

**M.C.O.C. SPECIAL CASE NO. 21 OF 2006****DATE:13TH OCTOBER 2011****EXT. NO.1649****DEPOSITION OF WITNESS NO.153 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Nitin Ramchandra Alaknure

Age : 45 years

Occupation : Service

Res. Address : Flat No. 302, Omkar Apt., Shraddhanand Road, Vile Parle (E), Mumbai-57.

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

1. I am working as PI attached to Anti Extortion Cell, Crime Branch, Mumbai. I was attached to Anti Robbery and Dacoity Squad in Kurla as API in 2006. Our squad was attached to the ATS for the purpose of investigating into the railway bomb blasts that took place on 11/07/06. During the course of investigation, ACP Patil directed me on 04/10/06 to take the accused Zameer Ahmed Shaikh to DCP Ranade of Zone-XI for the purpose of recording his confessional statement. He gave me a letter addressed to the DCP. I took my staff and went to the office of the ATS at Bhoiwada. I took out the accused from the lockup, veiled him and took him in the vehicle to the office of the DCP, Zone-XI at Borivali. On reaching there, I produced the accused before DCP

Ranade and handed over the letter to him. The letter Ext.1120 now shown to me is the same. DCP Ranade gave a letter addressed to me acknowledging taking the accused in his custody and directing me and my staff to leave his office. He took my acknowledgment on the copy of that letter. The letter Ext. 1121 now shown to me is the same, it bears my signature of having received it. I had started from the ATS office Bhoiwada at about 2.00 or 2.15 p.m. I had directed a head constable in that office to make station diary entry to that effect. I have brought the original station diary with me. The contents of the station diary entry no.9 are correct. The contents of the true photocopy of that entry now shown to me are as per the contents of the original station diary. (It is marked as **Ext.1651**). I and my staff left the office of DCP Ranade and returned to the ATS office, Bhoiwada and I gave direction to make the station diary entry. The contents of the station diary entry no. 17 are correct. The contents of the true photocopy of that entry now shown to me are as per the contents of the original station diary. (It is marked as **Ext.1652**). I will be identify the accused Zameer Ahmed, whom I had taken to the office of the DCP. (Witness looks around the court room and points to the accused no.11 Zameer Ahmed. He is made to stand up and tell

his name, which he states as Zameer Ahmed Latifur Rehman Shaikh). He was the same accused.

2. When I was at the ATS office Bhoiwada on 06/10/06, PI Bhavsar of Borivali Police Station brought the accused Zameer Ahmed Shaikh to the office. I took the accused in my custody. PI Bhavsar gave me a letter handing over the custody of the accused to me and took my signature on copy of the letter that was with him. The letter Ext. 1132 now shown to me is the same, it bears my signature under the endorsement that I have taken the custody of the accused. I put the accused in the lockup and and gave directions to make station diary entry. The contents of the station diary entry no. 14 are correct. The contents of the true photocopy of that entry now shown to me are as per the contents of the original station diary. (It is marked as **Ext.1653**).

3. ACP Patil gave me a sealed envelope on 23/10/06 and directed me to reach it to DCP Phadtare, Zone-X. Accordingly I went to the office of DCP, Zone-X and met DCP Phadtare. He opened the sealed envelope and after reading the letter inside, gave me a letter addressed to ACP Patil directing him to produce accused Mohd. Majid before him on 24/10/06 at 10.00 a.m. He took my

acknowledgment on the copy of that letter. The letter Ext. 931 now shown to me is the same and it bears my signature of having received it. I returned back to the ATS office at Bhoiwada and handed over the letter to ACP Patil. ACP Patil gave me a letter at that time directing me to produce the said accused before DCP Phadtare on 24/10/06 at 10.00 a.m. I took out the accused on 24/10/06 at about 7.30-8.00 a.m., veiled him, took him in the vehicle with staff and left for going to the office of DCP Phadtare at Worli. I gave directions to make station diary entry. The contents of the station diary entry no. 2 are correct. The contents of the true photocopy of that entry now shown to me are as per the contents of the original station diary. (It is marked as **Ext.1654**). I produced the accused before DCP Phadtare. He took the accused in his custody and directed me and my staff to leave the office and gave me a letter of having taken the accused in his custody. The letter Ext. 933 now shown to me is the same, it contains my signature acknowledging receipt of the letter. I returned to the ATS office, Bhoiwada and gave directions to make station diary entry. The contents of the station diary entry no. 10 are correct. The contents of the true photocopy of that entry now shown to me are as per the contents of the original station diary. (It is marked as

**Ext.1655**). I will be able to identify the accused Mohd. Majid, whom I had taken to the office of the DCP. (Witness looks around the court room and points to the accused no. 5. He is made to stand up and tell his name, which he states as Mohd. Majid Mohd. Shafi). He was the same accused.

