the accused no.12 sitting in the dock. He is made to stand up and tell his name, which he states as Naveed Hussain Khan).

4. I was in the party of PI Tajane when he had prepared a memorandum panchanama on 09/10/06 about the statement made by accused Asif Khan Bashir Khan and when we had gone for search and seizure and a panchanama was prepared there. I had recorded the statements of 27 injured persons in this case.

(Adjourned for recess).

**Date : 04/10/11**

**SPECIAL JUDGE**

**Resumed on SA after recess**

5. ACP Patil told me on 06/11/06 to bring reports and muddemal property from the FSL. Accordingly I went to the office of the FSL, Kalina and brought the reports of properties no. M-463, M-487 and M-497 and the concerned properties. The FSL people had called me on 08/11/06 to take some more reports and muddemal. Accordingly I went to the office of the FSL, Kalina on 08/11/06 and brought the report of property no. M-506 and the property. I had given the reports received on 6<sup>th</sup> and 08/11/06 to ACP Patil on those days and on his directions I had deposited the properties with the muddemal clerk in the office at Kalachowki on 08/11/06. I had accompanied the senior ATS officers whenever they took the accused for remand to the court and had also taken the accused for medical examination.

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

6. I do not know when and from where the accused no.3 was arrested. I was with the ATS continuously from 15/07/06 upto the date of filing of the chargesheet. Initially I used to be in the office at Nagpada, then in the Hume school where we had the office for some days and then at Bhoiwada. I was never at Chandanchowki,

Kalachowki and Kurla. The accused in police custody used to be kept in the lockup on the ground floor and first floor at Bhoiwada. The officers who had come on deputation to the ATS used to sit in the office on the second floor of that building. Entries of date and time of keeping the accused and taking them out of the lockup are made in lockup register. If the accused are taken out for the purpose of inquiry in the same building, then no entry was made. However, if he was taken to some other office or elsewhere, entry was made. I do not remember whether the accused no. 3 was continuously detained from his arrest in the lockup at Bhoiwada. I cannot tell the exact date from which I was at Bhoiwada office. I do not know the names of the officers who used to work in the Chandan Chowki office, but PI Deshmukh was the head there. I did not individually interrogate the accused no.3 before 03/10/06 or at any time. I had not met PI Deshmukh concerning this case before 03/10/06. I and PI Deshmukh had not taken the accused no. 3 to the office of the DCP at Borivali.

7. The havildar at the lockup had made the entry in the lockup register on 03/10/06 when I took the accused out of the lockup. I had seen that entry. I do not know when he was kept in the lockup. I did

not inquire since when he was in that lockup. ACP Patil had told me to take him to the DCP, Zone-I for recording his confessional statement. I did not make any inquiry as to when and to whom the accused first expressed his desire to make the confessional statement. I do not know when the accused was brought back to the lockup.

8. Accused no. 12 was in the lockup at Bhoiwada on 23/10/06. I do not know since when he was there. I had not interrogated him till that day. I do not know in which branches of the ATS both accused were before I took them out of the lockup at Bhoiwada. I had no occasion to take both the accused anywhere before the respective dates. I and PI Deshmukh straight away took the accused to the office of the DCP after taking them out of the lockup.

(Adjourned at the request of Id adv at 4.30 p.m.)

**Date :04/10/11**

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

**Date: 05/10/11**

**Resumed on SA**

9. I was the only officer who took the accused no. 12 on 23/10/06. The other escort staff was with me. I do not remember the names and the buckle numbers of the escort personnel. I and PI Deshmukh were the officers who took the accused no.3 on 03/10/06. I had instructed HC Ghag on both dates to make the station diary entry about we taking the accused. I had not seen the entries after they were written and I did not initial the entries. The IO did not record my statement about taking both the accused on the respective dates to the DCP. There is no specific entry in the station diary about taking both the accused in veil. The station diary was the general station diary for the ATS police station. ACP Patil gave me instructions at Bhoiwada office on both occasions. I had taken both the accused out of the Bhoiwada lockup. I do not know whether they had been lodged in the Bhoiwada lockup on that day or prior to that day. There is no lockup in Kalachowki office. (Witness is shown station diary entry Ext.1618). There is a mistake in the entry, because instead of Bhoiwada lockup the name of Kalachowki lockup is written. I have seen it for the first

time just now. It is true that except the name of the accused as Naveed Khan, his father's name, age and the reference to the CR number are not written. We went in the police vehicle from Bhoiwada, but I do not remember its number. Entry was made on both occasion after the accused were taken out from the lockup.