4. When I was in the office of the ATS, Bhoiwada on 25/10/06, police officer Powar of Police Station Mahim brought the accused to the office and gave his custody to me. He gave me a letter of handing over the custody and took my signature on its copy. The letter Ext. 941 now shown to me is the same, it bears my signature under the remark acknowledging receipt of the letter and taking custody of the accused. I put the accused in the lockup and gave directions to make station diary entry. The contents of the station diary entry no. 9 are correct. The contents of the true photocopy of that entry now shown to me are as per the contents of the original station diary. (It is marked as **Ext.1656**).

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

5. My statement was not recorded. I was not given a written order to make investigation in this case. ACP Patil gave me directions to take the accused and to record the statements of witnesses. I do not

remember whether I had recorded the statement of Amar Khan Sardar Khan (PW-75). I do not remember the CR number in which I did the work. (Witness is asked to go through the case diary of CR No. 156/06). On going through the case diary I say that I recorded the statements of Amar Sardar Khan (PW-75), Ajmeri Shaikh and Vijay Ambekar (PW-76) on 28/10/06. The time of recording their statements is not mentioned in the station diary. I do not remember whose statement I recorded first, at what time I started recording the statements and at what time they were over. I do not remember whether notice under section 160 was given to the witnesses. Station diary entries about taking the statements of the witnesses are required to be made. I do not remember whether station diary entries about recording the statements of these three witnesses were made.

6. I recorded the statement of Amar Sardar Khan (PW-75) as per his narration. The statement 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 H from his statement. [They are marked as **Exts. 1657 (1 to 8)**]. He had not stated before me that they were staying with their families with him, that he had told the police what work they do, that at that time they saw the accused no.2

standing outside his house looking around (emphasis supplied), that at that time the accused no.6 came out of the house in a hurry (emphasis supplied) and said something to the accused no.2, that then they both went inside the house, that at the same time (emphasis supplied) accused no.4 entered the house from outside with a tea kettle, that he had gone with the accused no. 8 to attend 'one or two programs' of SIMI (emphasis on 'one or two programs'), that Ajmeri had also accompanied him in those one or two programs, that his view about the activities of SIMI was like his view, that PC Ambekar's family was present in his house, that therefore, they called him outside and told him about the incident. Vijay Ambekar (PW-75) had not stated before me that two-three days before the bomb blasts, the bombs were assembled in the house of Mohd. Ali by some Pakistani nationals, that he stated about it as Ajmeri Shaikh told him about it. His statement now shown to me is the same, it bears my signature and its contents are correct. He had stated before me the contents of portion marked A from his statement. (It is marked as **Ext. 1658**). He had not stated before me that at the time when his statement was recorded he knew that he had gone from Nagpada to the ATS office at Bhoiwada with Ajmeri Shaikh and Amar Khan, that

ACP Patil and three-four other officers were there and they informed them in detail about the information, that ACP Patil was in a hurry to go out, that therefore, he told API Alaknure to record our statements, that accordingly API Alaknure recorded the statement of Amar Khan first, then of Ajmeri Shaikh and then his statement.

7. We were attached to the ATS from the next day of the blasts. PI Vijay Salaskar was the head of our squad. I worked with PI Salaskar from December 2003. I worked in that squad since 2005. I was attached to Unit-IX, Bandra before joining the office of the Anti Robbery and Dacoity Squad. ACP Walishetty was attached to Unit-IX, Bandra when I was there. I do not know whether the investigation of Gateway of Indian and Zaveri Bazar blasts was with our unit. I have heard that ACP Walishetty was the IO of those blasts. I do not know whether PI Salaskar was helping him in the investigation of those blasts. I do not remember the names of the witnesses in that case as I was not concerned with that case. I did not record any statements or prepare any panchanamas in that case. I do not remember whether those blasts took place in 2003 or 2004. I do not know whether Ajmeri Shaikh was the witness on the point of conspiracy in that case. It is not true that on the say of PI Salaskar I planted Amar Khan (PW-75),



Vijay Ambekar (PW-76) and Ajmeri Shaikh as witnesses in this case and recorded their statements. I do not know whether Ajmeri Shaikh is available. I took their statements in the ATS office at Bhoiwada.

8. My office was in Kurla (w). PI Salaskar, API Phadake, PSI Mayekar and PSI Dalvi were the officers of our squad who were attached to the ATS for the investigation of the blasts. We were helping the ATS for about 4-5 months. I had done the work of obtaining the addresses of suspicious persons, collecting phone details and taking the accused for confessions. I did not personally inquire with the suspects, but I took them before PI Salaskar. It is not true that our unit was given the custody of certain suspects for involving them in this case. I do not remember whether any accused were interrogated in our office. I do not recognize any accused from the accused sitting the dock as having been interrogated in our office. I do not remember whether the accused by name Tanveer, Majid, Faisal, Ehthesham, Suhail, Muzzammil, Zameer and Mohd. Ali were in our unit for the purpose of investigation. (Learned advocate asks the accused no. 2, 3, 4, 5, 9, 10 and 11 to stand up and asks the witness whether he has seen them in his office at Kurla during 13<sup>th</sup> to 15/08/06). I had not seen these accused in our office at Kurla on

those days. I had not seen witness Alam Gulam Qureshi. I do not know whether accused Mohd. Ali who was arrested later on was kept in our office for two months. It is not true that during the above days I, my superior officers and all other officers of our squad had beaten all these accused in our office. I do not remember the names of the constables having buckle numbers 960616, 19750, 20920, 9222, 10988, 19759, 34096, 9772, 33086, 1385, 19702, 19652 and 25282 who were attached to our office at that time.

9. Bhabha Hospital and the office of our squad at Kurla have a common compound wall. It is not true that all the above accused were sent to the Bhabha hospital along with the above constables for treatment of the injuries that they had sustained in the beatings. I had gone to the Arthur Road jail in connection with this case. I do not remember how many hours I was there. It is not true that I met witnesses there. I had gone there to reach the SEO and two panchas for an identification parade. I do not remember whether I had gone from my office at Kurla. I do not remember the names of the SEO and the panchas. I do not remember whether I had taken Ajmeri and Amar, whether I had gone in office vehicle MH-01-BA-4205 of Bolero make. It is not true that I had gone inside the jail and had shown the

accused to the witnesses. I do not remember whether I had gone to Shivaji Nagar Police Station on 15/07/06 in my official vehicle driven by PC- 1642 during the investigation of this case. It is not true that I had brought the accused Mohd. Ali for the investigation of this case. I do not remember whether witness by name Abdul Rehman Dawre (PW-71) was called for inquiry purpose in this case to our office at Kurla.

**10.** All station diary entries concerning the investigation of this case were made in the ATS office at Bhoiwada. I did not personally make any entry. I had seen the entries about taking the accused for recording confessional statements. I had not seen other entries. No official record was maintained in the Kurla office about the investigation of the bomb blasts.

**11.** I was attached to the Anti Robbery and the Anti Dacoity Squad in 2008. This was the only unit in Mumbai. We used to contact other police stations and units concerning robbery and dacoity. We used to keep track of serious offences other than robbery and dacoity. PI Arun Chavan was attached to DCB CID, Property Cell in 2008. I have heard that this cell had arrested a group in 2008 claiming that it was belonging to Indian Mujaheedin organization.

12. Rakesh Maria was the Jt. CP, Crimes in 2008. I do not know whether DCB CID had given a press release claiming that Indian Mujaheedin people had committed blasts in this case. It is not true that we used our squad in collusion with the ATS as a torture cell of the accused in this case. I do not remember in how many encounters done by PI Salaskar I had taken part. I do not know whether he was famous as an encounter specialist officer. Amar Khan, Ajmeri or Vijay Ambekar did not give a copy of Mumbai Mirror newspaper comprising of all pages to me. (Witness is shown Ext.810). The witnesses had not given this newspaper to me. I do not remember whether the ATS showed me this newspaper. I did not give it to the ATS.

13. It is not true that I had not taken any accused for recording their confessional statements to the DCPs. It is not true that false station diary entries were prepared and on the say of the ATS I am saying that they were prepared and that I deposed falsely.

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

14. (Adopted cross-examination by advs Wahab Khan).

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

15. I came to know for the first time on 04/10/06 at about 11.30-12.00 a.m. that I have to take the accused Zameer Ahmed to the

DCP for recording his confessional statement. I do not know since when he was in custody. I had no occasion to interrogate him. PI Salaskar and staff were with me when I took him to the office of the DCP. I reached the office of the DCP at about 5.30 or 5.45 p.m. We were traveling from 2.00 to 5.30 p.m. I do not remember which vehicle I had taken on that day, but it was an office vehicle. I directly went to Borivali after taking the accused out of the lockup at Bhoiwada. I do not remember the name of the driver of the vehicle. I do not know whether the driver of the vehicle had maintained the log book. I did not verify the log book. The distance between Bhoiwada lockup and the DCP office at Borivali is approximately 20-25 kms. I alone produced the accused before the DCP in his office. PI Salaskar was senior to me. I did not make any station dairy entry in my handwriting. It is true that my name is not mentioned as taking the accused to the office of the DCP in the letter Ext. 1120 .