- 10.** It is not true that I deposed falsely that I had taken the accused in veil. It is true that it is not mentioned in station diary entry Ext. 1616 as to from which lockup the accused was taken out. It is not true that on that day the accused no. 3 was not in the lockup at Bhoiwada, but he was at Chandanchowki, therefore the name of the lockup is not written in it. I cannot tell the dates on which I had taken the statements of witnesses. I can tell the names of some. I had recorded the statements of some injured witnesses in the hospitals, some at their houses and some at the police station. These statements were concerning the blasts that had taken place ahead of Mira Road Railway Station, within the jurisdiction of Vasai Road Police Station. I recorded the first statement on 15/07/06. His name was Ramanand Maccheware. He had traveled in that train from Churchgate in the same bogie. He had described a person and the



bag that was with him. According to him that person was carrying a green coloured small bag. He had raised the suspicion on that person because of his conduct. I did not come across any witness other than him out of the 27 who gave the description of any suspect. I was in the team of PI Agrawal. I had given the statements to him. PI Agrawal was present when I took the statement of Ramanand Machhewar. He also took information from the witness. I recorded the statements on his instructions. He left in between as he had some other work. I cannot say what other work he had.

11. I cannot say when identification parades were arranged and who took the initiative for arranging them. As far as my knowledge is concerned, Ramanand Machhewar was an important and material witness so far as the blast is concerned. I did not suggest to my superior to call him for identification parade. I had no discussion with ACP Patil about the statement after I gave it. Entire investigation of the bomb blasts was supervised by ACP Patil. I cannot say who was the in-charge ACP when I joined on 15/07/06. ACP Vinod Bhat and ACP Tawade were at the Nagpada office. ACP Vinod Bhat is no more. I cannot say whether he committed suicide. I

do not remember since when ACP Shengal and ACP Patil were in charge. ACP Patil was in-charge of the case when the chargesheet was submitted.

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

12. I do not remember whether ACP Vinod Bhat died on 28/08/06. It is not true that he committed suicide as he was pressurized to involve the present accused in this case. I did not make entry in the case diary about the statements that I recorded. It is necessary to make entry in the station diary about it. It is not true that I have made entries in the station diary all the time about recording statements of witnesses while working at police stations. There is no notification or oral instructions from the superiors not to make entries. I do not know whether all 27 statements are filed in the court. I can tell the names of the witnesses whose statements I recorded on seeing the signatures on the statements in the court. (Witness is asked to go through Vol-G4 of the chargesheet). I had recorded the statements of Ramanand Machhewar on 15/07/06, of Faniraj Hattankali, Sanjay Khobrekar, Chandrikasingh Yadav, Naresh Kalokhe, Vrushang Shah, Rampyare Lal, Shivkumar Ram Brijram on

23/07/06, of Sanjay Lopes, Swadhin Padiya, Shailesh Kawale on 24/07/06, of Habib Shaikh, Hiren More on 11/08/06, of Kishore Mhatre, Vilfred Walter Naronha, Namdev Surve on 13/08/06, of Nandkishor Bajaj, Sandeep Munjare on 21/08/06, of Nirbhaynath Tiwari, Sanio D'Silva, Dr. Ajay Nikam, Parkot Mathai on 28/08/06, of Kirit Shah, Nilesh Sharma on 23/09/06. I remember the name of Sharda Ramani, but I do not remember the names of the remaining two out of the three remaining witnesses. I cannot say why they are not on record. It is not true that these three were eye-witnesses and their statements are not included deliberately to involve the present accused. I did not maintain any personal record of recording the statements.