(Adjourned for recess).

**Date : 13/10/11**

**SPECIAL JUDGE**

**Resumed on SA after recess**

16. We did not go anywhere while taking the accused from Bhoiwada to Borivali. It is not true that we took him to the Kurla office

and detained him there for long. I did not interrogate any accused before 04/10/06 and even thereafter. I never took any accused for medical examination at any time before 04/10/06.

17. None of the three witnesses met me in this connection before 28/10/06. PC Vijay Ambekar was attached to our squad and working under PI Salaskar.

No re-examination.

R.O.

Special Judge

Date:-13/10/2011

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

**Date : 30/08/12**

**Resumed on SA**

**Re-cross-examination by adv Sharif Shaikh for A4 and A5 as per order below Ext.3041**

18. When I was attached to the Anti-Robbery and Dacoity squad in Kurla in 2006, entries were made in the case diary when an officer goes out of the office for some official work and returns back. I do not remember the exact time, but I may have come on duty around 9.00 or 10.00 a.m. on 28/10/06. (Learned advocate asks the witness to go through the certified copy of station diary entry produced along with the written statement of the A4 u/s 313 of the Cr. P.C.). It is true that entry no. 2 shows that on that day I had come on duty at 10.00 a.m. It is true that entry no. 3 does not mention the time when I went to the office of the ACP, Bhoiwada Division. It is true that entry no. 4 shows that I returned to my office at 1345 hours. It is true that there is no subsequent entry in this diary showing where I went thereafter.

19. I was not working on shifts in the said cell. There used to be an amaldar in the night and if there was work, then all staff used to halt. That amaldar used to come upto 8.00 p.m. and used to be there upto 9.00 or 10.00 a.m. As per the entry no. 6 dated 27/10/06 HC 10988 came on duty as night amaldar at 2100 hours and as per the

entry no. 7 dated 28/10/06 he came on duty as night amaldar at 2100 hours. He had similarly come on duty on 29/10/06, but was not on duty on 30/10/06. It is not true that I was not present in the ATS office at Bhoiwada between 1.00 p.m. to 3.00 p.m. It is not true that I did not record the statements of Amar Sardar Khan (PW-75), PC Ambekar (PW-76) and Ajmeri Shaikh. I cannot say whether the station diary entries mentioned above are correctly made, because they are made by the incharge head constable of the station diary.

**20.** I have furnished this certified copy of station diary entries from 27/10/06 to 29/10/06. (It is marked as **Ext.3092**). It is not true that I deposed falsely that I was present in the ATS office, Bhoiwada between 1.00 to 3.00 p.m. on 28/10/06. I had furnished the certified copy of station diary entries along with forwarding letter under my signature, it is the same now shown to me, it bears my signature and its contents are correct. (It is marked as **Ext. 3093**). It is not true that I am deposing falsely at the instance of my superiors.

**21.** (Learned SPP requests permission to re-examine the witness in respect of entries about recording statements of witnesses. Learned advocate objects on the ground that he has not asked the witness where the entries about recording statements of witnesses



are made. In my humble opinion, the witness has been suggested that he was not present in the ATS office in between 1.00 to 3.00 p.m. on 28/10/06 and had not recorded the statements of witnesses. This certainly gives rise to an ambiguity. Hence, the re-examination is allowed).

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

22. The fact of recording of statements of witnesses is mentioned in the case diary. It is not mentioned in the station diary.

**Re-cross examination by Adv Sharif Shaikh for A4 and A5**

23. No entry is made in the station diary if a person is called for the purpose of investigation or inquiry or recording statement in the police station or in the unit. I cannot say whether it is provided in the police manual that such entries are not to be made in the case diary. I cannot say whether it is so provided in any circular or notification. It is not true that I deposed falsely that entries about recording statements of witnesses are only made in the case diary. It is not true that the station diaries of Anti-Robbery Squad and Kalachowki Unit of the ATS are contrary to each other. It is not true that I along with the investigating officers tampered the station diary of the ATS, Kalachowki Unit and I deposed falsely.

R.O.

**Special Judge**

**Date:-30/08/2012**

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