- 13.** The procedure that I follow for recording statement is that it is typed on a computer as narrated by the witness, then it is read over to the witness, then printout is taken out and I sign on it. It is not true that the statement of Ramanand Marutirao Machhewar is taken out from the chargesheet. (Witness is shown the statement at page 145 of Vol-4G of the learned advocate). I say that this statement was recorded by me as it bears the facsimile of my signature,

because the statement is a photocopy. (Witness is shown the original statement at page 145 of Vol-G4 of the court record). This statement does not bear my signature. The original statement that contained my signature is not before the court. I cannot say who produced this statement that does not have my signature. It is not true that the original statement of Ramanand Machhewar is torn.

- 14.** I was not shown the prior statements of the witnesses, whose statements I recorded. I had not read the case diary of Vasai Road Railway Police Station. I did not ask any witness whether his statement was recorded earlier. I had seen PI Agrawal preparing the case diary. I do not know whether Sr. PI Kulkarni had recorded the statement of Ramanand Machhewar on 12/07/06. I cannot say whether the statements of Vilfred Walter Naronha, Sanjay Lopes, Shivkumar Ram Brijram, Sanjay Khobrekar, Namdev Surve, Ramanand Machhewar and Kishore Mhatre dated 12/07/06, Vrushang Shah dated 16/07/06, Chandrikasingh Yadav and Rampyare Lal dated 17/07/06, Swadhin Padia dated 18/07/06 recorded by Vasai Road Railway Police were tampered and removed from the chargesheet.

**15.** I was never attached to Park Site Police Station. I cannot say whether any officer in my team was attached to that police station. There was an ATS office in Vikroli (E). I was attached to the Sahar Police Station, then transferred to Crime Branch and on the day I joined the Crime Branch I was deputed to the ATS. PI Tajne did not write the panchanama at Mira Road. I wrote it. The memorandum panchanama Ext. 664 and the seizure panchanama Ext. 665 are in my handwriting. It is not true that no part of the panchanama was written *en route*. It is not true that on the direction of PI Tajne I took as panchas one Kevalkumar Jain, an accused against whom criminal case was pending and Jitendra Jain, a habitual panch.

**16.** There were units of the ATS at Kalachowki, Nagpada, Bhoiwada, Chandanchowki-Juhu and Vikroli. I worked upto 2008 at Bhoiwada and thereafter I am at Vikroli. Only one brass seal was provided to the ATS and it was at Kalachowki. I personally did not take the seal out of the office at any time. I had not seen anyone taking out the seal from the office. I had not seen any one bringing the seal at the spot when any panchanama was in progress. I cannot say whether requisition is to be given and station diary entry is to be

made while taking out the seal from the office. My superior officers had not given instructions about the procedure that was to be followed while taking the seal out of the office. I cannot say what official record was maintained about the seal. I do not remember whether I had seen the seal being sent to any other unit or being called for by any unit. I do not remember whether there was a separate seal at Vikroli unit in 2008. PI Agrawal, PI Khandekar, PI Rathod, PSI Shinde, PSI Kadam, PSI Kshirsagar were the officers whose names I remember as being deputed to the ATS. They were originally attached to other police stations and were deputed for the investigation of this case. PI Salaskar and his staff of Anti Robbery Cell, Kurla were helping in the investigation. I had no occasion to go to that office in 2006.

17. I had recorded the statement of Vilfred Walter Naronha, PW-130, it is the same now shown to me, it bears my signature and its contents are correct. He had stated before me the portion marked A from his statement. (It is marked as **Ext.1622**).

18. I do not remember how many times I had gone to Bangalore taking the accused in this case for narco analysis. I had

not seen an edited CD of the narco analysis of the accused in the office. I do not remember whether I had gone to the Additional Director Dr. S. Malini at FSL, Bangalore.

19. A police notice is received in the police stations, including the ATS office at Kalachowki, about the sketch drawers. I cannot say how many times sketch drawer was called for Ramanand Machhewar and whether sketch was prepared with his help. I never checked any call detail record.

20. It is not true that I never went to Mira Road and no memorandum panchanama and recovery panchanama was prepared, that I and my superiors had tampered the record of the case and that I gave false evidence.

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

21. (Adopted cross-examination by adv Wahab Khan).

No re-examination.

R.O.

**Special Judge**

**Date:-05/10/2011**

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